

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON DECEMBER 6, 2023 AT 6:00 P.M.

RESOLUTION #25-406/2023

To approve Special Use Permit Application No. 2023-040 for a retail cannabis dispensary at 1425 Jefferson Road, Suite 2.

On Motion of
Councilmember Sefranek

Seconded by
Councilmember Bolzner

WHEREAS, Saginaw Distributors LLC / HempSol CBD (the "Applicant") has applied for a Special Use Permit (Application No. SP2023-040) under Henrietta Town Code §295-25[A](25) for an adult use cannabis retail dispensary (the "Application") to be located in a Commercial B-1 District at 1425 Jefferson Road, Suite 2, Rochester, New York 14623 (the "Property"), or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, the Property meets the requirement of §295-25[A](25) of having street frontage to Jefferson Road and being located between John Street and Winton Road; and

WHEREAS, the Property does not have a church, school, park, or property whose primary business is directed towards minors located within the 1,000-foot buffer as part of the additional Special Use Permit requirements detailed in §295-54.1[B](2); and

WHEREAS, a public hearing was duly advertised for and held relative to the same on November 15, 2023 at 6:00 p.m. and on December 6, 2023 at 6:00 p.m.; and

WHEREAS, the Town Board has carefully considered all information relevant to the Application, including but not limited to the Application, correspondence and oral testimony from the public, and correspondence and oral testimony from the Applicant; and

WHEREAS, the Town has referred the application to the Monroe County Planning Board pursuant to NY General Municipal Law Section 239 and the Town has incorporated any comments and feedback from the Monroe County Planning Board; and

WHEREAS, the Town Board has considered each of the factors for assessing the requested Special Use Permit approval, including as set forth in Town Code Section 295-54.

THEREFORE, BE IT RESOLVED, that, in considering the Special Use Permit factors, including in considering all information based on the record, including feedback from the Monroe County Planning Board and other interested or involved County or State agencies, public comments, those reasons discussed at the public meeting related to the same, and all materials submitted related to such Application, and based upon applicable law, and in consideration of any conditions set forth herein, the Henrietta Town Board finds that the Special Use Permit factors support approval of the Application, subject to the applicant obtaining a final license from New York State to operate a cannabis adult-use retail dispensary.

BE IT FURTHER RESOLVED, that based upon the aforementioned, the Town Board hereby grants approval for the Application to operate an adult-use cannabis retail dispensary, subject to the following condition(s):

1. Prior to operating the dispensary, that the Applicant obtain all necessary government approvals to operate said retail cannabis dispensary, including an adult-use cannabis retail dispensary license from the New York State Office of Cannabis Management.
2. The dispensary shall be operated in accordance with all applicable laws, rules and regulations.
3. That all cannabis sale activity shall take place within the interior of the building. No sales may occur outside, under tents, or under a portico or similar physical structure.
4. That on-site consumption of cannabis products, either in-store or on-site, such as in the parking lot or adjacent areas, is prohibited, and that diligence is expected from the operation to prevent this from occurring. Note specifically that On-site Consumption sites are not permitted in the Town of Henrietta. The failure to prohibit and/protect against those improperly consuming cannabis products in-store or on-site may result in the revocation of this Special Use Permit by the Town Board.
5. That the operation exercises diligence with respect to child-proof containers, packaging that does not entice children, buyer identification procedures, monitoring the facility inside and out, the use of a safe and other cash-handling protocols, and other procedures and protocols to ensure the legal sale of the cannabis products and to help prevent the cannabis products from falling into the hands of minors. The failure to maintain adequate safeguards or a material departure from what was presented to the Town Board during the application process may result in the revocation of this Special Use Permit by the Town Board.

Duly put to a vote:

Councilmember Sefranek	Aye
Councilmember Bolzner	Aye
Councilmember Page	Aye
Councilmember Bellanca	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED



Saginaw Distributors / HempSol CBD

Town Of Henrietta Special Use Permit Application

“Application to conduct Recreational Cannabis Retail
Sales at:

1425 Jefferson Road Suite 2 Rochester, NY 14623

pending NYS licensure. “

10/9/2023

Saginaw Distributors LLC

10/9/2023

Letter of Intent for Special Use Permit – 1425 Jefferson Road Suites 2, 3, and 4 belonging to HempSol CBD and Saginaw Distributors LLC, both owned and operated by James Mackenzie (hereto referred to as Saginaw)

Saginaw is applying with New York State (NYS) for an Adult Use Recreational Dispensary License. We hope to transition from a Hemp and CBD retailer that has serviced Henrietta for over 4 years into a premier adult use dispensary and education destination for the region.

If approved by NYS and the Office of Cannabis Management (OCM), we intend to transition from our current retail offerings to sell approved cannabis products and accessories to consumers 21 years of age and older in a familiar retail setting. These products will be properly handled, inspected, and tested per NYS OCM regulations. Products offered will include cannabis flower, edibles, pre-rolls, concentrates, vaporizers, and other products approved by NYS. Additionally, we will carry accessories including secure storage options, paraphernalia, clothing, and stationery.

We intend to continue to be open seven days a week, Monday through Friday 9am to 8pm, Saturday from 10am to 7pm, and Sunday from 11am to 6pm. During that time our educated and friendly staff will assist customers by providing expert knowledge and customer service regarding the cannabis industry and cannabis compliant products.

Thank you for your consideration.



Saginaw Distributors / HempSol CBD

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Site Plan Supplemental Information

Saginaw Distributors LLC

In the November meeting, The Town of Henrietta expressed some concerns relating to Recreational Cannabis Sales and mitigating steps retailers can take. I have outlined some of those issues below including HempSol/Saginaw proposed measures.

Cash handling: As we know, cannabis is predominately a cash business, until such time federal banking measures are passed. We are approaching this issue in multiple ways. First, we will have a large 550 lb+ safe with 1hr+ fire rating per insurance requirements for cash storage. Second, daily cash drops will be done to a local institution by a security service. Third, we have partnered with Dutchie for our POS system. They have an ACH type payment that allows for cashless transactions customers can opt into. This will lower overall cash handling during the period prior to a federal banking solution.

Security: Our current security system includes cameras, motion sensors, glass break sensors, and alarms through ADT. If granted licensure, we will be adding additional internal cameras as directed by NYS regulations, in addition to exterior cameras for parking lot monitoring.

Our floor plan allows for two doors to our sales floor area. The purpose of this is to have an entrance and exit door to control customer traffic. Additionally, a security/check-in desk can be stationed at the western door entrance, to check ID upon arrival. Additional responsibilities will include asset protection, preventing underage sales, and monitoring parking lot behavior. Security individuals will have camera access, including proposed exterior cameras.

As stated above, cash handling will use a combination/password safe with codes known only to managers and authorized persons, and security service credited institutions.

Product Storage: New York State guidelines require products sold to arrive pre-packaged and sealed, thus preventing contamination, tampering, and diversion. In-house, products will be stored off the sales floor in a locked room inside securely locking cabinets. These would remain bolted at closing each night. Customers will choose products based on examples and samples which are behind locked glass, or in theft proof containers. When a purchase is made, a team member will go to the secure storage mentioned above and retrieve the order for the customer at checkout. Consumption is not allowed on the premises, or in the parking lot per New York State guidelines.

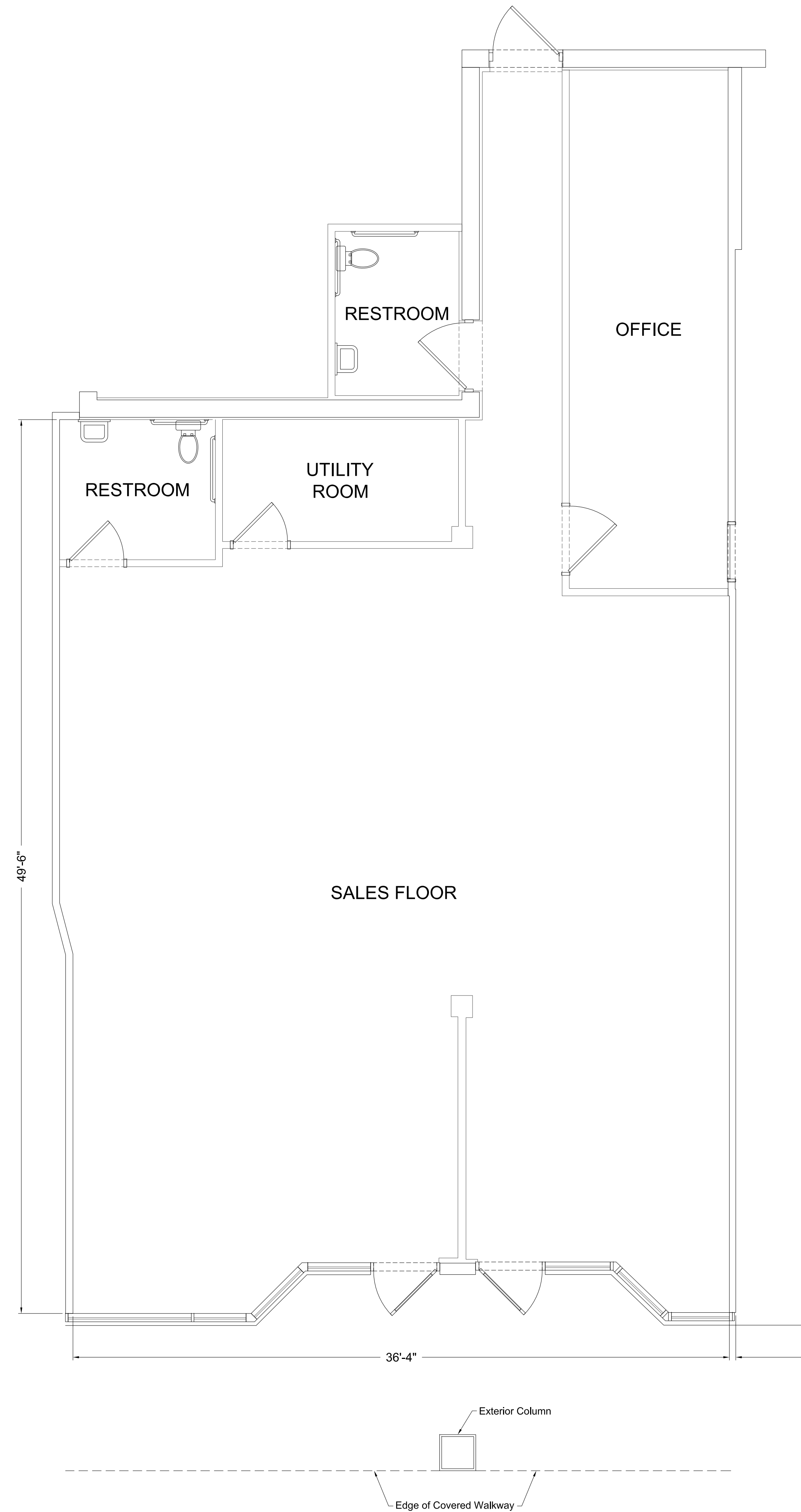
Parking lot monitoring: Our location has floor to ceiling windows, giving our staff and future security personnel excellent views of the sidewalk and parking lot. This unobstructed view prevents loitering and deters any product use on the premises, or nearby. As stated above, additional exterior cameras will be added for monitoring and recording any potential incidents.

Community Impact: As stated in the November meeting, we have had overwhelmingly positive feedback from our neighbors here in the Plaza, as well as from our customers. We intend to bring superior knowledge from our staff to provide the best customer service possible to our community, if licensed. As stated above, we are going to be taking additional measures in the form of monitoring, security, and product handling to ensure only approved products are sold and remain out of underage hands.

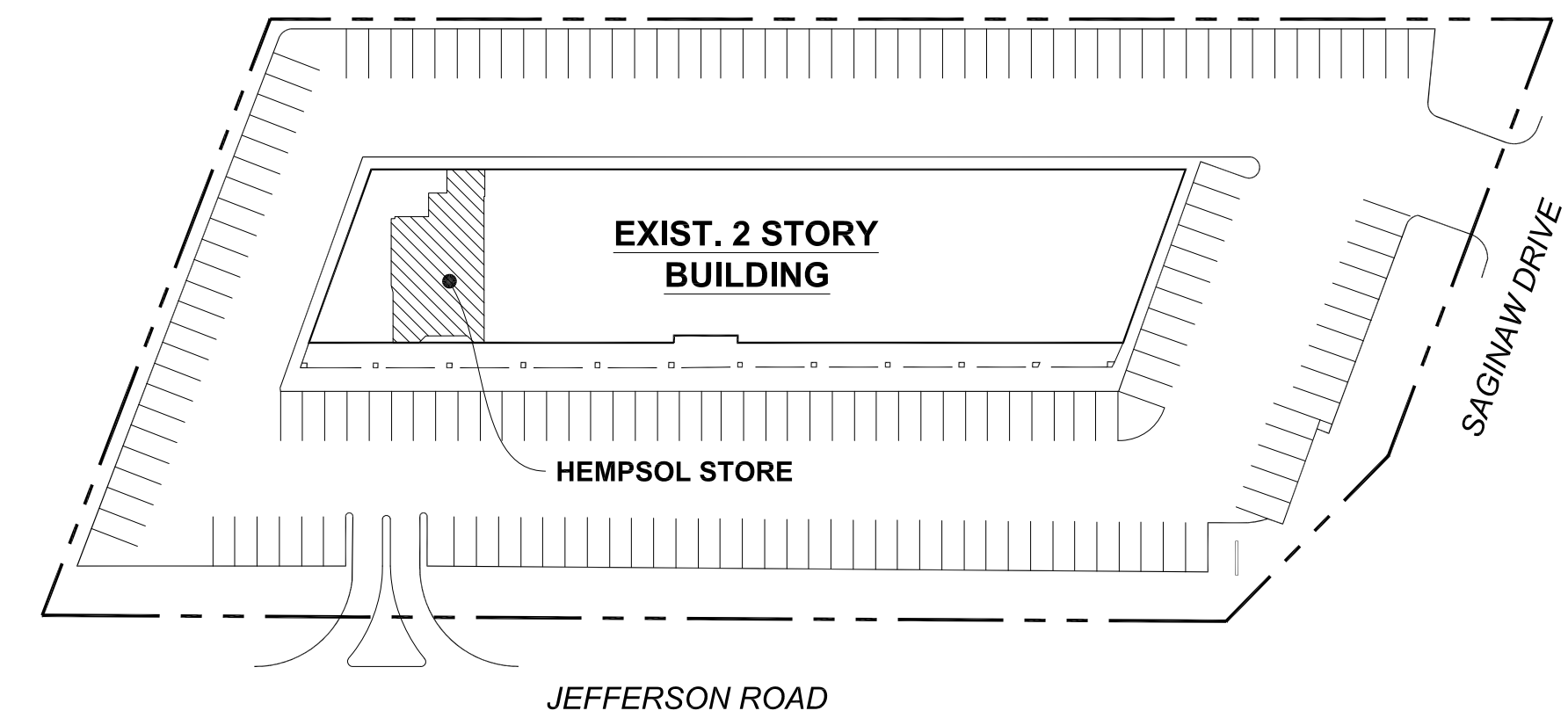
Additionally, New York State has restrictions on signage, advertising, and product packaging to deter consumption by minors, in addition to our restrictions upon entering the premises for possible purchasing.

Additional Concerns: If the Town of Henrietta has any further concerns about the program under New York State, or our plans pending licensure, we welcome board members to contact us prior to the December meeting. Any further information will be gathered immediately to fully comply.

Thank you for your consideration. We look forward to working together in the future.



EXIST. FLOOR PLAN
Scale: 1/4" = 1'-0"



LOCATION PLAN
Not to Scale

REV.	DESCRIPTION	BY	DATE

NEW HEMPSOL LOCATION

FLOOR PLAN

SAGINAW PLAZA
1425 JEFFERSON ROAD
HENRIETTA, NEW YORK

WRITTEN DIMENSIONS TAKE PREFERENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE THE RESPONSIBILITY OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

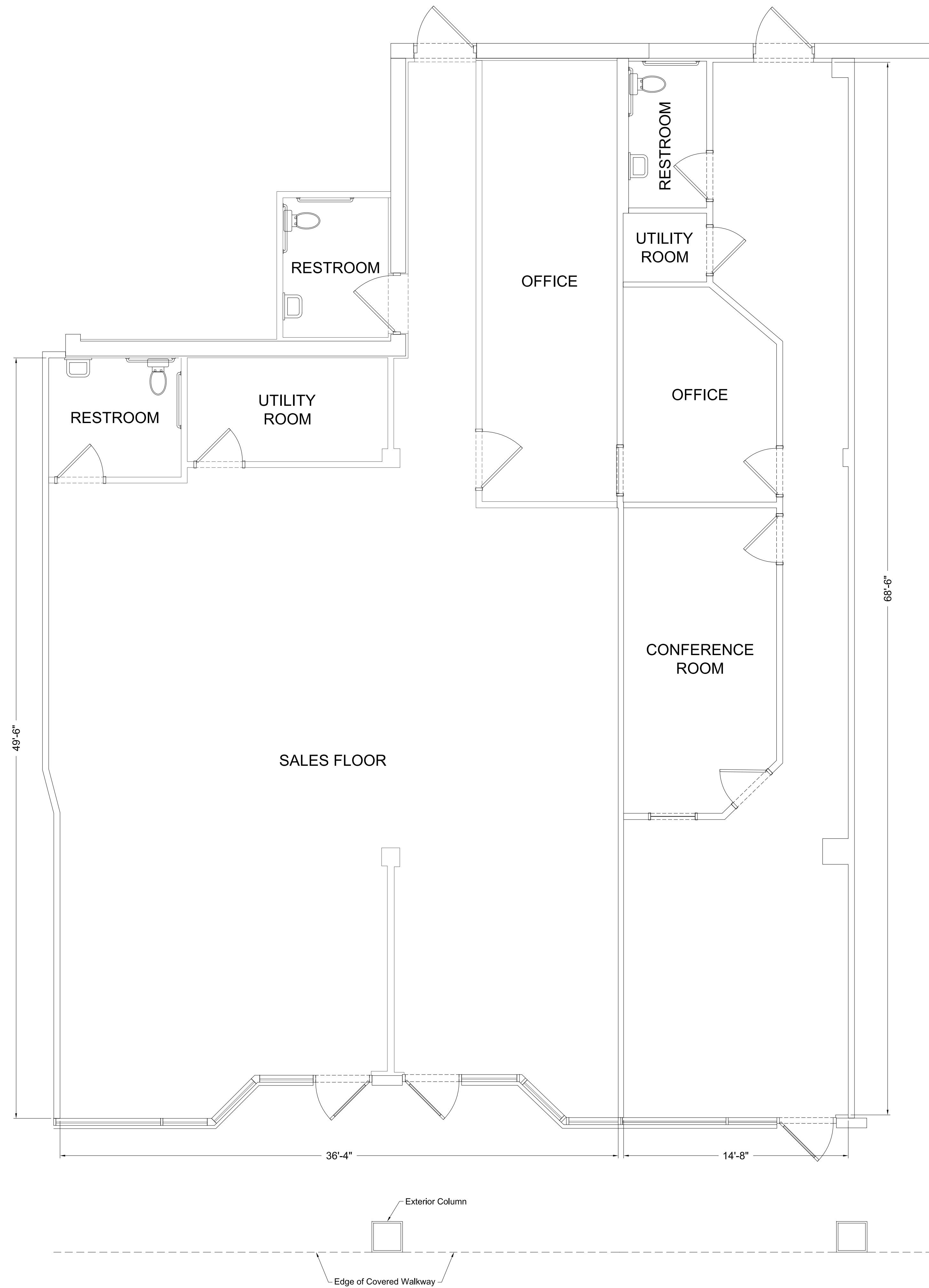
FENITY ASSOCIATES- ARCHITECTS

139 MAPLEWOOD AVENUE., SPENCERPORT, NY 14559
(585) 352-8611 OFFICE

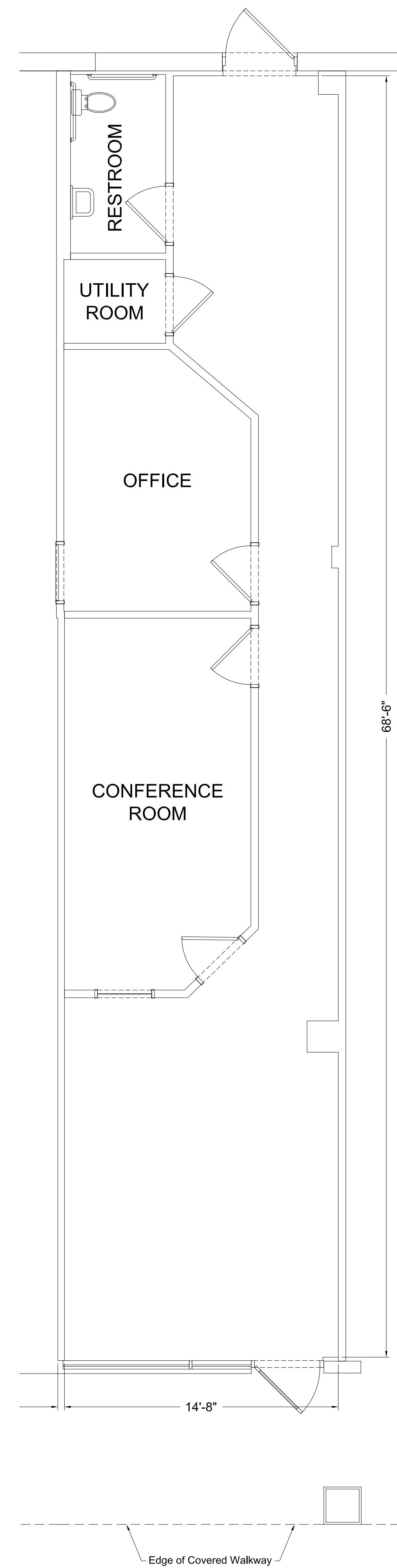
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PROJECT NO.: 23108
DRAWN BY: RT
ISSUE DATE: 11/27/23

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**OVERALL
EXIST. FLOOR PLAN**
Scale: 1/4" = 1'-0"



**SAGINAW DISPENSARY
EXIST. FLOOR PLAN**
Scale: 1/4" = 1'-0"

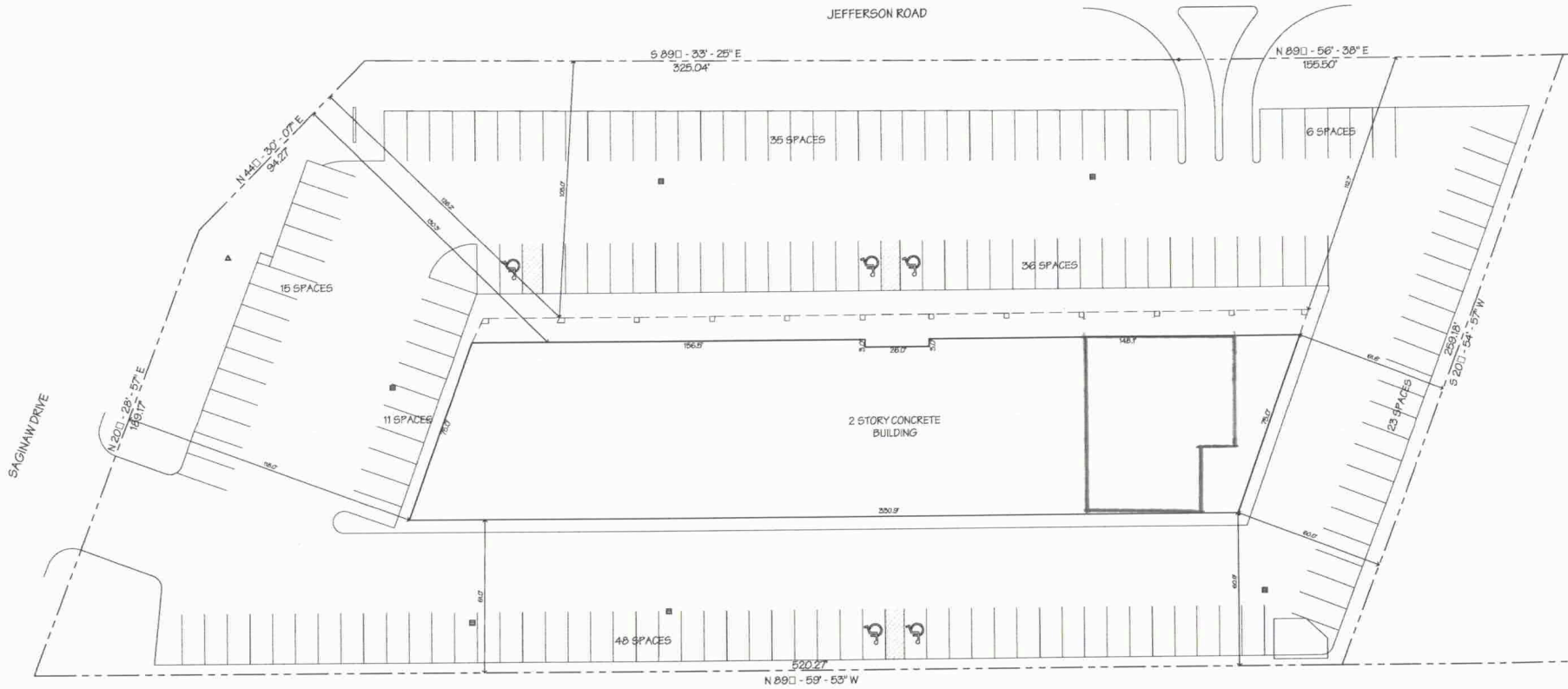
REV.	DESCRIPTION	BY	DATE

NEW HEMPSON LOCATION
FLOOR PLAN
SAGINAW PLAZA
1425 JEFFERSON ROAD
HENRIETTA, NEW YORK
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SITE PLAN
SCALE: 1" = 20'-0"
SITE PLAN BASED ON SITE DESIGN FROM PLAZA ADDITION

REV.	DESCRIPTION	BY	DATE

SAGINAW PLAZA
SITE PLAN

SAGINAW PLAZA
HENRICHTA, NEW YORK

FOR SERVICE ONLY. SEAL AND DIMENSIONS AND SHALL BE KEPT ON THE JOB SITE AND UNALTERED. IT WILL BE THE RESPONSIBILITY OF THE ARCHITECT TO OBTAIN THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.

FENITY ASSOCIATES- ARCHITECTS

139 MAPLEWOOD AVE., SPRINGFIELD, NY 14889
518-538-1100 FAX 518-538-1100

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