

Village of Nyack

9 North Broadway, Nyack, NY 10960

Meeting of the Village Board of Trustees

May 21, 2026 7:00 pm

YouTube meeting livestream access link (public comment is in-person only):

www.nyack.link/youtube

1. **Pledge of Allegiance**
2. **Mayor Rand’s Remarks and Comments from the Village Board of Trustees**
3. **Public Comment on Any Topic (1-3 minutes depending on the quantity of speakers)**
4. **Public Hearing – 7:30 PM** A public hearing to consider a proposed local law to repeal local laws #2 and #7 to amend Chapter 360-3.2(B)(11)(c) so as to refer and defer to New York State’s preemptive regulations and laws regarding proximity and distances for cannabis dispensaries.
5. **Adoption of Minutes – Minutes 5/7/26**
6. **Action Items**

THE DRAFT RESOLUTIONS SET FORTH BELOW ARE FOR CONSIDERATION BY THE VILLAGE BOARD OF TRUSTEES (“BOARD”), WHICH RESOLUTIONS MAY BE APPROVED, OR MAY NOT BE APPROVED, OR MAY BE APPROVED WITH MODIFICATION(S), OR MAY BE TABLED WITHOUT ANY ACTION BEING TAKEN BY THE BOARD – THEIR INCLUSION IN THIS AGENDA IS NOT, IN ANY WAY, DETERMINATIVE OF A DECISION, IF ANY, TO BE MADE BY THE BOARD.

6.1 Resolution No. 2026-95 Resolution of the Nyack Village Board Accepting Audited) Voucher Summary

WHEREAS, the Audited Voucher Summary was presented to the Nyack Village Board of Trustees at its regularly scheduled meeting of May 21, 2026.

RESOLVED, that General Fund Claims set forth on pages 1 through 10 in the below-listed amounts are approved for payment:

General Fund	\$ 57,994.42
Parking Fund	\$ 16,161.86
Water Fund	\$ 38,739.10
Capital Projects Fund	\$101,708.37

6.2 Resolution No. 2026- 96 Resolution of the Board of Trustees of the Village of Nyack for Refund of Parking Ticket Payment

WHEREAS, Parking Ticket No. 9101797703 was issued to Debbie Arbolino on March 13, 2026, although parking had been paid at the time, but an incorrect license plate number was entered; and

WHEREAS, the ticket was dismissed by Judge Knoebel on March 26, 2026 due to the license plate entry error; and

WHEREAS, Ms. Arbolino later received an unpaid-ticket notice and, believing the fine would continue to increase, paid \$53.50 on May 4, 2026 (Ref. 516U260503D27280); and

WHEREAS, the Parking Enforcement Department has confirmed that the ticket was dismissed and that Ms. Arbolino's payment was made in error;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees authorizes a refund of \$53.50 to Debbie Arbolino for Parking Ticket No. 9101797703, and directs the Village Treasurer to issue the refund.

6.3 Resolution No. 2026-97 Resolution of the Board of Trustees of the Village of Nyack to Approve a Permit Application from Kathie Bennewitz for a Special Event on North Broadway, June 21, 2026

RESOLVED, the Board of Trustees of the Village of Nyack authorizes the issuance of a special event permit to Kathie Bennewitz for a Special Event on North Broadway, June 21, 2026, (rain date 6/27/26) with street closure DPW costs to be paid by the event sponsor.

6.4 Resolution No. 2026-98 Resolution of the Board of Trustees of the Village of Nyack to Approve a Permit Application from Kathie Bennewitz for a Plein Aire Painting Event in Memorial Park, October 17, 2026

RESOLVED, the Board of Trustees of the Village of Nyack authorizes the issuance of a special event permit to Kathie Bennewitz for a Plein Aire Painting Event in Memorial Park, October 17, 2026.

6.5 Resolution No. 2026-99 Resolution of the Board of Trustees of the Village of Nyack to Approve a Permit Application from Katy Erdman for a Block Party/Special Event on S. Mill St, on June 26, 2026

RESOLVED, the Board of Trustees of the Village of Nyack authorizes the issuance of a special event permit to Katy Erdman for a Block Party/Special Event on Summit St, on June 26, 2026.

6.6 Resolution No. 2026-100 Resolution of the Board of Trustees of the Village of Nyack to Approve a Permit Application from Briana Moore for a Group Picnic in Memorial Park, August 28, 2026 (rain date 9/5/26)

RESOLVED, the Board of Trustees of the Village of Nyack authorizes the issuance of a special event permit to from Briana Moore for a Group Picnic in Memorial Park, August 28, 2026 (rain date 9/5/26), to include use of gazebo for an hour, and Upper Lawn for a picnic event. Noon – 4 PM, contingent on payment of \$150 security deposit to cover any unplanned cleanup costs.

6.7 Resolution No. 2026-101 Resolution of the Board of Trustees of the Village of Nyack to Approve a Permit Application from Bill Batson for the Nyack Global Rhythm Fútbol Fest, Sunday, July 5, 2026

RESOLVED, the Board of Trustees of the Village of Nyack authorizes the issuance of a special event permit to Bill Batson and the Chamber of Commerce for closures of South Broadway between Hudson Ave and the gas station driveway and Veterans Parking Lot for events related to the county-funded World Cup celebration in Nyack on Sunday, July 5, 2026, event sponsor to reimburse DPW street closure costs.

6.8 Resolution No. 2026-102 Resolution of the Nyack Village Board Approving a Home Rule Request for New York State Assembly Bill A.8140A and Senate Bill A.7538A Regarding a Parkland Alienation in the Village of Nyack

WHEREAS, New York State Assembly Bill A.8140A and Senate Bill S.7538A authorize the Village of Nyack to alienate certain parklands located at the site of the former River Club Restaurant and associated marina parking area for redevelopment purposes; and

WHEREAS, the Village Board of Trustees has determined that the alienation of said parcel is necessary to enable the long-term leasing and redevelopment of the former River Club property; and

WHEREAS, the proposed legislation requires the Village to dedicate an amount equal to or greater than the fair market value of the alienated parkland toward the acquisition of parklands and/or improvements to park and recreational facilities, together with compliance with any applicable federal requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Nyack hereby approves and adopts a Home Rule Request in support of New York State Assembly Bill A.8140A and Senate Bill S.7538A, as currently drafted and as may be amended; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all necessary Home Rule Request forms and related documents, and the Village Clerk is directed to transmit certified copies of this Resolution as required for legislative processing.

6.9 Resolution No. 2026-103 Resolution of the Nyack Village Board Approving a Temporary Mileage Reimbursement Adjustment Policy

The purpose of this policy is to establish a temporary adjustment to the Village mileage reimbursement rate in response to elevated fuel costs while maintaining consistency with the Internal Revenue Service (IRS) standard mileage rate methodology.

Due to increased fuel costs, the Village shall implement a temporary supplemental mileage reimbursement rate of 79.5 cents per mile.

If the IRS issues a mid-year mileage rate adjustment, the Village reimbursement rate shall automatically adjust to match the updated IRS rate.

The temporary supplemental adjustment is intended solely to address unusually high fuel costs and shall remain in effect only during periods of elevated gasoline prices.

7. Department Reports to the Village Board of Trustees (based on availability).

- 7.1 – Orangetown Police Department
- 7.2 – Village Administrator
- 7.3 – Village Clerk

8. Old Business

- 8.1 Parking fee schedule amendment
- 8.2 E-bike regulation in Memorial Park
- 8.3 Park permit fee policy memo
- 8.4 Nyack Tourism Grant
- 8.5 Shoreline path update – adding \$65K in paving for parking lot.
- 8.6 Pride Center date change for BIPOC event on Jackson Ave, Thurs, 6/25/26

9. New Business

- 9.1 NYF grant announcement

10. Communications

- a. Robert Garcia and Marcello Mazzeo, park permit request for basketball game in Memorial Park, Tuesday August 18, 2026, 5-7 PM.
- b. Sonya Rogers, park permit request for basketball game in Memorial Park, Saturday – Sunday, August 15-16, 2026, 10 AM – 3 PM.
- c. Justin Macchia, Haven Ct closure for block party, 6/13/26 rain date 6/14/26 (RESO?)

- d. Phil Donnelly, YMCA open-run basketball and kickball in Memorial Park, Thursdays, July 2, 9, 16, 23, 30, August 6, 13, 20, 27, 5:30-9pm (RESO?)

11. Public Comment

12. Executive Session

13. Adjournment

**LOCAL LAW NO. _____ OF 2026,
AMENDING CHAPTER 360 (ZONING) OF THE CODE
OF THE VILLAGE OF NYACK, SO AS TO REPEAL
LOCAL LAWS #2 AND #7 OF 2025, AND TO REFER
AND DEFER TO NEW YORK STATE’S PREEMPTIVE
REGULATIONS AND LAWS REGARDING PROXIMITY
DISTANCES FOR CANNABIS DISPENSARIES
(DRAFT 02/24/2026)**

Be it enacted by the Board of Trustees of the Village of Nyack as follows:

Section 1 - Legislative Authority, Purpose and Intent:

The purpose and intent of this Local Law is to repeal, due to preemption by New York State (“State” or “NYS”) regulations and law, the Village of Nyack’s (“Village”) Local Law No. 7 of 2025 adopted by the Village Board of Trustees on 07/24/2025 (“LL #7-2025”), and to repeal Local Law No. 2 of 2025 adopted by the Village Board of Trustees on 05/08/2025 (“LL #2-2025”), both together referred to as “LLs 2 & 7 of 2025,” which had amended §360-3.2(B)(11)(c) of the Village’s Zoning Code (Chapter 360 of the Village Code) in a manner intended to regulate proximity and distance provisions relating to cannabis dispensaries; which repeals are grounded, more specifically, upon the NYS Cannabis Control Board’s (“CCB”) recent Advisory Opinions #2025-03 dated 11/03/2025, #2025-02 dated 10/06/2025, and #2025-01 dated 10/06/2025 (all together referred to herein as “CCB Advisory Opinions”), which unequivocally reinforce the preemptive status of the State’s cannabis regulations and laws with respect to proximity and distance provisions relating to cannabis dispensaries.

In reliance upon, and consistent with, the CCB Advisory Opinions, and the State’s regulations and laws cited therein, the Village Board of Trustees finds that (i) LLs 2 & 7 of 2025 are in contravention of the preemptive status of the State’s regulations and laws prescribing proximity and distance provisions for cannabis dispensaries; and (ii) keeping either LL #7-2025, or its predecessor LL #2-2025, may create inconsistency, uncertainty, and potential conflict, with the State’s preemptive cannabis proximity and distance regulations and laws, and may impair the well-defined administration of the Village’s Zoning Code relating to cannabis dispensaries.

The repeal of LLs 2 & 7 of 2025 shall remove, from the Village’s Zoning Code, the amendments and modifications made to Village Code §360-3.2(B)(11)(c) by LL #7-2025, and by its predecessor LL #2-2025, thereby conforming the Village’s Zoning Code to the State’s preemptive cannabis regulations and laws concerning proximity and distance provisions, as advised by the CCB Advisory Opinions; and this Local Law shall also clarify that the proximity and distance provisions for cannabis dispensaries shall be as prescribed in the State’s preemptive cannabis regulations and laws.

This Local Law is adopted pursuant to NYS Municipal Home Rule Law (“MHRL”) §10; and in accordance with the procedures prescribed in MHRL §20, and NYS Village Law §7-706 and §21-2100.

Section 2 – Repeal of Local Law No. 7 of 2025 adopted by the Village Board of Trustees on 07/24/2025, and repeal of Local Law No. 2 of 2025 adopted by the Village Board of Trustees on 05/08/2025:

Upon the Effective Date of this Local Law, (i) both Local Law No. 7 of 2025 adopted by the Village Board of Trustees on 07/24/2025 (“LL #7-2025”), and Local Law No. 2 of 2025 adopted by the Village Board of Trustees on 05/08/2025 (“LL #2-2025”), are hereby repealed in their entirety, and shall be of no further force or effect within the Village of Nyack (“Village”); (ii) Village Code §360-3.2(B)(11)(c) shall be applied, read, construed, interpreted, administered and enforced as if LL #7-2025 and LL #2-2025 had never been adopted, and any text added, deleted or modified by LL #7-2025 and LL #2-2025 is hereby rescinded to the extent necessary to implement the repeals set forth in this Section 2 of this Local Law; and (iii) Village Code §360-3.2(B)(11)(c) shall be applied, read, construed, interpreted, administered and enforced as set forth in the following Section 3 of this Local Law.

Section 3 – Sub-Sub-Paragraph “c,” of Sub-Paragraph “11” (Adult-use retail dispensary), of Paragraph “B” (Commercial uses), of §360-3.2 (Use-specific standards), of Chapter 360 (Zoning), of the Code of the Village of Nyack is amended to read as follows:

The proximity and distance regulations and laws pertaining to an adult-use retail dispensary, as defined in §3(46), §3(47) and §72 of the Cannabis Law of the State of New York (“NYS Cannabis Law”), which type of dispensary is sometimes commonly referred to as a recreational dispensary, shall be implemented, administered, governed and enforced as prescribed in Part 119, of Chapter II (Rules of the Office of Cannabis Management), of Subtitle B (Division of Alcoholic Beverage Control), of Title 9 (Executive Department), of the New York Codes, Rules and Regulations (NYCRR), and NYS Cannabis Law §72, as applicable, and as same may be amended from time.

Section 4 – Severability.

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

Section 5 – Effective Date.

This Local Law shall take effect immediately upon the filing of a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Village Board of Trustees of the Village of Nyack			
Name of Action or Project:			
Repeals of Local Law #2, and Local #7, of 2025; Zoning Code amendments re. Use-specific Standards for Adult-Use Retail Dispensaries.			
Project Location (describe, and attach a location map):			
Village of Nyack Zoning Districts DMU-1, DMU-2 and CC.			
Brief Description of Proposed Action:			
<p>This proposed Local Law ("LL") will repeal, due to State preemption, Village of Nyack LL #7 of 2025 adopted by the Village Board of Trustees ("BOT") on 7/24/2025 ("LL #7-2025"), and repeal LL #2 of 2025 adopted by the BOT on 5/8/2025 ("LL #2-2025"), both LLs together referred to herein as "LLs 2 & 7 of 2025," which LLs 2 & 7 of 2025 had amended Zoning Code 360-3.2(B)(11)(c) so as to regulate proximity provisions relating to cannabis dispensaries; which repeals of LLs 2 & 7 of 2025 is grounded upon the NYS Cannabis Control Board's ("CCB") Advisory Opinions #2025-03, #2025-02 and #2025-01, which CCB Advisory Opinions emphasize the preemptive status of the State's cannabis laws regarding proximity provisions for cannabis dispensaries. In reliance upon, and consistent with, the said CCB Advisory Opinions, and the State regulations cited therein, the BOT deems LLs 2 & 7 of 2025 to be in contravention of these preemptive State laws, and that keeping either LL #7-2025, or its predecessor LL #2-2025, may create inconsistency, uncertainty, and potential conflict, with the State's preemptive cannabis proximity regulations, and may impair the well-defined administration of the Zoning Code relating to cannabis dispensaries. The repeal of LLs 2 & 7 of 2025 will remove the Zoning Code amendments made to 360-3.2(B)(11)(c) by LL #7-2025, and by its predecessor LL #2-2025, thereby conforming the Zoning Code to the State's preemptive cannabis laws, as advised by the CCB Advisory Opinions; and this proposed LL will also clarify that the proximity provisions for cannabis dispensaries shall be as prescribed in the preemptive cannabis regulations of the State.</p>			
Name of Applicant or Sponsor:		Telephone: 845-358-4249	
Village Board of Trustees of the Village of Nyack		E-Mail: marketstat@aol.com	
Address:			
Village Hall, 9 North Broadway, Nyack, NY 10960			
City/PO:		State:	Zip Code:
Nyack		NY	10960-2697
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional</p> <p><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban</p>		
<p>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>16. Is the project site located in the 100-year flood plan?</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources?</p> <p>If Yes,</p> <p style="margin-left: 40px;">a. Will storm water discharges flow to adjacent properties?</p> <p style="margin-left: 40px;">b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</p> <p>If Yes, briefly describe:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<p>18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?</p> <p>If Yes, explain the purpose and size of the impoundment: _____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor/name: <u>Village Board of Trustees of the Village of Nyack</u> Date: <u>4/6/2026</u></p>		
<p>Signature: <u>Robert Galvin, AICP</u> <u>Robert Galvin, AICP</u> Title: <u>Village Planner</u></p>		

Project:	Repeal of LL's 2 & 7 of 2025
Date:	4/6/2026

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Robert Galvin, AICP
ROBERT GALVIN, AICP

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Robert Galvin, AICP - Village Planner
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

Village of Nyack

Waterfront Assessment Form

A. INSTRUCTIONS

1. Applicants, or, in the case of direct actions, Village agencies, shall complete this Waterfront Assessment Form (WAF) for proposed actions which are subject to the approved Village of Nyack Local Waterfront Revitalization Program (LWRP) Consistency Review Law. This assessment is intended to supplement other information used by a Village agency in making a determination of consistency with the policy standards set forth in the LWRP Consistency Review Law.
2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in the Village of Nyack Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the office of the Village Clerk. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront revitalization area (WRA) and its consistency with the policy standards.
3. If any question in Section C on this form is answered "yes", the proposed action may affect the achievement of the LWRP policy standards contained in the LWRP Consistency Review Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Describe nature and extent of action:

 This proposed Local Law ("LL") will repeal, due to State preemption, Village LL #7 of 2025 adopted by the Village Board of Trustees ("BOT") on 7/24/25 ("LL#7-2025"), and LL#2 of 2025 adopted by the BOT on 5/8/2025 ("#2-2025"), both LLs together referred to herein as "LLs 2 & 7 of 2025, which LLs 2&7 -2025 had amended Zoning Code 360-3.2(B)(11)(c) so as to regulate proximity provisions relating to cannabis dispensaries; which repeals of LLs 2 & 7 - 2025 is grounded upon the NYS Cannabis Control Board's ("CCB") Advisory Opinions #2025-03, #2025-02 and #2025-01, which CCB Advisory Opinions emphasize the preemptive status of the State's cannabis laws regarding proximity provisions for cannabis dispensaries. In reliance upon, and consistent with, the said CCB Advisory Opinions, and the State regulations cited therein, the BOT deems LLs 2 & 7 - 2025 to be in contravention of these preemptive State laws, and that keeping either LL#7-2025, or its predecessor LL#2-2025 may create inconsistency, uncertainty, and potential conflict, with the preemptive cannabis proximity regulations, and may impair the well-defined administration of the Zoning Code relating to cannabis dispensaries. The repeal of LLs 2&7 - 2025 will remove the Zoning Code amendments made to 360-3.2(B)(11)(c) by LL#7-2025 and by its predecessor LL#2-2025, thereby conforming the Zoning Code to the State's preemptive cannabis laws and clarify the distance provisions for cannabis dispensaries.

Type of Village agency action (check appropriate response):

- a. Directly undertaken (e.g. construction, planning activity, agency regulation, land transaction)

Village Board of Trustees _____

b. _____

c. _____approval of Text amendments_____

d. _____

e. Financial assistance (e.g. grant, loan, subsidy)

f. Permit, approval, license, certification

g. Agency undertaking action:

Village Board of Trustees _____

3. If an application for the proposed action has been filed with a Village, the following information shall be provided:

a. Name of applicant

b. Mailing address:

_____9 North Broadway, Nyack NY 10960 _____

c. Telephone number:

(845) 358 - 4249 _____

d. Property tax number: _____

e. Application number, if any:

4. Will the action be directly undertaken, require funding, or approval by a State or federal agency?

Yes _____ No X _____

If yes, which State or federal agency? _____

5. Location of action (Street or Site Description and nearest intersection):

_____Text Amendments: DMU-1, DMU-2 and CC zones

-
6. Size of site (acres): _____
 7. Amount (acres) of site to be disturbed: _____
 8. Present land use: _____
 9. Present zoning classification: _____
 10. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, other geological formations): _____
-

11. Percentage of site that contains slopes of 15% or greater: NA _____
12. Streams, lakes, ponds or wetlands existing within or continuous to the project area?
 - (a) Name NA _____
 - (b) Size (in acres) _____
13. Is the property serviced by public water? Yes _____ No _____
14. Is the property serviced by public sewer? Yes _____ No _____

C. WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions). If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

	<u>YES</u>	<u>NO</u>
1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas found within the WRA (as identified in the LWRP)?	___	_x_
(a) Significant fish or wildlife habitats?	___	_x_
(b) Scenic resources of local or State-wide significance?	___	_x_
(c) Important agricultural lands?	___	x__
(d) Natural protective features in a waterfront erosion hazard area	___	_x_
(e) Designated State or federal freshwater wetlands?	___	_x_
(f) Commercial or recreational use of fish and wildlife resources?	___	_x_

- | | | |
|---|------------|-----------|
| (g) Existing or potential public recreation opportunities? | ___ | x___ |
| (h) Structures, sites or districts of historic, archaeological or cultural significance to the Village State or nation? | ___ | x___ |
| (i) Land or water uses within a small harbor area? | ___ | __x__ |
| (j) Stability of the shoreline? | ___ | __x__ |
| (k) Surface or groundwater quality? | ___ | x___ |
| | <u>YES</u> | <u>NO</u> |
| 2. Will the proposed action involve or result in any of the following: | | |
| (a) Physical alteration of land along the shoreline, underwater land or surface waters? | ___ | __x__ |
| (b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area? | ___ | __x__ |
| (c) Expansion of existing public services or infrastructure in undeveloped or low-density areas of the waterfront area? | ___ | __x__ |
| (d) Siting or construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law? | ___ | - x___ |
| (e) Mining, excavation, filling or dredging in surface waters? | ___ | __x__ |
| (f) Reduction of existing or potential public access to, or along, the shoreline? | ___ | x___ |
| (g) Sale or change in use of publicly owned lands located on the shoreline or underwater? | ___ | __x__ |
| (h) Development within a designated flood or erosion hazard area? | ___ | x___ |
| (i) Development on a beach, dune, bluff or other natural feature that provides protection against flooding or erosion? | ___ | __x__ |
| (j) Construction or reconstruction of erosion protective structures? | ___ | x___ |
| (k) Diminished or degraded surface or groundwater quantity and/or quality? | ___ | __x__ |
| (l) Removal of ground cover from the site? | ___ | x___ |

	<u>YES</u>	<u>NO</u>
3. PROJECT		
(a) If the project is to be located adjacent to shore: NA		
(1) Does the project require a waterfront location?	___	___
(2) Will water-related recreation be provided?	___	___
(3) Will public access to the foreshore be provided?	___	___
(4) Will it eliminate or replace a water-dependent use?	___	___
(5) Will it eliminate or replace a recreational or maritime use or resource?	___	___
(b) Is the project site presently used by the community or neighborhood as an open space or recreation area?	___	___
(c) Will the project protect, maintain and/or increase the level and types or public access to water- related recreation resources or facilities?	___	___
(d) Does the project presently offer or include scenic views or vistas that are known to be important to the community?	___	___
(e) Is the project site presently used for commercial or recreational fishing or fish processing?	___	___
(f) Will the surface area of any local creek corridors or wetland areas be increased or decreased by the proposal?	___	___
(g) Is the project located in a flood prone area?	___	___
(h) Is the project located in an area of high erosion?	___	___
(i) Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project?	___	___
(j) Do essential public services or facilities presently exist at or near the site?	___	___
(k) Will the project involve surface or subsurface liquid waste disposal?	___	___
(l) Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	___	___
(m) Will the project involve shipment or storage of		

- petroleum products? ___ ___
- (n) Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into WRA waters? ___ ___
- (o) Will the project involve or change existing ice management practices? ___ ___
- (p) Will the project alter drainage flow, patterns or surface water runoff on or from the site? ___ ___
- (q) Will best management practices be utilized to control storm water runoff into WRA waters? ___ ___
- (r) Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates? ___ ___
- (s) Will the project involve any waste discharges into WRA waters? ___ ___

D. REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S) CHECKED "YES"
 (Add any additional sheets necessary)

_____ None _____

If you require assistance or further information in order to complete this form, please contact the Village Code Enforcement Office.

Please submit completed form, along with one copy of a site/sketch plan to:

Nyack Village Hall, 9 North Broadway, Nyack, NY 10960

Preparer's Name (Please print):__ Robert Galvin, AICP _____

Affiliation: __ Village Planner _____

Telephone Number: (_ 845_)_ 358-4249 _____

Date: _3/24/2026_____



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October 6, 2025

Advisory Opinion 2025-01

Issued Pursuant to 9 NYCRR § 119.5

Two organizations, Brian Stark Enterprises, LLC (OCM-CAURD-24-000170) (“Stark”), and Tink & E. Co., Inc, (OCMRETL-2023-002090) (“Tink”) (collectively, “Requestors”) have submitted separate requests to the Cannabis Control Board (“CCB”) seeking advisory opinions, pursuant to 9 NYCRR 119.5, on whether enacted and proposed code provisions in the Town of Riverhead (“Town” or “Riverhead”)—specifically the zoning provisions relating to cannabis retail dispensaries and on-site consumption businesses, codified within the Town of Riverhead Code (“Town Code”) §§ 301-283.20(A)(1)-(6) and (C) through (E); and a proposed Town Code § 304 that would enact a complete one-year moratorium on the Town processing any building or land use permit for cannabis businesses—are “unreasonably impracticable” and would, therefore, be subject to preemption under Cannabis Law § 131(2).

The CCB has relied solely on the facts and information Requestors provided. The CCB has not undertaken an independent investigation of the certified facts and information presented to us by Requestors. This Advisory Opinion is limited to



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assessing specific Town Code provisions for compliance with Section 131(2) and does not address any other action taken by a municipality, even if that action relied upon the laws analyzed in this Advisory Opinion.

For the reasons below, the CCB finds that both the proposed Town Code § 304 and Town Code §§ 301-283.20(A)(1) - (6) and (C) through (E) are unreasonably impracticable and are subject to preemption under Cannabis Law § 131(2).

I. Factual Background

Requestors are adult-use retail dispensary licensees that are attempting to open locations in the Town of Riverhead, Suffolk County. Both Requestors have received licenses from the CCB and have complied with the required procedures in selecting their respective locations.

Riverhead is in Suffolk County, New York. In 2022, the Town passed amendments to its Town Code seeking to govern the conduct of cannabis business within its borders. The Town Code has been amended since then, most recently in July 2025. The Town also announced to the CCB in September 2025 that it is considering enacting Town Code 304, which would institute a one-year moratorium



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on approving any building permits or land use applications for any cannabis business activity within Riverhead.

Both Requestors applied for a Commercial Building Permit and Use Permit from the Town of Riverhead Building Department and were rejected based on certain provisions of Town Code § 301-283.20. The Zoning Board of Appeals of the Town of Riverhead later rejected separately filed requests by each Requestor for variances from Town Code § 301-283.20.

The provisions of Town Code § 301-283.20(A)(1) through (6), which set forth zoning requirements for cannabis retail and on-site consumption establishments are as follows:

- (A) Location requirements. Cannabis retail and on-site consumption establishments shall be permitted in only the Business Center; Shopping Center; Destination Retail Center; Downtown Center 1; Downtown Center 2; Downtown Center 3; Hamlet Center; Rural Corridor; Village Center; Business CR; Peconic River Community; and Business F Zoning Districts subject to the following requirements:



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(1) No retail or on-site consumption establishment shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any school, library or day-care facility.

(2) No retail or on-site consumption establishment shall be established or located within 500 feet, measured from the nearest property lines of each of the affected parcels, of any Town beach, playground or community center, and children's amusement.

(3) No retail or on-site consumption establishment shall be established or located within 500 feet, measured using a straight line from the center of the nearest entrance of the place of worship to the center of the establishment, of any place of worship.

(4) No retail or on-site consumption establishment shall be established or located within 2,500 feet, measured from the nearest property lines of each of the affected parcels, of any other cannabis retail or on-site consumption establishment. Notwithstanding the above, only one cannabis retail or on-site consumption establishment shall be permitted in Commercial Corridors One, Two, Four and Five.



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(5) No retail or on-site consumption establishment shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential use, except those properties with frontage along and located within Commercial Corridors One, Two, Three, Four and Five.

(6) No retail or on-site consumption establishment shall be established or located within a mixed-use development project containing a residential use component.

Riverhead amended Town Code § 301-283.20 on July 2025 to add new subsections 283.20(C) through 283.20(E), which sets a time limit of 90 days for which a municipal opinion issued under Cannabis Law § 76 is effective, and further require a cannabis licensee or cannabis license applicant to receive a favorable municipal opinion in order to apply for any building permit, use permit, special permit or site plan, or any other applicable land use application. These provisions appear in the Town Code as follows:

(C) Prior to applying for any building permit, use permit, special permit or site plan, or any other applicable land use application the applicant or their



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representative shall cause to be filed a "Notification to Municipality" also known as OCM-06009 in the Office of the Town Clerk. Pursuant to the MRTA the Town shall have 30 days to express and opinion regarding the proposed location to the Cannabis Control Board, with the Town reserving the right to request a one-time thirty-day extension of time for generating said opinion letter. An opinion letter recommending approval with a determination that the application and its proposed site location meets and complies with Town Code (Article LIIC, Cannabis) to the Cannabis Control Board shall be valid for a period not to exceed 90 days from the date of issuance.

(D) Within 90 days of issuance of the Town's opinion letter recommending approval with a determination that the application and its proposed site location meets and complies with Town Code (Article LIIC, Cannabis) to the Cannabis Control Board, the applicant shall file or caused to be filed a copy of the cannabis license for the location set forth in the opinion letter, together with an application and submission of all requisite fees for any building permit, use permit, special permit or site plan, or any other applicable land use application required pursuant to Town Code. The applicant's failure to file the relevant land use application as described herein above within the



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ninety-day period shall be deemed an abandonment of its application to locate within the Town of Riverhead and said opinion letter shall no longer be valid. In the event the applicant has complied with the filing requirements within the 90 days, then the application shall be extended for such period of time for approval or denial of such building permit, use permit, special permit or site plan or any other relevant land use application.

(E) Notwithstanding the above, upon expiration of the time parameters set forth in Subsections C and D above, the applicant may submit a new notification to municipality for the proposed location under the identical terms and conditions set forth herein

Finally, proposed Town Code § 304, a copy of which is also attached to this opinion, would set a one-year moratorium that would bar Riverhead from considering any building or other use permits for cannabis businesses. The key provision describing the moratorium is in proposed Town Code §304-3:

§304-3 Moratorium.

No new land use applications, including but not limited to: site plan applications, special permit applications, building permits, use permits, as



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well as applications for use and area variances shall be accepted for Cannabis Retail Establishments or Cannabis On Site Consumption Establishments filed pursuant to Article LIIC, nor shall any pending applications continue to be processed or decided by the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department or any other agency, department, or office of the Town of Riverhead during the Moratorium Period.

Requestors¹ separately approached the Board for advisory opinions on these provisions.

II. The Cannabis Law’s Preemption Provisions and Regulations

Section 131(2) of the Cannabis Law preempts municipalities “from adopting any law, rule, ordinance, regulation or prohibition pertaining to the operation or

¹ Both Requestors have brought their own lawsuits against Riverhead. In March 2025, Tink filed an Article 78 petition against the Town in Supreme Court, Suffolk County, which included a legal challenge to portions of Town Code § 301-283.20. In July 2025, a Justice of the Supreme Court found that Town Code §301-283.20(A)(4), which required a 2,500-foot buffer between cannabis dispensaries, was preempted by the Cannabis Law. That court also found that section, as well as the 1,000-foot buffer between a cannabis dispensary and a residential lot line under Town Code § 301-283.20(A)(5) were void because they violated New York Town Law § 262. See, *Tink & E. Co., et al., vs. Town of Riverhead, et al.*, Index No. 606599/2025 (Hon. P. M. Hensley, J.S.C.). Stark filed its own lawsuit in July 2025, (Index No. 618489/2025), and the same Justice of the Supreme Court found on September 24, 2025, that Town Code §301-283.20(A)(1) was pre-empted and that Town Code §§ 301-283.20(A)(1), (4), and (5) were void because they violated New York Town Law § 262.



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licensure of registered organizations, adult-use cannabis licenses or cannabinoid hemp licenses” unless that municipality has passed an opt-out law that complies with Cannabis Law section 131(1) prior to December 31, 2021.

There is one exception to these preemption provisions. Section 131(2) also permits local laws “governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption site, provided such law or regulation does not make the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable as determined by the board.”

The Board has promulgated regulations at 9 NYCRR § 119.2(a) that list the actions that constitute the types of permissible time, place, and manner restrictions that a municipality may impose. These areas of regulation are limited to:

- Retail hours of operation;
- The visual or architectural integrity of the building if located within historical districts;
- Parking;
- Traffic control, including but not limited to pedestrian and vehicular traffic;



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- Odor, pursuant to article 13-E of the Public Health Law and the Clean Indoor Air Act;
- Noise; and
- Distance requirements between a retail dispensary and a “public youth facility”, provided that the distance requirement is no greater than 500 feet from the retail dispensary. (Any enacted distance buffer from public youth facility would not apply to Conditional Adult-Use Retail Dispensary licensee).

If a local law restricting the time, place and manner of operations does not fall within one of the actions enumerated in Cannabis Law § 119.2(a), then it is not a permissible time, place, and manner restriction and is, therefore, pre-empted and prohibited under the Cannabis Law Section 131(2). It also follows that if a local law attempts to regulate a cannabis license other than a retail dispensary or on-site consumption license, it is also an improper restriction that is also pre-empted by Section 131(2).

The regulations, at 9 NYCRR § 119.5, provide that the Board may review a municipal law and issue an advisory opinion as to whether the law is unreasonably impracticable upon a claim brought before the Office contesting the validity of such



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local law. Section 119.5(a) provides the standard under which time, place, and manner restrictions are deemed to be unreasonably impracticable:

“no local law, rules, or actions of the municipality shall be effective or enforceable if such action otherwise impedes on duties and obligations of the Board as set forth under the Cannabis Law, violates any provision of the Cannabis Law or this Part, or discriminates against or frustrates the registrant, licensee, or permittee’s ability to carry out the operation of such registration, license, or permit as issued by the Board.”

It follows that if a municipality’s proposed time, place, or manner restriction does not fall within the list in section 119.2, or conflicts with provisions of the Cannabis Law or its implementing regulations, including Cannabis Law § 131, it must be deemed “unreasonably impracticable.”

III. Town Code §§ 304 and 301-283.20(A)(1)-(6), and (C) through (E) Are Unreasonably Impracticable



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After reviewing the text of Town Code §§ 304, and 301.283(A)(1) – (6), (C), (D), and (E) violate Cannabis Law § 131 because they are outside of the proper time place, and manner restrictions within 9 NYCRR 119.2 or contradict the provisions of the Cannabis Law, therefore making them unreasonably impracticable.

Section 301-283.20(A)(1)—which forbids the location of a dispensary within 1,000 feet of any school, library, or day care facility—doubles the minimum distance requirement of 500 feet between any school and any cannabis retail or on-site consumption business, set by Cannabis Law § 72(6), to 1,000 feet and expands that prohibition to libraries and day care facilities. Similarly, Town Code sections Town Code § 301-283.20(A)(3) -5) implement similar expansions of buffer distances from houses of worship and other dispensaries, and introduce a buffer distance from residential properties that is absent from the Cannabis Law or its regulations, Likewise, the Town Code’s prohibition on dispensaries and onsite consumption establishments in a “mixed-use development containing a residential use component” under 283.20(A)(6) is another prohibition that finds no corollary in statute or regulation. Establishing or expanding required distance buffers between cannabis licenses and other businesses or organizations, or specially prohibiting cannabis businesses from areas where other businesses may lawfully operate, are



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not among the enumerated time, place, and manner restrictions permitted by 9 NYCRR 119.2. Therefore, these sections of the Town Code are improper laws forbidden by Cannabis Law § 131(2) and must be deemed unreasonably impracticable under 9 NYCRR § 119.5(a).

Town Code § 301-283.20(A)(2), which establishes a 300-foot buffer from any Town beach, playground, community center, or place of children’s amusement is also deemed unreasonably impracticable under 9 NYCRR § 119.5(a) for the same reasons. It should be noted that the term “community center” does not appear in the Town Code’s definitions section in section 301-283.19. While the CCB’s regulations at 9 NYCRR 119.2(a)(10) do permit a municipality to set a 500-foot distance buffer between a retail dispensary and a “public youth facility,” that term is defined specifically in the Board’s regulations at 9 NYCRR 118.1(89) as:

“a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger.”



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In contrast, the Town Code’s use of the term “community center” contains no such limitations and suggests a broader array of community gathering places that would not meet the specific definition of “public youth facility.” Accordingly, Town Code § 301-283.20(A)(2) must also be deemed unreasonably impracticable.

The latest amendments, Town Code §§ 301-283.20(C), (D), and (E) are also improper. Sections § 301-283.20(C), (D) and (E) conflict with Cannabis Law § 76 by limiting the efficacy of a municipal opinion to 90 days, where the Cannabis Law contains no such time limitation. Furthermore, Section § 301-283.20(D) effectively seeks to override the CCB’s ultimate authority to set the terms of licensure by requiring cannabis applicants to have received a positive municipal opinion under to apply for building and other use permits. This amendment plainly attempts to give the Town Board veto authority over applicants it disapproves of and invents a requirement that the Town must issue a positive opinion for the licensee to secure the permits necessary to open. This conflicts with Cannabis Law § 76, which treats municipal opinions as advisory and not determinative of an applicant’s ability to open. This provisions also fall outside the scope of permissible municipal time, place, and manner restrictions under 9 NYCRR 119.2.



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Finally, the proposed one-year moratorium on accepting any permit applications from cannabis retail or on-site consumption businesses in proposed Town Code § 304 is also improper and unreasonably impracticable. If restrictions on the ability of cannabis businesses to operate—such as increases in distance buffers from other businesses or residential areas—are unreasonably impracticable because they are not within the enumerated time, place, and manner restrictions in 9 NYCRR 119.2 or are contrary to the Cannabis Law, it follows, *A fortiori*, that a complete shut-down of the issuance of permits for any cannabis businesses is also improper.

IV. Conclusion

This Advisory Opinion Concludes that both the proposed Town Code § 304 and enacted Town Code §§ 301-283.20(A)(1) - (6) and (C) through (E) are unreasonably impracticable and are subject to preemption under Cannabis Law § 131(2).

Appendix

The following materials were considered by the CCB for this Advisory Opinion.



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1. Town of Riverhead Town Code, available at:

<https://ecode360.com/40954820#41000073>;

2. March 5, 2024, letter to the Office of Cannabis Management from Prince Lobel on behalf of “Tink & E. Co. Inc. (Re: Request For Review/ Determination Unreasonably Impracticable Standard Tink & E. Co., Inc. Proposed Dispensary at 1201 Ostrander Avenue OCMRETL-2023-002090, Non-Provisional Queue # 583);
3. June 26, 2025, letter to Cannabis Control Board from Mannat, Phelps & Phillips, LLP on behalf of Brian Stark Enterprises (Re: Brian Stark Enterprises LLC dba Metropolis Cannabis - OCM-CAURD-24-000170 -Town of Riverhead Unreasonably Impracticable Determination);
4. August 6, 2025, letter to Cannabis Control Board from Harris Beach Murtha on behalf of Brian Stark Enterprises (RE: Brian Stark Enterprises LLC dba Metropolis Cannabis - OCM-CAURD-24-000170 - Town of Riverhead Unreasonably Impracticable Determination – Update);
5. August 13, 2025, letter to Cannabis Control Board from Holland Schriever LLP on behalf of Tink & E. Co., Inc. (Re: Tink & E. Co., Inc. OCMRETL 2023-



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002090 Nov. Queue No. 583 1201 Ostrander Avenue Riverhead NY Request for Unreasonably Impracticable Determination and Update); and

6. September 8, 2025, letter to Cannabis Control Board from Town of Riverhead Planning Department (Re: Consideration of Adult- Use Retail Dispensary Application for Licensure as Promoting a Public Convenience and Advantage: Large Leaf 618 LLC, OCMRETAL – 2023-001901) 840 Old Country Road, Riverhead NY (SCTM # 600-82-3-9.1)).



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October 6, 2025

Advisory Opinion 2025-02

Issued Pursuant to 9 NYCRR § 119.5

Two organizations, Mottz Only Authentic New York Style LLC (OCM-CAURD-22-000400) (“Mottz”), Brown Budda New York LLC, (OCM-CAURD-24-000157) (“Brown”) (collectively, “Requestors”) have submitted separate requests to the Cannabis Control Board (“CCB”) seeking advisory opinions, pursuant to 9 NYCRR 119.5, on whether enacted code provisions in the Town of Southampton (“Town” or “Southampton”)—specifically the zoning provisions relating to cannabis retail dispensaries and on-site consumption businesses, codified within the Town of Southampton Code (“Town Code”) §§ 330-23 and 330-162.26, which were enacted via Section 3 and Section 5 of Local Law 15-2023—are “unreasonably impracticable” and would, therefore, be subject to preemption under Cannabis Law § 131(2).

The CCB has relied solely on the facts and information Requestors provided. The CCB has not undertaken an independent investigation of the certified facts and information presented to us by Requestors. This Advisory Opinion is limited to assessing specific Town Code provisions for compliance with Section 131(2) and does



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not address any other action taken by a municipality, even if that action relied upon the laws analyzed in this Advisory Opinion.

For the reasons below, the CCB finds Section 3 and Section 5 of Local Law 15-2023, which amend Town Code § 330-33 and enact Town Code § 330-162.26 are unreasonably impracticable and are subject to preemption under Cannabis Law § 131(2).

I. Factual Background

Requestors are adult-use retail dispensary licensees that are attempting to open locations in the Town of Southampton. Both Requestors have received licenses from the CCB and have complied with the required procedures in selecting their respective locations.

Southampton is in Suffolk County, New York. In 2023, the Town passed Local Law 15-2023, which amended Southampton’s zoning codes (Town Code Chapter 330) to govern the conduct of cannabis business within its borders. Section 3 of Local Law 15-2023 added a category called “non-medical cannabis dispensary” to the Chapter 330’s Article XVII, which is entitled “Special Exception Uses.” Adult-use retail dispensaries licensed under the Cannabis Law fall within the



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definition of “non-medical cannabis dispensary.” Under Southampton’s Town Code, business that are deemed special exception uses are subject to additional conditions set by the Southampton Planning Board (*see* Town Code §330-120), must undergo a special review process (*see* Town Code §330-121), pay a special fee (*see* Town Code §330-121(H)), and meet all special conditions before a building permit is granted (*see* Town Code §330-123).

Section 3 of Local Law 15-2023 also amended Town Code § 330-33 to limit the areas where adult-use retail dispensaries are located. That section is entitled “Business Districts Table of Use Regulations” and includes a chart which identifies the zoning districts within Southampton where certain business are permitted to operate. Under that section a “non-medical cannabis dispensary” may operate in the “Highway Business” and the “Shopping Center Business” districts, and may not operate in the “Village Business,” “Office Business,” “Motel Business,” “Resort and Waterfront Business,” “Hamlet Office/Residential,” or the “Hamlet Commercial/Residential” districts.

Section 5 of Local Law 15-2023 also enacted Town Code § 330-162.26, which sets forth all of the special conditions that an adult-use dispensary must meet to



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receive the special exception use permits for a “nonmedical cannabis dispensary.”

The provisions of Town Code § 330-162.26 are as follows

§ 330-162.26. Nonmedical cannabis dispensary.

A. A nonmedical cannabis dispensary shall not be permitted on the same road and within 500 feet of school grounds. For purposes of this section, "school grounds" shall be defined as any building, structure, and surrounding outdoor grounds, including entrances or exists, contained within a public or private preschool, nursery school, elementary, or secondary school's legally defined property boundaries pursuant to § 409(2) of the New York State Education Law.

(1) This measurement shall be taken in a straight line from the nearest point of the school grounds to the center of the nearest entrance of the licensed premises.

(2) If the entrance being used for the measurement is set back from the sidewalk by a walkway or doorway, the center of the line where the walkway or doorway meets the sidewalk is used for the measurement.



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(3) If the school grounds are situated on a corner lot, the school ground is considered to be on both roads of the intersection, whether or not there is an entrance to the building on both roads.

B. A nonmedical cannabis dispensary shall not be permitted on the same road and within 500 feet of a community facility. For purposes of this section, a "community facility" shall include, but is not limited to, a facility that provides day care to children, a public park, a playground, a public swimming pool, a library, or a center or facility where the primary purpose is to provide recreational opportunities or services to children or adolescents.

(1) This measurement shall be taken in a straight line from the nearest point of the community facility to the center of the nearest entrance of the licensed premises.

(2) If the entrance being used for the measurement is set back from the sidewalk by a walkway or doorway, the center of the line where the walkway or doorway meets the sidewalk is used for the measurement.



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(3) If the community facility is situated on a corner lot, the facility is considered to be on both roads of the intersection, whether or not there is an entrance to the building on both roads.

C. A nonmedical cannabis dispensary shall not be permitted on the same road and within 200 feet of a building occupied exclusively as a house of worship.

(1) This measurement shall be taken in straight line from the center of the nearest entrance of such house of worship to the center of the nearest entrance of the licensed premises.

(2) If the entrance being used for the measurement is set back from the sidewalk by a walkway or doorway, the center of the line where the walkway or doorway meets the sidewalk is used for the measurement.

(3) If the house of worship is situated on a corner lot, the house of worship is considered to be on both roads of the intersection, whether or not there is an entrance to the building on both roads.



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(4) A house of worship does not cease to be "exclusively" occupied as a house of worship notwithstanding its incidental uses, which include, but are not limited to:

(a) The conduct of games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at said house of worship, or for other not-for-profit organizations or groups;

(b) Use of the building for fund-raising performances by, or benefitting, the not-for-profit religious organization that conducts services at said house of worship, or other not-for-profit organizations or groups;

(c) Use of the building by other religious organizations or groups for religious services or other purposes;

(d) Use of the building for social activities by, or for the benefit of, the congregants;



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(e) Use of the building for meetings held by organizations or groups that provide bereavement counseling, or advice or support for conditions or diseases including, but not limited to, alcoholism, substance use disorder, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease;

(f) Use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes, or other activities intended to promote the health of its congregants or any other persons;

(g) Use of the building by noncongregant members of the community for private social functions.

D. A nonmedical cannabis dispensary shall not be located within a 1,000-foot radius of another premises for which a nonmedical cannabis dispensary license has been issued.

E. The Planning Board may request a traffic impact analysis prepared by a qualified professional demonstrating that the existing



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roadway network in the area of the proposed dispensary will be able to safely absorb the additional traffic that the dispensary is expected to generate.

F. The parcel shall be of sufficient size and shape so as to provide for the required buffer and transition yard areas intended to screen the development from adjacent parcels.

G. If adjoining a residential parcel(s), the minimum required transitional yard shall be 100 feet.

H. The overall appearance and layout of the nonmedical cannabis dispensary, including both the building and the site, as well as the operation thereof, shall be designed to be in conformity with the character of the community in which it is located. Generic and standard architectural design derivatives of national or regional chains shall not be permitted. Architectural design, including the use of facade materials, roof materials, window and/or door treatments, lighting, landscaping, and signage, shall be reflective of, and harmonious with, the vernacular architecture of the particular hamlet in which the cannabis dispensary is located.



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I. A nonmedical cannabis dispensary site must be able to accommodate the parking requirements for retail use, as determined by the Planning Board.

J. Outdoor speakers, as well as outdoor music and/or public address systems, shall be prohibited.

K. The Planning Board may require a pedestrian circulation plan demonstrating that walkways and/or sidewalks facilitate pedestrian movement and, where applicable, connect with sidewalks and/or pedestrian walkways for uses on the same site or on adjacent sites or lots.

L. Drive-thru windows shall be prohibited.

M. Signage.

(1) Not more than two signs may be located outside of the nonmedical cannabis dispensary.

(2) Exterior signs must be on the same parcel as the store/dispensary and affixed to a building or permanent structure.



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(3) Exterior signs may not be larger than necessary to reasonably display the information, and must comply with the Town's Sign Code regulations at §§ 330-200 through 330-210.1, and any subsequent amendments.

(4) Signs shall comply with Part 129 (Adult-Use Marketing and Advertising) of the regulations promulgated by OCM, including, but not limited to, a prohibition from using or displaying colloquial references to cannabis or depictions of cannabis, cannabis products, paraphernalia, or the imagery or action of smoking or vaping.

(5) Signs shall not include mottos, selling messages, or any other nonessential text.

(6) No cannabis products shall be displayed in an area that is visible from outside the store/dispensary.

(7) No sign shall be within, or be readily observed within, 500 feet of school grounds or a community facility, as defined herein.



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N. A nonmedical cannabis dispensary shall submit evidence that all necessary licenses and/or permits have been obtained from the New York State Office of Cannabis Management (OCM) prior to the issuance of a certificate of occupancy and/or change of tenancy permit. Said licenses and/or permits shall be posted in a conspicuous place, near the main exit or exit access doorway.

O. A nonmedical cannabis dispensary shall have a security system to prevent and detect diversion, theft, or loss, utilizing commercial-grade equipment, pursuant to Part 125 (General Operating Requirements and Prohibitions) of the regulations promulgated by OCM.

P. A nonmedical cannabis dispensary shall only operate between the hours of 10:00 a.m. and 9:00 p.m.

Q. The Planning Board shall incorporate all applicable fire marshal requirements into any final approval.

Mottz, which is attempting to open a retail dispensary at 93 E. Montauk Highway, Hampton Bays, New York, has received an adverse decision from



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Southampton’s Department of Land Management, which concluded that Mottz’s proposed location did not meet legal requirements, including those of Town Code § 330-162.26, Brown is attempting to open a retail dispensary and delivery business at 1533 County Rd 39, Southampton, NY 11968, and has not been able to obtain special permits under Town Code § 330-162.26.

Requestors¹ separately approached the Board for advisory opinions on these provisions. Between the two applications, Requestors asked the CCB to issue an advisory opinion determining that Town Code §§ 330-33 and 330-162,26(A), (B), (C), (D), (F), (G), (H), (J), (L), (M), (N), (O), and (Q) are unreasonably impracticable. Furthermore, Mottz requests the CCB to declare Section 3 and Section 5 of Local Law 15-2023—which enacted the entirety of Town Code § 330-162.26—be deemed unreasonably impracticable in their entirety.

II. The Cannabis Law’s Preemption Provisions and Regulations

Section 131(2) of the Cannabis Law preempts municipalities “from adopting any law, rule, ordinance, regulation or prohibition pertaining to the operation or

¹ Both Requestors have brought their own lawsuits against Southampton, challenging the provisions of the Town Code. Brown filed its lawsuit on August 27, 2025 (Index No. 622758/2025), and Mottz filed its lawsuit on September 5, 2025 (Index No. 623638/2025). Both actions are currently pending.



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licensure of registered organizations, adult-use cannabis licenses or cannabinoid hemp licenses” unless that municipality has passed an opt-out law that complies with Cannabis Law section 131(1) prior to December 31, 2021.

There is one exception to these preemption provisions. Section 131(2) also permits local laws “governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption site, provided such law or regulation does not make the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable as determined by the board.”

The Board has promulgated regulations at 9 NYCRR § 119.2(a) that list the actions that constitute the types of permissible time, place, and manner restrictions that a municipality may impose. These areas of regulation are generally limited to:

- Retail hours of operation;
- The visual or architectural integrity of the building if located within historical districts;
- Parking;
- Traffic control, including but not limited to pedestrian and vehicular traffic;



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- Odor, pursuant to article 13-E of the Public Health Law and the Clean Indoor Air Act;
- Noise; and
- Distance requirements between a retail dispensary and a “public youth facility”, provided that the distance requirement is no greater than 500 feet from the retail dispensary. (Any enacted distance buffer from public youth facility would not apply to Conditional Adult-Use Retail Dispensary licensee).

If a local law restricting the time, place and manner of operations does not fall within one of the actions enumerated in Cannabis Law § 119.2(a), then it is not a permissible time, place, and manner restriction and is, therefore, pre-empted and prohibited under the Cannabis Law Section 131(2). It also follows that if a local law attempts to regulate a cannabis license other than a retail dispensary or on-site consumption license, it is also an improper restriction that is also pre-empted by Section 131(2).

In addition to these limitations, 9 NYCRR § 119.1(b)(1) clarifies that Cannabis Law § 131 preempts municipalities from “adopting any local law, rule, or prohibition pertaining to the operation, registration, licensure, or permitting of [an] adult-use cannabis license[,]” including “imposing a special fee that is specific to



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cannabis businesses or the licensee that intends to operate within the jurisdiction of the municipality”

Under 9 NYCRR § 119.5, the CCB may review a municipal law and issue an advisory opinion as to whether the law is unreasonably impracticable upon a claim brought before the Office contesting the validity of such local law. Section 119.5(a) provides the standard under which time, place, and manner restrictions are deemed to be unreasonably impracticable:

“no local law, rules, or actions of the municipality shall be effective or enforceable if such action otherwise impedes on duties and obligations of the Board as set forth under the Cannabis Law, violates any provision of the Cannabis Law or this Part, or discriminates against or frustrates the registrant, licensee, or permittee’s ability to carry out the operation of such registration, license, or permit as issued by the Board.”

It follows that if a municipality’s proposed time, place, or manner restriction does not fall within the list in section 119.2, or conflicts with provisions of the Cannabis



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Law or its implementing regulations, including Cannabis Law § 131 and 9 NYCRR § 119.1(b)(2), it must be deemed “unreasonably impracticable.”

III. Southampton Cannot Regulate Delivery Businesses Via Town Code Chapter 330

Regardless of whether any of the challenged provisions are deemed unreasonably impracticable, Southampton improperly applied the Special Exception Use requirements enacted by Section 3 and Section 5 of Local Law 15-2023 to the ability to deliver adult-use cannabis under the Cannabis Law and its implementing regulations. Cannabis Law § 131(2) only permits municipalities to enact proper time, place, and manner restrictions against adult-use retail dispensary licensees—licensed under Cannabis Law § 72—or on-site consumption licensees—licensed under Cannabis Law § 77. Thus, the application of municipal laws to other license categories and approved activities, such as delivery, violates Cannabis Law § 131(2) and must therefore be deemed unreasonably impracticable.

IV. Section 3 of Local Law 15-2023 and Town Code §§ 330-33 Are Unreasonably Impracticable



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The CCB must find that Section 3 of Local Law 15-2023 violates Section 131(2) of the Cannabis Law and the CCB’s regulations at 9 NYCRR §§ 119.1(b)(1) and 119.2. Requiring special conditions for adult-use dispensaries to receive building permits under Town Code §§ 330-120 through 330-123, including the payment of a special application fee are outside of the proper time place, and manner restrictions within 9 NYCRR 119.2 or and directly contradict 9 NYCRR 119.1(b)(1)’s bar against special fees. Therefore, Section 3 of Local Law making them unreasonably impracticable.

In addition to finding that Section 3 of Local Law 15-2023 is unreasonably impracticable, the CCB also finds that Section 3’s amendment of Town Code § 330-33 is unreasonably impracticable because it limits the operation retail dispensaries and on-site consumption establishments—which Southampton classifies under “nonmedical cannabis dispensary”—to just two of Southampton’s eight business district zones. This limitation, which prohibits cannabis businesses from areas where other businesses may lawfully operate—liquor stores licensed by the New York State Liquor authority may operate in four Southampton business districts, for example—is not among the enumerated time, place, and manner restrictions permitted by 9 NYCRR 119.2. Therefore, these sections of the Town Code are



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improper laws forbidden by Cannabis Law § 131(2) and must be deemed unreasonably impracticable under 9 NYCRR § 119.5(a).

V. Section 5 of Local Law 15-2023 Is Unreasonably Impracticable

The CCB’s conclusion that Section 3 of Local Law 15-2023—which required an adult-use cannabis dispensary to receive a Special Exception Use Permit—is unreasonably impracticable for violating Cannabis Law § 131 requires that the CCB also find that Section 5 of Local Law 15-2023 which enacted the special conditions to receive that permit through Town Code § 330-162.26 to be unreasonably impracticable.

Although this finding is dispositive for the purposes of this Advisory Opinion, the CCB notes that many of the restrictions in Town Code § 330-162.26 would also violate Cannabis Law § 131, even if they were not tied to an improper permitting process. Sections 330-126-26(A), (C), and (D), which require minimum distances between dispensaries and schools, houses of worship, and other cannabis licensees, must also be deemed to be unreasonably impracticable as they are not among the enumerated time, place, and manner restrictions permitted by 9 NYCRR 119.2. Distance requirements between licensees and between licensees and schools or



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houses of worship are set in statute or are under the exclusive jurisdiction of the CCB to interpret or regulate. Municipalities may not enact their own provisions interpreting the State requirements, even if such local laws have similarities with State licensure requirements. Therefore, these sections of the Town Code are improper laws forbidden by Cannabis Law § 131(2) and must be deemed unreasonably impracticable under 9 NYCRR § 119.5(a).

Town Code § 330-126.26(B), which establishes a 500-foot buffer from any community facility is also unreasonably impracticable because it defines a “community facility” to include organizations that are beyond what is permitted in the CCB’s regulations. While the CCB’s regulations at 9 NYCRR 119.2(a)(10) do permit a municipality to set a 500-foot distance buffer between a retail dispensary and a “public youth facility,” that term is defined specifically in the Board’s regulations at 9 NYCRR 118.1(89) as:

“a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger.”



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In contrast, the Town Code § 332-126.26(B) defines “community facility” to include day care facilities and libraries that would not meet the “public youth facility” definition. The Southampton community facility definition also omits the requirement of ownership by a government or a government subdivision or agency. While Town Code § 332-126.26(B) includes similarities to the CCB’s regulations, the specific deviations from 9 NYCRR §§ 118.1(89) and 119.2(a)(10) require this Southampton Town Code provision be deemed unreasonably impracticable.

Town Code §§ 330-126.26(F), (G), (H), and (L) which require certain lot characteristics for cannabis licensees; forbid “drive-thru windows” at dispensaries; and set requirements for appearance must also be deemed unreasonably impracticable because those lot requirements are not among the enumerated time, place, and manner restrictions permitted by 9 NYCRR 119.2. While a municipality may enact time, place, and manner restrictions on “the visual or architectural integrity of the building if located within historical districts” (9 NYCRR § 119.2(a)(5)), the Town Code Town Code §§ 330-126.26(H) improperly expands this category well beyond the narrow review allowed in historical districts, by including a review of the interior “layout” and “operation” of the dispensary, as well as allowing such reviews to occur anywhere within Southampton. Therefore, these



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sections of the Town Code are improper laws forbidden by Cannabis Law § 131(2) and must be deemed unreasonably impracticable under 9 NYCRR § 119.5(a).

Town Code §§ 330-126.26(M), (N), and (O)—which regulate signage, institute special requirements for cannabis applicants to receive a certificate of occupancy, and place security requirements on dispensaries—are also unreasonably impracticable. Not only are these special requirements outside of the permitted categories in 9 NYCRR § 119.2 but they also usurp governance matters that are under the jurisdiction of the CCB, and the Office of Cannabis Management. CCB regulations dictate signage and security requirements, as well as the placement of licenses. The Town code requirement of licensure prior to granting a certificate of occupancy also interferes with State application procedures under 9 NYCRR § 120.2. Accordingly, these provisions are barred by Cannabis Law § 131(2) and must be deemed unreasonably impracticable under 9 NYCRR § 119.5(a).

Given these findings regarding Section 5 are conclusive for the purposes of this Advisory Opinion, the CCB declines to address any remaining claims made by Requestors relating to Section 5 or Town Code § 330-162.26.

VI. Conclusion



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This Advisory Opinion Concludes that both Sections 3 and 5 of Local Law 15-2023, are unreasonably impracticable and are subject to preemption under Cannabis Law § 131(2).

Appendix

The following materials were considered by the CCB for this Advisory Opinion.

1. Town of Southampton Town Code, Chapter 330 available at:
<https://ecode360.com/8700216#8700216>
2. September 2, 2025, e-mail and attachments from Christian Killoran, Esq. on behalf of Brown Budda (“Request for Advisory Opinion”)
3. July 30, 2025, email and attachments from Vasquez P.C. on behalf of Mottz Only Authentic New York Style LLC (RE: Advisory Opinion Request Regarding Preemption of Local Law 15-2023).



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November 3, 2025

Advisory Opinion 2025-03

Issued Pursuant to 9 NYCRR § 119.5

Uncle Joe’s Joint Venture, license number OCM-CAURD-22-000240 (OCMCAURD-2022-000240) (“Uncle Joe’s”), BWell Holdings NY Inc., (OCMRETL-2023-001828) (“BWell”), and Augusta Properties, Inc. (“Augusta”) (collectively “Requestors”) have submitted requests to the Cannabis Control Board (“CCB”) for an advisory opinion on whether a proposed local law that would amend the zoning provisions in Chapter 98 of the Code of the Town of Tuxedo to regulate cannabis retail dispensaries (“Proposed Law”)—by limiting those businesses to a Cannabis Retail Dispensary Overlay District and imposing other operational requirements—is “unreasonably impracticable” and would, therefore, be subject to preemption under Cannabis Law § 131(2).

The CCB has relied solely on the facts and information Requestors provided. The CCB has not undertaken an independent investigation of the facts and information presented to us by Requestors. This Advisory Opinion is limited to assessing the challenged Town Code provisions for compliance with Section 131(2) and does not address any other action taken by a municipality, even if that action relied upon the laws analyzed in this Advisory Opinion.

For the reasons below, the CCB finds the challenged provisions in the Proposed Law unreasonably impracticable and subject to preemption under Cannabis Law § 131(2).



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JESSICA GARCIA

Cannabis Control Board Chair

HOPE KNIGHT

Board Member

CRYSTAL J. RODRIGUEZ DABNEY

Board Member

BRAD USHER

Board Member

FELICIA A.B. REID

Acting Executive Director

I. Factual Background

Requestors each submitted separate requests for an advisory opinion in July 2025. At that time, Uncle Joe’s, a provisional CAURD licensee, was in the process of securing a lease from Augusta for a commercial property located at 192 Route 17 in Tuxedo. Additionally, BWell is a provisional adult-use retail licensee who submitted a notice to the municipality of intent to operate. The Town of Tuxedo is in Orange County, New York. Requestors sought advisory opinions after learning that the Tuxedo Town Board had a public hearing scheduled for the Proposed Law.

On July 23, 2025, attorneys for the Town of Tuxedo wrote to the Office of Cannabis Management (“Office”) requesting that an advisory opinion be deferred so that the Town could hold further public hearings and consider modifications to the Proposed Law. Nothing in regulation or the Cannabis Law requires the CCB to delay its advisory opinion. As of the date of this advisory opinion, the CCB understands that the Proposed Law has not been enacted.

a. Overview of the Proposed Law

The Proposed Law sets forth a comprehensive regulatory scheme for cannabis retail dispensaries. Section 1 of the Proposed Law states that “the purpose of this local law is to regulate cannabis dispensaries to a certain overlay zoning district, implementing a special permit requirement, imposing certain time, place, and manner restrictions, and otherwise minimizing potential adverse effects of such uses.”

Section 2 of the Proposed Law, which would amend Section 98-4, redefines the town’s definition of “Retail Use” to exclude or differentiate cannabis retail dispensaries from other retail



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uses by adding that “[c]annabis retail dispensaries shall not be considered retail uses.” Notably, the existing Section 98-4 of the Code of the Town of Tuxedo defines retail use as “[a] commercial use where merchandise is sold to the general public for personal or household use or consumption, including but not limited to a florist, hardware store, pharmacy, convenience store, stationary store, bookstore, clothing store, shoe store, and jewelry store.”

Section 3 of the Proposed Law would amend Section 98-5 of the Town’s zoning provisions by creating a “Cannabis Retail Dispensary” (CRD) Section 7 the Proposed Law defines the overlay zone, thereby limiting cannabis dispensaries to a single tax map section, Section 205, located in the Southfields Hamlet Business district of the Town. Section 4 of the Proposed Law amends Section 98-9 of the code to set lot size requirements for businesses in the CRD, and Section 6 sets parking requirements.

Section 5 of the Proposed Law would create a new Section 98-28 of the Code entitled “Standards for cannabis retail dispensaries” which imposes further limitations on, and operational requirements for, cannabis dispensaries, including:

- A distancing requirement that a cannabis dispensary must be more than 500 feet from any school grounds, daycare, playground, library, public swimming pool, place of worship, addiction treatment center, or “a facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents” (Section 98-28(A)(1));
- A 2,000-foot buffer zone between cannabis dispensaries (Section 98-28(A)(2));



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- A requirement that retail dispensaries licensed under the Cannabis Law must also apply for a special use permit with the Town (Section 98-28(B) subjecting dispensaries to potential additional conditions of operation and annual inspections for compliance with all components of Section 98-28;
- Additional property requirements, such as: required “fencing and/or other screening or security feature(s) around the perimeter of the property” at the discretion of the Tuxedo Planning Board “at the height and type established by the Planning Board (Sections 98-28(C)(8) and (9); and a 100-foot frontage on a State or County highway (Section 98-28(C)(12));
- Various operational requirements for signage (Section 98-28(D), sufficient lighting, trash disposal, limitation of odors and noise, hours of operation, visibility standards (Section 98-28(C)); and
- Various security requirements, including a mandatory 4K surveillance system Section 98-28(F)(1) secure cash storage on-site (Section 98-28(F)(3)), disclosure of delivery protocols to the local police department in advance (Section 98-28(F)(4)); and warrantless inspections by town inspectors and local police (Section 98-28(G)).

Finally, Section 8 of the Proposed Law, labeled a “Superseding Provision” asserts that Town’s cannabis regulations supersede inconsistent State or local provisions under the Municipal



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Home Rule Law.

b. Requestors’ Challenge to Proposed Law

Requestors challenge several provisions of the Proposed Law. First, Requestors challenge the exclusion of cannabis dispensaries from other retail uses and its limitation to the CRD overlay district via Sections 2, 3 and 7 of the Proposed Law. According to Requestors, the overlay excludes large portions of commercial real estate available in Tuxedo and limits cannabis dispensaries to a small, fixed number of parcels that are not feasible for use.¹ One Requestor argued that CRD overlay might constitute “a *de facto* opt-out, inconsistent with the town’s decision not to prohibit cannabis retail” [by failing to enact opt-out legislation in accordance with Cannabis Law 131].

Requestors also challenge the 2,000-foot buffer between licensed dispensaries and the 500-foot buffer between dispensaries and various community facilities (proposed Section 98-28(A)(1) and (2)), as well as the 100-foot State or County Road Frontage requirement (proposed Section 98-28(C)(12)). Additionally, Requestors contest the operational requirements of armed, certified security guards (Section 98-28(F)(2)), mandatory 4K surveillance system (Section 98-28(F)(1)), secure cash storage on-site (Section 98-28(F)(3)), advance disclosure of delivery protocols to the local police department (Section 98-28(F)(4)); and warrantless inspections by local police (Section

¹ According to Augusta, of the 30 parcels that comprise the CRD, only 3 available for purchase or lease. One is a 10,000 sq foot warehouse unfit for a retail establishment, listed for \$1.5 million. Another, offered for \$2 million, was built in 1931 and is dilapidated, and the third is on barren land. The remaining parcels include a cemetery; developed parcels with active businesses that serve essential community functions, making them unlikely candidates for cannabis retail; parcels that fail square footage requirements of the CRD; 8 residential parcels that are unfeasible without evictions, rezoning, or expensive property conversions; and several parcels with limited public information.



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98-28(G)).

Also contested by Requestors are the requirements for a special use permit and annual inspections by the Town building inspector (Section 98-28(B)), as well as the Superseding Provision in Section 8.

II. The Cannabis Law’s Preemption Provisions and Regulations

Section 131(2) of the Cannabis Law preempts municipalities “from adopting any law, rule, ordinance, regulation or prohibition pertaining to the operation or licensure of registered organizations, adult-use cannabis licenses or cannabinoid hemp licenses” unless that municipality has passed an opt-out law that complies with Cannabis Law section 131(1) prior to December 31, 2021.

There is one exception to these preemption provisions. Section 131(2) also permits local laws “governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption site, provided such law or regulation does not make the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable as determined by the board.”

The Board has promulgated regulations at 9 NYCRR § 119.2(a) that list the actions that constitute the types of permissible time, place, and manner restrictions that a municipality may impose. These areas of regulation are generally limited to:



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- Retail dispensary hours of operation;
- The visual or architectural integrity of the building if located within historical districts;
- Parking;
- Traffic control, including but not limited to pedestrian and vehicular traffic;
- Odor, pursuant to article 13-E of the Public Health Law and the Clean Indoor Air Act;
- Noise; and
- Distance requirements between the retail dispensary, microbusiness, or a Registered Organization Dispensing (ROD) and a public youth facility, provided that the distance requirement is no greater than 500 feet from the retail dispensary, microbusiness, or ROD. (The distance requirements for a public youth facility shall not apply to Conditional Adult-Use Retail Dispensary (CAURD) licensees, as outlined in 9 NYCRR §116, *et seq.*)

If a local law restricting the time, place and manner of operations does not fall within one of the actions enumerated in Cannabis Law § 119.2(a), then it is not a permissible time, place, and manner restriction and is, therefore, pre-empted and prohibited under the Cannabis Law Section 131(2). It also follows that if a local law attempts to regulate a cannabis license other than a retail dispensary or on-site consumption license, it is also an improper restriction that is also pre-empted by Section 131(2).



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In addition to these limitations, 9 NYCRR § 119.1(b)(1) clarifies that Cannabis Law § 131 preempts municipalities from “adopting any local law, rule, or prohibition pertaining to the operation, registration, licensure, or permitting of [an] adult-use cannabis license[,]” including “imposing a special fee that is specific to cannabis businesses or the licensee that intends to operate within the jurisdiction of the municipality”

Under 9 NYCRR § 119.5, the CCB may review a municipal law and issue an advisory opinion as to whether the law is unreasonably impracticable upon a claim brought before the Office contesting the validity of such local law. Section 119.5(a) provides the standard under which time, place, and manner restrictions are deemed to be unreasonably impracticable:

“no local law, rules, or actions of the municipality shall be effective or enforceable if such action otherwise impedes on duties and obligations of the Board as set forth under the Cannabis Law, violates any provision of the Cannabis Law or this Part, or discriminates against or frustrates the registrant, licensee, or permittee’s ability to carry out the operation of such registration, license, or permit as issued by the Board.”

It follows that if a municipality’s proposed time, place, or manner restriction does not fall within the list in section 119.2, or conflicts with provisions of the Cannabis Law or its implementing regulations, including Cannabis Law § 131 and 9 NYCRR § 119.1(b)(2), it must be



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deemed “unreasonably impracticable.”

III. Town of Tuxedo Proposed Law Sections 2, 3 and 7 Are Unreasonably Impracticable

The CCB agrees with Requestors that Proposed Law Sections 2, 3, and 7, which would amend Code Sections 98-4 and 98-5, and which defines the CRD overlay district, are unreasonably impracticable and would be preempted. The amendments to Sections 98-4 and 98-5 remove retail dispensaries from the definition of “retail uses” and creates a separate Cannabis Overlay District. These provisions create a distinction between cannabis retail dispensaries and other retail businesses by severely limiting where cannabis dispensaries can be located within Tuxedo. Additionally, the cannabis dispensaries under the Proposed Law would be in a small remote area away from large areas of commerce and, due to proximity requirements of the Proposed Law, would be vastly limited in number.

These limitations, which prohibit cannabis businesses from areas where other businesses may lawfully operate, are not among the enumerated time, place, and manner restrictions permitted by 9 NYCRR 119.2. Therefore, Proposed Law Sections 2, 3 and 7 are improper laws forbidden by Cannabis Law § 131(2) and must be deemed unreasonably impracticable under 9 NYCRR § 119.5(a).

IV. Town of Tuxedo Special Permit Requirements Are Unreasonably Impracticable

The CCB finds that Section 98-28(B) within the Proposed Law—which requires



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dispensaries to obtain special permits and be subject to annual inspections by the Town building inspector—violates Section 131(2) of the Cannabis Law and the CCB’s regulations at 9 NYCRR § 119.2. Requiring special conditions for adult-use dispensaries to receive building permits are outside of the proper time place, and manner restrictions within 9 NYCRR 119.2. Therefore, Section 98-28(B) is unreasonably impracticable.unreasonably impracticable.

V. The Proposed Law’s Distance Buffers from Dispensaries and Schools are Unreasonably Impracticable

Similarly, the proximity restrictions that require a dispensary to be 500 feet from schools playgrounds, daycares, libraries, public swimming pools, places of worship, certain treatment facilities, and various youth facilities under Section 98-28(A)(1); and the proposed 2,000-foot distance buffer between dispensaries under Section 98-28(A)(2) must also be deemed unreasonably impracticable as they are not among the enumerated time, place, and manner restrictions permitted by 9 NYCRR 119.2. Distance requirements between licensees and between licensees and schools or houses of worship are set in statute or are under the exclusive jurisdiction of the CCB to interpret or regulate. Municipalities may not enact their own provisions interpreting the State requirements or impose distance minimums from other types of facilities, even if such local laws have similarities with State licensure requirements.

While the CCB’s regulations at 9 NYCRR 119.2(a)(10) do permit a municipality to set a 500-foot distance buffer between a retail dispensary and a “public youth facility,” that term is defined specifically in the Board’s regulations at 9 NYCRR 118.1(89) as: “a location or structure



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owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger.”

In contrast, the proposed Section 98-28(A)(1) attempts to improperly expand this category by removing requirement that the facility be publicly owned and primarily serve individuals 17 or younger. The Tuxedo definition is too broad and includes private facilities and services and facilities that do not have a primary purpose of providing recreational services to minors.

Therefore, these sections of the Proposed Law are improper laws forbidden by Cannabis Law § 131(2) and must be deemed unreasonably impracticable under 9 NYCRR § 119.5(a).

VI. Town of Tuxedo Cannot Regulate the Manner of Operation of Cannabis Businesses

The challenged provisions of the Proposed Law that attempt to regulate the operation of cannabis dispensaries are also improper. The requirements of 100-foot State or County Road Frontage requirement in section (Section 98-28(C)(12)), armed, certified security guards (Section 98-28(F)(2)), mandatory 4K surveillance systems with 30-day retention of recordings (Section 98-28(F)(1)), secure cash storage (Section 98-28(F)(3)), advance disclosure of delivery protocols to the local police department (Section 98-28(F)(4)), and warrantless inspections by local police (Section 98-28(G)) are not among the enumerated time, place, and manner restrictions permitted



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by 9 NYCRR 119.2. Therefore, these sections of the Town Code are improper laws forbidden by Cannabis Law § 131(2) and must be deemed unreasonably impracticable under 9 NYCRR § 119.5(a).

VII. Proposed Law Superseding Provision Is Ineffective Against Cannabis Law’s Preemption Provisions.

The “Superseding Provision” (Section 8), which claims the Proposed Law supersedes inconsistent State laws, does not override the express preemption provisions of Cannabis Law §131(2) or its implementing regulations. Municipal Home Rule does not apply here because the Proposed Law “imposes an additional layer of regulation in an area where the Legislature has evidenced its intent to preempt the field of regulation” as it has done with the Cannabis Law, a general law applicable statewide. *Consol. Edison Co. of New York, Inc. v Town of Red Hook*, 60 NY2d 99, 104-05 [1983] (holding mod by *Police Benevolent Assn. of City of New York, Inc. v City of New York*, 40 NY3d 417 [2023]).

VI. Conclusion

This Advisory Opinion concludes that the following sections of the Proposed Law are unreasonably impracticable and are subject to preemption under Cannabis Law § 131(2):

- Sections 2, 3, 7, and 8 of the Proposed Law
- The following provisions in Section 5 of the Proposed Law



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- Sections 98-28(A)(1) and (2)
- Section 98-28(C)(12)
- Section 98-28(F)(2)
- Section 98-28(F)(1)
- Section 98-28(F)(3)
- Section 98-28(F)(4)
- Section 98-28(G)
- Section 98-28(B)

The CCB expresses no opinion on the remaining provisions of the Proposed Law.

Appendix

The following materials were considered by the CCB for this Advisory Opinion:

1. Town of Tuxedo Introductory Local Law, Chapter 98 available at:
<https://www.tuxedogov.org/town-board/pages/proposed-local-laws-0>
2. Town of Tuxedo Chapter 98, Article II available at:
<https://ecode360.com/39156721#39156721>
3. June 30, 2025, email from Kerrie Larson from Tenax Strategies on behalf of BWell Inc (“Re: Notice of Unreasonably Impracticable Local Law – Proposed Cannabis Retail



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Dispensary Overlay District in the Town of Tuxedo, NY”)

4. July 1, 2025, email and attachments from Richard Engel, Esq. on behalf of Uncle Joe’s Joint Venture (“Unreasonably Impracticable Proposed Local Law in Town of Tuxedo”)
5. July 2, 2025, email and attachments from Ken Seligson from Seligson Law on behalf of Augusta Properties, Inc., (“Submission of Claim – Unreasonably Impracticable Local Cannabis Law (Town of Tuxedo)”)
6. July 10, 2025, email and attachments from Kerrie Larson from Tenax Strategies on behalf of BWell Inc (“Re: Notice of Unreasonably Impracticable Local Law – Proposed Cannabis Retail Dispensary Overlay District in the Town of Tuxedo, NY”)

From: [parking](#)
To: [Linda Donnelly](#)
Subject: Thank you for your payment. Here's your receipt.
Date: Tuesday, May 5, 2026 11:06:44 AM

She is requesting a refund.

From: Deb Arbolino <debe126@aol.com>
Sent: Monday, May 4, 2026 6:43 PM
To: parking <parking@nyack.gov>
Cc: Debbie Arbolino <debe126@aol.com>
Subject: Fwd: Thank you for your payment. Here's your receipt.

This email originated from outside of the organization.

Sent from my iPhone. as requested:

To the Clerk and Board members,
My name is Debbie Arbolino on March 13,2026 I parked on Broadway and my friend, Sylvia Carbonell paid with her debit card, however the license plate number was incorrect and when we finished breakfast we found a ticket. Ticket #9101797703. We immediately went to Village Hall and were instructed to go to court and explain what happened. I was going to be away on the court date March 26,2026, Sylvia attended court and showed proof that money was paid for parking but the plate number was entered incorrectly. Judge Knoebel dismissed the ticket.

Sylvia was away last week, when I got a notice that the ticket was not paid and now the fine was \$50.00. I couldn't contact Sylvia, so I paid \$53.50 on Sunday, May 4,2026. Sylvia returned home today and I found out that the ticket had been dismissed. I never should have been billed and I would appreciate getting a refund of \$53.50 reference # 516U260503D27280. I paid quickly when I got the notice in the mail because I was afraid of the price of the ticket going higher. I appreciate your consideration in this matter. Thank you.
Sincerely,
Debbie Arbolino

Begin forwarded message:

From: Deb Arbolino <debe126@aol.com>
Date: May 4, 2026 at 4:40:10 PM EDT
To: parking@nyack.gov
Subject: Fwd: Thank you for your payment. Here's your receipt.

Sent from my iPhone

Begin forwarded message:

From: noreply.nyackpayments@dsparkingportal.com
Date: May 3, 2026 at 9:28:47 AM EDT
To: debe126@aol.com
Subject: Thank you for your payment. Here's your receipt.

The payment will be posted to your account within 1 business day.
Please keep a copy of this receipt for your records.
Payment was received on 05/03/2026 09:28 AM

PAYMENT SUMMARY

Your payment reference number is

516U260503D27280

Payment Amount

\$53.50

Payment Date

05/03/2026 09:28 AM

Payment Type

Visa

Credit Card Number

XXXXXXXXXXXX2844

Billing Zip Code

10983

Phone Number

Email

DEBE126@aol.com

Ticket(s)

9101797703

MORE INFORMATION

Please note that the charge for this payment will appear on your credit card statement as DSI NYACK NY PRKING WEB

The total amount paid includes a convenience fee of \$3.50

Village of Nyack

Guide and Application for Village Approval of Street Closures and Special Events

Overview:

This application is for special events or construction projects involving street closures or use of Village facilities other than Memorial Park. Special events for the public must be approved by the Village Board. Road closures for construction approved by Village Administrator. SPECIAL EVENT APPLICATIONS DUE AT LEAST 30 DAYS PRIOR TO DESIRED EVENT DATE, to Village Administrator, 845-358-3581 administrator@nyack-ny.gov

For Internal Use Only -- Application checklist

Completed application received, DATE ____.

DPW reviewed **Orangetown Police reviewed**

Village Board approved (events), Date: _____

Insurance certificate reviewed/approved/attached

Hold harmless agreement signed by applicant, attached.

Fee required for Village staff time (if not a Village-sponsored event)(DPW time for set-up/removal of security barriers and staffing of event, Other staff as appropriate; fee for metered parking spaces = \$10/day, Monday-Saturday) BILLED UPON COMPLETION OF EVENT.

TOTAL DUE: \$ _____ Date Paid: _____

Applicant Information:

Date of Application: _____ May 19 _____ Name of Applicant: __Nyack Chamber of Commerce__

Address: __PO Box_ 677 _____

Business Owner/Proprietor Name: _____

Email Address: _____ wrbatson@gmail.com _____ Phone: (845) 675-3160 _____

Name of On-Site Event/Project Manager: Bill Batson _____ Phone: __ (845) 675-3160 _____

Existing Approval to serve Alcoholic Beverages: Yes ___x___ No _____

Event Information:

Date of Proposed Event: _____ July 5 ___ Name of Event: _____ Futbol Fest
_____ -

Village facility to be occupied (parking lot, sidewalk space, street names) and what equipment proposed (food truck, tent, stage, seating, etc.) (attach diagram/map):

_____ Zone 1) South Broadway from Hudson to Gas Station

_____ Zone 2) Hezekiah Easter Veterans Memorial Park as well as the handicapped/electric car parking lot _____

Operational Requirements:

- > The event sponsor shall maintain all necessary licenses required by the State of New York, and comply with all applicable laws
- > Orangetown Police must review/approve street fair and parade plans.
- > All usual parking regulations apply outside street closure/parade/event area unless specifically agreed otherwise

Physical Requirements:

- > No permanent structures may be affixed to the sidewalk, roadways or buildings.
- > Exterior seating may be accompanied by awnings, tents, umbrellas, and other temporary furnishings. Umbrellas or tents must be anchored and located to the satisfaction of the Building Department to prevent movement during wind bursts or interference with traffic, either vehicular or pedestrian.
- > Use of tents/temporary structures must meet safety guidelines outlined in the 2020 Fire Code of New York State.
- > Tents or temporary structures shall not be fully enclosed and must be open air.

- > Safe pedestrian pathways must be provided.
- > Safe emergency vehicle access must be provided.
- > Appropriate lighting must be provided if operating outside of daytime hours.
- > A minimum 5 foot wide pedestrian pathway and 84” height clearance must be maintained on the adjacent sidewalk for ADA accessibility.

Maintenance Requirements:

- > Maintenance and cleaning of event area shall be the responsibility of the applicant.
- > The village is not responsible for any damages or loss of equipment.

Fire Safety Requirements:

- > No food heating, cooking or open flames are permitted in outdoor dining areas.
- > Fire hydrants / fire lanes cannot be blocked.
- > Heaters must meet safety guidelines.
- > All safety guidelines set forth in the 2020 Fire Code of New York State must be followed.
- > Combustible materials, such as hay, straw, shavings or other materials may not be located within any outdoor structure (umbrellas, tents, awnings, etc.).
- > Food trucks require Fire Inspection

ATTACHED:

INSURANCE REQUIREMENTS

HOLD HARMLESS AGREEMENT

Insurance Requirements For Use of Village Owned Property

Prior to the use of Village Property, the Permittee shall, at its sole expense, maintain the following insurance on its own behalf, and furnish to the Village of Nyack certificates of insurance evidencing same and reflecting the effective date of such coverage as follows:

- 1) Commercial General Liability Policy, with limits of no less than \$1,000,000 Each Occurrence, \$2,000,000 Aggregate and shall cover liability arising from Bodily Injury, Property Damage, Premises, Operations, Independent Contractors, Products/Completed Operations, and Personal and Advertising Injury, Blanket Contractual including injury to subcontractors employees and shall include coverage for:
 - A. Village of Nyack and their assigns, officers, employees, representatives and agents should be named as an “Additional Insured” and shall apply on a primary and non-contributory basis. The Certificate of Insurance to show this applies to the General Liability coverage on the certificate, and Additional Insured Endorsement shall be attached.
 - B. To the extent permitted by New York law, the Permittee waives all rights of subrogation or similar rights against Village of Nyack, assigns, officers, employees, representatives and agents.
 - C. Per Location Aggregate to be included, if applicable.
- 2) Liquor Liability: If applicant is applying for an Alcohol permit from the Village of Nyack, and a fee is not being charged for the alcohol, a COI must be provided to the Village of Nyack with evidence of “Host Liquor Liability”. If a fee is being charged or a caterer will be providing the liquor, then a COI must be obtained from the sponsor &/or vendor evidencing “Liquor Liability” at the same limits as indicated in 1) above.
- 3) Certificates shall provide that thirty (30) days written notice prior to cancellation or expiration be given to the Village of Nyack. Policies that lapse and/or expire during the term of use shall be recertified and received by the Village of Nyack no less than thirty (30) days prior to expiration or cancellation.

Permittee acknowledges that failure to obtain such insurance on behalf of the Village of Nyack constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the Village of Nyack. The failure of the Village of Nyack to object to the contents of the certificate or absence of same shall not be deemed a waiver of any and all rights held by the Village of Nyack.

The cost of furnishing the above insurance shall be borne by the Permittee.


All carriers listed in the certificates of insurance shall be A.M. Best Rated A VII or better and be licensed in the State of New York.

Village of Nyack
9 North Broadway
Nyack NY 10960

Indemnification and Hold Harmless Agreement

To the fullest extent permitted by law, Permittee shall indemnify, hold harmless and defend Village of Nyack, and agents and employees of any of them from and against all claims, damages, losses or expenses including but not limited to attorney's fees arising out of or resulting from the performance of the agreement, provided any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting there from, and (b) is caused in whole or in part by any act or omission or violation of statutory duty or regulation of the Permittee or anyone directly or indirectly employed by it or anyone for whose acts it may be liable pursuant to the performance of the agreement. Notwithstanding the foregoing. Permittee's obligation to indemnify Village of Nyack, and agents and employees of any of them for any judgment, mediation or arbitration award shall exist to the extent caused in whole or in part by (a) negligent acts or omissions, or (b) violations of regulatory or statutory provisions of the New York State Labor Law, OSHA, or other governing rule or applicable law; by the Permittee or anyone directly or indirectly employed by it or anyone for whose acts it may be liable in connection to such claim, damage, loss and expense. The obligation of the Permittee to indemnify any party under this paragraph shall not be limited in any manner by any limitation of the amount of insurance coverage or benefits including worker's compensation or other employee benefit acts provided by the Permittee.

Company Name Nyack Chamber of Commerce _____

Name: _____ Roger S. Cohen _____ f _____ Signature: 

Date: 5/18/26 _____

Please sign, date and return to:

Village of Nyack, Village Clerk's Office
9 North Broadway
Nyack, NY 10960

Nyack Global Rhythm Fútbol Fest
Watch, Eat, Dance, Play, Meet in Nyack

An implementation-ready program designed to drive economic activity, regional visibility, and community engagement during the 2026 tournament period.

Global Rhythm Fútbol Fest takes place, rain or shine, on July 5 at multiple venues in Nyack, including kids games, music, dancing, culinary tours, local clubs cheering centers and Fútbol docents at over 20 restaurants and bars.

Leading up to July 5th, Nyack's over 20 viewing venues and club cheering centers, hosted in bars and restaurants, will welcome local and global world cup fans to watch the games together.

Wayfinding, digital advertising, banner and free media will build the momentum to make give the residents, visitors and small businesses world cup winners.

Program Window: June 11 – July 19, 2026

Anchor Events:

Announcement/Launch: Thursday, June 11 at the Nyack Farmers Market

Village-wide Festival: Sunday, July 5, 2026

Tournament Window

- Opening match: June 11, 2026
- Final: July 19, 2026

Key Stage Dates

- April 24 - Project/Budget Approval
- May 8 - Marketing collateral Approval
- May 18 - Marketing Launched
- June 11 - Press Event
- Group Stage: June 11 – June 27, 2026
- Round of 32 (new format): June 28 – July 3, 2026
- Round of 16: July 4 – July 7, 2026
- Quarterfinals: July 9 – July 11, 2026
- Semifinals: July 14 – July 15, 2026
- Third-place match: July 18, 2026
- Final: July 19, 2026

1. Executive Summary

Nyack Global Rhythm Fútbol Fest is a multi-week, village-wide cultural and economic activation designed to position Nyack as a regional destination during the 2026 World Cup attracting visitors to attend multiple matches at local establishments leading to the multi-site festival on July 5.

Led by a consortium including the Nyack Chamber of Commerce in partnership with the Village of Nyack and Rockland County Tourism, the festival leverages a hub-and-spoke model:

- **Hub:** A large-scale anchor event on July 5
- **Spokes:** A network of participating viewing venues and businesses
- **Activation Layer:** Cultural programming, music, food, and soccer-based experiences

Core Objectives

- Drive foot traffic, revenue, and tourism
- Activate local businesses across multiple weeks
- Enhance the Nyack brand
- Deliver a coordinated, immersive town experience
- Ensure broad and equitable participation

Leadership Structure

- **Project Lead:** Bill Batson, Executive Director, Nyack Chamber of Commerce
- **Project Approval:** Jenna Nazario, Rockland County Director of Economic Development & Tourism
- **Project Administration:** Andy Stewart, Village of Nyack Administrator:
- **Local Business Liaison:** Tyrone Azanedo, Nyack Chamber Representative
- **Lead Event Contractor:** Owner NJ Social: Steven Santos
- **Event Designer:** Nick Duke
- **Logistic Manager:** Mark Mangan, Nyack Chamber of Commerce Events Manager

2. Execution Timeline

ASAP – Governance & Alignment

- Confirm leadership roles and reporting structure
- Establish Steering Committee
- Finalize budget framework (\$38K–\$45K)
- Align Visit Nyack marketing scope
- Begin permitting process
- Confirm trademark restrictions,
- Identify and onboard viewing venues
- Obtain County Approval

April 20 → April 30 (Contracts + Branding Lock)

Contract Status

- Finalize agreement with Steven Santos and NJ Social
- Confirm Proposed Digital and Outdoor Marketing Expenditures with Visit Nyack

Branding

- Finalize:
 - Festival name
 - Design and obtain approvals for village-wide visual system (Nick Duke)
 - Confirm trademark-safe language

Venues and needs

1. Avispa – 136 Main St. (might need streaming service)
2. Brasserie D – 67 S Broadway (backstop eligible)
3. The Burger Loft – 3 N Broadway (backstop eligible)
4. Casa del Sol – 95 Main St (backstop eligible & needs TV)
5. The Local – 4 S Franklin (backstop eligible)
6. Tamarind – 20 S Broadway (backstop eligible & needs TV)
7. La Fontana – 116 Main St (backstop eligible & needs TV)
8. Maura's Kitchen – 81 S Broadway (backstop eligible & needs TV)
9. Olde Village Inn – 25 S Broadway (backstop eligible)
10. Prohibition River – 82 Main St (backstop eligible)
11. The Seaport – 21 Burd St ?
12. Maraj Lounge – 173 Main St. (backstop eligible)
13. Tarantella's – 128 Main St
14. Turiello's – 73 Main St
15. Hudson Deli – 114 Main St
16. Jay's Deli – 78 Main St
17. Cy's Restaurant & Lounge 37 NY-59 ?
18. Bethel Haitian Alliance Church, 247 Main Street ? & needs TV)
19. Olde Village Inn – 25 S Broadway (backstop eligible)
20. El Cuñao, 233 Main St (Needs a TV)

Restaurants to consider adding Mekong, Little Deans, Ukrainian, My Father's House, Don Chuy

To participate restaurants must:

- Be open during a majority of the games
- Host a local futbol club or docent on multiple evenings
- Take in and put out an a-frame
- Promote on social media events
- Run world cup specific specials
- Hang world cup decorations (not provided)

Staff Backstop

Ten venues with that offer table service will qualify for a staffing backstop fund at \$300 per venue (2X Staff @ 8hrs at minimum wage) if they staffed up and saw no increased revenue (3k).

Unused funds will be contributed to local non-profits.

The Chamber Executive Director will visit all venues on the day of the festival and require a written request for the funds.

Up to seven (7) venues can qualify TV equipment (TV and Truss stand). Venues with not TV or a prohibitively small screen and sufficient for folks to watch will be considered. (3.5k)

Early May → May 31 (Production Build + Marketing Launch)

Production

- Confirm activation zones:
 - 81 S Broadway (Dance Zone) (noon – 6pm_
 - Hezekiah Square and Veterans parking lot (Kids/Skills Zone) (10am – 4pm)
- Lock:
 - Power access (Hezekiah Easter Square)
 - Sanitation + security

Marketing Launch

- **Digital:**
 - Geo-targeted ads (NYC, Westchester, Bergen)
 - Visit Nyack rollout
 - NJ Social amplification
- **Charity**
 - Identify entity that can accept donation
 - Develop list of community and cultural groups
 - Ask people to give donate a dollar per the number of goals they believe will take place in each game that they watch at a venue in Nyack. Those that pick the right number will be entered into a raffle. The prize is a \$200 gift certificate to the location where you entered the raffle.
 - The Nyack Global Rhythm Fútbol Fest Merch profits can also go to local charities.
- **Physical/Outdoor Advertising**
 - A-frames - around Nyack
 - A-frames - restaurants
 - A-frames - local hotels
 - Banners
 - Yard signs
 - Banners

- 3D soccer ball installations

May 1 → June 10 (Final Prep)

- Final run-of-show
- Staff + volunteer assignments (Mark Mangan)
- Vendor confirmations
- PR plan approved (Jenna Nazario)
- Influencer + content rollout
- Press kickoff logistics confirmed
- Broadway and Main Street Banners up

June 11 → July 4 (Live Program Window)

- Official kickoff + press event: Nyack Farmers Market
- Hezzie Square/Map banner with venues and activations and world cup dates,
- County Executive, Mayor hold public event outlining the Nyack Global Rhythm Fútbol Fest calendar.

Ongoing

- Match viewing across venues
- Weekly promotions (“Match of the Week”)
- Retail + restaurant country themes
- Youth soccer engagement

July 5 – 10am - 6pm (Anchor Event)**Full-scale activation:****S Broadway: Global Dance / Salsa:(noon -6pm)**

- Country Line Dancing (Instructor Led)
- Soul Line Dancing (Instructor Led)
- Salsa (Instructor Led)
- Live Dance Performances (2 Dance Companies)

Hezekiah Square: Kids Zone (10am – 4pm)

- Kids Fitness Dance Party (Instructor Led)
- Kid Friendly MC & Animator
- Children' s Giant Connect 4 (2 sets)
- Giant Jenga
- 10ft Inflatable Soccer Dart Game (Coach Led)
- Rotating Soccer Lessons: dribbling (15 mins), shooting (15 mins), passing (15 mins), tricks (15 mins) [Kids, Teens, Adult] (Instructor Led)
- Penalty Kick Challenge [Kids, Teens, Adults] (Coach Led)
- Corn Hole
- Ring Toss Games (2 sets)

Enhancements:

- Global Flavors Walk (lead by dribbling soccer players between venues - can go beyond 4p and ends at Maura’s for in door Salsa dancing)
- Organizing content activations at every venue including soccer docents, adopt a club, Soccer book signings, player visits – develop related merch
- Live music + cultural programming
- Full production by NJ Social
- Soccer ball stencils on sidewalks outside venue (removal spray paints)

July 6 → July 19 (Contingency Window)

- Weather decision protocol (24-hour + day-of)
- Full event replication if needed on July 19

Post-Event (Closeout Phase)

- Financial reconciliation
- Economic impact reporting
- Sponsor reporting
- Stakeholder debrief

BUDGET

Nyack Global Rhythm Fútbol Fest				
Item	Activity	Payee*	Cost	
1	Street Closure security	VON	\$2,000	
2	Anchor event production	NJ Social via Chamber	\$15,750	
3	Marketing Campaign	Visit Nyack	\$10,000	
4	Viewing Venue Staffing Fund*	Nyack Chamber of Commerce	\$1,600	
5	Viewing Venue Equipment Support	Nyack Chamber of Commerce	\$1,000	2 venues
6	Restaurant Outreach	Mike Donohue via Chamber	\$500	
6	Design and Venue Coordination/Activ	Nick Duke via Chamber	\$3,500	
7	Sanitation and other logistics	Chamber of Commerce	\$500	
8	Project Coordination	Chamber of Commerce	\$5,000	
9	Event Coordination	Mark Mangan via Chamber	\$1,500	
10	Administration Fee	Chamber of Commerce	\$1,000	
11	contingency	Chamber of Commerce	\$1,000	
			\$43,350	
		County grant to Visit Nyack	(\$10,000)	
		County grant to Chamber of Commerce	\$33,350	

BUDGET DETAILS

1	Village will use Meridian barriers to prevent vehicle access.		
2	NJ Social will coordinate public events on July 5 including all needed equipment, instruction and support		
3	Visit Nyack will spend \$5,000 on digital and \$5,000 on physical media (posters, A frames, street banners, etc)		
4	Ten (10) venues that offer table service will qualify for a staffing backstop fund at \$200 per venue if they staffed up and didn't have a sufficient number of guests.		
5	Two (2) venues will qualify for the TV equipment fund because they have only one small screen and have sufficient room for larger screen to be installed. We will go to Verizon and Optimum for sponsorship. Some venues may need cable		
6	Nick Duke will design our logo and visuals as well as campaign collateral including a banner, a-frames with a distinctive look. Nick will also help recruit clubs and docents and book them in venues		
7	Mark will use these funds to gather refuse into a central location for DPW removal		
8	The Chamber, led by ED Bill Batson, conceived on this plan and will implement the activation. Select and coordinate vendors, supervise work, disburse funds and complete a final report		
9	Mark Mangan will be onsite coordinator on July 5 liaising with village of Nyack departments, NJ Social and merchants to ensure smooth implementation		
10	This fee covers chamber banking, disbursing and reporting on the expenditure of all contract funds (\$31,350) that are not sent directly to the Village of Nyack		
11	Funds to cover unexpected implementation costs		

Appendix

A. Staff & Leadership Bios

Bill Batson

Executive Director, Nyack Chamber of Commerce

Manager, Nyack Farmers Market

Assured the development and advancement of the initiative from concept through execution readiness, including:

- Establishing the festival's strategic framework and overall budget
- Aligning stakeholders across the Village of Nyack, Rockland County, and the Nyack Chamber of Commerce
- Structuring the multi-week programming model and activation schedule
- Securing and coordinating participating venues throughout the festival footprint
- Pairing venues with local sports organizations, clubs, and enthusiasts
- Initiating permitting processes and operational planning efforts
- Overseeing branding development and marketing strategy implementation
- Managing vendor outreach, engagement, and coordination
- Coordinating inter-agency collaboration among municipal, county, and community partners
- Overseeing budget administration and financial tracking
- Managing contractors, consultants, and external partners
- Directing project timelines and ensuring milestone execution

- Delivering the July 5 anchor event and full program window
- Preparing post-event reporting, including economic impact analysis and stakeholder debriefs
- Supporting long-term planning and future activation opportunities based on event outcomes

Andy Stewart

Village of Nyack Administrator

Represents municipal coordination, approvals, and public infrastructure alignment.

Jenna Nazario

Director of Economic Development & Tourism, Rockland County

Final decision authority overseeing tourism alignment, PR strategy, and regional impact.

Steven Santos

Lead Event Contractor | NJ Social / NJ Salsa LLC

Producer of large-scale cultural and recreational activations across NJ; leads July 5 execution.

Nick Duke

Event Designer | Nick Duke Media

Multidisciplinary designer leading branding, visual identity, and installations for a marketing campaign that will have digital, print and outdoor advertising components

Nick will also be responsible for organizing content activations at every venue including soccer docents, adopt a club, Soccer book signings, player visits.

Mike Donohue

Viewing Venue Coordinator

Mike will obtain signed agreements from every venue outlining the responsibilities that participating venues accept. He will also work with Nick to build relationships between venues and local clubs and sports personalities

Mark Mangan

Events Coordinator | Nyack Chamber of Commerce

Leads logistics, staffing, permitting coordination, and on-the-ground execution.

B. Key Follow-Ups

- Lock Visit Nyack media plan
 - Blocco
- Secure youth soccer partnerships
- Contact local clubs/soccer influencers:
 - OMM - Frank Payne
 - Nathan Bell (Brooklyn Clubs - potential MWBE contractor)
 - Haverstraw United Lauren P
 - Nyack High School - Adam Berline
 - West Nyack Pro-Player

- Local Soccer Author Chris Barish
- Schedule June 11 press kickoff
- Documents for Batson to draft
 - Backstop payment application
 - Viewing Venue participation agreement
- Sponsoring Recruitment
 - Cup Sponsor (Manhattan Beer, Oak Bev)
 - TV Sponsors (Verizon, Cablevision)

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STATE OF NEW YORK

8140--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 1, 2025

Introduced by M. of A. P. CARROLL -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the village of Nyack to alienate and discontinue the use of certain parklands

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subject to the provisions of this act, the village of Nyack
2 is hereby authorized, acting by and through its governing body, and upon
3 such terms and conditions as determined by such governing body, to
4 discontinue the use as parkland and alienate the lands described in
5 section three of this act for the purpose of the construction of a
6 restaurant.

7 § 2. The authorization contained in section one of this act shall only
8 be effective on the condition that the village of Nyack dedicate an
9 amount equal to or greater than fair market value of the parklands being
10 alienated pursuant to section one of this act towards the acquisition of
11 new parklands and/or capital improvements to existing park and recre-
12 ational facilities.

13 § 3. The parklands authorized by section one of this act to be discon-
14 tinued as parkland is described as follows:

15 All that certain piece, parcel, or tract of land situate in the Village
16 of Nyack, Town of Orangetown, County of Rockland, State of New York as
17 depicted on a map entitled "Leased Area Only Part of Tax Lot 66.39-1-5
18 Village of Nyack, Town of Orangetown, Rockland County, New York" as
19 prepared by Maser Consulting P.A., dated 10/20/03 and being more partic-
20 ularly described as follows:

21 Beginning in the southern road boundary of Burd Street at a point
22 located in the division line between lands of Village of Nyack (tax

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD11365-02-6

1 parcel 66.39-1-5) to the west and Clermont Condominiums (tax parcel
2 66.39-1-4) to the north and east;
3 Thence southerly along said division line South 19°32'05" West a
4 distance of 32.47 feet to a point; thence continuing through the lands
5 of Village of Nyack (tax parcel 66.39-1-5) the following four courses
6 and distances:
7 1. North 67°49'55" West a distance of 57.93 feet to a point;
8 2. South 22°10'05" West a distance of 39.19 feet to a point;
9 3. North 67°49'55" West a distance of 72.70 feet to a point;
10 4. North 22°10'05" East a distance of 71.63 feet to a point located in
11 the aforementioned southern road boundary of Burd Street;
12 Thence along said road boundary South 67°49'55" East a distance of
13 129.14 feet to the point and place of beginning.
14 Containing 7,062 Square Feet or .16 acres of land, more or less.
15 § 4. In the event that the village of Nyack received any funding
16 support or assistance from the federal government for the purchase,
17 maintenance, or improvement of the parklands set forth in section three
18 of this act, the discontinuance and alienation of such parklands author-
19 ized by the provisions of this act shall not occur until the village of
20 Nyack has complied with any federal requirements pertaining to the
21 alienation or conversion of parklands, including satisfying the secre-
22 tary of the interior that the alienation or conversion complies with all
23 conditions which the secretary of the interior deems necessary to assure
24 the substitution of other lands shall be equivalent in fair market value
25 and usefulness to the lands being alienated or converted.
26 § 5. This act shall take effect immediately.

From: Kyle Coimbra <kcoimbra@nyack.gov>
Sent: Monday, May 18, 2026 12:45 PM
To: Andy Stewart <Administrator@nyack.gov>
Subject: RE: mileage reimbursement policy change...

Andy,

Since the IRS does not publish an exact percentage of the mileage rate specifically attributed to fuel, I used reasonable estimates as the basis for the proposed increase.

Rationale:

My research indicates that fuel represents approximately 20% to 30% of the IRS mileage formula.

Current IRS rate: 72.5¢ per mile

Estimated fuel component: 25% of IRS rate

Average local gas price when IRS rate was established: \$3.25 per gallon

Current local gas price: \$4.50 per gallon

Step 1: Determine fuel portion of IRS rate

$25\% \times 72.5¢ = 18.1¢$ per mile attributed to fuel

Step 2: Calculate increase in fuel prices

$\$4.50 \div \$3.25 = 1.385$

This represents approximately a 38.5% increase in fuel costs.

Step 3: Apply increase only to fuel component

$18.1¢ \times 38.5\% = 7.0¢$ additional per mile

Step 4: Proposed adjusted rate

$72.5¢ + 7.0¢ = 79.5¢$ per mile

Draft Policy:

TEMPORARY MILEAGE REIMBURSEMENT ADJUSTMENT POLICY

The purpose of this policy is to establish a temporary adjustment to the Village mileage reimbursement rate in response to elevated fuel costs while maintaining consistency with the Internal Revenue Service standard mileage rate methodology.

Due to increased fuel costs, the Village shall implement a temporary supplemental mileage reimbursement rate of 79.5 cents per mile. If the IRS issues a mid-year mileage rate adjustment, the Village reimbursement rate shall automatically adjust to match the updated IRS rate. The temporary supplemental adjustment is intended solely to address unusually high fuel costs and shall remain in effect only during periods of elevated gasoline prices.

INTEROFFICE MEMORANDUM

TO: MAYOR JOE RAND AND TRUSTEES

FROM: ANDY STEWART , VILLAGE ADMINISTRATOR

SUBJECT: PARKING AUTHORITY BUDGET OPTIONS

DATE: 5-7-26 REVISED 5/21/26

FREE 15 ANALYSIS

Of the 125,000 Flowbird transactions in the last year, 39,000 are “Free 15’s”. While the top user logged 166 uses, there is overall broad participation, with 12,722 unique license plates participating, and the top 50 plates only accounting for 9.5% of transactions. Most popular meters are:

1. #14 - Catherine street
2. #6 - 94 Main St (near Woolworths)
3. #15 - 169 Main St, (near Bella Tu)
4. #12 – 135 Main St (near M&T)

The total hypothetical value of the Free 15 transactions in parking time is 39,000 transactions X \$.25/transaction = \$9,750. In a scenario in which users paid for the transaction, assuming half use credit cards, which is typical for our munimeters, the credit card transaction fee currently absorbed by the village of \$.50/transaction would equal twice the value of each credit card parking payment of \$.25/transaction. The village would lose money on credit card purchases of 15 minutes, perhaps offset by coin purchases of 15 minutes.

The board also wanted to know the prevalence of people using the Free 15 a second time on a given day. This occurs rarely, only 1,793 out of 38,876 Free 15 transactions were for a second use on the same day. 95% of Free 15 transactions are the first use of the day for that plate.

The attached sheet shows the meters in rank order of frequency of use for Free 15, and includes annual revenues and average duration of paid time.

RECOMMENDATION: Retain the Free 15 option. Consider moving meter #1, by Riverspace Lot, which gets too much shade to function well, perhaps locating it by pedestrian bridge in marina, or on South Franklin St.

Side of Street	Address Number	Address	EE15_U	TOTAL_REVENUE	Avg Minute
North	7000014	Catherine St lot	3716	\$ 2,893	41.4
North	7000006	94 Main St	3250	\$ 3,718	51.2
South	7000015	169 Main St	2821	\$ 1,722	38.1
South	7000012	135 Main St	2267	\$ 2,593	49.2
South	7000018	84 Main St	2080	\$ 3,797	59.1
West	7000025	65 S Broadway	1884	\$ 3,719	62.3
North	7000009	118 Main St	1849	\$ 2,404	54.5
South	7000010	125 Main St	1771	\$ 2,749	55.8
West	7000021	10 S Broadway	1692	\$ 3,947	65.3
East	7000020	7 S Broadway	1461	\$ 4,123	76.9
South	7000008	125 Main St	1459	\$ 2,826	61.8
North	7000007	108 Main St	1454	\$ 1,904	52.7
North	7000011	132 Main St	1202	\$ 1,198	48.8
South	7000013	155 Main St	1183	\$ 1,838	51.3
West	7000005	8 N Broadway	1144	\$ 3,249	59.5
East	7000026	75 S Broadway	1141	\$ 3,689	70.7
North	7000016	172 Main St	1087	\$ 1,312	51.5
West	7000027	72 S Broadway	970	\$ 3,838	74.2
East	7000004	17 N Broadway	948	\$ 2,152	63.3
East	7000022	17 S Broadway	938	\$ 2,138	63.1
North	7000030	80 Burd St	885	\$ 1,214	53.3
West	7000017	2 S Franklin St	761	\$ 1,842	60.2
East	7000024	35 S Broadway	747	\$ 3,961	76
East	7000028	95 S Broadway	629	\$ 2,135	72.6
West	7000023	36 S Broadway	595	\$ 2,444	74.1
East	7000003	75 N Broadway	464	\$ 1,294	65.6
North	7000029	18 Church St	453	\$ 2,081	83.8
Lot	7000032	Library Lot	9	\$ 5,661	76.6
West	7000019	Veterans Lot/Cec	6	\$ 2,307	82.7
Lot	7000033	Veterans Lot??	5	\$ 7,221	110.4
Lot	7000031	Village Lot	2	\$ 9,554	114.3
South	7000034	Information Boot	2	\$ 4,347	107.3
Lot	7000002	Marina 7550	1	\$ 2,901	78.3
Marina	7000035	Boat Launch 7544	0	\$ 5,625	1440
	7000001	River Space Lot	0	\$ 310	92.3

SCHEDULE OF FEES FOR VIOLATIONS AND LATE PAYMENTS - BOARD WANTS TO KNOW FREQUENCY OF HOW MANY OF EACH TYPE OF VIOLATION IS ISSUED.

Several years ago, the Board increased the fine for meter violation from \$15 to \$25, leaving late payment fines unchanged. This proposal is to increase late payment fees on meter violations by \$10, and increase late payment fines for several other violations (see chart below). In consideration of this proposal, the Board requested further information on the frequency of violations. The table below is for 2025 only and lists the violations parking staff write in order of frequency, and approximate revenues from these fines. I added the proposed changes and a revenue estimate from the change.

RECOMMENDATION: adopt changes to the fee schedule proposed below.

VIOLATION DESCRIPTION	# in 2025	2025 Rev Est	Change	Add'l Rev Es
METER VIOLATION	12321	\$ 304,124	Increase only late fees by \$10 each.	
ALTERNATE SIDE OF STREET-3AM-6AM	3711	\$ 71,565	Increase initial fine and late fees by \$10 each.	\$ 37,110
ALTERNATE SIDE 8AM-11AM	1318	\$ 36,950	Increase initial fine and late fees by \$10 each.	\$ 13,180
EXPIRED OR NO INSPECTION	1253	\$ 58,722	Increase initial fine and late fees by \$20 each.	\$ 25,060
NO PARKING 3AM-6AM	727	\$ 26,964	Increase initial fine and late fees by \$25 each.	\$ 18,175
NO FRONT PLATE	568	\$ 25,115	Increase initial fine and late fees by \$10 each.	\$ 5,680
NO PARKING ANYTIME	532	\$ 22,610	Increase initial fine and late fees by \$10 each.	\$ 5,320
EXPIRED REGISTRATION	472	\$ 18,219	Increase initial fine and late fees by \$20 each.	\$ 9,440
LOADING ZONE	174	\$ 8,090		
LEFT SIDE TO CURB	116	\$ 7,740	* estimated based only on change in initial fine.	
SNOW EMERGENCY ROUTE	104	\$ 4,650		
OFFICIAL PARKING ONLY	98	\$ 4,870		
PERMIT PARKING ONLY	93	\$ 4,135		
NO PARKING HERE TO CORNER	88	\$ 6,610		
BLOCKING DRIVEWAY	76	\$ 3,170		
NO NO PARKING 9AM-12PM	72	\$ 2,615		
SPECIAL EVENTS SIGNS POSTED	71	\$ 3,165		
NO COMMERCIAL PARKING-3AM-6AM	63	\$ 2,195		
PARKED ON SIDEWALK	56	\$ 4,425		
HANDICAPPED PARKING ONLY	56	\$ 6,875		
EXCEEDING TIME LIMITATION	35	\$ 1,875		
TWO METER SPACES (OLD METERS ONL	33	\$ 1,200		
MORE THAN 12 FROM CURB"	30	\$ 520		
ELECTRIC VEHICLE CHARGING ONLY	30	\$ 3,110		
DOUBLE PARKED	27	\$ 2,300		
15 MINUTE ZONE	26	\$ 495		
NO PARKING IN CROSSWALK	23	\$ 1,975		
FIRE HYDRANT	22	\$ 3,433		
FIRE ZONE	16	\$ 1,575		
FAILURE TO DISPLAY MARINA PERMIT	10	\$ 400		
ABANDONED VEHICLE	9	\$ 1,040		
SPECIAL EVENT VEHICLE REMOVAL	9	\$ 300		
EXCEEDED 1 HOUR TIME LIMIT	8	\$ 400		
FAILURE TO POST TAXI RATE	2	\$ 100		
POLICE VEHICLES ONLY	2	\$ 200		
BUS STOP	1	\$ 50		

5/7/26 PROPOSED; REVISED						
	Code	Violation Description	Original Violation	1st Late	Final Fee	PROPOSED CHANGE
Parking	VC	Meter Violation (Street)	\$25	\$40	\$ 60	Increase late fees by \$10 each.
Parking	VC	Meter Violation (Lot)	\$25	\$40	\$ 60	Increase late fees by \$10 each.
Parking	VC	Loading Zone	\$50	\$100	\$ 150	
Parking	V&T	Police Vehicels Only	\$200	\$300	\$ 400	
Parking	V&T	No Parking Here to Corner	\$100	\$150	\$ 200	
Parking	VC	No Parking in Crosswalk	\$100	\$150	\$ 200	
Parking	V&T	Expire or no Inspection	\$70	\$120	\$ 170	Increase initial fine and late fees by \$20 each.
Parking	V&T	Expired Registration	\$70	\$120	\$ 170	Increase initial fine and late fees by \$20 each.
Parking	VC	Two Meter Spaces	\$25	\$50	\$ 75	
Parking	V&T	No Parking Anytime	\$50	\$100	\$ 150	
Parking	V&T	More than 12" From Curb	\$35	\$70	\$95	Increase initial fine and late fees by \$20 each.
Parking	VC	No Standing/ Stopping	\$50	\$100	\$150	
Parking	VC	Alternate Side of Street 3am-6am	\$35	\$60	\$85	Increase initial fine and late fees by \$10 each.
Parking	V&T	Double Parked	\$25	\$50	\$75	
Parking	VC	No Commercial Parking 3am-6am	\$50	\$100	\$150	
Parking	VC	Falure to Display Marina Permit	\$50	\$100	\$150	
Parking	VC	Snow Emergency Route	\$50	\$100	\$150	
Parking	V&T	Vehicle Unattended	\$50	\$100	\$150	
Parking	V&T	Fire Hydrant	\$200	\$300	\$400	
Parking	V&T	Parked on Sidewalk	\$200	\$300	\$400	
Parking	V&T	Parked Left Side to Curb	\$75	\$100	\$150	
Parking	VC	Over 4hr. Parking Limit	\$50	\$100	\$150	
Parking	VC	Exceeded Time Limitation	\$50	\$100	\$150	
Parking	VC	Special Events Signs Posted	\$75	\$125	\$175	Increase initial fine and late fees by \$25 each.
Parking	VC	Exceeded 1 Hour Limit	\$50	\$100	\$150	
Parking	VC	15 Minute Zone	\$25	\$30	\$35	
Parking	VC	Special Event Vehicle Removal	\$50	\$100	\$150	
Parking	VC	Offical Parking Only	\$75	\$125	\$175	Increase initial fine and late fees by \$25 each.
Parking	V&T	No Front Plate	\$50	\$100	\$150	Increase initial fine and late fees by \$10 each.
Parking	VC	Permit Parking Only	\$50	\$100	\$150	
Parking	VC	Fire Zone	\$200	\$300	\$400	
Parking	VC	No Parking 3am-6am	\$75	\$125	\$175	Increase initial fine and late fees by \$25 each.
Parking	VC	No Parking 6am-9am	\$25	\$50	\$75	
Parking	VC	Handicapped Parking Only	\$200	\$300	\$400	
Parking	VC	Bus Stop	\$50	\$100	\$150	
Parking	VC	Blocking Driveway	\$50	\$100	\$150	
Parking	VC	Idling Prohibited	\$50	\$100	\$150	
Parking	VC	Alternate Side of Street 8am-11am	\$35	\$60	\$85	Increase initial fine and late fees by \$10 each.
Parking	VC	Alternate Side of Street 6pm-12am	\$25	\$50	\$75	
Parking	VC	EV charging station - non-EV use	\$ 200	NONE	NONE	
Parking	VC	Restaurant bump-out fees	\$125/month plus installation fee			Increase monthly fee to \$200.
Parking	VC	daily occupancy of metered space by a contractor, \$25/day				
Parking Au	250-3.	Boat launch permit fees \$50/day - 24 hr launch permit	\$60	\$110	\$160	Increase initial launch/trailer parking fee from \$25 to \$50, increases fines by \$10 each
Parking	330-67	Towing or booting fee	\$ 100			Increase fee by \$50.

UNPAID FINES - BOARD WANTS TO KNOW VALUE OF UNPAID FINES,
FEASIBILITY OF AN AMNESTY PROGRAM.

This is a complex area of analysis I am just learning my way around the data. I have had several meetings with Duncan Services and collected a lot of information. Here is a summary of what I understand. The collection of unpaid fines is not easy. Besides warning letters, there are two “hammers”: 1) escalation of scofflaws to the “boot list” and subsequent booting of vehicles, and 2) escalation to the NYS DMV registration suspension list. Each requires Duncan Services to send multiple notices of multiple violations within a year or so. For a sample year of 2023, in which \$382,244 in unpaid violations were sent to collections, a total of 27.9% of unpaid bills had been paid by April 2026. The total value of unpaid bills 2020-YTD 2026 is \$1.3M.

The Village’s parking collections process appears moderately effective at securing prompt voluntary payment, but substantially less effective at escalating delinquent accounts into enforceable consequences. Recovery rates decline sharply with age, suggesting that the current system succeeds primarily with compliant violators while allowing a large backlog of older debt to accumulate with limited long-term recoverability.

Duncan Services reps are very skeptical of the benefits of “amnesty” programs, saying that, at over \$1/letter for postage and materials, let alone labor, they barely pay for themselves in payments from scofflaws, and also send a mixed message to scofflaws, resulting in less compliance.

My focus at this time is in making sure Duncan Services is accurately escalating scofflaws to the two punitive measures described above, and looking for ways to be more effective with actually finding and booting scofflaws locally. I will report back when I have more information on these topics.

I will note also that, on behalf of Judge Knoebel, I have asked Duncan Services for a report on dismissals and discounts offered by the court so the judge can more systematically understand the court’s practices in this regard, and be as consistent as possible.

RECOMMENDATION: none at this time.

During our budget process we projected the NPA budget will run an estimated \$100K deficit in FY 26-27 absent action to close the gap. The deficit is due to increasing costs of fringe benefits, correct apportionment of staff cost shared between PA and GF, fuel and other expenses, in the context of plateaued meter revenues.

We have identified and you voted to approve on 4/23/26, an action to save about \$80K/year by switching to a cheaper credit card payment processing vendor, cutting our

minimum parking transaction cost from 50 cents to 15 cents plus 2.85%. This is great progress, but there is more to do, as the NPA must not only run “in the black” but also pay down its debt to the GF over time, and take on the occasional larger expense, such as replacing a vehicle, and continue to increase revenues to offset increasing expenses.

Big picture facts include:

1. Revenues are fairly flat year to year:
 - a. Meter cost/hour has not been increased since around 2014. It stands at \$1/hr curbside and \$.75/hour in the lots (plus 40 cents if using the ParkMobile app). This needs attention (see proposal below).
 - b. Fines - Most fines for parking violations have not been changed in a long time, either, except in 2022 the BOT boosted the basic meter violation from \$15 to \$25. There are many other violations to consider (see proposal below).
2. The annual rent NPA pays to the GF was increased from \$230K/year to \$300K/year in 2023.
3. Besides running in the red last year, the NPA absorbs substantially more in GF resources than it currently gets billed for. The NPA rent covers leased public space. Costs not reimbursed by the NPA to the GF include staff time for financial and clerical support, insurance, utilities, IT, office space, maintenance of parking lots (paving, snow, etc.), maintenance of marina docks, etc. If the NPA were truly run as an enterprise fund, it would owe a lot more to the GF than currently reflected in its accumulated debt to the GF. An accurate apportionment of expenses would set a higher bar for NPA performance and ease the subsidy burden on the GF.
4. The NPA has made annual debt payments of about \$150K in the last three fiscal years, reducing its debt to approximately \$700K-\$750K, down from \$1.5M a few years ago.

Below are some options for closing the budget gap:

1. Increase parking meter fee for curbside and municipal lots –the hourly fee has not been raised for at least a decade. This is the single most effective way of increasing revenues. A 25 cent increase, bringing lots from to \$.75/hour to \$1/hour and curbside from \$1/hour to \$1.25/hour on the munimeters and \$1.40 and \$1.65, respectively, on ParkMobile, which imposes a user fee of 40 cents), would probably yield \$125K in new revenues. This increase would be slightly below the inflation-adjusted rate since 2014, when meters were last increased. It would put Nyack a bit above some comparable places in Rockland, Westchester, and Bergen County, such as:
 - a. Suffern, no curbside meters, 2 hr max.
 - b. Village of Haverstraw, \$1/hour
 - c. Pearl River, \$.25/hr
 - d. Sleepy Hollow \$1.20 ParkMobile
 - e. Dobbs Ferry \$1.40 ParkMobile
 - f. Elmsford \$1.15/hr ParkMobile

- g. Mamaroneck \$1.10 ParkMobile
 - h. Hastings on Hudson ParkMobile
 - i. Yonkers (\$1.60 ParkMobile
 - j. Englewood, NJ \$1.70 ParkMobile
 - k. Ossining (\$1/hr)
 - l. Hastings on Hudson (\$0.50 per hour or \$2 for 2 hours (Max 2 hours)),
 - m. Sleepy Hollow (\$1.20)
 - n. Tarrytown (\$1.75/hour in commuter lot).
2. Increase fee for restaurant “bump out” from \$125/month to \$150/month. Marginal impact. DONE.
 3. Install meters on S. Franklin from Hudson to Cedar Hill (previously approved, not implemented). Requires purchase of two muni-meters \$8,500 each, and installation of ParkMobile signs, with an expected meter revenue of about \$5-\$7K/year plus enforcement revenue.
 4. Booting – we are in the process of creating a more active booting program, which involves reviewing the scofflaw list and patrolling residential areas to find them. The trade off is lost staff time on meter enforcement. I am in dialogue with two vendors who may be able to help increase the effectiveness of this program.
 5. Eliminate the “bonus free 15 minutes” automatically added to every paid parking transaction at the curbside Flowbird muni meters. In 2025, NPA gave away about 1,072,503 minutes of parking. That is 17,875 hours of parking worth a minimum of \$.75/hour, or \$13K.
 6. Increase fines on common violations. The Trustees last amended the fee schedule for parking in 2022, focused on fees for meter violation (increased initial fine only from \$15 to \$25), but did not amend many penalties for failure to pay at 14 days and 28 days for a range of violations. See table below for proposed changes to the fee schedule. The table as presented incorporates the revised fees as detailed in last column. We do not currently have the data to be able to project budget impact from this change.

INTEROFFICE MEMORANDUM

TO: MAYOR RAND AND TRUSTEES

FROM: ANDY STEWART , VILLAGE ADMINISTRATOR

SUBJECT: ADMINISTRATIVE FEE FOR SPECIAL EVENTS

DATE: MAY 21, 2026

The Board of Trustees recently expressed a desire to set a fee on park events. The increasing frequency and complexity of organized events has created measurable staff and operational impacts that are currently borne largely by Village taxpayers. Currently there is no fee to cover the cost of administering any special event permit application, whether in a park or for a street or parking lot closure. Such fees are legal and can be set via resolution for amendments to the standard schedule of fees and amendment to village code. Fees shall be applied in a content-neutral manner based upon the nature, scale, duration, exclusivity, staffing requirements, and operational impacts of the proposed use.

This memo provides background information. It does not provide a proposed fee regime.

Costs to the village include:

1. Event permitting (communication, coordination, scheduling, board approval resolutions, etc.)
2. Event support (DPW security, parking enforcement, fire code enforcement, cleanup)

Village Code provides for cost reimbursement by event sponsors, but not for permit administration, parking enforcement or fire code enforcement.

§ 249-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARADE or PROCESSION A recognizable group of 10 or more vehicles, or 20 or more persons not riding in vehicles, proposing to march or proceed along any public street or roadway.

SPECIAL EVENT Social festivals, celebrations or parties; street fairs, carnivals; circuses; fund-raising events; and road races (pedestrian or vehicular), which events take place on public property, or on private property open to the public, and which cause the

Village to expend municipal resources to monitor same in order to protect the public health, safety or welfare.

§ 249-4. Exceptions.

The provisions of this chapter shall not apply to:

- A. Funeral processions.
- B. Parades, processions or special events declared by resolution of the Board of Trustees to be sponsored by the Village of Nyack or as a part of official Village ceremonies.
- C. Students going to and from school classes or participating in school activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities.

§ 249-12. Payment of costs. [Amended 3-27-2014 by L.L. No. 1-2014]

The applicant shall pay the following costs incurred by the Village of Nyack as a result of a parade, procession or special event:

- A. Administrative costs in application processing: no charge.
- B. Department of Public Works: actual costs as invoiced to permittee.
- C. Parking enforcement: no charge.

Policy Context:

1. Typically, the VON charges DPW labor for street closure events, just for during the event, not for preparation, except no cost for block parties and VON sponsored events. The exclusion of parking authority labor cost means all the work putting up parking signs and getting cars cleared from the area pre-street closure is unreimbursed. The Building Dept also typically staffs street fairs with the Fire Inspector, also unreimbursed.
2. Block parties – typically the DPW has provided lightweight wooden barriers. I have recently begun including in the party planning the placement of personal vehicles to harden street closure barricades provided by DPW. Use of Meridian barriers or DPW staffed trucks would be too expensive for block party organizers to pay for. Traditionally, the village does not require insurance for block parties, as they are semi-private events. The village does not prohibit on-street parking during these closures or block driveways.
3. Memorial Park and Hez Easter Park – these events typically require little to no DPW labor. Gazebo permits do not come with a guarantee of exclusivity, ie, staffing, but this has not been a problem as the public respects permitted users’ occupancy. There is some risk of damage to facilities, such as wear and tear on grass, occasional litter, etc. Staff time for scheduling, event coordination and advice, permit review, board agenda, etc., is significant. While permits do not

provide for exclusive use of a facility, in reality the organized use of a facility does mean that it is not as open to passive use by others as it otherwise would be. Public concerns also include amplified sound (level and duration).

4. The BOT denied one permit for Memorial Park in 2025 for use by a large youth summer camp, and amended local law to provide for a more robust review of applications. From time to time, staff receive complaints about unpermitted large youth groups and respond with the support of OPD to enforce the policy of no groups without permits and no buses parking in the marina lot.
5. If the BOT wishes to create a fee schedule for special events it may want to consider the following factors:
 - a. For street closures –
 - i. Amend law to include pre-street closure parking labor, but not during the event, because ticket writing during special events can pay for parking labor; and include fire code enforcement as a cost that is reimbursable during street fairs.
 - ii. Amend law to include administrative labor for planning and permitting, and then amend the fee schedule via resolution to create an administrative fee for permit applications (\$150/event?)
 - iii. Exempt Block Parties because they are basically private events.
 - b. For park events.
 - i. Administrative fee for planning and permitting – recommend \$75/event permit application fee for groups of over 50 people, \$0 for smaller groups?
 - ii. Security deposits – require \$250 security deposit for groups of over 50 people?
 - c. Fee waivers – applicants with charitable or nonprofit projects can be expected to request fee waivers. The BOT should carefully consider the list below of typical events to ensure it is comfortable charging permit application fees to all the non-Village sponsored events (listed separately below), as it is quite difficult to waive fees without inviting allegations of favoritism. If the BOT wants to provide fee waivers, this should be developed as a consistent policy.

Permits issued in 2025

This table shows a typical annual run of park and street closure events, organized by location, 1 = memorial park, 2 = street closure, 3 = Hezekiah easter square.

<p>1 = Mem Park</p> <p>2= Street closure</p> <p>3 = Hez</p>	<p>Event</p>	<p>Location- Event Time</p>
--	---------------------	------------------------------------

Easter		
0	Gran Fondo	Piermont Rd - Gedney - -Fourth - B'way - 9W
0	Lighthouse Swim	Marina Lot 8:30AM
1	Penguin Plunge	Memorial Park 12pm - 2pm
1	July Fireworks - Music Fest	Memorial Park - Noon - 10PM
1	Hometown Heroes 9-11 event	Memorial Park - 6:30pm
1	no kings rally, Rockland Indivisible	Memorial Park 12pm - 2pm
1	easter egg hunt in memorial park	memorial park, 2-5 PM
1	modern druid event in mem park	Top Field
1	Yoga Fest	Memorial Park - lower lawn
1	Abigail Hammond Wedding	Memorial Park - gazebo
1	Nyack Arts & Crafts Walk	Upper Lawn and Hez Easter and Veterans Lot
1	Hopper outdoor art	Upper Lawn
1	Music on the Hudson Concerts	memorial park gazebo
1	various church and music events	hezekiah easter square
1	volleyball in memorial park	upper and lower lawn
1	basketball tournament in memorial park	basketball court
1	flag football group	lower lawn
1	Every Town for Gun Safety/Moms Demand Action	memorial park

1	kula for karma meditation	waterfront
1	church music community event - pastor joseph	memorial park gazebo
1	phoenix festival	upper lawn
1	congregation sons of israel ceremony by the river	waterfront
1	YMCA basketball program	basketball court
1	birthday party children	playground
1	wedding ceremony	memorial park gazebo
1	church music community event - ignite church	memorial park gazebo
1	rivertown film showing - memorial park	memorial park gazebo
1	church gospel concert - berea	memorial park gazebo
1	music for toddlers, gazebo, memorial park - sessions	memorial park gazebo
1	birthday party children	playground
1	Rockland Moms and Babies play date group	memorial park gazebo
1	Nyack HS Drama Club picnic	waterfront
1	birthday party children	playground
1	FIFA event with Jenna	Memorial park/hez easter/street closure??
1	Porchfest	Memorial Park - lower lawn
2	Memorial Day Parade	River Space parking lot - north on Franklin - east on Main - south on

2	African American Day Parade	Memorial Park - Depew, Franklin, Main St., South Broadway, Depew,
2	Fire Dept memorial procession	New st - B'way - Main - Midland - Sickles - cemetary; 9AM
2	Halloween Parade	Piermont, Broadway, Main Street
2	Back to School BBQ	
2	Salsa on Sobro	
2	Springfest	Main & Broadway (8am - 6pm)
2	Dancing in the Streets	N Broadway from Main to High Ave
2	ACADA Street Fair	Main & Broadway
2	Pride Promenade	Main & Broadway; Pride Sunday, June 9th, 11am – 5pm.
2	Pride Block Party	Franklin & Jackson Ave - close Jackson at noon / event is 5-9PM
2	Classic American Car Show	TBD - starting around 4PM
2	ACADA Street Fair	Main & Broadway
2	Chamber Street Fair - Septemberfest	Main & Broadway
2	Exotic Car Night	Main Street - downtown
2	Jazz Fest	
2	SEptemberfest street fair	
2	Blocktoberfest	Franklin Street
2	ACADA Street Fair	Main & Broadway - 8am - 6pm
2	Spirit of South Broadway	So Bro - Hudson to Gas station

2	cars and coffee	sobro parking
2	drive-in movie, artopee lot	artopee parking lot
2	hope wade dog fashion show	nobro
2	block party, summit ave	street closure
2	block party, marion st	street closure
2	block party, south mill st	street closure
3	Field & Forage LLC	Veterans Easter Square
3	Holiday Tree Lighting	Gazebo Main St - 6PM
3	league of women voters -	Veterans Easter Square
3	various musical events	Veterans Easter Square

VILLAGE SPONSORED EVENTS

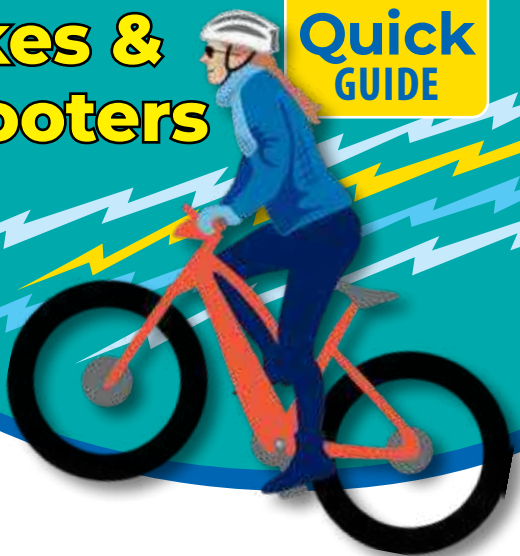
A list of annual special events typically declared as “sponsored” by the VON for which no village costs are reimbursed, nor is insurance required:

Penguin Plunge
Memorial Day Parade
African American Day Parade
Fire Dept memorial procession

July Fireworks
Hometown Heroes 9- 11 event
Halloween Parade
Back to School BBQ

E-Bikes & E-Scooters

Quick
GUIDE



Operating E-Bikes and E-Scooters under New York State Motor Vehicle Law

E-Bike and E-Scooter Definition

Bicycle with Electric Assist: A bicycle that is no more than 36 inches wide, with an electric motor under 750 watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission, and meeting the requirements of one of the three classes of E-Bikes below.

Electric Scooter: Every type of device weighing less than 100 hundred pounds that has handlebars, a floorboard or a seat that could be stood or sat upon by the operator, and an electric motor, that can be powered by an electric motor and/or human power and which has a maximum speed of no more than 20 mph. (NOTE: **speed limit** for e-scooters in NY is 15 mph, not 20 mph!).

Classes of Bicycles with Electric Assist

■ **Class 1 E-Bikes:** have an electric motor that provides assistance only when the operator is pedaling, and ceases to provide assistance when the E-Bike reaches 20 mph.

■ **Class 2 E-Bikes:** have an electric motor that may be used exclusively to propel the E-Bike, and are not capable of providing assistance when the E-Bike reaches 20 mph.

■ **Class 3 E-Bikes: For use in New York City only.** Class three bicycles with electric assist have an electric motor that may be used exclusively to propel such bicycle, and is not capable of providing assistance when the E-Bike reaches 25 mph.

Classification Label

All E-Bikes and E-Scooters in New York State must have a manufacturer's label prominently affixed stating the wattage of the motor, maximum speed with electric assist, and, if an E-Bike, whether it is class 1, 2, or 3.

NOTE: Devices such as mopeds, electric skateboards, segways, hoverboards, and electric unicycles are not considered E-Bikes or E-Scooters and may be illegal to operate on the highways in New York State or subject to other laws or regulations.

Lawful Operation of E-Bikes and E-Scooters:

■ **E-Bikes and E-Scooters** are generally granted all of the rights and are subject to all of the duties applicable to vehicle drivers and bicycle riders. Note the exceptions below.

■ **Operators of E-Bikes and E-Scooters must be at least 16 years old.**

■ **Laws for Operating an E-Bike or E-Scooter are not uniform throughout New York State.** Municipalities may have local laws, including laws that prohibit E-Bikes or E-Scooters, and require helmets. Learn the local laws and ordinances where you ride.

■ **Helmets are required for 16 and 17-year-olds operating E-Scooters** and all operators of Class 3 E-Bikes. Helmets are always recommended.

■ **Class 3 E-Bikes may not be operated outside NYC.**

■ **E-Bikes and E-Scooters must use bike lanes** wherever usable.

■ **Roads with speed limits over 30 mph** cannot be used by E-Bikes and E-Scooters, unless allowed by local law or ordinance.

■ **E-Bikes and E-Scooters can not be operated on sidewalks,** unless allowed by local law or ordinance.

■ **E-Bike and E-Scooter operators must ride in single file** on roadways and cannot double up as traditional bicycles can.

■ **E-Scooter operators** may not carry passengers.

■ **E-Bike or E-Scooter operation while impaired** by drugs or alcohol is illegal.

■ **When operating on trails or bike paths,** learn the local trail, municipal or park regulations.



Other Important Points

E-Bikes and E-Scooters are faster and heavier than non-electric types and handle differently.

New or returning operators of E-Bikes and E-Scooters are encouraged to practice in a safe environment in order to get comfortable with their power, controls and weight before operating in traffic.

To be legal, the maximum wattage of the electric assist motor of an E-Bike must be under 750 watts. Make sure devices you purchase online or second hand are legal in NY. If you own or are contemplating owning an E-Bike whose electric assist motor watts or speed exceed the specifications within each E-Bike class, then the E-Bike would not be legal to operate in New York State.

Plan your ride to avoid roads with speed limits over 30 mph where riding E-Bikes and E-Scooters is illegal.

Scan Me



For more information go to www.nybc.net



Governor's Traffic Safety Committee

Funded by the National Highway Traffic Safety Administration with a grant from the New York State Governor's Traffic Safety Committee



1. Use of Memorial Park shall be deemed a privilege for residents and those with approved use permits issued by the Village of Nyack via vote of the Board of Trustees. All users shall identify themselves upon the request of authorized officials. Authorization for the use of Memorial Park may be revoked at any time for violation of any part of the Memorial Park Usage Agreement. All group activities of 10 or more participants require a permit from the Village Clerk; groups of 40 or more require a permit from the Village Board of Trustees.
2. Prohibitions: No destruction or defacement of any park plant, animal, or structure; No fires or grills; No guns or other weapons; No smoking or vaping; No alcoholic beverages; No swimming; No amplified music or sound or inflatable equipment without a permit; No tents. No vending or peddling. No driving vehicles on upper or lower lawn, due to sprinkler system.
3. All gatherings will end no later than dusk, unless otherwise permitted. Garbage must be removed from the park or bagged and placed adjacent to the refuse receptacles before leaving the property.
4. Licensee must comply with all applicable laws of the Village of Nyack, County of Rockland, State of New York and the Federal Government.
5. At no point shall permitted users of the park block access by the general public to park facilities, including the gazebo, fishing pier, splash pad, playground, basketball court, picnic tables, open fields, unless specifically permitted to do so.
6. The Village, at its discretion, may impose additional requirements prior to issuance of this permit as required by the nature of the event proposed. These may include a security deposit; DPW and/or Police labor costs, etc.
7. In the event of an emergency or accident, if necessary, contact Orangetown Police at 845-359-3700 or call 911, and notify Village Hall at 845-358-0548.

****FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS "A" MISDEMEANOR
PURSUANT TO SECTION 210.45 OF THE NEW YORK STATE PENAL LAW****

VIOLATIONS MAY SUBJECT A PERSON TO A FINE NOT EXCEEDING \$500.00 OR IMPRISONMENT NOT EXCEEDING 15 DAYS OR BOTH.

The undersigned hereby certifies that they have received, read, fully understand and agree to be bound by all applicable rules, regulations and policies. I and/or the organization I represent understand that any violation of any of these will result in denied use of the Village Facilities in the future. I and/or the organization I represent agree to pay all reasonable costs for damage and/or vandalism to the park or facilities used in relation to the event.

Signature: _____

Date: 5/7/26

Insurance Requirements for Use of Village Owned Property

Prior to the use of Village Property, the Licensee shall, at its sole expense, maintain the following insurance on its own behalf, and furnish to the Village of Nyack certificates of insurance evidencing same and reflecting the effective date of such coverage as follows (special event insurance available online from various businesses):

- 1) Commercial General Liability Policy, with limits of no less than \$1,000,000 Each Occurrence, \$2,000,000 Aggregate and shall cover liability arising from Bodily Injury, Property Damage, Premises, Operations, Independent Contractors, Products/Completed Operations, and Personal and Advertising Injury, Blanket Contractual including injury to subcontractors' employees and shall include coverage for:
 - A. Village of Nyack and their assigns, officers, employees, representatives and agents should be named as an "Additional Insured" placing the "Village of Nyack, 9 N. Broadway, Nyack NY 10960" on the ACORD certificate as a "Certificate Holder" and shall apply on a primary and non-contributory basis. The Certificate of Insurance to show this applies to the General Liability coverage on the certificate, and Additional Insured Endorsement shall be attached.
 - B. To the extent permitted by New York law, the Licensee waives all rights of subrogation or similar rights against Village of Nyack, assigns, officers, employees, representatives and agents.
 - C. Per Location Aggregate to be included, if applicable.

Certificates shall provide that thirty (30) days written notice prior to cancellation or expiration be given to the Village of Nyack. Policies that lapse and/or expire during the term of use shall be recertified and received by the Village of Nyack no less than thirty (30) days prior to expiration or cancellation.

Licensee acknowledges that failure to obtain such insurance on behalf of the Village of Nyack constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the Village of Nyack. The failure of the Village of Nyack to object to the contents of the certificate or absence of same shall not be deemed a waiver of any and all rights held by the Village of Nyack.

The cost of furnishing the above insurance shall be borne by the Licensee.

All carriers listed in the certificates of insurance shall be A.M. Best Rated A VII or better and be licensed in the State of New York.

Village of Nyack
9 North Broadway
Nyack NY 10960

Indemnification and Hold Harmless Agreement

To the fullest extent permitted by law, Licensee shall indemnify, hold harmless and defend Village of Nyack, and agents and employees of any of them from and against all claims, damages, losses or expenses including but not limited to attorney's fees arising out of or resulting from the performance of the agreement, provided any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting there from, and (b) is caused in whole or in part by any act or omission or violation of statutory duty or regulation of the Licensee or anyone directly or indirectly employed by it or anyone for whose acts it may be liable pursuant to the performance of the agreement. Notwithstanding the foregoing, Licensee's obligation to indemnify Village of Nyack, and agents and employees of any of them for any judgment, mediation or arbitration award shall exist to the extent caused in whole or in part by (a) negligent acts or omissions, or (b) violations of regulatory or statutory provisions of the New York State Labor Law, OSHA, or other governing rule or applicable law; by the Licensee or anyone directly or indirectly employed by it or anyone for whose acts it may be liable in connection to such claim, damage, loss and expense. The obligation of the Licensee to indemnify any party under this paragraph shall not be limited in any manner by any limitation of the amount of insurance coverage or benefits including worker's compensation or other employee benefit acts provided by the Licensee.

Print Name: Robert Garcia Signature: 

Company Name (if applicable): _____

Date: 5/7/26

Please sign, date and return to:

**Village of Nyack
Village Clerk's Office
9 North Broadway
Nyack, NY 10960**

Village of Nyack

Guide and Application for Village Approval of Street Closures and Special Events

Overview:

This application is for special events or construction projects involving street closures or use of Village facilities other than Memorial Park. Special events for the public must be approved by the Village Board. Road closures for construction approved by Village Administrator. SPECIAL EVENT APPLICATIONS DUE AT LEAST 30 DAYS PRIOR TO DESIRED EVENT DATE, to Village Administrator, 845-358-3581 administrator@nyack-ny.gov

For Internal Use Only -- Application checklist

- Completed application received, DATE ____.
- DPW reviewed Orangetown Police reviewed
- Village Board approved (events), Date: _____
- Insurance certificate reviewed/approved/attached
- Hold harmless agreement signed by applicant, attached.
- Fee required for Village staff time (if not a Village-sponsored event)(DPW time for set-up/removal of security barriers and staffing of event, Other staff as appropriate; fee for metered parking spaces = \$10/day, Monday-Saturday) BILLED UPON COMPLETION OF EVENT.

TOTAL DUE: \$ _____ Date Paid: _____

Applicant Information:

Date of Application: 5/6/25 Name of Applicant: Justin Machia

Address: 29 Haven Ct Nyack NY 10960

Business Owner/Proprietor Name: _____

Email Address: JMachia929@gmail.com Phone: 2015431795

Name of On-Site Event/Project Manager: Justin Machia Phone: 2015431795

Existing Approval to serve Alcoholic Beverages: Yes _____ No

Event Information:

Date of Proposed Event: 6/13/26 (raincheck 6/14/26) Name of Event: Block Party, Haven Ct -

From 11am-7pm

Village facility to be occupied (parking lot, sidewalk space, street names) and what equipment proposed (food truck, tent, stage, seating, etc.) (attach diagram/map):

Operational Requirements:

- > The event sponsor shall maintain all necessary licenses required by the State of New York, and comply with all applicable laws
- > Orangetown Police must review/approve street fair and parade plans.
- > All usual parking regulations apply outside street closure/parade/event area unless specifically agreed otherwise

Physical Requirements:

- > No permanent structures may be affixed to the sidewalk, roadways or buildings.
- > Exterior seating may be accompanied by awnings, tents, umbrellas, and other temporary furnishings. Umbrellas or tents must be anchored and located to the satisfaction of the Building Department to prevent movement during wind bursts or interference with traffic, either vehicular or pedestrian.
- > Use of tents/temporary structures must meet safety guidelines outlined in the 2020 Fire Code of New York State.
- > Tents or temporary structures shall not be fully enclosed and must be open air.
- > Safe pedestrian pathways must be provided.
- > Safe emergency vehicle access must be provided.
- > Appropriate lighting must be provided if operating outside of daytime hours.

> A minimum 5 foot wide pedestrian pathway and 84” height clearance must be maintained on the adjacent sidewalk for ADA accessibility.

Maintenance Requirements:

- > Maintenance and cleaning of event area shall be the responsibility of the applicant.
- > The village is not responsible for any damages or loss of equipment.

Fire Safety Requirements:

- > No food heating, cooking or open flames are permitted in outdoor dining areas.
- > Fire hydrants / fire lanes cannot be blocked.
- > Heaters must meet safety guidelines.
- > All safety guidelines set forth in the 2020 Fire Code of New York State must be followed.
- > Combustible materials, such as hay, straw, shavings or other materials may not be located within any outdoor structure (umbrellas, tents, awnings, etc.).
- > Food trucks require Fire Inspection

ATTACHED:

INSURANCE REQUIREMENTS

HOLD HARMLESS AGREEMENT

Insurance Requirements For Use of Village Owned Property

Prior to the use of Village Property, the Permittee shall, at its sole expense, maintain the following insurance on its own behalf, and furnish to the Village of Nyack certificates of insurance evidencing same and reflecting the effective date of such coverage as follows:

- 1) Commercial General Liability Policy, with limits of no less than \$1,000,000 Each Occurrence, \$2,000,000 Aggregate and shall cover liability arising from Bodily Injury, Property Damage, Premises, Operations, Independent Contractors, Products/Completed Operations, and Personal and Advertising Injury, Blanket Contractual including injury to subcontractors employees and shall include coverage for:
 - A. Village of Nyack and their assigns, officers, employees, representatives and agents should be named as an “Additional Insured” and shall apply on a primary and non-contributory basis. The Certificate of Insurance to show this applies to the General Liability coverage on the certificate, and Additional Insured Endorsement shall be attached.
 - B. To the extent permitted by New York law, the Permittee waives all rights of subrogation or similar rights against Village of Nyack, assigns, officers, employees, representatives and agents.
 - C. Per Location Aggregate to be included, if applicable.

- 2) Liquor Liability: If applicant is applying for an Alcohol permit from the Village of Nyack, and a fee is not being charged for the alcohol, a COI must be provided to the Village of Nyack with evidence of “Host Liquor Liability”. If a fee is being charged or a caterer will be providing the liquor, then a COI must be obtained from the sponsor &/or vendor evidencing “Liquor Liability” at the same limits as indicated in 1) above.

- 3) Certificates shall provide that thirty (30) days written notice prior to cancellation or expiration be given to the Village of Nyack. Policies that lapse and/or expire during the term of use shall be recertified and received by the Village of Nyack no less than thirty (30) days prior to expiration or cancellation.

Permittee acknowledges that failure to obtain such insurance on behalf of the Village of Nyack constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the Village of Nyack. The failure of the Village of Nyack to object to the contents of the certificate or absence of same shall not be deemed a waiver of any and all rights held by the Village of Nyack.

The cost of furnishing the above insurance shall be borne by the Permittee.

All carriers listed in the certificates of insurance shall be A.M. Best Rated A VII or better and be licensed in the State of New York.

Village of Nyack
9 North Broadway
Nyack NY 10960

Indemnification and Hold Harmless Agreement

To the fullest extent permitted by law, Permittee shall indemnify, hold harmless and defend Village of Nyack, and agents and employees of any of them from and against all claims, damages, losses or expenses including but not limited to attorney's fees arising out of or resulting from the performance of the agreement, provided any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting there from, and (b) is caused in whole or in part by any act or omission or violation of statutory duty or regulation of the Permittee or anyone directly or indirectly employed by it or anyone for whose acts it may be liable pursuant to the performance of the agreement. Notwithstanding the foregoing, Permittee's obligation to indemnify Village of Nyack, and agents and employees of any of them for any judgment, mediation or arbitration award shall exist to the extent caused in whole or in part by (a) negligent acts or omissions, or (b) violations of regulatory or statutory provisions of the New York State Labor Law, OSHA, or other governing rule or applicable law; by the Permittee or anyone directly or indirectly employed by it or anyone for whose acts it may be liable in connection to such claim, damage, loss and expense. The obligation of the Permittee to indemnify any party under this paragraph shall not be limited in any manner by any limitation of the amount of insurance coverage or benefits including worker's compensation or other employee benefit acts provided by the Permittee.

Company Name: _____

Name: Justin Machia Signature: Justin Machia

Date: 5/6/25

Please sign, date and return to:

Village of Nyack, Village Clerk's Office
9 North Broadway
Nyack, NY 10960

From: Justin Machia <jmachia929@gmail.com>
Sent: Wednesday, May 6, 2026 2:03 PM
To: Andy Stewart <Administrator@nyack.gov>
Subject: Fwd: block party

This email originated from outside of the organization.

Hello Andy,

Regarding proposed block party on Haven Ct between Midland and Rockland Place on Saturday, 6/13/26. Rain check date 6/14/26.

Please see attached and below.

Memo:

As part of this event, to promote safety in the event a vehicle attempts to turn onto Haven from midland ave, rockland place, we are requesting wooden DPW road closure equipment and we will park two cars inside the road closure on each end of our Haven Ct closure, to further harden the barrier. Haven Ct will be open from Rockland Place to Franklin Ave to allow access to Boces.

We will text a photo of this setup when ready to village administrator cell phone 845-401-1636, on the day of the party. We will insure that the owners of these four cars will remain on site throughout the event in case of a need for emergency access. We will insure that all neighbors will be notified that they will not be able to drive to or from their driveways during the hours of the party. When the party is over, we will set aside the DPW equipment and remove the vehicles blocking access.

Best regards,
Justin Machia, PharmD, MBA, BCGP

