

**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.