

WEST SENECA PLANNING BOARD
Minutes #2023-11
November 9, 2023

ROLL CALL:	Present	-	Margaret Bebak, Chairperson
			James Frick
			Timothy Hayes
			Christopher Holmes
			Dale J McCabe
			Eric Sailer
			Joe Sherman
			Jeffrey Schieber, Code Enforcement Officer
	Chris Trapp, Town Attorney		
Absent	-	None	

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Mr. Frick stated he would prefer more of a tower element with a flat roof as opposed to a gable roof; this would be taller and halfway up the roof line. The Union Road corridor is looking to have designs that appear to be a two-story structure. Currently, the design is about 8' and a tower would be approximately 12' and would dress up the building.

Mr. Sailer stated he liked the idea of a flat roof and suggested raising the roof and putting on a second roof that causes a larger overhang. When entering the building, you would be under the overhang.

Mr. Walland questioned if they may begin construction on the back of the building. Town Attorney Chris Trapp stated there is a risk in allowing this before everything is finalized. This is approval for a whole site plan, front and back.

No comments were received from the public.

Motion by McCabe, seconded by Frick, to table site plan approval for property located at 1303 Union Road for construction of a 950-sf addition to existing building to allow the applicant to provide final site drawings.

Ayes: All

Noes: None

Motion Carried

SPR2023-7

A request of Quattro Development for site plan approval for property located at 1940 Ridge Road for construction of a single story, 3-bay, 1,610-sf oil change facility with all related site improvements.

Anthony Pandolfi, project engineer, with Carmina Wood Design stated a concept plan was presented along with a special use permit in September. The Town Board approved the special use permit and issued a negative SEQR declaration. The site plan that has been submitted contains the following:

- 3-bay oil change facility with parking in the rear of the property
- Traffic counts were submitted from other locations and the peak hour is from 3:00 PM – 4:00 PM and are only 7 cars; this project will not have an impact on the traffic.
- The amount of impervious area on the site is being reduced and this leads to less storm water run-off. The old broken concrete will be removed and will improve the aesthetics of the site.
- This will not have an impact on the existing sewer system.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Frick, to approve site plan for property located at 1940 Ridge Road for construction of a single story, 3-bay, 1,610-sf oil change facility with all related site improvements.

Ayes: All

Noes: None

Motion Carried

2023-5

A request from Green Philosophy, LLC for a special use permit for property located at 101 Slade Avenue, changing its classification from M-1 to M-1(S), for use as a NYS licensed cannabis dispensary.

Ralph Lorigo, attorney for the applicant, presented the following:

- The applicant is Dr. Jackie Schneider who is a double-board certified medical doctor from the VA Hospital who is involved heavily in the community and is Mr. Lorigo's tenant .
- The building was previously a bank and allows for extra security such as a vault. Additional cameras have been installed around the property.
- There is one sign currently in place and the sign is not illuminated.

- There will be a drive-through and the requirements for the drive-through are met.

Chairperson Bebak stated she would prefer to go line by line on the code and had the following questions:

- Restrictions state the facility can not be located within 1,000' of an existing cannabis facility – Code Enforcement Officer Jeffrey Schieber stated the closest facility is thousands of feet away.
- May not be within 500' of a property line, community center, parks, childcare centers – Mr. Lorigo stated the school is 2,640' away and there are no other facilities nearby.
- Shall not be in an area zoned residential – Mr. Lorigo stated the property is zoned M-1.
- Shall not abut any residential property – Mr. Lorigo stated abut means contiguous and there are no residential contiguous properties. The properties across the street are being purchased and are becoming commercial properties to allow an apartment building to be constructed.
- Not a historic district – Mr. Lorigo stated this is not a historic district,
- No retail dispensary may operate between 1:00 AM – 7:00 AM – Mr. Lorigo stated the facility will abide by this.
- Security – Mr. Lorigo stated there are cameras throughout the property including a bird's eye view of the facility. A security company is involved with a security officer during operating hours.
- Fencing and screening – Mr. Lorigo stated there is fencing on two sides. The backside of the building has fencing, and the drive-through side has fencing; the other two sides are the opening onto Slade Avenue allowing access to the property. Chairperson Bebak questioned who owned the fencing along the back. Mr. Lorigo stated this fencing is owned by Congel. Chairperson Bebak stated the fencing was dilapidated and questioned if this would be fixed. Mr. Lorigo stated he represents Scott Congel, and he hopes to be in front of the Planning Board soon with a plan for the Seneca Mall site. Chairperson Bebak stated she believed there to be gaps on the drive-through side. Mr. Lorigo stated the fence has been replaced along the side. Chairperson Bebak stated the requirement is for continuous fencing without missing panels. Dr. Schneider stated it was her belief that the dispensary on Orchard Park Road was not required to have continuous fencing. Town Attorney Chris Trapp stated the property had a significant drop-off at the creek and the topographic issues caused problems.
- 4K camera system and security guard presence while open has been presented.
- Secure locations where cash is kept – Mr. Lorigo stated there is a three-room vault with a 14" thick door for product and cash.
- Will there be deliveries – Dr. Schneider stated there will not be deliveries.
- Signage – Mr. Lorigo stated there will be one sign that is currently on location stating 'Green Philosophy 716'; no illuminating, flashing, rotating signs or murals.
- Limiting of odors – Dr. Schneider stated cannabis in NYS is in pre-packaged bags or glass and there is no odor from this type of packaging. All products will be kept in the third room of the concrete vault; there will be no odors.
- Parking – Mr. Lorigo stated the parking lot is sufficient.
- Mobile sales – Dr. Schneider stated this is prohibited.
- No on-site consumption – Dr. Schneider stated this is prohibited.
- How will drive-through services work – Dr. Schneider stated the tubes have been removed and a Hamilton Security Drawer is being installed. The security drawer is like a pharmacy with no interaction between the customer and worker. Vehicle license plate readers will be used and a silent alarm in the case of any issues. Because this was a bank, there was ballistic glass installed. Dr. Schneider will also be working in conjunction with the WSPD on security.
- Adequate stacking of vehicles – Dr. Schneider stated there is more than enough room.

Mr. Sherman questioned if Dr. Schneider had her NYS license. Dr. Schneider stated currently she does not have her license. She has applied to the town for her permit because NYS will be prioritizing applicants with retail premises and social equity applicants, and this is a female owned business. Mr. Lorigo stated Dr. Schneider should receive her license within 60 days of approval. The business is open but only selling legal CBD products.

Dr. Schneider stated approximately a year ago, people with cannabis convictions were allowed to apply. There are 27 open dispensaries across the state. The reason why there are no others is due to a lawsuit, and the people with previous convictions will have to reapply. The lawsuit does not have an impact on Dr. Schneider.

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Mr. Sailer questioned who else was in the building. Mr. Lorigo stated his law office is in the building and has 1,400-sf of the first floor; this is walled off. Dr. Schneider stated there is no product on the floor. There is a display with shelves, bags are full of bubble wrap, and this was recommended by a cannabis dispensary security firm. Money will be immediately dropped into a safe with no access during business hours. There is a locked fulfillment room.

No comments were received from the public.

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 to the Town Board, approval of a special use permit for property located at 101 Slade Avenue, changing its classification from M-1 to M-1(S), for use as a NYS licensed cannabis dispensary.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Frick, seconded by Bebak, to adjourn the meeting at 6:41 P.M.

Ayes: All

Noes: None

Motion Carried