

LOCAL LAW NUMBER #6 OF 2025

A LOCAL LAW OF THE TOWN OF LANSING TO REPEAL TOWN CODE CHAPTER 116 AND AMEND TOWN CODE CHAPTER 270 TO PROVIDE SITE PLANNING REGULATIONS FOR CANNABIS RETAIL SALE AND CONSUMPTION FACILITIES

The Town Board of The Town of Lansing, New York, pursuant to a Resolution dated July 16, 2025 does hereby adopt and pass this Local Law Number #6 of 2025, and therefore, be it so enacted as follows:

SECTION 1 - AUTHORITY: This local law is adopted pursuant to the powers granted by the § 130 of the Town Law of the State of New York, Town Law Article 16, § 10 of the Municipal Home Rule Law, and the New York State Cannabis Law, all of which authorize the Town of Lansing to adopt local laws providing for the governance of the town and the adoption of regulations and laws to guide development and land uses in the town, including as reflected in this local law.

SECTION 2 - PURPOSE: The purposes of this local law are to: (i) repeal Town Code Chapter 116 and the local law that enacted said chapter, which local laws “opted-out” of allowing cannabis retail and consumption facilities in the Town of Lansing; and (ii) update specific zoning provisions of Town Code Chapter 270 relating to the use classification and site plan review standards and of and for retail cannabis sales and consumption facilities if sited within the Town of Lansing (in areas outside of the Village of Lansing).

SECTION 3 - REPEAL OF TOWN CODE CHAPTER 116: Town Code Chapter 116 is hereby repealed in its entirety and is no longer in force or effect in those areas of the Town of Lansing located outside of the Village of Lansing. Accordingly, Town of Lansing Local Law #3 of 2022 and Local Law #4 of 2022 are hereby also repealed.

SECTION 4 - ADOPTION OF AMENDMENTS TO TOWN CODE CHAPTER 270: Town Code Chapter 270 is amended as follows:

A. Definitions at § 270-3 are amended by adding the following definition:

1. “Cannabis Retail” means cannabis retail stores and cannabis consumption/on-site consumption shops, and their related facilities; further including: (i) those operations and aspects of such businesses as are within the scope of definitions as set forth in the New York State Cannabis Law and its supporting regulations, as now exist or as hereafter amended or recodified, including but not limited to the definitions of and for “on-site consumption,” “retail sale,” “indirect retail sale,” “retailer,” “small business,” and “smoking”; and (ii) further including terms like “adult-use retail dispensary license” and “Adult-use on-site consumption license,” and related terms as used in Cannabis Law Article 4. Notwithstanding the definitions stated and referenced above, and to the extent not inconsistent with (or preempted by) state law, “Cannabis Retail” shall not include or be allowed in or as a home occupation, a home business, an accessory building or use, accessory farm commerce, a roadside stand, a rural enterprise, or a public or private club. All cannabis retail land uses and facilities shall be classified in Schedule I as “Retail Sales,

General” and as “Retail and service, general” under Town Code § 270-12(E)(19), and thus permitted only in zones RA, B1 and B2, in each case subject to site plan review under Town Code § 270-9 (general site planning regulations) and § 270-25.2 (special cannabis retail regulations).

B. A new § 270-25.2 is added to provide for additional site planning standards and reviews as respects cannabis retail businesses, as follows:

§ 270-25.2 Cannabis Retail

- A. Cannabis retail businesses, operations and facilities, including those for retail sales, indirect retail sales, and on-site consumption establishments shall, in addition to the general site plan review requirements and review standards as set forth in § 270-9 of this chapter, meet or exceed the minimum additional standards set forth below, including to: (i) help preserve the character and quality of life in the Town of Lansing; (ii) to help mitigate or control adverse secondary effects on surrounding areas relating to parking, traffic, and other site planning concerns and standards set forth in this chapter and Town Law § 274-a; and (iii) to prevent entry and use by minors and the concentration of these land uses in any one specific area.
- B. Site preparation or construction of a cannabis retail dispensary or onsite consumption establishment shall not commence, nor shall any land or structure be occupied or used as or for cannabis retail uses until a final site plan approval has been granted by the Planning Board. Further, no cannabis retail business shall commence or continue any business or operations, and no site plan approvals or other permits or approvals issued by the Town shall be valid, until the applicant has obtained, and duly maintains at all times, all licenses and permits required under New York State law in full force and effect. This includes, but it not limited to, licenses from the Cannabis Control Board and any other permits or licenses issued directly by New York State or any of its agencies. This prohibition on operations includes, to the extent not prohibited by the First Amendment (in the United States Bill of Rights, and its New York State equivalent(s)), business promotions, giveaways, and product marketing.
- C. In addition to the general requirements for site plan submissions and reviews, the following shall be required:
 - (1) A completed application, on a form to be provided by the Town of Lansing Planning and Zoning Department, and application fee in an amount as may be amended from time-to-time by the Town Board.
 - (2) Proof that the applicant has site control and the right to use the site. Such proof may be in the form of a duly filed deed, an unredacted and binding purchase and sale agreement, or an unredacted copy of a ground lease or occupational lease, or other similar instrument.
 - (3) A detailed parcel location map and facility drawing, to scale, indicating the portion of the parcel to be developed, architectural renderings and drawings for all site

changes and improvements, and the distance from the front door of such facility to all nearby facilities and buildings located within 750' of said front entrance.

- (4) A clear and concise description of the proposed use, including color schemes and the planned retail offerings or services to be provided, including such additional plan and design details as are required or requested by the planning board for review under general site plan regulations (see § 270-9).
 - (5) Subject to applicable law, copies of all information and documentation submitted to the State of New York as part of any application for a permit or license to operate under the New York State Cannabis Law.
 - (6) Unless preempted by New York State law, no cannabis retail businesses or operations shall be allowed within 500' of the property line of any church, synagogue, other place of worship, library, school, nursery school, day-care facility, park, playground or substance abuse treatment site, as measured from the nearest property line of the lot containing the cannabis retail dispensary. All siting requirements shall also comply with any locational rules or restrictions contained in the Cannabis Law and its regulations and permit and licensing requirements.
 - (7) Unless preempted by New York State law, no retail cannabis retail business or operations shall be permitted on the same lot or parcel as any other cannabis retail operation, nor within 1,500' of the property line of another cannabis retail site. Such measurement is to be taken from the nearest property line of the lot containing the cannabis retail establishment that is the subject of the application, whether or not such other establishment is located in the Town of Lansing.
 - (8) Unless preempted by New York State law, no cannabis retail dispensary shall open or conduct any business prior to 9:00 a.m., nor remain open or conduct any business after 9:00 p.m.
 - (9) Unless preempted by New York State law, cannabis retail businesses or operations shall be conducted only within fully enclosed and permanently constructed, fixed buildings. This standard prohibits the use of any mobile sales facilities and vehicles (such as, but not limited to, food trucks, fair stands, and like facilities), but shall not restrict delivery services when permitted or licensed by New York State, if and as required.
- D. Cannabis retail operations shall avoid and not create nuisances to abutting properties and shall not create or suffer any hazards as may unreasonably impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area. The possession of a New York State permit or license, and possession of a conditional or unconditional site plan review approval from the Town, shall not be considered evidence that there is not a nuisance or unreasonable hazard.
- E. If any provision, paragraph, sentence, or clause of this chapter or section shall be determined to be in conflict with and preempted by applicable state laws or

regulations, the provisions of said state law and regulations shall be presumed to prevail.

C. The provisions of Town Code 270-37.7(G) pertaining to a delineation of the scope of “Retail and service, general” is amended to read as follows:

G. Retail and service, general. A commercial use characterized by the sale of goods and services directly to the consumer, including but not limited to printing, copying/mail service, department, clothing, drug, food, hardware and similar stores and establishments and barber/beauty, dry-cleaning and similar personal service establishments, and cannabis retail stores and operations, not including restaurants, taverns, vehicle service facilities, or vehicle sales.

SECTION 5 - SAVINGS AND SEVERANCE: If any clause, sentence, paragraph, section, or article of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, such judgment or determination shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or article thereof directly involved in the controversy in which such judgment shall have been rendered, and the remainder of this local law shall remain in force and effect, and shall not be impaired or invalidated by such judgment or determination.

SECTION 6 - CODIFICATION: This local law and its amendments to Chapters 116 and 270 of the Town Code shall be incorporated into the Town Code, and the incorporator may designate such new section and numerical headings, or other indexed references, as make for a coherent Town Code, sequentially numbered or marked. Nothing in this local law is intended to disrupt or affect the existing Town Code, except to the extent any existing code provision is herein expressly superseded or repealed. All other provisions of the Town Code are hereby reaffirmed and continued in force and effect, and the codification of these amendments shall follow the procedure for amending the code as set forth in the code or in the Town’s local laws, including but not limited to Local Law #2 of 2020.

SECTION 7 - EFFECTIVE DATE: This local law shall take effect immediately.