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INCORPORATED VILLAGE OF LAKE SUCCESS

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September 22, 2026

RE: Retail Cannabis Dispensaries

Dear Neighbor:

I recognize that some members of our community have concerns about a retail cannabis dispensary within the Village and have proposed that residents simply say “no” through a vote. Those views deserve to be heard and considered as the Village develops its local cannabis zoning regulations. However, it is equally important to be clear about the process: there is no public vote or referendum on whether the Village will permit a retail cannabis dispensary within its boundaries. When the Village Board chose to opt in 2021, it relied on the provision in the law that purported to give a municipality discretion as to the “time, place, and manner” to determine where a retail cannabis dispensary may be located within the Village. Acting on that authority, the Village Board adopted a local law allowing retail cannabis only in the ED-A District along Marcus Avenue, with the goal of only allowing any dispensary to be located in a commercial district that is not near residences. This designated zoning district is as far away as possible from residences in the Village. The one-time opportunity to opt out of the retail and delivery provisions of the Marihuana Regulation and Taxation Act (MRTA) expired in 2021.

Why the Legal Landscape is Changing.

The above language in the Cannabis Law that purports to grant authority for the Village to have designated the commercial areas as the location for cannabis dispensaries is now being challenged. On February 6, 2026, the Towns of Southampton, Riverhead, and Brookhaven filed suit against the State of New York, the State Cannabis Control Board, and the Office of Cannabis Management in Albany County Supreme Court. In the matter of the [TOWN OF RIVERHEAD et al v. STATE OF NEW YORK et al](#) the towns are asking the court to set aside two Cannabis Control Board advisory opinions and to void provisions of the Cannabis Law that they argue strip municipalities of meaningful authority over where dispensaries may be located within their borders. As our own Village Attorney has stated publicly, the outcome of that litigation will help define the extent of the Village’s own zoning authority over retail cannabis — which is why our local law has not been finalized.

Furthermore, as mentioned under [Cannabis Law § 131\(2\)](#) and its implementing regulation, [9 N.Y.C.R.R. § 119.5](#), a municipality may regulate the time, place, and manner of licensed cannabis retail dispensaries. However, any local law or zoning restriction that renders a dispensary’s operation “unreasonably impracticable” is preempted under state law. The Cannabis Control Board has found zoning schemes that effectively exclude

cannabis retail from areas where general retail is otherwise permitted to raise exactly this concern. The Village Code permits retail uses in only two districts - the Business A and Business B. Although the Village Board chose not to allow retail cannabis in these districts because of the proximity to residences, the State is now taking the position that the Village must allow retail cannabis in the Business A and Business B Districts because it is a retail use and because Cannabis Law preempts the Village's zoning laws.

What the Village Can Still Control.

While the pending litigation will help define the outer bounds of our zoning authority, important protections are already in place today. Required distance buffers from schools and houses of worship narrow the eligible sites in every relevant district to a small handful of parcels. And New York's cannabis marketing and advertising rules, enforced by the Office of Cannabis Management, are among the strictest in the country: licensed operators cannot use cartoons, mascots, neon colors, or advertising that appeals to minors; storefront signage cannot depict cannabis products; advertising is barred near schools, parks, and playgrounds; and every customer, in person or at the door for a delivery, must show valid government-issued identification proving they are 21 or older — no exceptions. These are enforceable state requirements, and enforcement actions for underage sales have overwhelmingly targeted unlicensed, illicit operators, not the licensed, regulated dispensaries subject to these rules.

A Track Record We Can Point To.

Lake Success has direct, first-hand experience with a licensed cannabis dispensary. Our Village was the home to a state-licensed medical marijuana dispensary for years — one of the first two on Long Island. Its presence had been so unremarkable that many residents did not realize it was there: no traffic problems, no parking issues, and no change to the character of the surrounding neighborhood. That is not speculation about what a dispensary might do to a community; it is our own experience of what one actually did.

Real Revenue for Village Services.

Under State law, municipalities that permit adult-use retail cannabis share directly in the cannabis tax revenue generated within their borders. Based on current projections, a licensed dispensary in Lake Success could generate approximately \$2 million per year in revenue to the Village. Because the Town of North Hempstead opted out, it will not share in that revenue. That revenue could help support essential Village services — including our police department — and help hold the line against future property tax increases.

I also want to make sure you have a direct channel to weigh in with the State as this litigation and rulemaking proceeds. The State Cannabis Control Board holds public meetings, and residents may register to attend in person or submit written public comment. Here is a link to the [Cannabis Control Board meeting schedule](#). I would encourage anyone with concerns about the state's cannabis framework to make their voice heard there directly, in addition to our own Village Board meetings. If your objection is to cannabis retail generally, rather than to how Lake Success has chosen to regulate it, that state process — not our local zoning law — is where that objection can be heard.

I welcome your questions and your input as this process continues, and I encourage you to attend upcoming Board of Trustees meetings where this local law will be discussed further.

Sincerely,

Adam Hoffman

Adam Hoffman, Mayor
Incorporated Village of Lake Success