



TOWN OF HENRIETTA
 County of Monroe
 State of New York
 475 Calkins Road, Rochester, NY 14623
 (585) 334-7700 • www.henrietta.org

TOWN OF HENRIETTA
 APPLICATION TO TOWN BOARD
 - SPECIAL USE PERMIT -

Appeal No. SP-2022-024
 Date 5/6/22

Armond D'Alfonso - Harris Beach (Rebecca Brown)

Applicant: Fiorello Pharmaceuticals, Inc. Name _____ Email _____

28 Liberty Street New York, New York 10005 No. & Street _____ City _____ State _____ Zip Code _____ Phone Number _____

Business Owner: Green Thumb Industries, Inc. Name _____ Email _____

325 West Huron Street, Suite 700, Chicago, Illinois 60654 No. & Street _____ City _____ State _____ Zip Code _____ Phone Number _____

Business Name: RISE

Business Address: 556 Jefferson Road Henrietta, New York 14623 No. & Street _____ City _____ State _____ Zip Code _____

Property Owner: 60 N. Main Street LLC - Charlie Fox Name _____ Email _____

180 CANAL VIEW BLVD #600 ROCHESTER, New York 14623 No. & Street _____ City _____ State _____ Zip Code _____ Phone Number _____

Architect/Engineer: Shremshock Engineering Name _____ Email _____

7775 Walton Parkway, Suite 250 New Albany, OH 43054 No. & Street _____ City _____ State _____ Zip Code _____ Phone Number _____

Hereby request from the Town Board for a Special Use Permit for the property located at:

556 Jefferson Road Henrietta, New York 14623 No. & Street _____ City _____ State _____ Zip Code _____

161.08-1-5 Tax Map No. _____ Commercial B-1 (MURA) Zoning District _____

If property is under a purchase option, indicate date option expires: n/a

Under the Zoning Ordinance, a Special Permit is requested pursuant to: per LL#7

Article: VI Section: 295-14 Subsection: B Paragraph: 12 of the Zoning Ordinance.

Description of Proposal: The Applicant is applying for a special use permit to operate a cannabis retail dispensary on the property. Proposed hours: M-F: 9am-7pm; Sat: 10am-5pm; Sun: Closed. Note, proposed hours may be expanded in the future, provided said hours conform to applicable Town/county regulations.

Multiple Dwelling Applications – Dwelling Units per Acre: n/a

Does this exceed allowed amount per Henrietta Code §295-13[E](1)(b) Yes No

Printed Name: Anne Marie Zsamba Signature: [Signature]
 Director, Municipal Compliance
 Green Thumb Industries

[Signature] Received by _____ 6/9/22 Date of Meeting* _____ TBD Time _____
 (unless rescheduled)

*A meeting date will be assigned when applications are turned in but if the application is deemed incomplete, it will not be scheduled and the Applicant will be notified.

May 6, 2022

VIA HAND DELIVERY

Henrietta Town Hall
475 Calkins Road
Rochester, NY 14623

99 GARNSEY ROAD
PITTSFORD, NEW YORK 14534
585.419.8800

FRANCIS L. GORMAN, III
MEMBER
DIRECT: 585.419.8628
FAX: 585.419.8801
FLGORMAN@HARRISBEACH.COM

RE: Special Use Permit Application
Letter of Intent

Dear Supervisor Schultz and Members of the Town Board,

We represent Fiorello Pharmaceuticals, Inc. (the “Applicant”) in its application for a special use permit to operate a cannabis retail dispensary on a parcel located at 556 Jefferson Road Henrietta, New York (the “Property”). The Applicant is a registered organization with the New York State Office of Cannabis Management (“OCM”) authorized to dispense medical cannabis products and is intending on operating its medical dispensary at the Property in conjunction with the proposed adult-use retail dispensary, subject to approval from OCM to relocate its current medical dispensary facility located at 1150 University Avenue, Building 5, in the City of Rochester. We submit this letter of intent in support of the Applicant’s application and to request the Board’s attention during its regularly scheduled meeting on June 9, 2022 to allow the Application to introduce the application and for the Board to direct a public hearing to be held on the application.

Introduction

The Applicant is a wholly-owned subsidiary of Green Thumb Industries, Inc. Established in 2014 and headquartered in Chicago, Illinois, Green Thumb is promoting well-being through the power of cannabis through branded consumer packaged goods and people-first retail experiences, while being committed to community. Green Thumb operates across 15 U.S. markets, employs over 3,700 people, and serves hundreds of thousands of patients and customers annually.

Green Thumb manufactures, distributes, and markets a portfolio of cannabis consumer packaged goods brands, including Beboe, Dogwalkers, Doctor Solomon’s, Good Green, incredibles, and RHYTHM (“Consumer Packaged Goods”). The Consumer Packaged Goods consists of a range of cannabis products, including flower, pre-rolls, concentrates, vape, capsules, tinctures, edibles, topicals, and other cannabis-related products. These Consumer Packaged Goods are primarily generated from plant material that Green Thumb grows and processes in 17 owned and operated manufacturing facilities. Green Thumb distributes and markets these Consumer Packaged Goods to Green Thumb-owned retail stores and third-party licensed retail cannabis stores across the United States, including Green Thumb’s own Rise dispensaries.

Green Thumb owns and operates a national cannabis retail chain called Rise. Rise provides a relationship-centric retail experience aimed to deliver a superior level of customer service through high-engagement consumer interaction, a consultative, transparent and education-forward

selling approach and a consistently available assortment of cannabis products. The Rise dispensaries currently are located in 10 of the states in which Green Thumb operates. As of December 31, 2021, Green Thumb operates 73 open retail locations.

The Applicant seeks a special use permit to operate a Rise dispensary at the Property.

The Property

The Property is zoned Commercial B-1 and is identified on the Town of Henrietta Tax Map No. 161.08-1-5. The Property is 1.47 acres and contains an existing one-story restaurant building (5,915 square feet) (former IHOP) constructed in 1980, landscaping, lighting, and parking spaces.

Application Materials

Enclosed are the following submission in furtherance of the Applicant's application:

- Special Use Application Form with the Signed Statement of Applicant and Owner with Respect to Reimbursement of Professional and Consulting Fees
- Application Fee payable to the Town of Henrietta in the amount of \$150.00
- Four (4) Site Plans
- Letter of Authorization from the Property Owner (60 N. Main Street LLC)

Application Standards

In accordance with Town Code § 295-54, the Town Board should grant the Applicant's application for the following reasons:

The operation of a cannabis retail dispensary at the Property is substantially consistent in its scale and character with those uses permitted and the existing built permitted uses in the B-1 District and neighborhood. The surrounding properties consists of uses permitted in the B-1 District such as retail businesses along the Jefferson Road corridor. A retail use of the Property is entirely consistent with the uses permitted the District and the existing uses in the neighborhood.

The operation of a cannabis retail dispensary at the Property aligns with the vision, goals and recommendations of the Comprehensive Plan and other applicable plans and studies conducted by or on behalf of the Town. The Town's 2019 Comprehensive Land Use Plan Update provides four additional goals and objectives for land use planning initiatives in the Town. Goal 1 specifically states that the Town's goal is to "create opportunities for redevelopment and reuse of underutilized and vacant properties." The Property formerly served as an IHOP and currently remains vacant and underutilized. The operation of a cannabis retail dispensary at the Property will

make use of the existing building and infrastructure and thus further the land use planning goals of the Town.

The operation of a cannabis retail dispensary at the Property aligns with the purpose, intent, and applicable design and development standards of the B-1 District. “It is the principal purpose of the B-1 and B-2 Commercial Districts to provide for businesses that meet the local day-to-day shopping and service needs of residents and visitors that draw from neighborhood and regional populations, in a manner that is compatible with surrounding uses and supports the desired visual character of the Town.” Town Code § 295-13.1.

The operation of a cannabis retail dispensary at the Property will **not** be a nuisance in law or in fact. The Applicant will be applying for a license from the New York State Cannabis Control Board to operate a cannabis retail dispensary on the Property, which authorizes “the acquisition, possession, sale and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers.” MRTA § 72(1). No nuisances, in law or fact, such as noise, dust, smoke, refuse, poisonous substances, odors, fumes, noise, radiation, vibration, unsightliness or similar conditions, will be created by operating a cannabis retail dispensary on the Property.

The operation of a cannabis retail dispensary at the Property will **not** create material hazards or dangers to the public or to persons in the vicinity from fire, explosion, electricity, radiation, traffic congestion, crowds, parking of vehicles, or other causes. While operating a retail dispensary, the Applicant will not be utilizing any hazardous or dangerous chemicals or conducting any such activities. The on-site parking and vehicular traffic patterns are adequate to serve the proposed use and are in the public interest.

The operation of a cannabis retail dispensary at the Property will **not** create materially adverse impacts that cannot be adequately mitigated, such as to adversely impact natural resources or the environment, agriculture, community services or other areas required to be addressed by the State Environmental Quality Review Act (SEQRA). Alterations to the existing building will not involve substantial changes to the existing structure or facility and is the reuse of a commercial structure permitted under the Town Zoning Code. *See* 6 NYCRR § 617.5 (c)(1), (18).

The physical conditions and characteristics of the Property are suitable for the proposed use considering site size, configuration, location, access, topography, vegetation, soils, and hydrology for effective stormwater management. The Property, including the existing building and infrastructure, are constructed and suitable for the operation of a cannabis retail dispensary. The Applicant proposes no structural alterations to the exterior of the building.

There are adequate existing public infrastructure, utilities, community facilities and emergency services to effectively serve the operation of a cannabis retail dispensary at the Property.

The operation of a cannabis retail dispensary at the Property will provide, maintain, or enhance, as necessary, safe and efficient vehicular traffic patterns, nonmotorized travel, and pedestrian circulation.

Lastly, the Applicant intends to apply for and obtain the required State or other governmental approval necessary to operate a cannabis retail dispensary at the Property.

Should you have any questions or comments, please do not hesitate to contact us. Thank you for your time and attention to this matter, and we look forward to working with you and the Town.

Very truly yours,

HARRIS BEACH PLLC



Francis L. Gorman, III

FLG:jjk

Enclosures

cc: Millie Sefranek, Councilwoman (msefrank@henrietta.org)
Lisa Bolzner, Councilwoman (lbolzner@henrietta.org)
M. Rick Page, Councilman (rpage@henrietta.org)
Joseph D. Bellanca, Jr., Councilman (jbellanca@henrietta.org)

556 JEFFERSON RD HENRIETTA, NY 14623

SHEET INDEX

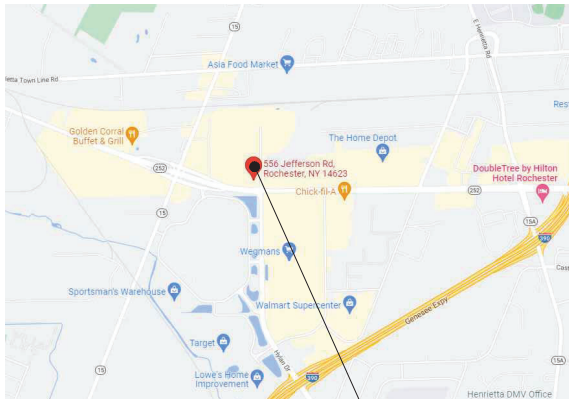
- G1.1 - TITLE SHEET
- G1.2 - SITE PLAN

PARKING

30 PARKING SPACES REQUIRED
74 PARKING SPACES PROVIDED
REFER TO G1.2

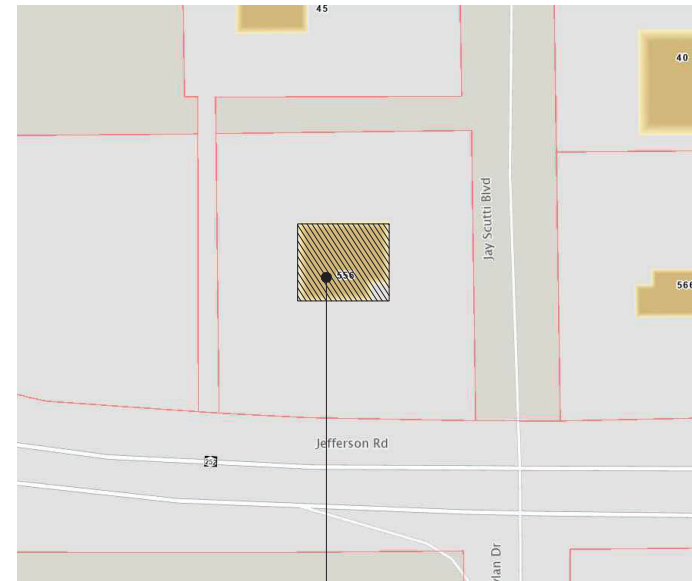
HOURS OF OPERATION

8 AM - 10 PM



VICINITY MAP, N.T.S.

556 JEFFERSON RD.
HENRIETTA, NY 14623



PARCEL MAP, N.T.S.

PROJECT
LOCATION



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SHREMSHOCK
Shremshock Architects, Inc.
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t: 614.545.4550 | f: 614.545.4555 | shremshock.com
Gerald S. Shremshock, Architect
Timothy J. Shremshock, Architect

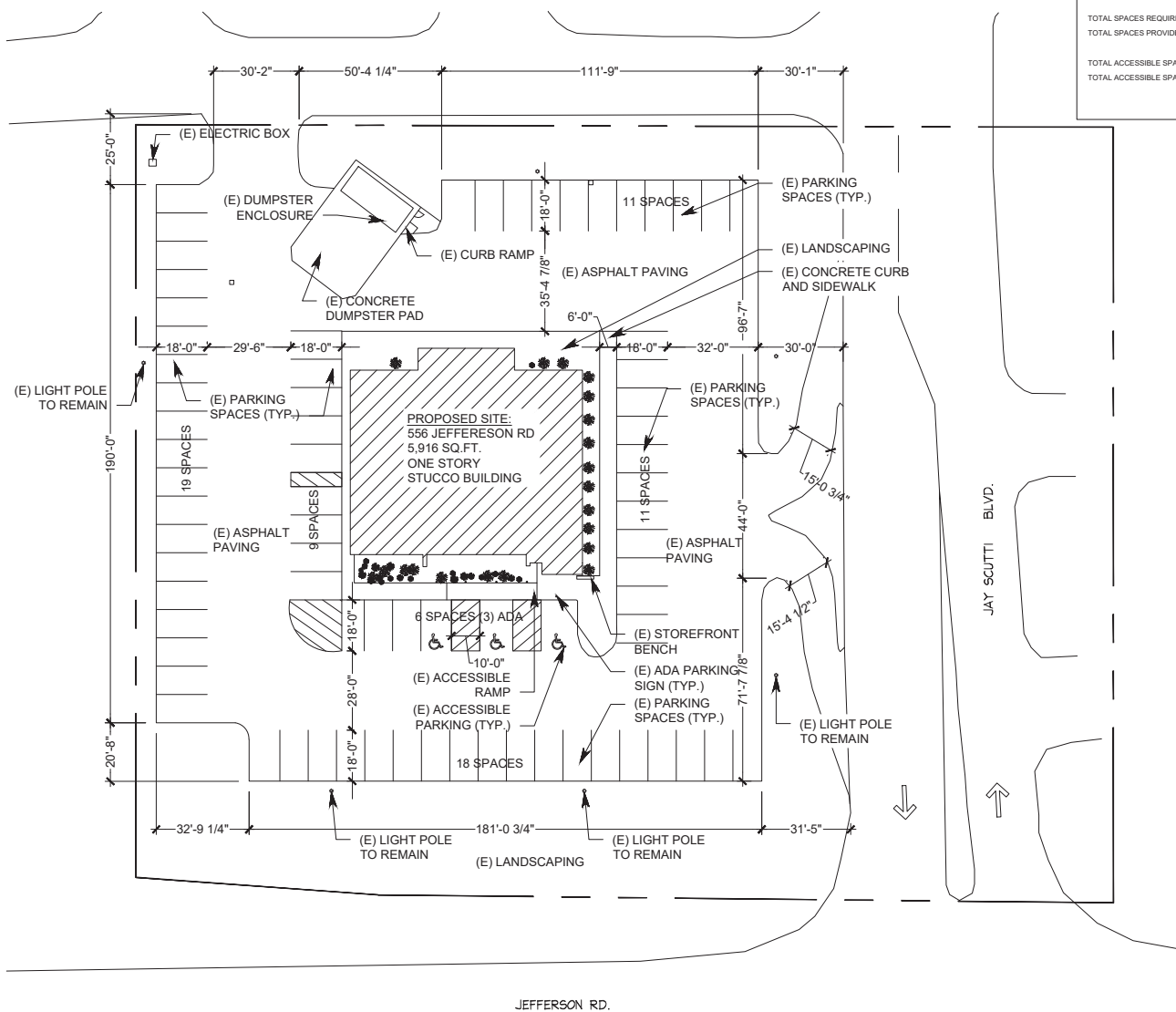
TITLE SHEET
556 JEFFERSON RD
HENRIETTA, NY 14623

PROJECT NO:
220193
DRAWING NO:

TITLE SHEET

A

G1.1



PARKING CALCULATIONS:
 BY DIRECTION OF THE TOWN OF HENRIETTA CODE, CHAPTER 294-44, SECTION A,
 OFF-STREET PARKING SHALL MEET OR EXCEED 1 SPACE PER 200 SF.

TOTAL SPACES REQUIRED: 5,916 SF / 200 SF/SPACE = 30 SPACES
TOTAL SPACES PROVIDED: 74 (APPROX. 1 PER 80 SF.)
TOTAL ACCESSIBLE SPACES REQUIRED: 3 PER 75 = 3
TOTAL ACCESSIBLE SPACES PROVIDED: 3
2 ACCESSIBLE PARKING SPACE
1 VAN ACCESSIBLE SPACE

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SHREMSHOCK
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 Gerald S. Shremshock, Architect
 Timothy J. Shremshock, Architect

SITE PLAN
 556 JEFFERSON RD
 HENRIETTA, NY 14623

PROJECT NO:
 220193
DRAWING NO:

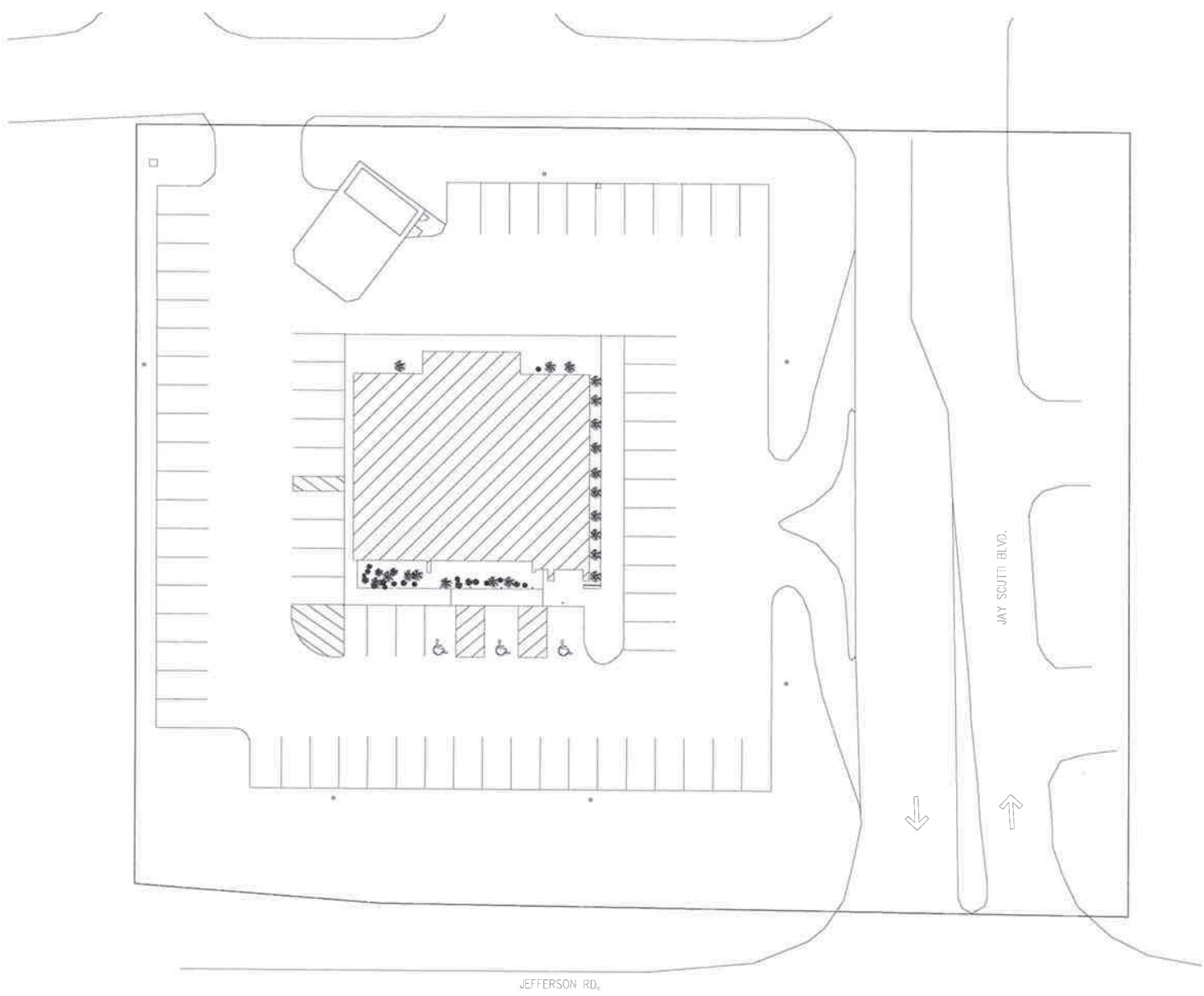


SITE PLAN

SCALE: 1" = 40'-0"

A

G1.2



JEFFERSON RD.

JAY SCOTT BLVD.