



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 2023-039

Date 10/18/2023

Applicant: Durnan Realty, LLC

Name

Email

400 Western Dr. Rochester NY 14623

No. & Street

City

State

Zip Code

Phone Number

Business Owner: Unknown

Name

Email

No. & Street

City

State

Zip Code

Phone Number

Business Name: Unknown

Business Address:

No. & Street

City

State

Zip Code

Property Owner: Durnan Realty, LLC

Name

Email

400 Western Dr. Rochester NY 14623

No. & Street

City

State

Zip Code

Phone Number

Architect/Engineer:

Name

Email

No. & Street

City

State

Zip Code

Phone Number

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

324 Jefferson Rd. Henrietta NY 14623

No. & Street

City

State

Zip Code

263200 161.06-1-1

Tax Map No.

B-1 (MURA)

Zoning District

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

Under the Zoning Ordinance, a Special Permit is requested pursuant to:

Article: VIII Section: 295 Subsection: 25 14 Paragraph: 25 B (13) of the Zoning Ordinance.

Description of Proposal: Cannabis retail dispensary

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: Paul K. Viele

Signature: *Paul K. Viele*

T Wenzel

Received By

Nov. 15, 2023

Date of Meeting*

(unless rescheduled)

6:00 p.m.

Time

*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.

**Statement of Applicant and Owner with Respect to Reimbursement
of Professional and Consulting Fees**

In conjunction with an application made to the Town of Henrietta, the undersigned states, represents and warrants the following:


- 1) I/We am/are the applicant and owner with respect to an application to the Town of Henrietta.
- 2) I/We have been advised of, are aware of and agree to comply with the obligation to reimburse the Town of Henrietta for any and all professional and consulting fees incurred by the Town in conjunction with this and any other applications by me/us, including but not limited to engineering and/or legal fees, all as more fully set forth in the Henrietta Town Code.
- 3) I/We have been provided with, or have otherwise reviewed the Henrietta Town Code provisions related to the obligation to reimburse the Town with respect to professional and consulting fees, and agree to comply with the same.
- 4) I/We understand that this obligation shall not be dependent upon the approval or success of the application.
- 5) I/We further agree that in the event the Town of Henrietta is required to refer for collection an outstanding debt for such professional and/or consulting fees due to the Town of Henrietta, I/we shall be obligated to pay the reasonable attorney's fees incurred as a result of the Town's efforts to collect such fees. Reasonable attorney's fees shall also include any and all disbursements that may result from the commencement of litigation.
- 6) Each party to the application, including the applicant and the owner, shall be jointly and severally liable for all consulting and professional fees and expenses incurred in conjunction with the application.

Applicant: Durnan Realty, LLC

By: Paul K. Viele

Title: GM

Dated: 10/18/2023

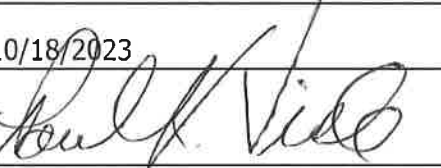
Signed: 

Owner: Durnan Realty, LLC

By: Paul K. Viele

Title: GM

Dated: 10/18/2023

Signed: 

Durnan Realty, LLC
400 Western Dr.
Rochester, NY 14623

My name is Paul K. Viele. I am the general manager of Durnan Realty, LLC, the owner of the property located at 324 Jefferson Rd., Town of Henrietta, NY.

I am negotiating with tenants who intend to use the property as a cannabis retail dispensary in accordance with the NYS CAURD (cannabis adult use retail dispensary) laws.

Cannabis will be sold in the form of inhalants, edibles, oils, etc. Associated accessories will also be sold.

The hours of operation will be 10:00am - 8:00pm Sunday - Saturday.

Paul K. Viele, GM. Durnan Realty, LLC

X Paul K. Viele, GM

10/18/23

- NOTES: 1.) ORIGINAL TRIPLE POINT SURVEY DATED MAY 25, 2011.
 2.) PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD NOT REFERENCED IN ABSTRACT OF TITLE.
 3.) THE USE OF THIS MAP IN CONJUNCTION WITH AN AFFIDAVIT OF NO CHANGES RELEASES THE SURVEYOR OF ALL RESPONSIBILITY.

REFERENCES:

- 1.) LIBER 312 OF MAPS, PAGE 59.
- 2.) LIBER 3091 OF DEEDS, PAGE 527.
- 3.) LIBER 5592 OF DEEDS, PAGE 289.
- 4.) ABSTRACT OF TITLE No. 429545 (FIRST AMERICAN).
- 5.) LIBER 5592 OF DEEDS, PAGE 293.
- 6.) LIBER 8420 OF DEEDS, PAGE 10.
- 7.) RIGHT OF WAY AGREEMENT PER LIBER 2545 OF DEEDS, PAGE 427.
- 8.) N.Y.S. APPROPRIATION PER LIBER 3980 OF DEEDS, PAGE 217.
 (FOR THE RECONSTRUCTION OF THE BALLANTYNE BRIDGE-PITTSFORD PART 1, S.H. No. 8443, MAP No. 71, PARCEL No. 80)
- 9.) LIBER 53 OF MAPS, PAGE 30.
- 10.) WATER LINE EASEMENT TO THE TOWN OF HENRIETTA PER LIBER 3598 OF DEEDS, PAGE 55. (MAY BE LOCATED WITHIN CURRENT ROAD R.O.W. - EXACT LOCATION IS AMBIGUOUS)
- 11.) LIBER 11001 OF DEEDS, PAGE 64.

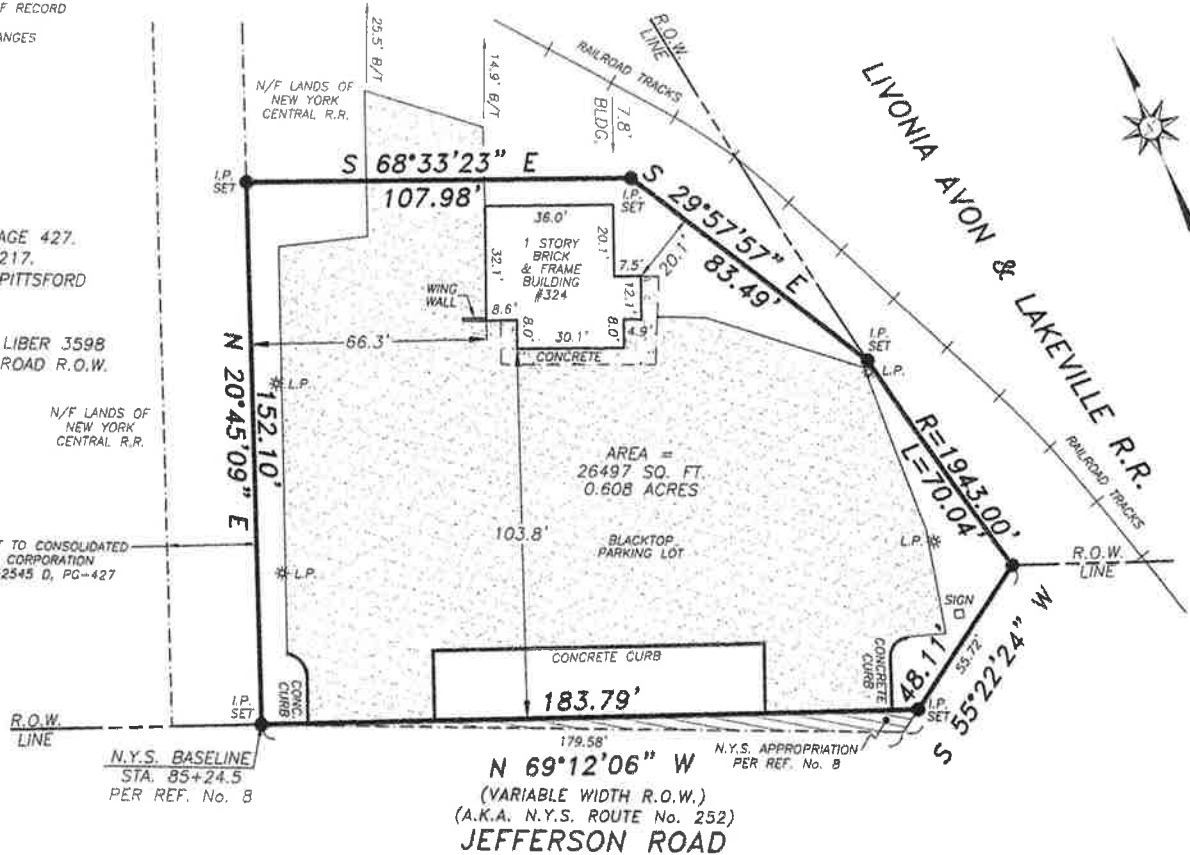
CERTIFICATION:

I, DAVID A. STAUB, HEREBY CERTIFY TO:

- DURNAN REALTY, LLC
- CHRISTOPHER CALABRESE, ESQ.
- METRO REAL ESTATE SERVICES

THAT THIS MAP WAS MADE JUNE 27, 2023
 FROM NOTES OF AN INSTRUMENT SURVEY
 COMPLETED JUNE 5, 2023
 AND REFERENCES LISTED HEREON.

N.Y.S.P.L.S. No. 50791 DATE



INSTRUMENT SURVEY MAP

324 JEFFERSON ROAD
 BEING PART OF TOWN LOT No. 3,
 5TH RANGE, TOWN OF HENRIETTA,
 COUNTY OF MONROE, STATE OF NEW YORK

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law."

"Only copies from the original of this survey marked with an original of the land surveyor's red ink seal shall be considered to be valid true copies."

"Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed herein, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

"An electronic file of Triple Point Land Surveying, LLC. are solely the property of Triple Point Land Surveying, LLC. Said electronic files may not be distributed at any time to other parties for any purpose whatsoever."



TRIPLE POINT LAND SURVEYING, LLC.
 16 EAST MAIN STREET, SUITE 200
 ROCHESTER, NEW YORK 14614
 PHONE (585) 263-9950
 FAX (585) 434-0156
 TRIPLEPOINTSURVEYING@YAHOO.COM

SCALE: 1" = 40'

TAX ACCOUNT: 161.06-1-1

JOB No. 0504-11

DATE: JUNE 27, 2023