

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 MARCH 7, 2024 AT 6:00 P.M.

RESOLUTION #6-117/2024

To approve the Special Use Permit for Capital Cannabis Retail Cannabis Dispensary.

On Motion of  
Supervisor Schultz

Seconded by  
Councilmember Bellanca

WHEREAS, Consulate Cannabis, LLC (the "Applicant") has applied for a Special Use Permit (Application No. 2023-048) under Henrietta Town Code §295-14[B](13) for a cannabis retail dispensary (the "Application") to be located in a Commercial B-1 District at Unit 43 of Southtown Plaza (former Key Bank out-parcel), 3333 West Henrietta Road, 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 §295-14[B](13) of having street frontage to Jefferson Road due to its immediate proximity to the Jefferson Road right-of-way, its primary vehicular entrance being on the plaza road that comes from Jefferson Road, and its main entrance being within 500' of the Jefferson Road right-of-way; and

WHEREAS, the Property does have a facility whose primary business is directed towards minors, specifically the Altitude Trampoline Park located in the western Southtown Plaza building at 3333 West Henrietta Road, that lies within the 1,000' buffer as part of the additional Special Use Permit requirements detailed in §295-54.1[B](2), and the Town Board has considered the proposed signage as well as the buildings and vegetation separating the proposed site from the Altitude Trampoline Park; and

WHEREAS, a public hearing was duly advertised for and held relative to the same on March 7, 2024 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

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

THEREFORE, BE IT RESOLVED, that pursuant to the State Environmental Quality Review Act ("SEQR") at §617.5(c)(18), the Application is a Type II action not subject to further review pursuant to SEQR.

BE IT FURTHER RESOLVED, that, in considering the Special Use Permit factors, and in considering all information based on the record, including feedback received, 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 with conditions.

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

1. Prior to operating the dispensary, the Applicant obtain all necessary governmental approvals required to operate said retail cannabis dispensary, including a retail cannabis 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, or through the existing drive-through structure, if permitted by the Office of Cannabis Management, and all proper customer identification procedures are observed. No sales may occur outside, under tents, or under a portico or similar physical structure, other than the aforementioned drive-through structure.
4. That due to the proximity to properties whose primary business is directed towards minors, the Applicant must refrain from any external signage that glorifies or encourages the use of marijuana, as determined by the Town Board or the Director of Building and Fire Prevention. It is specifically noted that in the opinion of the Town Board, the "Capital Cannabis" name and proposed signage contained in the application does not glorify or encourage the use of marijuana.
5. That the operation continues its diligence with respect to child-proof containers, packaging that does not entice children, buyer identification procedures, monitoring the facility inside and out, 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 could result in the revocation of this Special Use Permit by the Town Board.
6. That additional vegetative screening be added to the western edge of the property, as approved by the Planning Board, for the purpose of screening the structure from the Altitude Trampoline Park.

Duly put to a vote:

Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	No
Councilmember Stafford	No
Supervisor Schultz	Aye

RESOLUTION ADOPTED