

**VILLAGE OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
MEETING MINUTES, June 4, 2024**

PRESENT: Harry Weissman, Acting Chairman
Dan Mergenhagen, Member
Mike Painter, Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Edward Marquez, Mike Earley, Brad Earley, Dan Earley-Applicants-CEBEDE

Mr. Harry Weissman, Acting Chairman called the meeting to order at 5:30 p.m.
Mr. Geg Keyser advised that the Village Board has appointed Anne Northrup to the Zoning Board of Appeals as Fred Musolff's term has expired. She is not able to attend this meeting. Mr. Weissman has agreed to act as chairman for this meeting until the Board appoints a chairman.

Mr. Weissman presented VZP-2024-033, CEBEDE LLC, 24 Washington Street, area variance request to setback to operate a cannabis dispensary.

Mr. Edward Marquez presented the plans to use the rear commercial space at 24 Washington as a cannabis dispensary.. Local Law 7-2023, Section 3.C– Residential District Setback requires a cannabis retail establishment to have a 200 foot setback from the residential district. The proposed location is 122 feet from the Village Residential District. We are requesting a 78 foot setback area variance.

Mr. Mergenhagen asked where in the building will the dispensary be located?
Mr. Earley said in the rear portion of the building. The children's store is closing. The Blue Collar store will remain in the front space.
Mr. Mergenhagen asked what is the size of the dispensary space?
Mr. Earley said about 2000 square feet.

Mr. Weissman noted that new board member Anne Northrup asked how the Village came up with the 200 foot setback requirement? He noted that he feels there are errors in the zoning map. The Verizon building at 48 Elizabeth Street which is the property within 122 feet of 24 Washington Street was never in the Village Residential District. There are other properties that border on the Village Residential District that should be in the Commercial District.
Mr. Keyser noted that at some point the zoning map was changed.

Mr. Weissman advised that the Board needs to determine if the application is complete and set a public hearing for the July meeting. The applicants will have to apply to the Planning Board for a Special Use Permit to operate the dispensary.

Mr. Painter asked if the current law prohibits a cannabis establishment within 200 feet of the Village Residential District would it be in violation of the law?

Mr. Keyser advised that the applicants are appealing to the ZBA for an interpretation of the local law to grant relief from the setback requirement. He noted that the Village Law was written based on a survey of the laws of other municipalities. They considered 100 feet to 500 feet and settled on 200 feet. The committee did not know what the New York State regulations would be. The regulations for consumption lounges are more restrictive.

Mr. Weissman noted that another applicant has been granted a Special Use Permit by the Planning Board to operate a cannabis dispensary at 11-15 Martha Street, but they have not received their New York State license.

Mr. Keyser stated that that applicant has a transitional license and is waiting for the State to complete the process

Mr. Marquez stated that they have their New York license to operate and he presented a copy for the ZBA to review. We have to make improvements to the building and then have an inspection by New York State before we can open. All products have to be locked in a secure area and a security person will check all customers for identification.

Mr. Keyser advised that the review process includes:

- Determining if the application is complete for public review purposes.
- Review the submission to determine if additional information is required or needed.
- Classify the project as an Unlisted SEQR Action.
- Evaluate impacts using Part 2 of the Environmental Assessment Form.(SEAF part 2).
- Determine the need for an Environmental Impact Statement (SEAF part 3).
- Schedule a public hearing within 62 days of a complete application.
- Make a final decision within 62 days after the close of the public hearing.

Moved by Mr.Mergenhagen to set a public hearing for VZP-2024-033, 24 Washington Street, CEBEDE, LLC. area variance request for July 2, 2024 at 5:30 p.m. Seconded by Mr. Painter. Ayes all. Carried.

The Minutes of the March 5 2024 meeting were read. Corrections were made.

Mr. Weissman suggested that the March 5, 2024 Meeting Minutes be held for approval at the July meeting pending a quorum present. Board members agreed.

Mr. Weissman advised that the Village Board instructed that the ZBA appoint a chairman. He noted that the Board members can appoint a Vice-chairperson at the July meeting.

Moved by Mr. Mergenhagen to appoint Harry Weissman as chairman. Seconded by Mr. Painter. Ayes all. Carried.

Moved by Mr. Mergenhagen to adjourn. Seconded by Mr. Painter. Ayes all. Carried.
The meeting was adjourned at 6:05 p.m.

