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 MAY 8, 2024 AT 6:00 P.M.

RESOLUTION #10-156/2024

To approve Special Use Permit No. 2024-014 for a retail cannabis dispensary at 420 Jefferson Road.

On Motion of Councilmember Bellanca Seconded by Councilmember Page

WHEREAS, Misfits Dispensary R3 LLC (the "Applicant") has applied for a Special Use Permit (Application No. SP2024-014) under Henrietta Town Code §295-14[B](13) for a cannabis adult-use retail dispensary (the "Application") to be located in a Commercial B-1 Zoned District at 420 Jefferson 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 and being located between John Street and Winton Road; and

WHEREAS, the Property does not have a church, school, park, or a 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, the Applicant has already received a license for an adult-use cannabis retail dispensary from the Office of Cannabis Management, pursuant to receiving local zoning approval; and

WHEREAS, a public hearing was duly advertised for and held relative to the same on May 8, 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 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, all 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.

BE IT FURTHER RESOLVED, that based upon the aforementioned, the Town Board hereby grants approval for the Application to operate a cannabis adult-use retail dispensary, subject to the following

condition(s):

- 1. Prior to operating the dispensary, the Applicant shall obtain all necessary government approvals to operate said retail cannabis dispensary.
- 2. The dispensary shall be operated in accordance with all applicable laws, rules, and regulations.
- 3. 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. The failure to prohibit and/or a lax attitude towards those improperly consuming cannabis products in-store or on-site, may result in the revocation of this Special Use Permit by the Town Board.
- 4. 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.
- 5. That all cannabis sale activity shall take place within the interior of the building, or at designated curb-side locations along the front of the building, in conjunction with applicable New York State Office of Cannabis Management laws and regulations regarding curb-side sales operations. No sales may occur in other locations outside, under tents, or under a portico or similar physical structure.

Duly put to a vote:		
Councilmember Page	Aye	
Councilmember Bellanca	Aye	
Councilmember Barley	No	
Councilmember Stafford	No	
Supervisor Schultz	Aye	
RESOLUTION ADOPTED		

Misfits Dispensary R3, LLC Tin Tin Ren (Licensee & Applicant)

2316 Lyell Avenue, Ste 2 Rochester, New York 14606

March 27th, 2024

RE: Letter of Intent for an Approved Licensed Cannabis Operation

Dear Town Board Members & Community,

I am writing to you today on behalf of Misfits Dispensary, a newly licensed cannabis dispensary seeking to operate at 400 Jefferson Rd, Ste 2 in Henrietta, New York. We are thrilled to announce that we have successfully obtained a cannabis license from the New York Office of Cannabis Management (OCM).

This is a significant milestone for Misfits Dispensary, and we are now eager to proceed with the next stage – securing special use permit from the Town of Henrietta. We understand this permit is necessary before we can begin setting up our store and officially open our doors to the community.

Commitment to Compliance and Responsible Operations:

Misfits Dispensary is a dedicated to operating a responsible and compliant cannabis dispensary. We have thoroughly reviewed the OCM's regulations and Town of Henrietta ordinances related to cannabis businesses. We are committed adhering to all these guidelines throughout our operations.

- 1. Security: Implementing a comprehensive security system to ensure the safety of staff, customers, and products.
- 2. Responsible Product Handling: Secure storage and responsible handling of all cannabis products in accordance with OCM guidelines.
- 3. Customer Education: Providing accurate information on cannabis products and responsible use.
- 4. Community Engagement: Working collaboratively with the Town and local stakeholders to create a positive impact on Henrietta.

Additional Expertise for Seamless Compliance:

To further ensure a smooth and successful application process, Misfits Dispensary has retained the services of Joywave Consulting, a highly respected firm based in Colorado. Joywave Consulting boasts a proven track record of guiding multiple cannabis operators across the country towards full compliance and successful store opening. Their expertise in navigating complex regulations and local requirements will be invaluable as we move forward.

Looking Forward to Collaboration:

Misfits Dispensary is confident that we can be a valuable addition to the Town of Henrietta. We believe our business will create a positive economic impact and contribute to the overall wellbeing of the community. We are eager to collaborate with the Town Board throughout the special use permit process and welcome the opportunity to address any questions you may have.

Thank you for your time and consideration. We look forward to working with you further.

Sincerely,

12

Tin Tin Ren Operating Licensee

Misfits Dispensary Security Plan

Introduction:

Misfits Dispensary is committed to providing a safe and secure environment for our customers, staff, and products. This security plan outlines the measures we will take to ensure the safety of our premises, deter criminal activity, and comply with all applicable regulations.

Parking Lot Security:

- **Lighting:** The parking lot will be well-lit with high-intensity lights to deter nighttime crime and improve visibility for security cameras.
- **Security Cameras:** High-definition security cameras will be strategically placed throughout the parking lot to monitor activity and capture license plates.
- **Signage:** Clear signage will be displayed at the entrance and throughout the parking lot prohibiting loitering and on-site consumption of cannabis products.

Customer Security:

- **Secure Entry:** Entry to the dispensary will be controlled by a secure door system. Customers may be required to show valid identification before entering.
- **Security Personnel:** Trained security personnel will be present during business hours to monitor the sales floor and deter theft.
- **Panic Buttons:** Discreet panic buttons will be readily accessible to staff throughout the dispensary to summon immediate assistance in case of an emergency.
- Loss Prevention Training: Staff will receive comprehensive training on loss prevention techniques, including identifying suspicious activity and de-escalating conflict situations.
- **Safe Storage:** All cannabis products will be stored in a secure vault with limited access and a robust alarm system.
- **Video Surveillance:** High-definition security cameras will be installed throughout the dispensary to monitor customer activity and record transactions.

Cash Transportation Security:

- Limited Cash on Hand: We will minimize the amount of cash kept on hand at the dispensary.
- **Nightly Deposits:** All cash proceeds will be deposited in a secure night depository at the end of each business day.
- **Armored Car Services:** We will utilize armored car services to transport large cash deposits to a secure financial institution.

- Secure Cash Handling Procedures: Staff will follow strict cash handling procedures, including counting cash in a secure location and using designated cash drawers.
- **Cashless Transactions:** We will encourage customers to utilize cashless payment options whenever possible.

Compliance with Regulations:

Misfits Dispensary will comply with all applicable regulations set forth by the New York Office of Cannabis Management (OCM) and the Town of Henrietta regarding security measures in a cannabis dispensary.

Security Review and Updates:

This security plan will be reviewed and updated regularly to ensure its effectiveness. We will also conduct penetration tests and security audits periodically to identify any vulnerabilities in our security system.



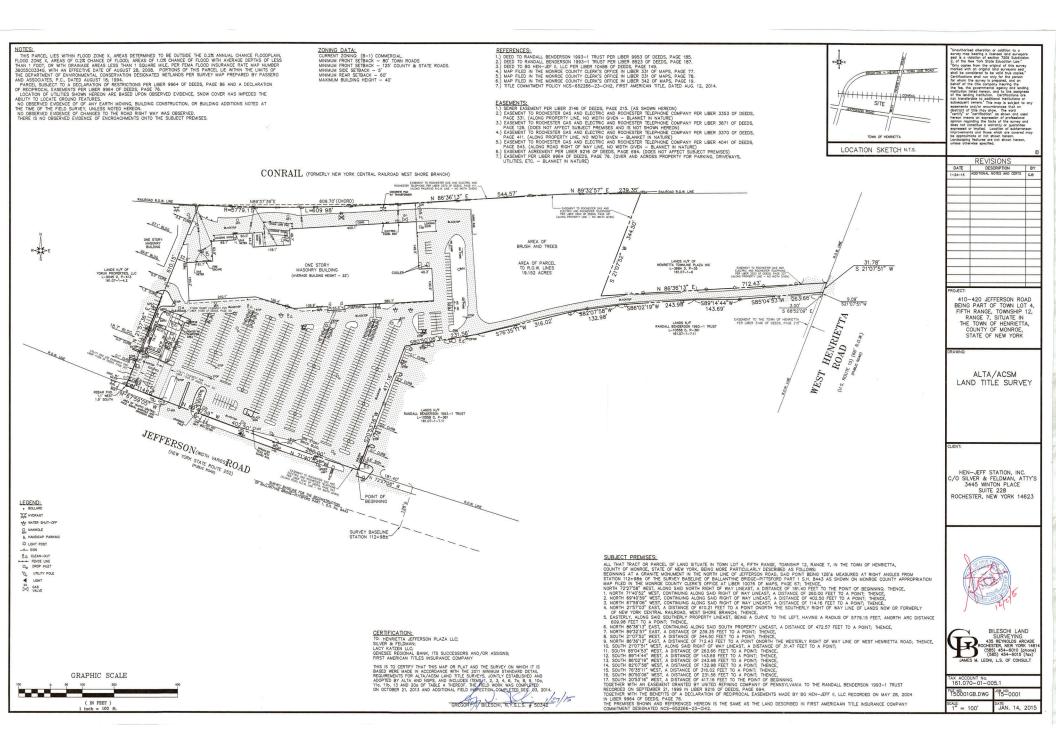


TENANT INDEX

0	REVOLUTION KARAOKE	5,706 SF
2	MISFITS DISPENSARY	3,819 SF
3	D.P. DOUGH	1,721 SF
4	CAFE 35	722 SF
6	KINGS BILLIARDS & BAR	11,585 SF
6	HAIR SALON	1,105 SF
0	AVAILABLE	31,049 SF
8	GROSSMAN'S BARGAIN OUTLET	27,620 SF
9	BILL'S CARPET & FURNITURE CENTER	20,000 SF
0	AMVET THRIFT STORE	26,901 SF
0	THE TILE SHOP	25,000 SF
Ð	COCO GARDEN MALAYSIAN	4,000 SF
₿	DUMPLING HOUSE	3,064 SF
Ð	AVAILABLE SPACES Developmental pad sites	









The Adult-Use Cannabis Licensee must comply with all applicable state and local laws and regulations. This includes but is not limited to the Cannabis Law and its implementing regulations. An Adult-Use Cannabis Licensee's failure to comply with these laws and regulations may result in revocation of the license or permit, and the imposition of civil penalties, or any other enforcement action, as provided for in state and local laws and regulations, including but not limited to, the Cannabis Law and its implementing regulations. This license or permit is not a property or vested right.

Your application OCMRETL-2023-001090 is Approved

noreply@ocm.ny.gov <noreply@ocm.ny.gov>

Wed 5/1/2024 9:38 AN

To:tintinren@outlook.com <tintinren@outlook.com>

1 attachments (95 K8)
LicenseCertificate.pdf;



New York State Office of Cannabis Management

Date: 05/01/2024 Application #: OCMRETL-2023-001090 Business Entity/Legal Name: Misfits Dispensary R3, LLC License Type: Adult-Use Retail Dispensary License

Your NYS Office of Cannabis Management (Office) license has been approved.

License Number: OCM-RETL-24-000079 Issue Date: 05/01/2024 Expiration Date: 05/01/2026

Attached to this communication is your license certificate. Please note, your license number is different than your application number. You must keep a copy of the license certificate on public display in the licensed premises at all times. Your license is valid for two years, at which time you can renew if in good standing with the NYS Office of Cannabis Management (Office).

Licensees must comply with all terms and conditions of the license and all current and future applicable state and local laws, rules regulations, and guidance. The Office reserves the right to inspect any licensed premises to ensure compliance with the program. Non-compliance may result in the suspension or revocation of the license.

If you need assistance or have any questions, please contact the Adult-use Cannabis Program by phone at 1-888-OCM-5151 (1-888-626-5151) or by e-mail at <u>AULicensing@OCM.ny.gov</u>.

Sincerely,

Office of Cannabis Management