

- ✓ Referred to Exhibit C:
 - The wall of the building will extend beyond the ceiling
 - The walls and ceilings will be reinforced by 11-gauge steel plate with tamperproof screws
 - The vault ceiling will be reinforced with metal plates and metal studs, and metal door frames with pipe bollards
- ✓ Reinforced wall between the dispensary and liquor store

Chairperson Bebak stated the Planning Board will require the reinforced wall between the liquor store and the dispensary and the reinforced vault and noted Mr. Piorkowski confirmed bollards will be placed in front of the dispensary. Beyond the above measures, Chairperson Bebak questioned if there are any additional security features on the new plan. Mr. Piorkowski stated an armed and state licensed security guard will be stationed at the front door and check ID's, all product and cash will remain in the vault, a fulfillment room, and no product will be available on the floor. Mr. Sherman questioned if the products are on display will be real. Mr. Piorkowski stated the samples will be real products but will not be sold to customers.

Chairperson Bebak stated night-time security is a concern with retail dispensaries and commented that individuals have driven into buildings to break in and questioned if the proposed steel on the vault is "vault grade." Mr. Piorkowski stated he understands the steel is vault grade and commented that the architect is aware of the regulations for cannabis dispensaries and has experience with them. If the 11-gauge steel is determined not to be appropriate, the owner will accommodate the material as needed. Chairperson Bebak questioned Code Enforcement Office Schieber about the steel. Mr. Schieber stated while he is not familiar with the gauge, other buildings may have concrete block walls and noted the south and west sides of the building are grass. Mr. Piorkowski referred to the DASNY design standards for cannabis which require a minimum of 9-gauge steel and believes 11-gauge is more than sufficient. Mr. Frick stated 9-gauge is thicker than 11-gauge steel. Mr. Piorkowski will return to the architecture with this information.

Mr. McCabe stated the legal description describes the property and requested the store be identified as a part of the parcel with the frontage, depth, and square footage noting this portion is what would be approved by the Planning Board. Mr. Piorkowski referred to Exhibit C. Chairperson Bebak stated when the zoning is changed to C-2(S) it will only be for the dispensary and not the entire parcel.

Mr. McCabe stated he would like to add the condition that any change in ownership of the LLC will require approval of modification by the West Seneca Planning Board. Mr. Piorkowski stated any change in ownership requires a change of license with the NYSOCM and questioned what type of application any new ownership would submit to the Planning Board. Mr. McCabe stated it would be to remain in compliance with the special permit. Chairperson Bebak requested Mr. Trapp's opinion. Mr. Trapp confirmed a change in ownership of the company requires a new license from OCM and the Planning Board can require the new owner to apply for an amended special use permit. Chairperson Bebak stated that a change in membership of the LLC would trigger an amended special use permit. Mr. McCabe confirmed this and is interested in developments in the industry. Mr. Piorkowski agreed to this and questioned if this is a condition for other cannabis dispensaries in the Town of West Seneca. Mr. McCabe stated it is not. Mr. Trapp stated there are many ongoing changes in this industry and the Planning Board is adding precautions.

Mr. Frick stated the special use permit is limited to point-of sale and not off-premises delivery. Mr. Piorkowski stated this condition is acceptable and the owner is not interested in deliveries. Mr. McCabe stated approval for delivery service will require approval.

Mr. McCabe stated the business hours stated in Mr. Piorkowski's letter are different than Exhibit D. Mr. Piorkowski stated the owner would like to request that the closing time on Friday and Saturday be 10 P.M. and listed the business hours as Sunday – Thursday 10 A.M. – 8 P.M., Friday and Saturday 10 A.M. – 10 P.M., and Sunday Noon – 6 P.M.

Mr. McCabe stated the town's code has capacity limits based on square footage and the owner will be required to post this.

Mr. Hayes requested a description of the lighting at the rear of the building. Mr. Piorkowski stated there are motion sensor lights and noted there is no public access at the rear of the building. There will be 4-K cameras positioned around the property.

No public comments were received.

Motion by Bebak, seconded by Frick, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Sherman, to recommend approval of a request of Urban Herb LLC for special use permit approval for property located at 1850 Union Road for cannabis dispensary and changing its classification from C-2 to C-2(S) with the following conditions: 1) Capacity will be limited by the town ordinances; 2) Hours of operation as follows: Sunday – Thursday 10 A.M. – 8 P.M., Friday and Saturday 10 A.M. – 10 P.M., and Sunday Noon – 6 P.M.; 3) The Special Use Permit is limited to the suite as indicated on the plans with the dimensions to be identified; 4) No off-premises delivery without Planning Board approval, 5) Any change in ownership to the LLC requires review by the Planning Board; and 6) The gauge of steel comply with the design standards for a cannabis dispensary.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Bebak, seconded by Hayes, to adjourn the meeting at 6:25 P.M.

Ayes: All

Noes: None

Motion Carried