

## DRAFT

### Pittsford Zoning Board of Adjustment (ZBA) Meeting & Hearing Minutes held on July 8, 2024, at 7:00 pm, Pittsford Town Office (426 Plains Rd.)

**DRB Members Present:** Nicholas Michael (Acting Chairman), Clarence Greeno Jr., Ed Keith Jr., Charles Simpson jr. **Members Absent:** S. Markowski, Member vacancy.

**Also Present:** Jeffrey Biasuzzi (Zoning Administrator & Recorder); Terry & Cynthia White (Elm St. residents); Daniel Kloskowski (applicant for Monty VT LLC); Mark Stoutes, dba SE LLC (commercial property owner).

#### **Open Meeting & Approval of Agenda:**

N. Michael opened the Public Meeting at 7:05 pm and introduced the ZBA members. He read through the hearing Agenda and Notice for this Application. He asked for a Motion to approve the draft Agenda. C. Greeno Moved to approve the draft Agenda as written. C. Simpson jr. seconded. All approved and the Motion passed.

#### **Open Public Hearing on Application 24-21:**

N. Michael opened the Public Hearing on Application 24-21. Interested Parties sworn in by the Acting Chair included the Zoning Administrator (ZA), T. & C. White, D. Kloskowski, M. Stoutes.

The Acting Chair asked the Zoning Administrator to outline the Application. J. Biasuzzi described the commercial property at 3892 Rt. 7 to have a long history of various retail sales on the ground floor (with residential dwelling units on upper levels). The property is in the Village Zoning district, and the last retail sales tenant was permitted for storage and sale of flooring & other building materials; a conditional use under Article III (Table of Uses). Application 24-21 requests using the ground floor for retail sales of Cannabis products and outdoor signage. Article III best addresses the sale of Cannabis as "Retail Sales-Other", a different specific conditional use from sale of building materials.

The Zoning Administrator then referred the project's proposal to Applicant D. Kloskowski. He described the business plan for the store was to market a high quality (organic or chemical-free) variety of ready to use Cannabis products (smoking, edibles, infused (non-alcoholic) beverages, flowers, etc.), associated paraphernalia, brand-promoting garments, possible cannabis education classes, etc. All growing and processing would take place on his West Haven property.

Cynthia and Terry White expressed their concern about having a Cannabis retailer within 350 feet from the Pittsford Village Farm's proposed multi-use facility; which plans to include a twenty-six child day-care/early-education operation. They stated their opinion that the retail store would not be appropriate in the Village location.

J. Biasuzzi asked for details regarding hours of operation and staffing. D. Kloskowski replied that the initial schedule would be from 9:00 am to 7:00 pm, seven days a week. This schedule could change once a pattern of customer visits developed. that VT requires strict security measures. There would be a minimum of two employees in the store when open. Building owner M. Stoutes stated the VT Cannabis Control Commission regulates the number of customers in the store at the same time, and has strict security measures. There would be an inside and outside waiting area for customers.

N. Michael asked for any further input or questions. Hearing none, he requested a Motion to close the Hearing to testimony. C. Simpson Moved to close the Public Hearing and enter Deliberative Session, with the Zoning Administrator to remain. C. Greeno seconded, all approved, and Motion passed. After deliberations, C. Greeno moved to return to the ZBA's Open Meeting. E. Keith seconded, all approved, Motion passed. In Open Meeting, N. Micheal reviewed Article 5 of the Zoning regulations (Conditional Use standards), with the Members. C. Simpson then Moved to Approve Application 24-21 with Conditions and to instruct the ZA to draft a written Decision for Members consideration and final approval. C. Greeno seconded, all approved and the Motion Passed. The Zoning Administrator was instructed to draft a Decision for the ZBA's review, amendment, and Chairman's signature.

**Old Business:**

The Minutes from 6/10/2024 Meeting & Hearing were reviewed. E. Keith made a Motion to Approve, C. Simpson seconded, all approved and Motion passed.

Approve draft Finding for Application 24-13, for the multi-use request for the Pittsford Village Farm's principal structure at 42 Elm Street. C. Greeno Moved to approve, C. Simpson Seconded. All approved and the Motion passed.

N. Michael requested a Motion to finalize the draft Decision on Conway's Appeal of the Zoning Administrator's March 27, 2024 determination that VTRAN was exempt from a Town permit for VT Rt. 7 work. Members in favor to grant the Conway's Appeal were N. Michael, C. Greeno, C. Simpson. Members voting to deny the Appeal were E. Keith and (from last Meeting's vote) S. Markowski. The ZA was instructed to send the results back to Attorney G. Kupferer for processing.

All these matters require signatures on final Decision documents on or before July 26, 2024 (45<sup>th</sup> day after close of testimony).

**Adjournment:**

C. Greeno Moved to conclude the Hearing, C. Simpson seconded. All approved and the Hearing adjourned at approximately 8:25 pm.

Respectfully submitted by Jeffrey Biasuzzi, Recorder & Zoning Administrator

Approved by Members vote on

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Nicholas Michael, Acting ZBA Chairman