



Chautauqua County
DEPARTMENT OF PLANNING AND DEVELOPMENT

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1/30/2023

Brian McAvoy, Town Supervisor
Town of Arkwright
9543 Center Road
Fredonia, NY 14063

RE: MUNICIPAL REFERRAL No. 2023-01
LOCAL LAW ADOPTING CANNABIS RULES AND REGULATIONS

Dear Supervisor McAvoy,

This letter is in response to your municipal zoning referral received in full by this office on January 4th, 2023 regarding the adoption of a local law to regulate cannabis. The proposed local law would affect all zoning districts.

As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within 500 feet of a State Road Route 83 and various County roads.

I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-1. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of **local concern**.

However, in an effort to assist the Town with its decision, I offer the following informal comments:

1. The Cannabis Law extends authority to municipalities to regulate aspects of “time, place, and manner” of operation or retail dispensaries and on-site consumption sites provided such local laws or ordinances do not make the operation of a licensed retail dispensary or on-site consumption site unreasonable impracticable as determined by the Cannabis Control Board. For example, cities, towns, and villages are permitted to pass laws and regulations pertaining to local zoning and the location of licensees, hours of operation and adherence to local building codes. Municipalities may not issue local licenses to cannabis licensees. The proposed local law appears to reasonably follow what constitutes “time, place, and manner.”

If you have any questions regarding this matter, please contact our office at (716) 661-8900.

Respectfully,

Courtney Domst

Courtney Domst
Junior Planner

cc: Jane Lindquist, Town Clerk
Jeffery Passafaro, Town Attorney