

S T A T E    O F    N E W    Y O R K  
COUNTY OF JEFFERSON

-----x  
ZONING BOARD OF APPEALS

PUBLIC HEARING

#610

Use variance to allow a marijuana dispensary,  
retail use in an Urban Mixed Use District

-----x  
ZONING BOARD OF APPEALS

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#611

Use variance to allow a marijuana dispensary,  
retail use in a Neighborhood Mixed Use District

B E F O R E:

Chairperson:

Board Members:

Planning and Community  
Development Director:

Senior Planner:

City Planner:

City Attorney:

REPORTED BY:

245 Washington Street  
Watertown, New York 13601  
Wednesday, November 12, 2025

James Corriveau

Adam Ruppe  
Molly Farrell  
Lance Evans

Michael Lumbis

Geoffrey Urda

Joseph Albinus

Kathleen Bennett, Esq.

Tiffany-Jo Ponce, RPR  
Court Reporter

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1 CHAIRPERSON CORRIVEAU: Well, it's 7:00,  
2 and we have a quorum, so let's call this meeting to  
3 order.

4 I'll begin with roll call.

5 Adam Ruppe?

6 MR. RUPPE: Here.

7 CHAIRPERSON CORRIVEAU: Lance Evans?

8 MR. EVANS: Here.

9 CHAIRPERSON CORRIVEAU: Molly Farrell?

10 MS. FARRELL: Here.

11 CHAIRPERSON CORRIVEAU: And I'm James  
12 Corriveau, here as well. So we have a good quorum  
13 tonight.

14 I'd also like to introduce our staff  
15 that's here. We've got the senior planner,  
16 Geoff Urda, another planner, Joseph Albinus, and  
17 our attorney, Kathy Bennett, and our court  
18 reporter, Tiffany Ponce.

19 First order of business will be to resume  
20 the public hearing from our 15 October meeting for  
21 Variance Petition 610 at 545 Arsenal Street.

22 And in that regard, I'd like to report  
23 out first the letter we got back from Jefferson  
24 County, and this was dated 29 October, sent to  
25 Geoff Urda, referenced this variance on Arsenal

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1 Street.

2 "Dear, Geoff. On behalf -- on  
3 October 28th, the Jefferson County Planning Board  
4 reviewed the above project after it was referred to  
5 our county for comment. The board determined that  
6 the proposal does not raise significant county-wide  
7 or intercommunity concerns and is therefore mainly  
8 a matter for your board to decide.

9 As part of this review, the planning  
10 board noted the following requirements: The ZBA  
11 should approve a use variance only after the  
12 applicant submits documentation to the board  
13 demonstrating that the applicable zoning  
14 regulations and restrictions will cause an  
15 unnecessary hardship.

16 To prove such unnecessary hardship, the  
17 applicant shall demonstrate to the board that for  
18 every permitted use under the zoning regulations  
19 for an urban mixed use district:

20 One, the applicant cannot realize a  
21 reasonable return, provided that lack of return is  
22 substantial as demonstrated by competent financial  
23 evidence;

24 Two, that the alleged hardship related to  
25 the property in question is unique and does not

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1 apply to a substantial portion of the neighborhood  
2 or district;

3 Three, that the required use variance, if  
4 granted, will not alter the essential character of  
5 the neighborhood;

6 And, four, that the alleged hardship has  
7 not been self-created.

8 In addition, the board offers the  
9 following advisory comments for your consideration:  
10 Alternately, the local board could consider the  
11 merits of changing the zoning so that the marijuana  
12 dispensaries are allowed in the urban mixed use  
13 district if it is in accordance with the  
14 comprehensive plan; also if the local board makes a  
15 determination that the applicant has properly  
16 addressed each of the four tests for a use variance  
17 and subsequently grants such a use variance, the  
18 city should require a special use permit for this  
19 project.

20 Please note that the advisory comments  
21 are not a condition of the county planning board's  
22 action. They are listed to assist the local board  
23 in its review of the project. The local board is  
24 free to make its final decision.

25 The state law requires the planning board

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1 to notify of the board's action within 30 days.  
2 Signed Samuel Wilson, community development  
3 coordinator, Jefferson County.

4 So that's passed and behind us and a  
5 matter of the record now.

6 So I'd invite the applicant to move  
7 forward to the microphone and continue where we  
8 left off last month.

9 MR. BLOUNT: I'm Brandon Blount. I'm the  
10 applicant for the space at 545 Arsenal Street. I  
11 did not provide a financial analysis for each and  
12 every use of that property. It's currently listed  
13 as a restaurant/nightclub/bar.

14 I did provide, however, the 2024 tax  
15 filings from Shannon Exford Donato, which show that  
16 she is \$104,013 in the red as of the tax filing to  
17 show that it is not a profitable business at this  
18 time. She has limited her hours, and she is  
19 looking to sell. The property has been listed. I  
20 also submitted that listing, and it has been listed  
21 since February of 2025 with no offers, other than  
22 my own, at this point.

23 CHAIRPERSON CORRIVEAU: Okay. Any  
24 questions from the board members for Brandon?

25 MR. RUPPE: So the paperwork said that

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1 listing expired in August. Do you know if that's  
2 accurate, or has it been renewed, the listing?

3 MR. BLOUNT: As far as I know, the -- she  
4 is -- she has it listed still with the company,  
5 based on whether or not we are approved. If we're  
6 approved, then we're going to go through with our  
7 transaction. If not, then she's probably going to  
8 relist it at that time and try to get out from  
9 underneath it.

10 My conversations with her was that it is  
11 a complete money sink at this point. She is not  
12 making any revenue. She has limited hours on it in  
13 the business at this time, just to cut down her  
14 costs and her overhead on it.

15 MR. RUPPE: I see.

16 CHAIRPERSON CORRIVEAU: Lance?

17 MR. EVANS: Okay. Well, you took care of  
18 one of my questions already.

19 I know she's rebranded it now as Sin and  
20 Cider at the Bad Apple Saloon, too. Does that  
21 affect your plans at all to buy?

22 MR. BLOUNT: No.

23 MR. EVANS: All right. Under the  
24 reasonable return criteria at the top of page 1 of  
25 your second submission, the one you just gave us --

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1 MR. BLOUNT: Yep.

2 MR. EVANS: -- you noted that the only  
3 currently available space within the commercial  
4 district is the former Big Lots.

5 MR. BLOUNT: Yes. That's the only one  
6 that I could find as of last week, which was before  
7 I submitted the paperwork.

8 MR. EVANS: Sure.

9 MR. BLOUNT: As far as -- as far as,  
10 like, the space for lease out there, even my real  
11 estate agent, Jen Waite, has been looking for me to  
12 try to find something that will be suitable within  
13 a price range that we can afford, and there is  
14 nothing that we can afford there.

15 MR. EVANS: Later on, on page 2, though,  
16 under alleged hardship, you turn to a property of  
17 140 Eastern Boulevard that's in the commercial  
18 district that's for sale for about the same price  
19 as Bad Apple listing. It's a \$400,000 -- I think  
20 it's the former Pizza Hut and dentist office over  
21 there --

22 MR. BLOUNT: Right. I did point to that,  
23 and the reason I pointed to that was because, even  
24 though that place is available, there is a day care  
25 close by. There is also the Children's Home close

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1 by. The New York State proximity regulations  
2 preclude that location from being accessible as a  
3 dispensary.

4 MR. EVANS: I understood that that was  
5 only for school. The day care is approximately --  
6 I believe it was --

7 MS. FARRELL: That's not very far.

8 MR. EVANS: Well, it's further than  
9 500 feet, though, from my understanding.

10 MR. BLOUNT: As I looked at it, it looked  
11 as if the day care was fairly close.

12 MR. EVANS: That's the Treehouse that  
13 you're talking about next to --

14 MS. FARRELL: On Ohio Street, yeah.

15 MR. BLOUNT: Yeah.

16 MR. EVANS: Yeah. Because the way it  
17 reads -- I know this will shock you. The -- the  
18 regulations says 500 feet from a school and on the  
19 same street. And so --

20 MR. BLOUNT: Right. But it doesn't --  
21 with the OCM, what we have seen in the past -- and  
22 I have been watching this -- is that it doesn't  
23 matter if it's on the same street. If you're --  
24 if -- let's say you have a building here on this  
25 street, like, let's say Franklin Street, for



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1 instance. There's that school just behind Franklin  
2 Street on the next street over. And if that's  
3 within 500 feet of any property over there, it's  
4 not going to work. And the same goes for the  
5 church. The OCM, it's -- they're looking at door  
6 to door, and it doesn't have to be the same street.

7 MR. EVANS: Okay.

8 MS. FARRELL: And I guess I would  
9 comment, why is that location preferable to you?

10 MR. EVANS: Well, I was just saying,  
11 that's in a commercial district already, so that  
12 is -- that's a viable place.

13 MR. BLOUNT: Right.

14 MR. EVANS: And there's a whole plaza  
15 over there, too, where the guy came to us a couple  
16 of months ago and would just love to have anything  
17 in there, so ...

18 But that was what you were referring to,  
19 the 500 foot towards Treehouse?

20 MR. BLOUNT: And then as well as the  
21 Children's Home because it is listed on the -- on  
22 the county GIS as a children's home. The state is  
23 not going to allow a dispensary there.

24 MR. URDA: So just to clarify for the  
25 audience and to both of you, this, I think, was the

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1 parcel you were talking about, Lance (indicating).

2 MR. EVANS: Yes. Right next to --

3 MR. URDA: This is the 140 parcel. While  
4 you were both talking, I measured door to property  
5 line here. This is, to the property line of the  
6 Children's Home, about 350 feet (indicating).

7 MR. BLOUNT: Yeah.

8 MR. URDA: So that would fall within the  
9 500.

10 MR. BLOUNT: 500.

11 MR. URDA: But in the other direction --  
12 so what the board member is talking about was this  
13 plaza here --

14 MR. BLOUNT: Correct.

15 MR. URDA: -- where the owner of that  
16 plaza came to the board a few months ago saying he  
17 had trouble filling it. This is 700 feet from  
18 these doors to this property line (indicating).

19 MR. BLOUNT: Correct.

20 MR. URDA: So these would be outside the  
21 500-foot bumper.

22 MR. BLOUNT: However, your rules  
23 promulgate a 15-foot barrier between any retail  
24 space and anything that's listed as residential.  
25 Isn't all that behind there apartment complexes?

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1 MS. FARRELL: Yes.

2 MR. BLOUNT: So then the --

3 MR. URDA: That's actually in a planned  
4 campus zone, so the buffer -- I mean, whatever the  
5 prescribed buffer between commercial and planned  
6 campus would apply there.

7 MR. BLOUNT: Right.

8 MR. URDA: But --

9 MR. BLOUNT: And there's not a lot there  
10 without him having to tear out parking lot, but  
11 it's --

12 MR. URDA: Quite honestly, we would look  
13 at that as an existing condition. In essence, the  
14 lack of a buffer there is grandfathered because  
15 this plaza, you know, was built probably before the  
16 current zoning was even adopted. There's retail  
17 uses in there now.

18 But, again, it would be whatever is the  
19 prescribed buffer between commercial and planned  
20 campus, not residential.

21 MR. BLOUNT: Okay.

22 MR. EVANS: Can you also go from that  
23 building to the Treehouse?

24 MR. URDA: Which -- what is Treehouse's  
25 address?

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1 MS. FARRELL: It's on Ohio Street.

2 MR. EVANS: It's right -- yeah, it's  
3 right there.

4 MR. URDA: This is it (indicating)?

5 MR. EVANS: Yeah, it's right there.

6 MR. URDA: All right. Give me a second.  
7 Let's take it from this door, assuming that's a  
8 door, to the property line (indicating). It's  
9 about 670 feet.

10 MR. EVANS: So it's probably further than  
11 from the old Pizza Hut.

12 Is the Children's Home considered a  
13 school?

14 MR. URDA: We've talked about this a ton  
15 internally, and we believe the answer is yes. We  
16 believe that the state probably would recognize it  
17 as a school, because the children that live there  
18 live there essentially 24/7 and do receive  
19 instructions.

20 MS. FARRELL: You're talking about the  
21 Children's Home. He's talking about the day care  
22 center.

23 MR. EVANS: No. I'm talking about the  
24 Children's Home now.

25 MS. FARRELL: Yeah. Kids live at the

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1 Children's Home.

2 MR. EVANS: Because for a while, they had  
3 cut that out, I thought.

4 MR. URDA: So these frontages were  
5 700 feet from the line of the Children's Home, and  
6 I just measured about 675 from this door to that  
7 corner (indicating).

8 MR. EVANS: Okay.

9 MR. URDA: So ...

10 MS. FARRELL: And I guess, in continuing  
11 with this thought pattern, if I were to choose  
12 between those two locations, personally, in part  
13 because I live on the eastern side of the city, I  
14 would much prefer to have a dispensary on Arsenal  
15 Street near where all the rest of the businesses  
16 are than in what's essentially a residential  
17 neighborhood.

18 MR. BLOUNT: Yeah.

19 MR. EVANS: You also stated that the  
20 urban mixed use zoning is limiting your sale  
21 options.

22 MR. BLOUNT: Yeah.

23 MR. EVANS: Or not your sale options. I  
24 shouldn't say that.

25 MR. BLOUNT: Shannon's, yeah.

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1 MR. EVANS: But there are 19 permitted  
2 uses in there, including several restaurants, so --

3 MR. BLOUNT: Right. And she has had  
4 several people come in and look at the building.  
5 One was somebody who wanted to put a -- like a  
6 craft brewery in there. They declined because of  
7 the expensive remodel that they would have to do to  
8 convert it.

9 There was another couple that had come in  
10 and looked at it to open it as a restaurant and  
11 bar. There were significant challenges for them as  
12 well. They did not put in an offer on it, you  
13 know.

14 So for her selling it and having the  
15 challenges now is that, you know, I'm here with an  
16 offer on the table for the property, and it is  
17 listed urban mixed use. You know, we can't go  
18 through with the sale -- and I won't go through  
19 with the sale because I'm not opening up a  
20 restaurant and bar. I'm going to convert the space  
21 into a retail cannabis space.

22 And for us to finalize the plans and go  
23 through with the deal, we have to have a variance  
24 for it because, otherwise, I'm going to have to bow  
25 out, and then she's going to sit with a property

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1       that, you know, she's not making much revenue on.

2               MS. FARRELL:  Where is parking for that  
3       building?

4               MR. BLOUNT:  It's right next to it and  
5       behind it.

6               MS. FARRELL:  Okay.

7               MR. BLOUNT:  It has its own private  
8       parking lot.

9               MS. FARRELL:  Oh.

10              MR. EVANS:  I guess the last questions  
11       were the city just did some zoning updates with  
12       related to cannabis.

13              MR. BLOUNT:  Correct.

14              MR. EVANS:  Nothing huge and major,  
15       but ...

16              MR. BLOUNT:  Yep.

17              MR. EVANS:  Were you at that --

18              MR. BLOUNT:  Yes, I was.

19              MR. RUPPE:  -- meeting?

20              And are you satisfied with what the  
21       council did with those?

22              MR. BLOUNT:  Yes.  And sticking to the  
23       15-foot buffer would be okay with me.  I don't mind  
24       taking out 15-foot of the parking lot.

25              However, I would ask that if we do -- if

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1 we are granted the use variance, that I would be  
2 granted a waiver and grandfathered in because the  
3 property is already a contiguous space used for a  
4 bar/restaurant. It would -- me taking out 15 feet  
5 would eliminate parking spaces.

6 MR. URDA: Well, I would say it already  
7 conforms now.

8 MR. BLOUNT: Okay.

9 MR. URDA: The property line is right  
10 here (indicating). So the property right now has  
11 easily over 15 feet. It probably has close to 40.

12 MR. BLOUNT: Right.

13 MR. URDA: So you wouldn't need to do  
14 anything.

15 MR. EVANS: How about on the side, Geoff?

16 MR. URDA: Well, the side doesn't abut  
17 residential (indicating). It abuts other UMU  
18 parcels.

19 MR. BLOUNT: Yeah.

20 MR. EVANS: Oh, okay.

21 MR. URDA: But then here, it abuts  
22 residential. But, again, the property has more  
23 than enough buffering.

24 MR. BLOUNT: Right.

25 MR. URDA: So Mr. Blount, if he were to



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1 establish a business there, wouldn't need to change  
2 anything about it. It would already meet that  
3 requirement today.

4 MR. EVANS: Okay.

5 MR. BLOUNT: Yeah.

6 MR. EVANS: Great.

7 Those were, I think, all my questions,  
8 Mr. Chair.

9 CHAIRPERSON CORRIVEAU: Anymore, Molly?

10 MS. FARRELL: I'm curious about the bar  
11 that's across the street from the Bad Apple,  
12 because isn't that building also for sale?

13 MR. BLOUNT: That building is in really  
14 bad shape, really, really bad shape.

15 MS. FARRELL: Yeah.

16 MR. BLOUNT: It's basically falling down.  
17 The last time I went by, there was a second-floor  
18 door above one of the roofs, and that was wide open  
19 to the weather. It was something that, you know,  
20 was going to take substantial funds to rehab.

21 MS. FARRELL: Is that in the same zoning  
22 district, though?

23 MR. BLOUNT: Urban mixed use, yes.

24 MR. URDA: Yeah. I'll zoom out a little  
25 bit for that.

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1 MS. FARRELL: Okay.

2 MR. URDA: So the hot pink here is the  
3 urban mixed use district. If I zoom out a little  
4 more, urban mixed use generally acts as like a  
5 downtown transition zone. You see it bordering  
6 downtown.

7 The dark red here is the downtown zoning  
8 district. The yellow is residential. The pink --  
9 this lighter pink is neighborhood mixed use. The  
10 purple is industrial, and if I were to zoom this  
11 way a little bit -- it will pop in -- this red out  
12 here on Arsenal Street, this is all commercial  
13 zoning. Western Boulevard, Commerce Park Drive,  
14 Coleman Avenue, this is all commercial zoning out  
15 here.

16 But, yeah, right across the street,  
17 this -- this corridor of Arsenal Street between  
18 Massey and the CSX tracks, this is urban mixed use  
19 (indicating).

20 MS. FARRELL: Okay.

21 CHAIRPERSON CORRIVEAU: Okay. I've just  
22 got a couple more.

23 MR. BLOUNT: Yeah.

24 CHAIRPERSON CORRIVEAU: I read the  
25 \$100,000 loss in her tax filing. Has that been

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1 going on for a while with her?

2 MR. BLOUNT: Yes. Yeah.

3 CHAIRPERSON CORRIVEAU: Any feeling for  
4 how she puts up with that, why she can stay in  
5 business?

6 MR. BLOUNT: She is trying to keep the  
7 location open just to keep the Bad Apple name going  
8 at this point. Once it sells, she's out of the  
9 place.

10 MS. FARRELL: Do you know -- this might  
11 not be a question you know the answer to, but if  
12 she were to sell that location, would the other Bad  
13 Apple locations then be solvent?

14 MR. BLOUNT: I don't know that, to be  
15 honest with you. I do know that this is her  
16 highest loss property at this point for Bad Apple.

17 CHAIRPERSON CORRIVEAU: And on the four  
18 tests that we have to look at, the second one's  
19 about uniqueness of the property.

20 MR. BLOUNT: Yep.

21 CHAIRPERSON CORRIVEAU: And how would you  
22 characterize that property, 545 Arsenal, as being  
23 unique, as compared to other properties within the  
24 urban mixed use districts? What  
25 characteristics/features make it its own, in your

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1 mind?

2 MR. BLOUNT: The property, for one, it  
3 has its own parking space, own parking lot. And  
4 it's off-street parking, so it would not congest  
5 traffic anywhere. A lot of the other properties  
6 along that corridor, as well as up the other urban  
7 mixed use corridors, they do not have very much  
8 parking, if any at all. And it makes it also so I  
9 can secure the parking.

10 The parking lot comes -- the driveway in  
11 is only basically, like, 20 feet wide. I will be  
12 able to put up gated and fencing all the way around  
13 that so that during hours of operation, it will be  
14 open. It will be closed and secured at the end of  
15 the night each night. This will also help kind of  
16 deter any people from making attempts on the  
17 building itself.

18 MR. EVANS: Are you saying that's a  
19 hardship?

20 MR. BLOUNT: No. What I'm saying is it's  
21 a unique identifier for the property.

22 MR. EVANS: Okay. Thank you.

23 MR. BLOUNT: Any of the other places, if  
24 I were to lease, they're all going to have  
25 basically open parking lots. I'm not going to be

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1       able to make them as secure as what I would be able  
2       to do with this. And that's kind of another reason  
3       why I would want this place is so that I can button  
4       it up, so during off hours, we're -- we're not  
5       going to be subject or easy to break into and get  
6       out with any of our product, because we don't want  
7       that going out in the community at large  
8       willy-nilly.

9               CHAIRPERSON CORRIVEAU: I think what  
10       Lance was asking about, though, is the unique test  
11       here is really about does the property exhibit a  
12       hardship that warrants a variance, not that it has  
13       some beneficial attributes about security or  
14       parking.

15              MR. BLOUNT: Okay.

16              CHAIRPERSON CORRIVEAU: And Lance asked  
17       you earlier about the city's actions with the  
18       zoning ordinance back in '23 and the more recent  
19       ones in February here and last month. You were  
20       present. Did you engage with council at all on  
21       their choice?

22              MR. BLOUNT: Yes, I did. So what I did  
23       was I brought before the council just what the laws  
24       were --

25              MR. URDA: To be clear, that was at the

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1 planning commission meeting.

2 MR. BLOUNT: That's where --

3 MR. URDA: The council also met, and they  
4 did unanimously -- actually, I don't know if it was  
5 unanimous or not, but they adopted the planning  
6 commission's recommendations.

7 MR. BLOUNT: Correct.

8 MR. URDA: But the meeting you spoke at,  
9 just for the record, was the planning commission  
10 meeting.

11 MR. BLOUNT: It was planning commission  
12 meeting. I actually was not at the city council  
13 meeting. I'm sorry. I've been to a bunch of  
14 these. It's kind of hard to --

15 MR. EVANS: You engaged in the process,  
16 though.

17 MR. BLOUNT: Yes.

18 MR. EVANS: Got you.

19 MS. FARRELL: Have you opened a facility  
20 like this elsewhere in the state?

21 MR. BLOUNT: Yes.

22 MS. FARRELL: Where?

23 MR. BLOUNT: I currently have a  
24 dispensary operation in Carthage -- West Carthage,  
25 actually, since February of this year.

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1 MS. FARRELL: Have you had any issues at  
2 that facility?

3 MR. BLOUNT: Zero. The OCM, I have to  
4 send them reports on my inventory, tracking  
5 literally everything that we do in the shop. I  
6 have to submit even accounting to my banks. I  
7 can't have more than a 10 percent variance or they  
8 come after me. Everything that I have to do is  
9 super, super strict, and I play by the rules, by  
10 the book. That's why I'm here in the first place  
11 and not trying to open up like the smoke shops that  
12 are all over the city at this time.

13 MS. FARRELL: Mm-hmm.

14 CHAIRPERSON CORRIVEAU: Anything else  
15 from the board members for Brandon?

16 Okay. Thanks, Brandon.

17 I guess at this time, I would like to  
18 invite anyone else from the public, neighboring  
19 property owners, if you've got something to say,  
20 now is the time for the hearing.

21 AUDIENCE MEMBER: Good evening, Chairman  
22 and Board. This is actually in response to the one  
23 that is going to be -- or hopefully will be on  
24 Coffeen Street, but if this is the time for public  
25 comment --

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1 CHAIRPERSON CORRIVEAU: Let's defer that  
2 one until we get to that part of the hearing.

3 AUDIENCE MEMBER: Sorry.

4 CHAIRPERSON CORRIVEAU: We're going to  
5 finish one and then move on to the other.

6 Okay. Hearing none, I've got a question  
7 for staff.

8 Since we last met, have you seen anymore  
9 applications come into the city to build cannabis  
10 dispensaries?

11 MR. URDA: City did receive two  
12 applications, both of which were in a commercial  
13 district. And then after receiving zoning  
14 compliance certificates, both interested parties  
15 subsequently submitted special use permit  
16 applications, which will be on the December  
17 planning commission agenda.

18 CHAIRPERSON CORRIVEAU: Okay. Thanks.

19 MS. FARRELL: I have a question that  
20 might not be answerable, but I'm going to ask it  
21 anyways.

22 Do you think, by allowing cannabis shops  
23 in the city, it might be a way to eliminate the  
24 smoke shops that are popping up all over the place?

25 MR. URDA: I really don't know and nor do



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1 I know if that's really appropriate for me to  
2 speculate on.

3 MS. FARRELL: Okay.

4 MR. EVANS: It's free market.

5 MR. BLOUNT: I can speak to that. We had  
6 several of the smoke shops open in Carthage and  
7 West Carthage before we were actually licensed: two  
8 of them have gone out of business because of us.  
9 The other one is operating far enough away from us,  
10 and they're doing things a little bit differently.  
11 They're only selling cannabis products on the  
12 weekend to try to avoid oversight by the village,  
13 as well as the office of cannabis management.

14 The people that go to them are basically  
15 just walking there. They're not coming to my shop.  
16 Our products are a little bit more expensive, but  
17 our products are also -- and this is from our  
18 customers directly. The reason why they have  
19 stopped going to those shops is that our products  
20 are regulated, our products are lab tested, and our  
21 products are as advertised.

22 You know, we -- we have strict limits  
23 on -- on, you know, THC in edibles, for instance.  
24 There is consistency across all of our products  
25 that they're not seeing at these smoke shops who

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1 are getting underground whatever from wherever. So  
2 they have been coming to us versus going to those  
3 shops.

4 CHAIRPERSON CORRIVEAU: Why -- help  
5 educate me. What's the legal liability for those  
6 smoke shops to be doing that?

7 MR. BLOUNT: So the legal liability for  
8 those smoke shops is substantial, but they -- it  
9 comes down to, right now, there's not enough  
10 enforcement staff with the OCM to hit every single  
11 smoke shop, so they're concentrating on the heavier  
12 areas. They did once come through Watertown, down  
13 a bunch of shops.

14 They boarded -- or, you know, put their  
15 signs on. A lot of those shops either closed under  
16 that business name and reopened under another  
17 business name doing the same thing, or they closed  
18 and relocated or -- you know what I mean? They are  
19 circumventing the system as best as they can.  
20 However, if they get caught a second time and it's  
21 the same individuals, the OCM will actually start  
22 fining them.

23 There was a case where a gentleman out of  
24 Rochester was running, like, six different smoke  
25 shops. He got busted, and they fined him tens of

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1 millions of dollars.

2 CHAIRPERSON CORRIVEAU: Thanks.

3 MR. BLOUNT: You're welcome.

4 CHAIRPERSON CORRIVEAU: Okay. Barring  
5 any further comments, I'd ask for a motion and a  
6 second to close the public hearing for Variance  
7 Petition 610 at 545 Arsenal Street.

8 MR. RUPPE: So moved.

9 MS. FARRELL: I second.

10 CHAIRPERSON CORRIVEAU: All in favor?

11 MR. EVANS: Aye.

12 MR. RUPPE: Yes.

13 CHAIRPERSON CORRIVEAU: Aye.

14 Okay. At this point, we'll go through  
15 the SEQR form, Short Environmental Assessment,  
16 Part 2.

17 Will the proposed action create a  
18 material conflict with an adopted land use plan or  
19 zoning regulations?

20 I just want to hear from board members.

21 MS. FARRELL: No.

22 CHAIRPERSON CORRIVEAU: Will the proposed  
23 action result in a change in the use or intensity  
24 of use of land?

25 MS. FARRELL: No.

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1 MR. RUPPE: No.

2 CHAIRPERSON CORRIVEAU: Will the proposed  
3 action impair the character or quality of the  
4 existing community?

5 MR. RUPPE: No.

6 MS. FARRELL: No.

7 CHAIRPERSON CORRIVEAU: Will the proposed  
8 action have an impact on the environmental  
9 characteristics that cause the establishment of a  
10 critical environmental area?

11 MR. RUPPE: No.

12 MS. FARRELL: No.

13 MR. EVANS: No.

14 CHAIRPERSON CORRIVEAU: Will the proposed  
15 action result in an adverse change in the existing  
16 level of traffic or affect existing infrastructure  
17 for mass transit, biking, or walkway?

18 MR. RUPPE: No.

19 MS. FARRELL: No.

20 CHAIRPERSON CORRIVEAU: Will the proposed  
21 action cause an increase in the use of energy and  
22 it fails to incorporate reasonably available energy  
23 conservation or renewable energy opportunities?

24 MR. RUPPE: No.

25 MS. FARRELL: No.

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1                   CHAIRPERSON CORRIVEAU: Will the proposed  
2                   action impact existing public/private water  
3                   supplies? Public/private wastewater treatment  
4                   facilities?

5                   MR. RUPPE: No.

6                   MR. EVANS: No.

7                   MS. FARRELL: No.

8                   CHAIRPERSON CORRIVEAU: Will the proposed  
9                   action impair the character or quality of important  
10                  historic, archaeological, architectural, or  
11                  aesthetic resources?

12                  MR. RUPPE: No.

13                  MS. FARRELL: No.

14                  CHAIRPERSON CORRIVEAU: Will the proposed  
15                  action result in an adverse change to natural  
16                  resources? I.e., wetlands, waterbodies,  
17                  groundwater, air quality, flora, and fauna?

18                  MS. FARRELL: No.

19                  MR. EVANS: No.

20                  CHAIRPERSON CORRIVEAU: Will the proposed  
21                  action result in the potential for erosion,  
22                  flooding, or drainage problems?

23                  MS. FARRELL: No.

24                  CHAIRPERSON CORRIVEAU: Will the proposed  
25                  action create a hazard to environment resources or

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1 human health?

2 MS. FARRELL: No.

3 MR. EVANS: No.

4 CHAIRPERSON CORRIVEAU: At this time, I'd  
5 like to ask for a motion and a second to make a  
6 negative declaration pursuant to the SEQ  
7 requirements.

8 MS. FARRELL: I'll make that motion.

9 MR. RUPPE: Second.

10 CHAIRPERSON CORRIVEAU: All in favor?

11 MR. RUPPE: Yes.

12 CHAIRPERSON CORRIVEAU: Aye.

13 MR. EVANS: Aye.

14 CHAIRPERSON CORRIVEAU: Anyone opposed?

15 Okay. I believe the declaration stands.

16 At this point, I'd ask the board members,  
17 are you comfortable to vote?

18 MR. RUPPE: Yes.

19 MS. FARRELL: I think so, yes.

20 CHAIRPERSON CORRIVEAU: And when you do  
21 so, I'd like to ask you to speak to all four of  
22 those tests that are in the requirements for a use  
23 variance. We'll see the test as being met or not,  
24 and at the end of addressing those four, give me  
25 your vote, up or down.

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1 I'd start with you, Adam.

2 MR. RUPPE: There are four hardships that  
3 the applicant must prove to get a use variance:  
4 lack of reasonable return from each and every  
5 permitted use, that the problem is unique to this  
6 property, that the proposed use won't alter the  
7 essential character of the neighborhood, and that  
8 the hardship was not self-created. Note the word  
9 "and" there is very important. All four tests must  
10 be proven to get a use variance.

11 I think you have successfully shown that  
12 the hardship you described is not self-created  
13 since you didn't create the regulatory environment,  
14 and you've also shown that the proposed use should  
15 not alter the essential character of the  
16 neighborhood since retail cannabis sales are not --  
17 since retail cannabis sales are not fundamentally  
18 different than the existing retail alcohol sales  
19 nearby.

20 However, while you have shown that the  
21 zoning code does cause hardship for your business,  
22 it's important to realize that use variances go to  
23 the land, not to the specific business. You must  
24 show that for each and every permitted use, not  
25 just your business or the existing use, that you

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1 cannot realize a reasonable return from the  
2 property in question and that the hardship is  
3 unique and does not apply to a substantial portion  
4 of the district for the neighborhood.

5 Your argument that the zoning law  
6 unfairly harms your business may or may not have  
7 bearing, but it doesn't matter to the specific  
8 question of a use variance, because if the zoning  
9 law is unfair, that applies equally to all  
10 properties zoned urban mixed use and not just this  
11 specific property. The ZBA is empowered to grant  
12 relief for unique circumstances, but if there's a  
13 problem with the entire law, that's outside our  
14 authority.

15 Similarly, arguing that the majority of  
16 restaurants fail within a decade may be true, but,  
17 again, that's true anywhere, not just this specific  
18 property.

19 Moving on to the reasonable return test,  
20 showing that the existing business is having  
21 trouble is an important piece of evidence, but it's  
22 insufficient to meet the test requirement that a  
23 lack of reasonable return is shown for each and  
24 every permitted use. While the restaurant business  
25 may be a coin flip, it is distinctly possible that



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1 another restaurant may succeed in this location.  
2 And you stated that people are interested, but not  
3 yet made an offer, so it's possible that more time  
4 on the market or a reduced asking price may yet  
5 attract a buyer.

6 While changing the use of this property  
7 may require significant renovations, given you're  
8 proposing a lighter touch for this retail use, but  
9 have not addressed while something similar could  
10 not be possible for other uses as well.

11 Whereas I don't believe your application  
12 has sufficiently proven a lack of reasonable return  
13 and whereas you have failed to convince me why the  
14 alleged hardship is unique to this property and  
15 since no such use variance shall be granted unless  
16 proving all four tests described in city code, I  
17 must vote no.

18 CHAIRPERSON CORRIVEAU: Molly?

19 MS. FARRELL: May I go last?

20 CHAIRPERSON CORRIVEAU: Sure.

21 Lance?

22 MR. EVANS: As Adam said, there's four  
23 tests for this to be met, and each of them must be  
24 met by the applicant. And I'm going to start in a  
25 different order than Adam did, just to make things

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1 interesting.

2 I'm going to start with the first  
3 criteria, the reasonable financial return for any  
4 permitted uses. There are a variety of permitted  
5 uses in a UMU. This location has been used right  
6 now as a restaurant and bar for the past five years  
7 by Shannon Exford. Prior to that, the location was  
8 a nightclub.

9 The Bad Apple has inspired three spinoff  
10 locations in Watertown: one in Black River and one  
11 on Fort Drum. In addition, Bad Apple notes that  
12 they cater from this location also. As well, I  
13 believe Ms. Exford owns another location in  
14 Glenfield that predates this one.

15 Both a bar and a restaurant are permitted  
16 under current zoning, as are 18 other categories  
17 out of the 25 in the commercial table on page 21 of  
18 the city's zoning update from February '23.

19 The applicant has noted that within the  
20 five-year -- first five years, 50 percent of  
21 restaurants fail, which is the five years that  
22 Ms. Exford has been there. It appears, though,  
23 that with her Bad Apple restaurants, she has beaten  
24 this and is successful.

25 The listing that was -- that is now

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1 expired that notes the property for sale notes that  
2 they're selling it because the owners have new  
3 plans that require a larger space. It goes on to  
4 say the property boasts high visibility and  
5 well-established customer traffic which will  
6 benefit both new and experienced entrepreneurs.  
7 This would argue that the current use is a  
8 successful one, despite being in the UMU and,  
9 actually, despite what she has given for that --  
10 the tax document.

11 Criteria 2 states that the alleged  
12 hardship is unique to the property. Note, it does  
13 not talk about the plight of the owner. Mr. Blount  
14 notes that there's several restaurants within a  
15 quarter mile of this property that are in the UMU,  
16 and there does not appear to be any physical  
17 features, historic or architecture features, or  
18 adjacent uses that create a unique hardship to  
19 this.

20 The fact that there are viable businesses  
21 in UMU, however, does make the case that a  
22 different type of retail store in the neighborhood  
23 will not alter the essential character in the UMU.  
24 The applicant correctly points out the 8-foot fence  
25 in the back of the property to screen the business

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1 from residences. We also saw that there were a  
2 number of bushes and trees back there, too, that  
3 are adjacent to the property. And I agree, it does  
4 not appear that the neighborhood would be adversely  
5 affected by the use.

6 On the final criteria, the alleged  
7 hardship is not self-created, I believe by  
8 conditioning buying the property only if the  
9 variance is granted and doing his due diligence by  
10 coming before this body, the applicant has  
11 satisfied this criteria.

12 However, in order to grant a use  
13 variance, the property must meet all four criteria.  
14 The applicant has not been -- has not met two of  
15 the four, so I vote to deny the variance.

16 CHAIRPERSON CORRIVEAU: All right. My  
17 feeling on this one is that, under the reasonable  
18 test Number 1, reasonable return, the opportunity  
19 for an owner to make more money from a property  
20 sale or rental if the zoning is changed or a use  
21 variance is granted is not the same thing as being  
22 unable to make a reasonable return on the property  
23 in its current zoning status.

24 Comparing the current earnings to the  
25 potential earnings if the use variance were granted

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1 would show that the requested use would be more  
2 valuable and the current use is not adequate. The  
3 applicant is not entitled to maximize the profit.  
4 The ZBA determines what is a reasonable rate of  
5 return. The applicant must prove that the property  
6 is not able to realize a reasonable return for any  
7 permitted use under the current zoning.

8 The opportunity for an owner to make more  
9 money from a property if the zoning is changed or a  
10 use variance is granted is not the same as being  
11 unable to make a reasonable return on the property  
12 in its current zoning status. I don't believe you  
13 satisfied the reasonable return test.

14 On Test 2 on uniqueness, I believe the  
15 hardship is supposed to be unique to the property  
16 and not a hardship that applies generally to the  
17 district of the neighborhood. We are to consider  
18 the uniqueness of the land in causing the hardship,  
19 not the uniqueness of the hardship to a particular  
20 owner. I don't believe you satisfied the  
21 uniqueness test.

22 Test Number 3 on neighborhood character,  
23 I believe the cannabis dispensary would not alter  
24 the essential character of the neighborhood.

25 And Test 4, self-created, the hardship

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1       you're claiming is somewhat self-created as you are  
2       pursuing the property purchase in a nonconforming  
3       use, fully aware that the zoning ordinance allows  
4       the cannabis dispensary only within the commercial  
5       district.

6               And based on all your other statements  
7       and questions and your responses, I believe this  
8       hardship is, in some measure, self-created, so I'm  
9       going to vote no.

10              Molly?

11              MS. FARRELL: All right. So then I'm up.

12              I agree with everything that's been said  
13       thus far. I do think that the third requirement,  
14       that if a use variance, if granted, will not alter  
15       the essential character of the neighborhood is  
16       true, because at the end of the day, you're not  
17       changing the structure of the building. And I  
18       think that's an important thing to consider. I  
19       think because a zoning variance stays with the  
20       property, not the business, it's important to make  
21       careful decisions about when a variance is granted  
22       and when a variance is denied because it can have  
23       lasting impacts for the neighborhood.

24              I agree with the idea that this issue  
25       is -- is more an issue with the zoning category

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1       than with the property itself, which I think is an  
2       issue for meeting the fact that the hardship is not  
3       self-created. I think it is self-created in that  
4       it's because of the district that you're trying to  
5       put a business in.

6               And I agree with the idea that I think  
7       it's difficult to prove that another business  
8       wouldn't be successful on that property that fits  
9       within the zoning district.

10              And so for all of those reasons, I am  
11      also going to vote no on this variance.

12              CHAIRPERSON CORRIVEAU: Okay. One more  
13      comment I want to add is that granting a use  
14      variance is fundamentally quite difficult as  
15      compared to granting an area variance.

16              This petition can be viewed in many  
17      respects as essentially seeking a zoning change,  
18      and only the governing body of city council has  
19      that authority. The ZBA's authority and obligation  
20      is restricted to the language within the current  
21      zoning ordinance.

22              So we've got four no votes and no yes  
23      votes. Variance Petition 610 has been denied by  
24      the ZBA.

25              So let us move on to Number 611 on

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1 Coffeen Street. I would invite the applicant to  
2 present his petition and presentation that he did  
3 last month.

4 MR. SBORO: Through the Chair, may I  
5 approach and hand out some materials?

6 CHAIRPERSON CORRIVEAU: Sure.

7 MR. SBORO: Good evening, Chair and  
8 members of the board. My name is Michael Sboro  
9 representing Bud Bound Ventures, LLC.

10 This follow-up packet was prepared in  
11 direct response to questions raised by the board  
12 and the planning staff at the October 15th meeting,  
13 as well as the follow-up emails dated October 22nd  
14 and November 3rd. It's designed to make your  
15 review straightforward, providing written  
16 clarification for each question summarizing the  
17 exhibits and a few short financial updates that  
18 were requested.

19 I'll walk through the packet in order  
20 this evening so the board can easily follow along.  
21 Each section makes the board's questions -- matches  
22 the board's questions from the minutes with my  
23 clarifying responses and supporting exhibits  
24 directly behind them.

25 Where the board requested new or revised



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1 information, such as snow and utility allocation,  
2 income and expense verification, and updated pro  
3 forma analysis, those materials are included. The  
4 goal of this submission is to strengthen the record  
5 for all four hardship tests under New York General  
6 City Law to show that, Number 1, the property  
7 cannot yield a reasonable return under any  
8 permitted NMU use, the hardship is unique to the  
9 parcel's geometry and configuration, the proposed  
10 use maintains the neighborhood's essential  
11 character, and the hardship was not self-created.

12 I appreciate the opportunity to bring  
13 these clarifications forward tonight, and I hope  
14 this organized packet makes the review process as  
15 clear and efficient as possible. I invite you to  
16 now follow along with me by starting on page 4.

17 Pages 4 through 6. Through the chair and  
18 members of the board, you should have already  
19 received this document by email from Mr. Urda and  
20 the planning department for previewing. This  
21 revised Exhibit C, dispensary pro forma, updates  
22 the version submitted in October. It reflects the  
23 clarifications requested during the October 15th  
24 hearing, including: more conservative sales and  
25 expense assumptions; the addition of conversion and

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1 fit-out costs amortized over ten years; and a  
2 clarified occupancy line showing total annual  
3 carrying costs for the property.

4 It's framed to demonstrate a modest and  
5 sustainable return, about 8 percent on a fair  
6 market value, consistent with the reasonable return  
7 standard under General City Law 81-b.

8 I respectfully request that this revised  
9 exhibit replace the original version from  
10 October 15th and be entered into the record as part  
11 of the November 12th clarification submission.

12 Pages 7 through 8. I'd like to clarify  
13 my response to the board's questions about why we  
14 continue to hold the property since legalization in  
15 2021. The property has been responsibly maintained  
16 under Sboro Enterprises, LLC, while the city's  
17 regulations evolved. The lower unit has remained  
18 rented, and the upper unit, largely vacant with  
19 only occasional short-term use. Even with that  
20 occupancy, the property has not produced a  
21 reasonable return under its current residential  
22 use. We have absorbed those losses to prevent any  
23 vacancy and deterioration, keeping the building in  
24 good condition while pursuing a viable regulated  
25 retail use consistent with state law. Selling it

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1 wouldn't solve the hardship. It would simply  
2 transfer a property that cannot yield a reasonable  
3 return under permitted uses to another owner.

4 For the record, I have provided a  
5 one-page income and expense summary for the past  
6 12 months showing the lower unit rented at 800 per  
7 month. The upper is mostly vacant and a resulting  
8 operating loss after all verified expenses. This  
9 demonstrates that the hardship stems from the  
10 property's performance, not from the ownership  
11 choices.

12 Pages 9 and 10. I'd like to clarify my  
13 response to the board's question at the last  
14 meeting regarding the use of the upper unit. The  
15 building is an up-and-down duplex, and the lower  
16 level is the portion proposed for the retail  
17 dispensary. The upper level will remain unchanged  
18 and will not be used as a tenant rental. In the  
19 long term, it may serve as a private office for  
20 administrative use connected to the business.

21 There are no structural additions or  
22 expansions proposed, and the exterior will  
23 intentionally maintain its residential appearance.  
24 That's a part of our design approach. We want the  
25 property to continue looking and feeling like a

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1 home, rather than a commercial storefront, which  
2 supports the city's goal of preserving the  
3 neighborhood character. At this time, no paving or  
4 lot expansion is proposed, but we're open to adding  
5 landscaping, buffers, fencing, or widening the  
6 existing 12-foot driveway to 24 feet if the board  
7 or planning department recommends it for safety or  
8 access.

9 Overall, the plan is to preserve the  
10 structure within its current footprint, maintain  
11 its residential design, and ensure the operation  
12 runs quietly and seamlessly into the neighborhood.

13 Pages 11 to 14. In response to a  
14 question about rent levels and snow removal costs,  
15 I've confirmed that all the figures in my packet  
16 are based on verified invoices and payments --  
17 payment records from Sboro Enterprises, LLC.

18 The snow and maintenance service for this  
19 parcel are detailed on page 36 of my initial  
20 submission. That line item reflects roughly nine  
21 grand in annual snow removal and related services,  
22 which include plowing, sanding, salting, and  
23 sidewalk clearing across the whole parcel, plus  
24 loader and dump truck haul-away once on-site  
25 storage fills up. Given our snow storage

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1 situation, which requires loader and dump truck  
2 usage, that cost is accurately and fully documented  
3 by contractor invoices.

4 On the rental side, the 1,100 figure I  
5 used in the hardship packet was simply a market  
6 benchmark. The actual rent collected over the last  
7 12 months averages 800, which is supported by the  
8 documentations on page 44, and it falls within the  
9 verified market range of comparable units here in  
10 Watertown. Even if we adjust for higher rents or  
11 assume tenants pay their own utilities, the  
12 property still operates at a loss. These verified  
13 numbers show that the hardship is not inflated.  
14 It's based entirely on factual, recurring costs  
15 tied directly to this property.

16 15 and 16, pages. Some questions came up  
17 about whether this property could turn a profit by  
18 cutting costs, reducing snow removal, or shifting  
19 utilities to tenants. The figures I have submitted  
20 already test all of those scenarios. The entire  
21 plowing area lies within the subject of the parcel  
22 boundaries and reducing it would create drainage  
23 and icing hazards. Even if neighboring users  
24 covered their share, the savings don't bring this  
25 property anywhere near a reasonable return.

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1           On utilities, the building is single  
2           metered, and compared with duplexes in Watertown,  
3           typically include owner-paid heat and water. We  
4           modeled full occupancy and tenant-paid scenarios,  
5           and the result still falls short. So whether you  
6           look at the verified actuals of the prorated snow  
7           scenario or the tenant-paid model, the outcome is  
8           the same. It's not achievable in real-world or  
9           legally compliant conditions. This parcel cannot  
10          reach a reasonable return under its permitted use.

11           Page 17. I'd like to clarify the board's  
12          question about how a dispensary can produce a  
13          reasonable return when other retail uses can't.  
14          The difference lies in the business structure, not  
15          the building. The "retail, general, and service"  
16          and "retail, neighborhood" category analyzed in my  
17          original packet represent traditional, low-margin  
18          retail models, boutiques, or small offices where  
19          income is limited for rent -- to rent or small  
20          local sales. By contracts, a licensed cannabis  
21          dispensary operates under a regulated framework  
22          with stable state-controlled pricing and product  
23          margins. It's an owner-operated, margin-based  
24          business, not a rent-based one.

25           So while the rent-to-fit costs are

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1 similar, the ongoing economics are entirety  
2 different. The dispensary model brings the  
3 property into a modest reasonable return range  
4 without exceeding it, and that's what distinguishes  
5 it from the traditional retail use that continued  
6 to lose money.

7 Page 18. The board had asked whether we  
8 tried to sell the property. We haven't listed it  
9 for sale because selling wouldn't solve the  
10 hardship. It would simply pass the same infeasible  
11 economics to another owner. Under New York's  
12 variance standard, the question is whether the  
13 property can yield a reasonable return under its  
14 permitted uses, not whether it can be sold at a  
15 loss.

16 To be thorough, I did obtain broker's  
17 opinion showing that the property's as-is market  
18 value of roughly 130 to \$150,000 is equal to its  
19 assessed value. Any buyer converting it to a  
20 permitted retail or service use would still face  
21 the retrofit costs with negative returns. In  
22 short, a sale wouldn't relieve the hardship. It  
23 will just reset the problem for another owner. You  
24 can find the broker opinion value on the next page.

25 Pages 19 and 20. I appreciate the

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1 reminder at the last meeting that just making more  
2 profit under a variance isn't enough to justify the  
3 hardship. That's why I organized my financial  
4 presentation to lead with the permitted use  
5 results, duplex, general retail, and office, all of  
6 which operate a loss and fail to meet even with  
7 minimum return.

8 The revised dispensary pro forma then  
9 shows that this variance simply brings the property  
10 up to about an 8 percent return on its fair market  
11 value. That's a modest, sustainable figure that  
12 falls right within the 6 to 10 percent range  
13 recognized by zoning law as reasonable return.  
14 This variance isn't about earning more. It's about  
15 making the property economic viable while still  
16 aligning the city's definition of reasonableness.

17 21 through 25.

18 Mr. Urda and through the chair, could you  
19 please bring up F-2 and F-3 on the screen?

20 Those are the Coffeen Street border photo  
21 sheet and setback visuals for easy reference.

22 Through the chair, I understand the  
23 question of whether our site is truly unique, but  
24 848 Coffeen is physically set apart from most NMU  
25 parcels. The building sits about 25 feet from the



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1 right-of-way, where parcels to the east sit more  
2 than 40 feet back, and the property just to the  
3 west, 852 Coffeen, is only about 8 feet from the  
4 street with a taller structure and a projecting  
5 neon sign. For traffic heading east from the  
6 fairgrounds, that building completely blocks the  
7 view of ours until they've passed it.

8 Between that and 836 Coffeen sitting much  
9 further back, our parcel ends up recessed in a  
10 visual pocket with a narrow 12-foot driveway and  
11 only a few feet of side clearance. Those combined  
12 conditions -- visibility limits, site access, and  
13 inconsistent setbacks -- aren't typical around the  
14 corridor and makes this property physically unique.

15 Pages 26 through 27. I want to briefly  
16 mention, I've organized everything I presented  
17 tonight around the four statutory hardships tests  
18 under New York General City Law 81-b. You'll see a  
19 one-page summary in front of you that outlines each  
20 of those four tests: reasonable return, uniqueness,  
21 essential character, and self-created hardship.

22 With short explanations and direct  
23 references to the exhibits in my original  
24 application, the purpose of this sheet is to add --  
25 isn't to add new information, but to make it easier

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1 for the board to follow along and confirm that each  
2 test is met and documented in the record. This  
3 variance isn't about seeking more profit. It's  
4 about making this property viable the way the  
5 standard law requires. I wanted to make sure  
6 that's clear and easy for reference as you  
7 deliberate.

8 On page 28, when the city went through  
9 the zoning update in 2023, I was generally aware of  
10 the changes that were being discussed, but the  
11 hardship we're talking about here wasn't something  
12 that could have been presented by commenting at the  
13 time. The update was a city-wide policy process,  
14 not a site specific review, and our property has  
15 remained unchanged throughout.

16 The hardship isn't something we created.  
17 It comes from the physical layout and the financial  
18 infeasibility with the permitted NMU uses under the  
19 new code. So while I was aware of the process, the  
20 circumstances that made this parcel unworkable were  
21 already built in long before the zoning amendment  
22 was adopted.

23 Pages 29 through 31. I understand the  
24 concern about maintaining the neighborhood's  
25 character and avoiding any precedent that could

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1 change the pattern of this district. In this case,  
2 the proposed use is fully contained within the  
3 existing building footprint while 1,300 square feet  
4 of the ground floor with no exterior additions or  
5 site expansions. The upper level remains as is.  
6 The facade keeps its residential look. Operations  
7 are highly regulated by the state with security  
8 cameras, limited hours, and no on-site consumption.

9 So even if approved, this variance  
10 doesn't open the door for broader doors of  
11 activity. It simply makes this one existing  
12 property financially functional while keeping the  
13 same look, feel, and traffic level the neighborhood  
14 already has.

15 32 to 34. At the last meeting, I was  
16 asked that we supplement the record with a  
17 discounted cash flow analysis showing stabilized  
18 income for permitted uses along with actual income  
19 and expense statements. Those figures are now  
20 provided. The 12-month income and expense  
21 statement show an actual operating loss under the  
22 current residential use, and the discounted cash  
23 flows for permitted uses -- duplex, retail, and  
24 office -- confirm that, even under stabilized  
25 long-term conditions, each produced a negative

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1 return well below the 6 to 10 percent benchmark.

2 The purpose of this edition isn't to  
3 restate the conversion cost, but to give the board  
4 a clear, long-range financial picture showing that  
5 the hardship is both ongoing and quantifiable.  
6 These materials now provide the complete  
7 dollar-and-cents foundation that the statute  
8 requires for the reasonable test.

9 Page 35. Through the chair, Mr. Urda  
10 noted that to grant a variance, the board needs to  
11 see that every NMU use permitted has been reviewed  
12 and shown as practicable for this parcel. That  
13 analysis is already contained in Exhibit E of my  
14 October 15th application, pages 41 through 58,  
15 where each allowed use was reviewed side by side.

16 To give a clear example, a salon once  
17 operated right at this parcel and later moved  
18 directly across the street. The owner explained  
19 she struggled at the subject parcel because  
20 customers couldn't see her business from the road  
21 and parking felt awkward and hidden. The same  
22 salon, now located across the street where the  
23 building lines up with the rest of the corridor and  
24 is clearly visible, her business now thrives. That  
25 example shows this hardship isn't about market

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1 conditions or business type. It's about the  
2 geometry and visibility limits unique to this  
3 specific parcel, and that's why the hardship here  
4 is parcel-based, but not market-based, fully  
5 satisfying the uniqueness and reasonable return  
6 tests.

7 36. When we look city wide, there are  
8 already several neighborhood mixed use parcels that  
9 support small retail operations similar in size and  
10 activity to what's proposed here. The difference  
11 is that my licensed dispensary will operate under  
12 strict state regulations, including full camera  
13 coverage, ID verification, and oversight by the  
14 State of New York Office of Cannabis Management.  
15 That makes it one of the most controlled  
16 accountable forms of retail use permitted anywhere  
17 in the city.

18 Unlike some existing storefronts, this  
19 business will not feature bright neon lights,  
20 window displays or products, or signage that  
21 disrupts the corridor. The building will maintain  
22 a residential appearance with compliance signage  
23 only and minor exterior updates like fresh paint or  
24 trim so it continues to look like a well-kept home  
25 or duplex in an NMU district.

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1           It's also important to clarify that this  
2           adult-use cannabis dispensary will not be labeled  
3           or operated as a smoke shop, a tobacco shop, or a  
4           last-product store. While many people associate  
5           cannabis with smoking, most of the consumption in  
6           today's regulated market is through non-smokable  
7           forms: edibles, tinctures, and other precisely  
8           dosed products. This will be exactly what it says:  
9           a New York State licensed cannabis retail  
10          dispensary, not a smoke shop in disguise.

11          In that sense, the proposed use fits  
12          squarely with the existing retail character of the  
13          neighborhood, but does so with higher oversight,  
14          lower impact and greater alignment with both city  
15          code and standards state law.

16          Before I continue, I'd like to take a  
17          moment to note that I previously submitted by hand  
18          a separate packet entitled "Change for Good:  
19          Community Acceptance and Input" in the planning  
20          department's office on November 10th. This was  
21          provided prior to tonight's meeting as additional  
22          document for the zoning board of appeals to review.  
23          I simply want to acknowledge on record that this  
24          packet was received and is part of the materials  
25          being considered for this evening.

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1           Additionally gathered, I have more  
2           community acceptance and input materials that have  
3           been collected since that submission. I would like  
4           to respectfully hand those in this evening to be  
5           included as supporting evidence within the same  
6           packet. This additional evidence supports the use  
7           variance hardship tests Number 2 -- for the  
8           Number 2, uniqueness test, and the Number 3,  
9           essential character of the neighborhood test.

10           Through the chair, in addition to my  
11           clarification submission this evening, I also have  
12           a couple of other additional exhibits I would like  
13           to briefly present and explain before concluding  
14           with my closing statement.

15           These were added after my full  
16           clarification packet had already been completed,  
17           but I felt they were important enough to bring  
18           forward tonight. They address matters that I  
19           believe deserve to be acknowledged directly, both  
20           for this board's consideration in deciding the  
21           variance and for the broader benefit of the  
22           community and city council as they continue to  
23           shape policy around it.

24           Before I continue, to stay on pages 37  
25           and 38, those are just only acknowledgment and

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1 understanding pages of a portion of the packet  
2 "Change for Good: Community" packet and additional  
3 exhibits.

4 You can now open that packet and follow  
5 along on pages 39 and 40.

6 To further clarify the record, I want to  
7 briefly address the matter of youth facilities in  
8 neighborhood character as it relates to 848 Coffeen  
9 Street. Well before I ever filed this application,  
10 I reviewed the New York State law and the Office of  
11 Cannabis Management's guidance to ensure my site  
12 fully complied with all proximity requirements. If  
13 it hadn't, I would never have pursued this process.  
14 I've understood these rules from the start, and  
15 this property meets every condition under both  
16 state and local law.

17 Nearby parcels -- the Kostyk Fieldhouse,  
18 the Watertown Municipal Arena, and Alex T. Duffy  
19 Fairgrounds -- are zoned parks and open space, but  
20 under OCM's definition, none qualify as a public  
21 facility. That definition requires both government  
22 ownership and primary -- and a primary purpose  
23 serving minors under 17. While these parcels are  
24 municipally owned, their uses are mixed and largely  
25 adult oriented. The fairgrounds hosts fairs,



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1       concerts, car shows, along with many adult sporting  
2       events. The arena supports adult and professional  
3       hockey and other adult activities throughout the  
4       year.

5               Both the arena and the fairgrounds  
6       operate with permits that allow the sale and  
7       on-site consumption of alcohol, a regulated  
8       intoxicant, at public events held at most parcels.  
9       Even if the city some day designated these  
10      properties as youth facilities, they'd still fail  
11      OCM's legal definition since their primary purpose  
12      is not dedicated to minors.

13             Looking at neighborhood character, this  
14      corridor already includes three restaurants and  
15      bars each closer to those same park and fairground  
16      parcels. These businesses legally serve alcohol  
17      for on-site consumption and are open to the general  
18      public, including families and minors. It's common  
19      to see youth in those restaurants and bars sitting  
20      side by side or across from patrons consuming  
21      alcohol. That's the existing accepted and licensed  
22      character of this mixed use corridor.

23             By comparison, a licensed cannabis  
24      dispensary is 21 years or older, allows no on-site  
25      consumption, sells sealed traceable products, and

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1 operates under continuous state-monitored security  
2 and surveillance. In reality, our operation is  
3 quieter, safer, and more controlled than several  
4 current uses already permitted here.

5 Lastly, the City of Watertown has opted  
6 out of on-site cannabis consumption. I support  
7 that decision. On-site makes sense in a larger,  
8 walkable cities, not here where people primarily  
9 drive. For Watertown, retail-only dispensaries are  
10 the right fit to ensure public safety.

11 I ask that this clarification be entered  
12 into the record, showing that this project has been  
13 compliant from the beginning, that none of the  
14 surrounding parcels meet the state's definition of  
15 a youth facility, and that a proposed use aligns  
16 with both the law and the true character of this  
17 neighborhood.

18 Watertown's strength comes from its  
19 working families, teachers, Realtors, engineers,  
20 professionals who care deeply about how growth  
21 happens here, not just that it happens. Good  
22 planning teaches by example. Regulating something  
23 openly and responsibly shows our youth and  
24 community how adults make balanced, thoughtful  
25 decisions. That's real leadership.

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1           At its core, this variance isn't changing  
2           the system. It's correcting a logic debt within  
3           it. The 2023 zoning update unintentionally removed  
4           the use that functions just like other permitted  
5           retail uses. The data I provided shows  
6           immeasurable dollars-and-cents returns that every  
7           other permitted use fails the reasonable return  
8           test. This request is the minimal adjustment  
9           needed to bring the property back into the internal  
10          consistency within the city's framework. We've  
11          addressed visibility, lighting, drainage, and  
12          environmental impact ensuring the site is safe,  
13          contained, and compliant with New York State DEC  
14          standards. It fully respects the neighborhood  
15          character and environmental responsibility.

16          Watertown's identity is tied to Fort Drum  
17          and the families who support it. While federal  
18          policy limits active duty soldiers, New York's  
19          regulated program lawfully serves veterans,  
20          spouses, and civilians right here at home. A  
21          responsible, local dispensary keeps that access  
22          close to home under strict oversight and away from  
23          unregulated channels.

24          The kind of planning that favors safety,  
25          structure, and balance has always defined Fort Drum

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1 and it defines this project. Approving a tightly  
2 conditioned, state-licensed dispensary applies  
3 those same disciplinary standards" strong  
4 oversight, environmental care, and community  
5 protection. It reduces unregulated activity, keeps  
6 commerce and tax revenue local, and maintains the  
7 essential character of the neighborhood.

8 Page 41. I want to mention something  
9 I've kept to myself throughout this process long  
10 before I knew I'd be asked to file for a use  
11 variance. I've already understood the state's  
12 cannabis law, especially the section that preempts  
13 local laws which make legal operations unreasonably  
14 impracticable. I chose not to bring that forward  
15 until now out of respect for the board and the  
16 city's process, but I think it's fair to say at  
17 this point that I've cooperated fully, and even  
18 under the state law, this level of local  
19 restriction may not have been intended. I'm simply  
20 putting that acknowledgment on the record tonight.  
21 I'm not introducing this to create conflict, but  
22 rather to ensure the record accurately reflects my  
23 full understanding of both local and state  
24 frameworks and to demonstrate that my cooperation  
25 has been rooted with respect, not obligation.

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1                   42. That concludes my clarification  
2 submission and supporting exhibits for Bud Bound  
3 Ventures, LLC, and 848 Coffeen Street.

4                   Before I close, I'd like to take a moment  
5 to speak to the broader nature of local business  
6 and why that matters in the context of what we're  
7 doing here.

8                   Small, locally owned businesses are what  
9 built this community. They are the foundation of  
10 Watertown's growth and character. Unfortunately,  
11 as we look around today, I think we can all agree  
12 that small businesses don't survive and thrive the  
13 way they once do. Costs rise and outside  
14 competition grows and the ability for true local  
15 operators to keep up becomes harder each year. My  
16 own family has been engrained in this community  
17 since 1933, continuously operating and holding a  
18 New York State liquor license since that same year;  
19 one of only two local businesses I know of with an  
20 unbroken record that long. If that doesn't  
21 represent good faith and responsible local  
22 operation, I don't know what does.

23                   Personally, I've spent the last 15 years  
24 managing teams and serving customers across our two  
25 locations, and at time, I've learned what our

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1 community values most: familiarity, accountability,  
2 and the ability to keep our dollars, jobs, and  
3 opportunities right here at home.

4 As the city, the zoning board, and the  
5 community leaders continue shaping how this new  
6 industry will operate, I urge you to recognize the  
7 importance of working with local business owners  
8 who want to do things the right way --  
9 transparently, compliantly, and responsibly --  
10 because if we don't establish a clear path for  
11 local participation, the reality is that the  
12 outside operators are already here. Many of them  
13 have no long-term ties to Watertown and no  
14 understanding of our community's needs. Their  
15 financial strength and corporate reach will overrun  
16 our very opportunity that should belong to us, the  
17 people who live, work, and invest here.

18 My goal from Day One has been to comply,  
19 to collaborate, and to contribute, not to challenge  
20 authority, but to make sure this process works as  
21 it was intended: fairly, reasonably, and in the  
22 spirit of community partnership.

23 Thank you again to the board and the  
24 staff for your time, attention, and willingness to  
25 hear these clarification facts tonight.

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1           In closing, I believe this request meets  
2           every standard of fairness, logic, and  
3           responsibility that the board stands for, is  
4           supported by hard evidence, guided by sound  
5           planning discipline, and carried out with full  
6           respects for public safety and environmental  
7           compliance. This variance doesn't stretch the law.  
8           It aligns it with reason. It keeps opportunity  
9           local, maintains neighborhood stability, and honors  
10          the same standards and accountability that will  
11          make this community proud.

12           I respectfully ask the board to approve  
13          this variance to allow the subject parcel to  
14          function lawfully, respectfully, in harmony with  
15          the city's goals for balance while maintaining  
16          growth.

17           CHAIRPERSON CORRIVEAU: Well, I guess  
18          I've got a process question, first of all.

19           I can't speak for the other three here,  
20          but for myself, I spent a lot of time with the  
21          materials that were submitted ahead of last month,  
22          the discussions we had last month, the multiple  
23          submissions between last month and now, and now  
24          several more. When do you cut that off and say  
25          this is the packet of material to evaluate?

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1 MS. BENNETT: I mean, that's really up to  
2 the board's discretion. But if you are going to  
3 consider documents that were submitted tonight, I  
4 would suggest not voting this evening until  
5 everyone's had a chance to review the most recent  
6 set of submissions, so ...

7 CHAIRPERSON CORRIVEAU: Yeah. That  
8 thought has crossed my mind.

9 MS. FARRELL: Same here.

10 CHAIRPERSON CORRIVEAU: And it's probably  
11 appropriate to hold that in abeyance for a minute.

12 If we go down that road, is there a way  
13 to preclude more materials coming in over the next  
14 30 days and to include the night of the next  
15 hearing?

16 MS. BENNETT: Absolutely. You would just  
17 simply provide a date by which all materials must  
18 be submitted and after which no additional  
19 materials will be considered.

20 CHAIRPERSON CORRIVEAU: Was there a date  
21 such as that over the last couple weeks?

22 MR. URDA: At the October meeting, we did  
23 set a -- well, this doesn't have a calender. Last  
24 Friday, essentially, was the day I had to send  
25 packets out to you. So close of business last



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1 Thursday was the nominal deadline.

2 CHAIRPERSON CORRIVEAU: Nominal or real?

3 MR. URDA: I mean, we set -- the board  
4 set, at the last meeting and agreed with the  
5 applicant, that the deadline for any materials to  
6 be considered at this meeting was close of business  
7 last Thursday with packets going out Friday.

8 The applicant obviously did submit a lot  
9 of materials by close of business last Thursday. I  
10 think it would be at the board's discretion what  
11 you would do with everything submitted tonight.

12 CHAIRPERSON CORRIVEAU: I'll tell you,  
13 it's a lot to ponder, and I'm sure that was your  
14 intent.

15 MR. SBORO: May I comment?

16 CHAIRPERSON CORRIVEAU: Please do.

17 MR. SBORO: So the materials that I did  
18 send in by that deadline were the basic ones that I  
19 wanted you to have because I thought they were the  
20 most important.

21 I wasn't quite finished with some of this  
22 stuff, as you see, but that's why I clearly  
23 designed the packet so that, as I did read along,  
24 you were able to view them. But ultimately, there  
25 was a lot of additional clarification in there that

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1 I spoke of, but I did try to give you the main  
2 things that I thought were the most important so  
3 you had time to look at those.

4 CHAIRPERSON CORRIVEAU: Are the numbers  
5 that came in in this packet last week the same  
6 numbers --

7 MR. SBORO: Yes, yes, yes.

8 CHAIRPERSON CORRIVEAU: -- that were put  
9 in front of us tonight?

10 MR. SBORO: Yes. Absolutely.

11 CHAIRPERSON CORRIVEAU: We can go through  
12 that tonight because I think myself, and I suspect  
13 others, have spent quite a bit of time with what  
14 you already submitted prior to this evening. That  
15 may be worthwhile doing, but I don't want to go  
16 through this cycle again and again and again. I  
17 would hope you wouldn't neither, but maybe  
18 that's -- I just hope you wouldn't either.

19 MR. SBORO: No.

20 CHAIRPERSON CORRIVEAU: Because it's  
21 difficult.

22 MR. SBORO: Yeah.

23 CHAIRPERSON CORRIVEAU: Very difficult.

24 MR. SBORO: I mean, there's a lot of uses  
25 to compare it to, definitely.

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1                   CHAIRPERSON CORRIVEAU: And presenting  
2 something with this much detail and reading through  
3 it at the same time, you've got the -- you know, if  
4 you have an expectation, we can read this and  
5 examine it and think about it. While you're  
6 talking at the same time, that's a mixed media  
7 environment that is very difficult to mentally  
8 process.

9                   MR. SBORO: Understood.

10                  CHAIRPERSON CORRIVEAU: And I don't know  
11 if that was intended or not, but I'm just telling  
12 you it is. And for the last, whatever it's been,  
13 20 minutes, I've been struggling with it.

14                  MR. SBORO: Understood.

15                  CHAIRPERSON CORRIVEAU: The community  
16 letters, I think, are in addition to the ones you  
17 sent in earlier?

18                  MR. SBORO: Yeah. They're just the same  
19 thing. They're just more I collected.

20                  CHAIRPERSON CORRIVEAU: Well, let's go  
21 through the material we had to examine so far prior  
22 to tonight. And if any of the board members want  
23 to ask about the materials you presented tonight,  
24 it's fair game to do so. I'm going to refrain from  
25 that because I would like to read it.

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1 MR. SBORO: Yes, sir.

2 CHAIRPERSON CORRIVEAU: The stuff you  
3 submitted up prior to tonight, I've read through  
4 them several times because it's just that involved  
5 and it warrants that kind of attention to detail  
6 and whatnot.

7 And I guess I'll start first on this one,  
8 and I'll refer to the original exhibits that you  
9 submitted a month ago versus the ones that were  
10 revised and came in via email that Geoff forwarded  
11 on to us over the last week or so.

12 Under the test Number 1, reasonable  
13 return, the original Exhibit A, reasonable return  
14 basis -- legal basis explanation is how it's  
15 titled, details using the full market value of  
16 134,250 to calculate a reasonable return at 6 to  
17 10 percent, or 8,000 to 13,000 per year, unquote.  
18 Those are all your words from the original.

19 MR. SBORO: Mm-hmm.

20 CHAIRPERSON CORRIVEAU: The revised  
21 Exhibit C, dispensary pro forma, stabilized Years 3  
22 and 4 on page 4 of 13 in this document that I've  
23 had now for a better part of a week, on page 4,  
24 it's got a net income after tax amortization of  
25 \$372,000 labeled as a midpoint, because many of

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1 your numbers have a range. You see that?

2 MR. SBORO: Yep.

3 CHAIRPERSON CORRIVEAU: Yeah. And the  
4 fair market value is listed, once again, as  
5 134,250.

6 MR. SBORO: Mm-hmm.

7 CHAIRPERSON CORRIVEAU: And then there's  
8 a return on fair market value shown as 8.2 percent.

9 MR. SBORO: Mm-hmm.

10 CHAIRPERSON CORRIVEAU: How is that  
11 calculated?

12 MR. SBORO: I believe that's a three- to  
13 four-year average out. I believe that's how it is.  
14 It says stabilized Years 3 to 4 at the top.  
15 Reflects conservative sales, regional competition,  
16 and full fit-out, is that the one you're looking  
17 at?

18 CHAIRPERSON CORRIVEAU: Can you give me  
19 the formula as to how 8.2 percent was calculated?

20 MR. SBORO: I'm sorry. Can you repeat  
21 that again?

22 CHAIRPERSON CORRIVEAU: Can you give me  
23 the formula you used to calculate 8.2 percent?

24 MR. SBORO: It was a computer-based  
25 program that we plugged in with the number that we

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1 provided in all the other exhibits.

2 CHAIRPERSON CORRIVEAU: Okay. Well, the  
3 return on investment methodology that was in your  
4 first submission on page 7, Exhibit A, was  
5 structured as net operating income minus investment  
6 cost, all divided by the investment cost. That's  
7 how you laid it out, and I think it's right.  
8 That's how I would calculate it, too.

9 MR. SBORO: And this one, you're looking  
10 at differently?

11 CHAIRPERSON CORRIVEAU: Well, when you do  
12 that, you take the net income after tax  
13 amortization of 372,000 and subtract the  
14 investment cost of one hundred thirty-four five,  
15 and divide them all by one hundred thirty-four  
16 five, you get a return of 177 percent, not 8.2.

17 MR. SBORO: Mm-hmm. No, I think -- I  
18 think there's somewhere here in my clarification  
19 notes that we're missing that, and it's supposed to  
20 be broken down differently. Taxes, utilities ...

21 Yeah, I'm seeing where -- where you're  
22 confused on the situation here. So I'm not sure  
23 where I can go with that from this point. I'm  
24 trying to figure out where I missed that. Reflects  
25 three to four operations -- (reading sotto voce).

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1 MR. URDA: Mike, do you have your  
2 original submission from a month ago with you?

3 MR. SBORO: I have it with me.

4 MR. URDA: Okay. Because I've gone to  
5 the page. I can show you what he's pointing at in  
6 here.

7 MR. SBORO: Oh, okay. You want me to get  
8 that out?

9 MR. URDA: He was saying this is the one  
10 you gave us a month ago. You've got Number 2  
11 there, assessed full market value. You've got the  
12 one thirty four two there. And then, there, you've  
13 got the 6 to 10 percent will require 8 to 13 to get  
14 you to 6 to 10.

15 MR. SBORO: Yeah. Okay.

16 MR. URDA: That's why he's saying the 372  
17 is -- whatever you said, Jim -- 100 and whatever  
18 percent.

19 MR. SBORO: Mm-hmm.

20 MR. URDA: So he's asking about,  
21 basically, this right here versus --

22 MR. SBORO: Yeah, yeah. So this was just  
23 a baseline. This -- this is what we're talking --  
24 this require -- this 8 to 13, that's what you're  
25 referring to on Exhibit A.

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1 MR. URDA: Right. So he's saying, right  
2 there, you've got, you know, that 8 to 13 gets you  
3 6 to 10 percent.

4 And then, here, you've got 372,000 giving  
5 you 8 percent. So he's asking kind of -- it feels  
6 like it's a different formula or that 300 --

7 And you did the math, Jim. It's whatever  
8 percent.

9 CHAIRPERSON CORRIVEAU: Yeah. It came to  
10 177 percent when I calculated it the same way you  
11 did it before.

12 But let me go on.

13 MR. SBORO: Yeah, please go on while I'm  
14 reviewing.

15 CHAIRPERSON CORRIVEAU: Yeah. The net  
16 income after tax amortization of midpoint there of  
17 372, I'm not sure how that was calculated because  
18 the range above it there, the range of 360 to 410,  
19 the actual midpoint of those two numbers is 385.

20 MR. SBORO: Mm-hmm.

21 CHAIRPERSON CORRIVEAU: And I would ask  
22 you to explain the difference, maybe.

23 MR. SBORO: Where -- which -- 360 to 4 --  
24 say it again?

25 CHAIRPERSON CORRIVEAU: The net income



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1 after tax amortization is shown as a range of  
2 360,000 to 410,000, and the midpoint down below --

3 MR. SBORO: Right.

4 CHAIRPERSON CORRIVEAU: -- net income  
5 after tax amortization is listed as 372.

6 MR. SBORO: Yep.

7 CHAIRPERSON CORRIVEAU: You do the math,  
8 it comes out to 385.

9 MR. SBORO: Oh, I see what you're saying.  
10 Yep. I might have -- may have given you the wrong  
11 sheet. I might have given you the wrong dispensary  
12 forma.

13 Can -- do you have anymore questions on  
14 this one?

15 CHAIRPERSON CORRIVEAU: Oh, sure. I'm  
16 sorry.

17 The net income above the line there, the  
18 range 360 to 410, is noted on the right side as net  
19 operating income before owner distributions. Okay?  
20 And I'm just asking, is it possible that the  
21 8.2 percent return you're representing here, is  
22 that the owner distribution divided by fair market  
23 value? Is that how it was derived, maybe?

24 MR. SBORO: Yes. That's how it's -- yes.  
25 That makes sense.

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1 CHAIRPERSON CORRIVEAU: Okay. When you  
2 divide the difference between the midpoint -- the  
3 real midpoint, 385, and the 372 used below is a  
4 difference of \$13,000.

5 MR. SBORO: Mm-hmm.

6 CHAIRPERSON CORRIVEAU: I'm assuming that  
7 could be the owner distributions; is that right?

8 MR. SBORO: After taxes. Net operating  
9 income before owner distributions.

10 CHAIRPERSON CORRIVEAU: Well, that's what  
11 it says, net operating income before owner  
12 distributions.

13 MR. SBORO: I would like to double-check  
14 with that at home before I commit to that.

15 CHAIRPERSON CORRIVEAU: Well, if it does,  
16 if that \$13,000 of owner distribution, that's what  
17 the difference is between the real midpoint and the  
18 372 you're showing. That divided by the fair  
19 market value of 134,250 would return a return of  
20 9.7 percent, not too far off the 8.2 showing.

21 MR. SBORO: Right. Got you.

22 CHAIRPERSON CORRIVEAU: So maybe that's  
23 the methodology you used. I don't know, and that's  
24 kind of why I'm asking.

25 MR. SBORO: Right. Understood.

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1                   CHAIRPERSON CORRIVEAU: And then page 5  
2 of this new packets that we got there a few days  
3 ago, 5 to 13, the big note up top there, I'll quote  
4 it, "Note: The stabilized projection reflects the  
5 Years 3 to 4 operations after ramp-up and capital  
6 recovery. The return shown represents  
7 property-level economic viability --" and here's  
8 the key "-- remaining profit is allocated to  
9 working capital and reinvestment, not personal  
10 distribution."

11                   And I presume that's a true statement?

12                   MR. SBORO: Yeah. I'm -- I'm trying to  
13 follow along. Is it the rent level, utilities?

14                   CHAIRPERSON CORRIVEAU: It's the little  
15 piece on the top of page 5 in italics, at the very  
16 top of page 5 of 13.

17                   MR. SBORO: So are you referencing the  
18 one I gave you today --

19                   CHAIRPERSON CORRIVEAU: No.

20                   MR. SBORO: -- or the emailed one?

21                   CHAIRPERSON CORRIVEAU: No. I haven't  
22 read the stuff you gave me yet.

23                   MR. SBORO: Okay. Okay. So what I'm  
24 reading is accurate for what you're asking, I  
25 believe.

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1                   CHAIRPERSON CORRIVEAU: If the  
2                   statement's accurate, then let me ask this: This  
3                   remaining annual profit is approximately in the  
4                   range of 350 to \$400,000 a year. Is it reasonable  
5                   to approve the annual profits at this level between  
6                   the working capital and reinvestment accounts  
7                   associated at 848 Coffeen Street?

8                   MR. SBORO: No. I believe these numbers  
9                   are -- we're reading them incorrectly from the way  
10                  they were supposed to be designed.

11                  CHAIRPERSON CORRIVEAU: Well, I'm trying  
12                  to follow along here.

13                  MR. SBORO: Well, I am, too, now.

14                  CHAIRPERSON CORRIVEAU: And then on the  
15                  same page, 5 of 13, down in the middle of the page,  
16                  there's a statement that says: The resulting  
17                  8 percent return on fair market value meets, but  
18                  does not exceed, quote, "reasonable return,"  
19                  unquote, standard under New York General City  
20                  Law 81-b, demonstrating that the variance enables  
21                  economic viable, rather than -- and, in a sense,  
22                  stops and it's a bunch of white space.

23                  What is the missing text?

24                  MR. EVANS: And in what you submitted  
25                  tonight, you've got that same thing. It ends

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1 "rather than" on page 6 of what you sent in  
2 tonight.

3 MR. SBORO: Yeah. That was supposed to  
4 be the heading of the next page, I believe, at the  
5 bottom, page 5.

6 MR. URDA: So I've pulled it up on the  
7 screen. He's talking about right here where  
8 this -- where this paragraph cuts off (indicating).

9 MR. EVANS: And the next page talks about  
10 permitted and current use of two different  
11 dwellings.

12 MR. SBORO: Okay. So let's find that on  
13 today's one because --

14 MR. EVANS: No. It's the same thing in  
15 today's one.

16 MR. SBORO: Today's one is cut off like  
17 that, too?

18 MR. EVANS: Yes.

19 MS. FARRELL: Yeah.

20 MR. URDA: It's on page 6 of --

21 MR. SBORO: Well, then, my apologies on  
22 that. I can't answer that one right now.

23 CHAIRPERSON CORRIVEAU: Okay.

24 MR. SBORO: Rather than a loss. It's  
25 supposed to be "loss."

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1 CHAIRPERSON CORRIVEAU: Rather than what?

2 MS. FARRELL: Rather than a loss.

3 MR. SBORO: Probably "viability rather  
4 than a loss." Or a windfall. I think it was  
5 supposed to be "windfall," because this is the  
6 revised new pro forma, correct? Like it was a --  
7 the first one --

8 CHAIRPERSON CORRIVEAU: This is the  
9 revised one.

10 MR. SBORO: Yeah. This is revised  
11 Exhibit C, dispensary pro forma, years --  
12 stabilized Years 3 to 4.

13 CHAIRPERSON CORRIVEAU: Yeah. And the  
14 text just drops off there in the middle of the  
15 page. So you think it's supposed to be "rather  
16 than a windfall"?

17 MR. SBORO: Yes.

18 CHAIRPERSON CORRIVEAU: Okay.

19 MR. SBORO: It's stating that the first  
20 one I gave you was overly stated on the initial  
21 one.

22 CHAIRPERSON CORRIVEAU: Yeah. The  
23 numbers aren't far off, I don't think. You said  
24 they match.

25 MR. SBORO: Well, the other one showed a

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1 bigger return, I believe, the first dispensary pro  
2 forma, and this one was supposed to show stabilized  
3 after three or four years with, you know -- with  
4 capital and reinvestment, and there was supposed to  
5 be amortization of a ten-year period of time for  
6 the conversion costs --

7 CHAIRPERSON CORRIVEAU: Mm-hmm.

8 MR. SBORO: -- which was built into one  
9 of those.

10 CHAIRPERSON CORRIVEAU: That is the pro  
11 forma that you sent last week --

12 MR. SBORO: Yes.

13 CHAIRPERSON CORRIVEAU: -- that I saw,  
14 and that's fine.

15 Okay. So the 8 and a half percent return  
16 on fair market value meets, but does not exceed,  
17 the reasonable return standard, demonstrating that  
18 the variance enables economic viability, rather  
19 than a windfall. Is that what it should say?

20 MR. SBORO: I think you were asking me --  
21 on the first, you were trying to explain to me  
22 that, you know, it was a large, you know, return  
23 and it didn't -- it didn't mean I was going to get  
24 a variance on this new use that I was going to try  
25 to have -- to get accepted by you guys. I think

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1       that's what I was trying to explain, so I was  
2       trying to put it in more perspective, because it  
3       was only set for Year 1 is what I showed you, if  
4       that makes sense.

5               CHAIRPERSON CORRIVEAU: I understand you  
6       can show a rate of return on investment for Year 1,  
7       if you want to category it that way, or you can  
8       show it over a period of 10 years or a lifetime of  
9       whatever. I don't know that it's going to change  
10      much in the first three or four years.

11             Let's go on.

12             This revised Exhibit C says that the  
13      dispensary pro forma was provided to help the  
14      zoning board and the city staff understand the  
15      financial and operating framework of the proposed  
16      use, and I don't know if that's a true statement,  
17      and I appreciate that.

18             MR. URDA: What page are you on, Jim?

19             CHAIRPERSON CORRIVEAU: I'm still on  
20      page 5.

21             MR. URDA: Okay.

22             MR. EVANS: Right at the very bottom.

23             CHAIRPERSON CORRIVEAU: Right at the very  
24      bottom.

25             MR. URDA: Okay. Right here



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1 (indicating).

2 CHAIRPERSON CORRIVEAU: If you go to  
3 page 6, which is the pro forma for the duplex, in  
4 here, I was puzzled by how the snow removal cost  
5 was -- \$9,045 annually was derived. It seems  
6 excessive for a residential duplex driveway. That  
7 receipt that you show from Soft Water by George,  
8 the contractor, I guess, that did the plowing --

9 MR. SBORO: Yep.

10 CHAIRPERSON CORRIVEAU: -- shows this  
11 duplex plowing is 9,200 square feet, and the  
12 receipt, you know, shows the total plowing between  
13 that and the Canteen next door is 44,200 square  
14 feet when you add them both up.

15 And so when you look at the duplex  
16 driveway at 9,200 square feet, it seems like a lot  
17 of driveway for a 1,300 first-floor residential  
18 facility.

19 MR. SBORO: Mm-hmm.

20 CHAIRPERSON CORRIVEAU: But nonetheless,  
21 you prorate that 9,200 square feet for the duplex  
22 over the 44,200 square feet for the two businesses,  
23 and it comes out to 21 percent associated to the  
24 845 -- 848 property on Coffeen Street, 21 percent  
25 of the build; yet, your pro forma cost allocation,

## ZONING BOARD OF APPEALS

1 the \$9,045 is 42 percent --

2 MR. SBORO: This --

3 CHAIRPERSON CORRIVEAU: -- of that  
4 invoice's total.

5 MR. SBORO: So --

6 CHAIRPERSON CORRIVEAU: So why is the  
7 proration different from doing the square foot  
8 calculation versus the dollars?

9 MR. SBORO: So on the receipt, it has for  
10 836 and 848, right. So you want me to prorate --  
11 I'm slightly confused. It's already broken out  
12 into two parcel sections that they're charging us  
13 for.

14 CHAIRPERSON CORRIVEAU: Yeah. It's a  
15 nice receipt. It's clear enough.

16 MR. SBORO: Okay. So you -- you're --  
17 you're trying to ask now about why does it cost so  
18 much for that much square footage?

19 CHAIRPERSON CORRIVEAU: Yeah. It's on  
20 page 36 of your original packet.

21 MR. SBORO: From the first meeting?

22 CHAIRPERSON CORRIVEAU: You bet.

23 MR. SBORO: Okay. Page 36, I'm looking  
24 at the receipt.

25 CHAIRPERSON CORRIVEAU: Yep.

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1 MR. SBORO: Okay.

2 CHAIRPERSON CORRIVEAU: And he's got two  
3 segments there.

4 MR. SBORO: Yep.

5 CHAIRPERSON CORRIVEAU: The first one is  
6 836, 35,000 square feet. That's the Canteen, I  
7 suppose.

8 MR. SBORO: Mm-hmm.

9 CHAIRPERSON CORRIVEAU: And then broken  
10 down below it is 848, which is 9,200 square feet.

11 MR. SBORO: Uh-huh.

12 CHAIRPERSON CORRIVEAU: And so you add  
13 those two together and you get 42,000 square feet,  
14 right -- or 44,200. I'm sorry.

15 MR. SBORO: Okay.

16 CHAIRPERSON CORRIVEAU: And so if you  
17 want to prorate the cost based on square footage,  
18 the calculation would be 9,200 divided by 44,200,  
19 and then that comes out to be 21 percent of the  
20 build -- or the square footage allocated towards  
21 the residential property.

22 But when you show a cost for the  
23 residential property at 9,045 -- 9,045 -- and  
24 divide that by the total of this build, 21,546 at  
25 the bottom, that computes to be to 42 percent of

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1 the dollars on the invoice. So I'm wondering why  
2 you calculated it two different ways.

3 MR. SBORO: I guess I'm just not -- I'm  
4 following what you're trying to say, but I'm not  
5 following --

6 CHAIRPERSON CORRIVEAU: How would you  
7 allocate the cost for the plowing at the  
8 residential property? How would you do it?

9 MR. SBORO: How would I allocate it?

10 CHAIRPERSON CORRIVEAU: Yeah. Based on  
11 this receipt, how would you allocate the percentage  
12 of the cost for the house versus the Canteen?

13 MR. SBORO: Exactly what they said, a  
14 little over \$9,000. That's what it cost for that  
15 subject parcel, what they have here as a plow cost.

16 There was two separate totals, right: one  
17 up top for 836, and one down below it. 8,375, add  
18 the 8 percent tax to it, brings it to 9,045, I  
19 think it was, that's on there.

20 CHAIRPERSON CORRIVEAU: I think it begs  
21 the question to why this vendor is charging you  
22 twice as much per square foot to plow the  
23 residential driveway as the Canteen next door.

24 MR. SBORO: I -- because it's easier to  
25 plow a bigger space.

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1 CHAIRPERSON CORRIVEAU: Could be.

2 MR. SBORO: The other one is tighter  
3 constraints. They have to move the snow across, I  
4 believe. So all of this is described in today's  
5 packet, obviously. But they have to move it across  
6 the lot to pile it into another spot, which is  
7 behind 836, in a grass lot. And then when it gets  
8 so big, we have to have loaders come in and move  
9 the snow and pile it. And then eventually, it has  
10 to be hauled off because we start losing the  
11 majority of the parking lot.

12 CHAIRPERSON CORRIVEAU: Okay.

13 MR. SBORO: So I believe --

14 CHAIRPERSON CORRIVEAU: And the rational  
15 for plowing 9,200 square feet for the residential  
16 property for a driveway is what?

17 MR. SBORO: That's just what it costs to  
18 maintain that property.

19 CHAIRPERSON CORRIVEAU: That's a big  
20 driveway, 9,200 square feet.

21 The upper unit is listed as vacant, and I  
22 heard you mention that again tonight. That's been  
23 your choice all along, I presume, to rent out just  
24 the lower unit.

25 MR. SBORO: Yeah. I believe it now has a

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1       tenant, though, I believe.

2               CHAIRPERSON CORRIVEAU:   At \$800 a month?

3               MR. SBORO:   I'm not sure on the cost of  
4       that yet.

5               CHAIRPERSON CORRIVEAU:   Well, that's what  
6       it shows on page 44 --

7               MR. SBORO:   No.   I mean for the new  
8       tenant.

9               CHAIRPERSON CORRIVEAU:   The upper or the  
10       lower?

11              MR. SBORO:   The upper just rented a  
12       tenant.

13              CHAIRPERSON CORRIVEAU:   So now they're  
14       both rented today?

15              MR. SBORO:   Yes, sir.

16              CHAIRPERSON CORRIVEAU:   On page 44 of  
17       your original package there, you show the rental  
18       income of \$800 a month.

19              MR. SBORO:   Yes, sir.

20              CHAIRPERSON CORRIVEAU:   Who's Monica?

21              MR. SBORO:   She's the tenant.

22              CHAIRPERSON CORRIVEAU:   And how is she  
23       related to you?

24              MR. SBORO:   She's a cousin.

25              CHAIRPERSON CORRIVEAU:   Cousin?

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1 MR. SBORO: Yes.

2 CHAIRPERSON CORRIVEAU: Is this rental  
3 arrangement an arm's length transaction with  
4 market-driven pricing or is it a family member  
5 arrangement?

6 MR. SBORO: You would have to ask the  
7 office lady. She just gave ...

8 CHAIRPERSON CORRIVEAU: I'm asking you.  
9 You're the owner.

10 MR. SBORO: So I'm not the owner of  
11 Sboro's LLC. I just was provided the income and  
12 all the receipts here and that's what I provided  
13 for you.

14 CHAIRPERSON CORRIVEAU: Okay. So she's a  
15 cousin.

16 MR. SBORO: Mm-hmm.

17 CHAIRPERSON CORRIVEAU: On page 7 of 13,  
18 the next page of your submission that came in last  
19 week, you show a couple comparable rental  
20 properties, Massey Street and one on Bishop Street  
21 as comparables.

22 MR. SBORO: Yes, sir.

23 CHAIRPERSON CORRIVEAU: Do you know if  
24 utilities are included in these residences or does  
25 the owner cover utilities, or what?

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1 MR. SBORO: These are partial utilities.  
2 Water and sewer are included in rent.

3 CHAIRPERSON CORRIVEAU: But not electric  
4 and gas?

5 MR. SBORO: I'm sorry. I couldn't  
6 hear --

7 CHAIRPERSON CORRIVEAU: But not electric  
8 or gas?

9 MR. SBORO: Correct.

10 CHAIRPERSON CORRIVEAU: And then we get  
11 to your pro forma for the rental. You've got that  
12 in the packet somewhere here -- on page 6 -- and  
13 that comes up to a negative 13.8 percent annual  
14 return. But it seems to me that the costs are  
15 excessive for that snowplowing.

16 MR. SBORO: Mm-hmm.

17 CHAIRPERSON CORRIVEAU: And I will also  
18 be curious about the rent. You know, the comps you  
19 have proposed at 950 and a thousand as a  
20 representative of the residential properties that  
21 you're showing as comps, the midpoint there is 975  
22 between the two of them. And if you rent the two  
23 units, that's, what, \$1,950 a month, something like  
24 that?

25 So I don't know if you ran that pro forma



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1 here with the two units rented using the comps you  
2 provided and using \$2,500 for snow plowing a  
3 residential driveway, which I think is a reasonable  
4 cost for the City of Watertown for a residential  
5 property --

6 MR. URDA: Chair, it might benefit the  
7 applicant if you gave him that, or if you want one  
8 more copy, I can make a photocopy so that he can  
9 follow along with you.

10 CHAIRPERSON CORRIVEAU: Take it right  
11 there. I've got it at home.

12 And then that comes out with a positive  
13 return, a very modest one, just 1.3 percent, but  
14 positive, nonetheless.

15 And on the next test, the uniqueness, you  
16 claim that the property is unique due to its small  
17 parcel size, existing residential structure,  
18 location along the major commercial corridor, and  
19 limited parking capacity in the original  
20 submission.

21 In the revised one we got late last week,  
22 you list a whole bunch of other things: the  
23 setback, the gap between the adjacent restaurant,  
24 et cetera.

25 MR. SBORO: Mm-hmm.

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1                   CHAIRPERSON CORRIVEAU: The original ones  
2                   you had -- you know, I think I mentioned to you  
3                   last month, but I feel that many of the  
4                   neighborhood mixed use parcels have similar  
5                   configurations and size. But the one you've -- the  
6                   scenario you've given to us last week with all the  
7                   lack of visibility and the fairground's sign  
8                   overhanging the sidewalk and the setback behind, et  
9                   cetera, et cetera, they almost make you wonder if  
10                  this parcel would be suited for any kind of retail.

11                 MR. SBORO: Sure.

12                 CHAIRPERSON CORRIVEAU: Cannabis or  
13                 otherwise.

14                 MR. SBORO: Sure.

15                 CHAIRPERSON CORRIVEAU: And so I guess  
16                 it's hard to understand why you didn't make that  
17                 case when you're trying to turn it into a retail  
18                 facility.

19                 MR. SBORO: Isn't to prove -- is the  
20                 uniqueness -- is that what we're talking about?

21                 CHAIRPERSON CORRIVEAU: Mm-hmm. Yeah.

22                 MR. SBORO: So don't we need to prove  
23                 that, correct? So it's a unique way that the  
24                 building sits and the property lies. It's very  
25                 difficult for us to make that. And then I believe

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1 with the retail definition that was asked about,  
2 you know, this is a different -- totally different  
3 retail store than all the other ones that are  
4 already going on. There's a different market for  
5 it, which I tried to explain in the dispensary pro  
6 forma, which we're not understanding, I guess, and  
7 jiving at the same time with that.

8 MR. URDA: So I'll -- he's basically  
9 saying you made a great case -- I think he's saying  
10 what on the screen of, like, nothing could go  
11 there --

12 MR. SBORO: I agree.

13 MR. URDA: -- but this one thing could.  
14 That's what you're asking, right?

15 CHAIRPERSON CORRIVEAU: Is that how --

16 MR. SBORO: If you want me to be fair,  
17 how many legalized dispensaries do we have in the  
18 city right now?

19 CHAIRPERSON CORRIVEAU: I don't think  
20 any.

21 MR. SBORO: Correct. So if we become one  
22 of the first on the scene, it will be an easy find  
23 for people to find us.

24 CHAIRPERSON CORRIVEAU: It will overcome  
25 those challenges.

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1 MR. SBORO: It should, yeah. Instantly  
2 on that situation.

3 CHAIRPERSON CORRIVEAU: So when we look  
4 at a property hardship -- I guess this is a  
5 question for staff or the attorney.

6 If you look at a property hardship, is it  
7 a hardship that's difficult to make a business  
8 enterprise go forward that the applicant is  
9 pursuing, or is it a hardship in some other context  
10 relative to the rest of the district?

11 MS. BENNETT: It's supposed to be that  
12 the property's plight is due to unique  
13 circumstances of that property and not to general  
14 neighborhood conditions. So I -- I don't know that  
15 you can -- I don't know that you can look at the  
16 proposed use in connection with making that  
17 argument.

18 CHAIRPERSON CORRIVEAU: The proposed use  
19 has nothing to with the hardship --

20 MS. BENNETT: Right. With whether it has  
21 unique circumstances or not. The unique  
22 circumstances pertain to the property.

23 MS. FARRELL: So in this case, the unique  
24 circumstances that that building sits weirdly  
25 situated between other structures around it making

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1       that hard to see, which makes it difficult for a  
2       business to function in that space, regardless of  
3       what kind of business it is. Yes?

4               MS. BENNETT: Yeah. But I think you also  
5       have to look at it just not tied to retail, right.  
6       The property itself must have some kind of singular  
7       disadvantage as compared to every other property in  
8       that neighborhood. So it's to the even focused on  
9       retail, right. There's got to be something -- not  
10      wrong. Something different, something unique about  
11      this particular piece of property --

12             MS. FARRELL: Okay. So --

13             MS. BENNETT: -- that it can't be used  
14      for any right because of that uniqueness.

15             MR. URDA: So the classic example that  
16      they gave me as a graduate student, albeit it's an  
17      imperfect example because it would apply to an area  
18      variance, is that imagine that there's a required  
19      30-foot setback, and you have 100 parcels all in a  
20      row, every one of them with a building set back  
21      30 feet, but one of them has a giant lake in the  
22      backyard and that means you would have to set a  
23      building back 10 feet, instead of 30, because if  
24      you set it back 30, it would drown in a giant lake,  
25      and that's the only one out of 100 parcels that has

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1           it.

2                       Now, obviously, that's not a real-world  
3           example, but it's illustrative of what Kathy was  
4           just saying, that whatever it is is something  
5           unique to this piece of land.

6                       MS. FARRELL:  So in continuing that  
7           logic, you could say, okay, so if you're looking at  
8           that as a rental unit, you might say, okay, so if  
9           I'm looking for apartments, do I want to live in an  
10          apartment that's in and amongst a bunch of  
11          restaurants, or do you want to live in a house that  
12          has apartments in it that's set aside, so that  
13          makes it harder to rent an apartment in that  
14          building?

15                      MR. URDA:  I think that depends on who's  
16          renting it.  Somebody might find that situation  
17          extremely attractive; someone else might find it  
18          unattractive.  I think that's in the eye of the  
19          beholder.

20                      MR. EVANS:  It's so you cut down your  
21          DoorDashes.  You could walk --

22                      MS. FARRELL:  You could walk.

23                      MR. EVANS:  -- three different places.

24                      CHAIRPERSON CORRIVEAU:  We'll move on  
25          with some more questions that I had here about the

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1 Test 4, the self-created business.

2 In the original Exhibit G, I'll quote it:  
3 "By 2022, when the conditional adult-use retail  
4 dispensary program was launched, the parties began  
5 planning for eventual dispensary licensing once the  
6 City of Watertown opted in."

7 I'll note another quote from that same  
8 document: "Steve agreed to reserve the property at  
9 848 Coffeen for the purpose of operating an  
10 adult-use cannabis dispensary, contingent upon the  
11 city opt-in and state licensing approval. Michael  
12 agreed to pursue licensing through the OCM with the  
13 intent to locate the business at 848. Both parties  
14 understood that this was the most viable property  
15 for this use within their control, given its  
16 location, size, and existing improvements."

17 Another quote: "Conclusion, this  
18 documentation shows that 848 Coffeen will set aside  
19 for dispensary use well before the February 2023  
20 zoning amendment."

21 And in the closing statement on page 96  
22 of that original document, I'll quote: "The  
23 applicant has been actively preparing for this  
24 opportunity since before 2021." I presume that  
25 means something in the calender 2022 -- or 2020,

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1       rather. Before '21? That's a long time ago.

2               "... to allow the property to reach its  
3       highest and best use," end quote.

4               Is there anything in the record that  
5       really documents this activity during the  
6       applicant's many years of preparation that Michael  
7       or Steve addressed the draft, the zoning ordinance  
8       of '23 that council approved and the two public  
9       hearings and the two subsequent revisions that  
10      we've seen this past year, one of which was just  
11      last month? If not, I would ask why not?

12              So did you propose to council and put  
13      comment into the public record regarding your  
14      intent to do this?

15              MR. SBORO: I believe I tried to cover  
16      that today, and I apologize that, you know, you  
17      didn't have that information before tonight.

18              So your question is do I have any  
19      evidence of -- of same?

20              CHAIRPERSON CORRIVEAU: Is there anything  
21      in the record that shows that you engaged in city  
22      council through a public forum that the zoning they  
23      were about to adopt was inappropriate because of  
24      this parcel you have and what you want to do with  
25      it?



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1 MR. SBORO: We did not engage them  
2 directly, but somewhere today, I was clarifying  
3 that there's nothing we could've done. It wasn't a  
4 parcel-specific zoning change. It was a city-wide  
5 thing, and they still hadn't adopted the rest of --  
6 you know, we didn't know at the time what type of  
7 variance we were going to have. I mean, I think  
8 Geoff can say it, too, we didn't know when I asked  
9 to start the process, what it was.

10 CHAIRPERSON CORRIVEAU: Well, back in  
11 2023 when the council voted and approved the zoning  
12 code we have today with the subsequent amendments  
13 and all, they put it out there for public discourse  
14 with the map showing that there is zoning as  
15 commercial, here's residential, here's NMU, et  
16 cetera. And what you stapled, they had cannabis  
17 dispensaries, pending opt-in/opt-out, listed in  
18 just one zone, commercial, and that didn't catch  
19 your attention?

20 MR. SBORO: Sure, it certainly did.  
21 Yeah.

22 CHAIRPERSON CORRIVEAU: What did you do  
23 about it at the time?

24 MR. SBORO: There's nothing we could have  
25 done about it.

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1                   CHAIRPERSON CORRIVEAU: Well, I'd say  
2                   there was. You could have petitioned the council  
3                   through the public hearings to be more open about  
4                   where to allow a cannabis dispensary, rather than  
5                   just the one district.

6                   And as I mentioned to Mr. Blount, so much  
7                   of the presentations, his and yours, is about a  
8                   problem with zoning and not a variance, that the  
9                   zoning is just too restrictive. And it's a fair  
10                  argument to make, which is not to the ZBA. It's an  
11                  argument to be made to the governing body.

12                 MS. FARRELL: I had a question in that  
13                 regard because of exactly that fact, which it does  
14                 seem like it's more of an issue with the  
15                 neighborhood mixed use zoning category than the  
16                 property itself.

17                 How do these property owners -- is there  
18                 a way for them to negotiate a change with the city?  
19                 That might be outside the purview of this meeting,  
20                 but I'm curious about the process.

21                 MR. URDA: I can answer that.

22                 So you are allowed to request a zone  
23                 change. Anybody can petition to city council;  
24                 although, it would go to the planning commission  
25                 first. They would make a recommendation to the

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1 city council whether to approve or deny the zone  
2 change.

3 One thing, though, that both the planning  
4 commission and the council have to consider is if  
5 it is spot zoning. So the State of New York says  
6 that your zoning must be in accordance with a  
7 well-considered plan. In essence, the  
8 comprehensive plan, which is the city's formal land  
9 use plan, has a future land use map within it that  
10 talks about a dozen or so future land use character  
11 areas. And the purpose of the zoning ordinance is  
12 to implement the comprehensive plan by, over the  
13 course of its life, realizing those future land use  
14 character areas till, you know, a generation goes  
15 by and you start the process again.

16 So in this case, as I'm being a little  
17 long-winded and I apologize, to the chair's case,  
18 the chairman was making the case that, you know, a  
19 public hearing was held before the council voted.  
20 There were two open houses where this map that's on  
21 the screen and then the use table here were both  
22 public for comment, and you could have petitioned  
23 to change it.

24 Regarding a petitioning for a zone change  
25 now, it would have to, A, be consistent with the

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1 future land use character area, but B, also not be  
2 spot zoning. You couldn't just take one single  
3 parcel and this whole pink corridor and turn it red  
4 because it would be an island by itself,  
5 noncontiguous (indicating).

6 I mean, Mr. Blount in the previous case,  
7 you wouldn't have been able to just rezone his  
8 parcel commercial, but he might have had a case if  
9 he asked to rezone this entire block or at least  
10 between his property and here (indicating). You  
11 would have a contiguous commercial district with  
12 the one on Arsenal Street.

13 In this case, I would say the applicant  
14 here wouldn't enjoy that same benefit of continuity  
15 if he was going to ask to change a single parcel  
16 here. You would minimally have to, I think, change  
17 a full block or, you know -- and it would need to  
18 be consistent with the future land use character  
19 area, which I think here, it's corridor mixed use  
20 is the name of a future land use character area. I  
21 can actually tell you if you give me a second.

22 MR. SBORO: Through the chair, may I  
23 comment?

24 CHAIRPERSON CORRIVEAU: Sure.

25 MR. SBORO: So today's packet there,

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1 page 28, I clarify -- was trying to clarify that.  
2 I'll reread it.

3 When the city went through the zoning  
4 update in 2023, I was generally aware of the  
5 changes that were being discussed, but the hardship  
6 we're talking about here was not something that  
7 could have been prevented by commenting at the  
8 time, which, I understand, is what you're talking  
9 about. It was a city-wide policy process, not a  
10 site-specific review, and our property had remained  
11 unchanged.

12 The hardship isn't something we created,  
13 and it comes from the physical layout and financial  
14 feasibility of the permitted uses under the new  
15 pro-rata.

16 So while I was aware of the processes and  
17 the circumstances that make this parcel unworkable  
18 were built in before the zoning amendment was  
19 adopted, so it just -- the purpose of it was to  
20 clarify that the mere awareness of a potential  
21 zoning change does not make the hardship  
22 self-created.

23 And then I also wanted to go back and  
24 just touch on the snow and the square footage  
25 scenario we were discussing. You know, the

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1 financial figures I submitted tonight, they were  
2 verified vendors from Sboro Enterprises, LLC, the  
3 current property owner. They reflect how the  
4 property is truly operated and in its existing  
5 condition.

6 Permitted residential use over the past  
7 years, it's always possible to adjust the  
8 individual line items. Even with conservative  
9 changes to the expenses or rental rates, the  
10 property just still can't realize a return. You  
11 know, it wasn't -- the purpose of the clarification  
12 and presentation is not to seek operational advice.  
13 It's just to provide dollars-and-cents proof that  
14 the hardship is property-based. It's ongoing and  
15 consistent, despite, you know, responsible  
16 ownership. We're just trying to show that the use  
17 variance would allow the parcel to achieve a fair  
18 return.

19 CHAIRPERSON CORRIVEAU: I appreciate  
20 that, and I will get to reading this, for sure.

21 On the plowing, do you know anybody else  
22 in town with a duplex that spends nine grand a year  
23 to clear the driveway?

24 MR. SBORO: No, I do not.

25 CHAIRPERSON CORRIVEAU: Me neither.

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1 MR. URDA: So I'll answer --

2 MR. SBORO: It's -- are you intending  
3 that it's just a driveway? I mean, it's --  
4 there's --

5 CHAIRPERSON CORRIVEAU: Well --

6 MR. SBORO: There's a huge lot out back  
7 that -- where a lot of cars park and frequent the  
8 area.

9 CHAIRPERSON CORRIVEAU: For the use of  
10 this duplex?

11 MR. SBORO: Yeah. Well, they use it as  
12 part of the adjoining properties. We have people  
13 that park there. I mean, my job was just to  
14 provide the dollars and cents of what it costs to  
15 maintain that parcel.

16 Now, I mean, in here, there is a prorated  
17 scenario of us allocating costs for that. Like,  
18 there's a 70/30 split, a 90/10 split if we were to  
19 have -- you know, to do the snow and have somebody  
20 else pay for it.

21 CHAIRPERSON CORRIVEAU: I have nothing  
22 more to say about that, I suppose.

23 MR. URDA: I'll answer Molly's question  
24 quickly on rezoning.

25 So this is the future land use map and

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1 the comprehensive plan. These are all the future  
2 land use character areas, and while it won't match  
3 exactly to a zoning map, the purpose of the zoning  
4 ordinance, the reason it exists is to implement  
5 this future land use plan.

6 So, for example, this is commercial  
7 corridor. This is interstate commercial. This  
8 pink one you see here is corridor mixed use, and  
9 its description of that future land use character  
10 is here (indicating). And I don't want to read the  
11 whole thing out loud right now, but it's on page 70  
12 of the comprehensive plan.

13 MS. FARRELL: Thank you.

14 MR. URDA: And you can read it.

15 MS. BENNETT: I think to that point and I  
16 think to the chair's point, too, about, you know,  
17 did you go speak out with respect to the zoning, it  
18 is clear under the law that if the hardship is  
19 self-created, you're not entitled to the use  
20 variance.

21 And so there's court of appeals, which is  
22 the highest court in New York State, case law that  
23 basically says if an owner purchases a property and  
24 knows that a use isn't permitted, that that's  
25 self-created hardship, and that it's not for a



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1 zoning board to bail the owner out.

2 CHAIRPERSON CORRIVEAU: And we're not  
3 looking at the purchase here. The property's  
4 already owned by the applicant.

5 MS. BENNETT: Well, right. That's the  
6 point, right? When he purchased it, he knew it  
7 wasn't permitted for the use that he's now looking  
8 to obtain.

9 MR. EVANS: Actually, I think when he did  
10 buy it, it was permitted, but they changed the  
11 zoning later on.

12 CHAIRPERSON CORRIVEAU: Retail was  
13 permitted.

14 MR. URDA: So, yeah, I'll give a little  
15 bit of history here --

16 MR. EVANS: I believe.

17 MR. URDA: -- and bring that back up,  
18 because I wanted the sale date. He bought it  
19 under -- probably 15, 20 years ago.

20 You might know the sale date. Was it  
21 like 2005? 2010?

22 MR. SBORO: Five sounds accurate.

23 MR. URDA: Owner sales ...

24 MR. EVANS: Yeah, 2005, it looks like.

25 MR. URDA: So 2005. And our new zoning

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1 ordinance -- new zoning went into effect in '23,  
2 but the zoning in 2005 was our 1959 zoning  
3 ordinance, and marijuana dispensary was not even a  
4 use that anyone even considered in 1959. So that  
5 use as a use only existed within the zoning in  
6 2023.

7 MS. FARRELL: Okay.

8 MR. SBORO: Chairperson? Page 16 of  
9 today's, there's a pro -- there's a shared lot  
10 usage, snow/utilities cut costs scenario, which I  
11 believe I might have sent with emails, too.  
12 Hopefully the math jives on that situation there.

13 MS. FARRELL: I have a question about --

14 MR. SBORO: Yeah.

15 MS. FARRELL: -- market comparables.

16 So it looks like the State [sic] of  
17 Grace, the pink building on the corner of the Black  
18 River Parkway and Coffeen Street is in commercial  
19 zoning district?

20 MR. SBORO: No. Neighborhood mixed use.

21 MS. FARRELL: It is neighborhood mixed  
22 use. Okay.

23 MR. SBORO: Yes.

24 MS. FARRELL: I was wondering, because it  
25 says in the investment part, that it's zoned

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1 commercial, so I was curious as to why a space  
2 that's within the zoning district, if that is -- if  
3 that is within a commercial zoning district  
4 wouldn't work, and I thought, based on what was  
5 written below in italics, that it was saying the  
6 building is just too big?

7 MR. URDA: Which one was it?

8 MR. EVANS: It's --

9 MS. FARRELL: State of Grace.

10 MR. EVANS: -- Touch of Grace.

11 MR. URDA: This is an urban mixed use  
12 here. My guess is that its assessment code --  
13 yeah, its assessment code is 483. So the  
14 assessment code is different than the zoning. The  
15 assessment code is what the city assessor levies  
16 out as based on the use that's in there.

17 CHAIRPERSON CORRIVEAU: I'm pretty much  
18 done with my questions for tonight, but I'll open  
19 it up to anyone else on the board here.

20 MR. EVANS: I had one for Geoff.

21 When it was back in '22, '23 when they  
22 were doing this, could the use table have been  
23 amended so that instead of -- instead of it only in  
24 a commercial, it could be in a whatever?

25 MR. URDA: The use table can be amended

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1 at any time. The city council, absent anything  
2 that staff initiates, could amend it whenever at  
3 their pleasure, essentially.

4 MR. EVANS: So a non-permitted use in  
5 whatever zone, if the city council says, okay,  
6 we'll allow an office building in a residential  
7 zone --

8 MR. URDA: Well, I think --

9 MR. EVANS: -- it could do that?

10 MR. URDA: They could try, yes. I think  
11 at that point, somebody -- if they did that -- if  
12 they did that, I think they would be vulnerable to  
13 a challenge that that is not zoned in accordance  
14 with the comprehensive plan.

15 MR. EVANS: Right, right. Yeah. That  
16 was a wild example. But, yes, I mean, they could  
17 adjust the use table without changing the zoning --

18 MS. FARRELL: But --

19 MR. EVANS: -- of an area.

20 MS. FARRELL: But where you're going with  
21 that is, in theory, that's what he could try to do  
22 in theory.

23 MR. EVANS: In theory, he could do that  
24 now. He could have done that in 2022, 2023.

25 MR. URDA: If he petitioned to do it.

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1 Council is the only body empowered to basically --  
2 it's a legislative act.

3 MR. EVANS: Right, right. But they could  
4 have done that back in '23 when you were doing  
5 this. They could have added something to get the  
6 use under some --

7 MR. URDA: I think the -- the crux of the  
8 applicant's argument is that before this use table  
9 was adopted in 2023, the 1959 zoning ordinance was  
10 still the law of the land, and the 1959 ordinance  
11 didn't contain marijuana dispensary --

12 MS. FARRELL: Right.

13 MR. URDA: -- as a use, because that was  
14 not something they would have thought of in '59.  
15 And absent having that as a use on the list, there  
16 would have been no option but to default to retail,  
17 which would have been allowed in the neighborhood  
18 business zone in the 1959 zoning ordinance.

19 Am I summarizing your --

20 MR. SBORO: Yeah.

21 MR. URDA: -- that pretty well?

22 MR. SBORO: Yeah.

23 MR. URDA: I just didn't want to  
24 misrepresent. I was just trying to simplify it.

25 MR. SBORO: And I understand, you know,

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1 the conversation on this, and I'm not looking for  
2 any sympathy here, but the main thing we were  
3 looking for was when was Watertown going to opt in?  
4 And, you know, that was -- I'm also trying to help  
5 and maintain two other businesses simultaneously,  
6 so, you know, the minute details of whether I need  
7 a use variance or a special use permit in 2023  
8 wasn't on the top of the list. It would have been  
9 if you were also opting in at that time, if that  
10 makes sense.

11 MR. EVANS: I do have some questions.

12 In your -- in your original packet, I  
13 believe it was on page 55 -- written 55, as opposed  
14 to -- because you put all those other things in the  
15 middle, all those receipts in the middle.

16 But on the page 55, which is the 70th  
17 page of the packet, when you're talking about  
18 retail neighborhood, you're talking about  
19 conversion costs.

20 MR. SBORO: Mm-hmm.

21 MR. EVANS: You say retail conversion  
22 requires significant investment, which I agree  
23 with. And you estimated those costs at 130 to  
24 \$195,000. And I'm just wondering in your revised  
25 C, where that shows up there. Because I assume you

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1 still have to do, for instance, an ADA restroom in  
2 the marijuana -- in the dispensary or -- I don't  
3 know. I'm assuming you would. You would have to  
4 do parking or striping. You would have to do some  
5 new lights and flooring because, I mean, obviously  
6 changing a residential to a -- or a residence to a  
7 retail, you'd have to do some changes.

8 MR. SBORO: So (reading sotto voce) --

9 MR. EVANS: Oh, okay. Is it the  
10 conversion fit-out amortization? Is that what  
11 that --

12 MR. SBORO: Yeah. (Reading sotto voce)  
13 amortized over ten years.

14 MR. EVANS: Okay. You're amortizing over  
15 ten years. Okay. All right. Yeah, I guess you  
16 hadn't put that in over here so that's why I was --

17 MR. SBORO: Yeah. The first one didn't  
18 have any amortization over any years.

19 MR. EVANS: When I was doing my checking  
20 through everything, I came across a reference to a  
21 Buggy's Nursery that existed at 848 Coffeen.

22 MR. SBORO: Somebody said that to me,  
23 too, yeah. I have no idea what that is.

24 MR. EVANS: Yeah. I didn't know if  
25 you --

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1 MR. SBORO: I've asked a few of my own  
2 members and they were like they have no clue.

3 MR. EVANS: Because they said it was open  
4 today, too, but I didn't find a phone number for  
5 it.

6 MR. SBORO: Yeah. It's very confusing.

7 MR. EVANS: All right. I just didn't ...

8 MR. SBORO: But that's a good catch.

9 MR. EVANS: And we've answered that  
10 question.

11 Yeah, see, it's showing Buggy's Nursery  
12 on that, and I don't know exactly what that is.

13 MR. SBORO: That's not even -- yeah,  
14 that's not even the inside of the place. I have no  
15 idea.

16 MR. EVANS: All right. So, obviously, I  
17 can't believe this, but Google's done something  
18 wrong.

19 MR. SBORO: Yeah. Right.

20 MR. EVANS: So ...

21 You mentioned small lot size for  
22 836 Coffeen, but based on what I can see there, if  
23 you pull that -- if you could go closer again --

24 MR. URDA: Oh, sorry.

25 MR. EVANS: -- instead of further and the



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1 picture --

2 MR. SBORO: I think we're referring just  
3 to the surrounding parcels, not so much the  
4 residential ones.

5 MR. EVANS: Could you --

6 MR. URDA: You mean these, right  
7 (indicating)?

8 MR. SBORO: Correct. You're referring --

9 MR. URDA: Did you need a measurement,  
10 Lance?

11 MR. EVANS: No, no, I didn't need a  
12 measurement. Can you go back to the overhead  
13 picture picture? Does that make sense? Yeah,  
14 there. And just pull it in a little bit.

15 I can't tell there like I can with most  
16 residential or even most parcels where one parcel  
17 ends and the next one begins. I would -- I would  
18 think that someone who's showing up at Coleman's  
19 could end up parking in your spot, which is not  
20 owned by you guys.

21 MR. SBORO: Sure.

22 MR. EVANS: Coleman's is owned by a  
23 different -- is owned --

24 MR. SBORO: By the -- that's Coleman's.

25 MR. EVANS: Right. Yeah. I mean, they

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1 could end up there or whatever, so --

2 MR. SBORO: Correct.

3 MR. EVANS: Okay. That's -- do you share  
4 snowplowing with those -- with Fairgrounds or  
5 not -- or do you not?

6 MR. SBORO: They have contributed to that  
7 on occasion, yes.

8 MR. EVANS: Okay. Because, I mean, you  
9 can't tell where anything ends and begins.

10 Would there be a barrier if the variance  
11 is approved? Because I -- I would say that, as  
12 Brandon talked about having natural fencing there.

13 MR. SBORO: I think I touched on that  
14 when I was reading. I think working with planning  
15 and zoning on that, you know, if that's a necessary  
16 thing, if that's something we would explore. I  
17 mean, I don't think it's a bad idea, for sure. So  
18 that's something that, at a future time, that if  
19 they think it is -- would help that use there, then  
20 we should definitely look into it, for sure.

21 MR. EVANS: And the cameras you talked  
22 about on your -- tonight's page 5, page 4 that you  
23 sent us, those are that sort of thing for the  
24 interior. Obviously, the exterior, that's  
25 something, I think, that's required by OCM;

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1 correct?

2 MR. SBORO: Yes. Absolutely.

3 Back to your plowing situation. I want  
4 to clarify that there's been occasional checks  
5 made. It mentioned, but under the city law, the  
6 financial evidence for a use variance hardship, it  
7 has to be based on lawful and permitted use of the  
8 property. Informal or considerable payments, like  
9 a neighboring business occasionally helping with  
10 snow removal or writing a check labeled parking lot  
11 rent, were not recognized by the zoning code as an  
12 actual use or revenue stream. Because those  
13 payments aren't part of the recorded lease, a  
14 standing agreement, or a permitted business use,  
15 they're not considered competent and financial  
16 evidence.

17 Under the law, that's why they -- why I  
18 purposely excluded those in the reasonable return  
19 analysis. The hardship numbers before you reflect  
20 only the property's legitimate ongoing uses exactly  
21 as the statute and case law requires.

22 MS. BENNETT: Where are you reading that  
23 from?

24 MR. SBORO: I'm reading it from my  
25 information that I looked up at home.

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1 MS. BENNETT: So you're not reading it  
2 from a specific section of the city zoning code?

3 MR. SBORO: I don't believe so, no.

4 MS. BENNETT: Because I didn't see it  
5 there, and I didn't see it in the General City Law  
6 Section 81-b either. There's no reference in any  
7 of those sections to what would be a reasonable  
8 return. That's at the zoning board's discretion to  
9 determine.

10 MR. SBORO: Copy. That's just what I  
11 found.

12 CHAIRPERSON CORRIVEAU: Adam?

13 MR. RUPPE: Well, I do think that the  
14 parking, if you drive up there -- I imagine if you  
15 drove there right now, you would find restaurant  
16 patrons parked on that lot. When you got up there,  
17 you really can't tell the difference at all. It's  
18 all commercially lit. You have several spaces.

19 And for a residential use, the city's  
20 zoning code requires -- well, in urban mixed use,  
21 there's no minimum parking required at all -- or  
22 I'm sorry -- neighborhood mixed use, and for  
23 residential zoning, it's only one per dwelling  
24 unit. So if you only maintained two parking  
25 spaces, you would essentially be in compliance with

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1 that and let the rest be covered in snow.

2 MR. SBORO: I'm sorry. You're saying let  
3 the rest be covered in snow?

4 MR. RUPPE: Yeah.

5 MR. SBORO: So, I mean, that's a safety  
6 issue, I would say, at that point with thawing and  
7 freezing and the water spilling out onto the other  
8 parcels. That's why we maintain the whole thing.

9 MR. RUPPE: I see.

10 Have any of your tenants in that location  
11 complained about the traffic from neighboring  
12 businesses or about the lack of a traditional  
13 backyard in that location?

14 MR. SBORO: Yeah. Absolutely.

15 MR. RUPPE: Well, that's all from me.  
16 Thank you.

17 CHAIRPERSON CORRIVEAU: You through,  
18 Molly?

19 MS. FARRELL: Yes. I think so. I was  
20 contemplating the parking lot because, in theory,  
21 following on Adam's idea, you could tear up the  
22 parking lot behind that building and put in a yard  
23 or put in permeable pavement or put in some way to  
24 absorb stormwater better than a very large parking  
25 lot surrounding multiple parcels.

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1 CHAIRPERSON CORRIVEAU: Maybe in the  
2 picture it's great, but the house has a first-floor  
3 footprint of 1,300 square feet, and you can see the  
4 size of the parcel itself and all that pavement out  
5 back. There's a whole lot of parking for a duplex  
6 residential --

7 MR. URDA: I would need to -- regarding  
8 Adam's question, I believe I would need to clarify  
9 with code enforcement on if -- if the property  
10 owner left snow on the rest of it. It is illegal  
11 to direct drainage onto an adjacent parcel, so code  
12 enforcement could -- and I don't know what the  
13 answer is, and I would have to follow up with Dana  
14 and ask him, but not keeping up with the rest of it  
15 with snow removal could be directing drainage onto  
16 the adjacent parcel. I just -- I'm not the one  
17 qualified to answer that; the code enforcement  
18 supervisor is.

19 MS. FARRELL: And the size of the  
20 existing parking lot is really an artifact of  
21 previous uses of that parcel, I would say.

22 MR. URDA: That, I believe, would be  
23 accurate.

24 MR. EVANS: According to what Geoff  
25 pulled up, you've owned the parcel since 2005.

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1 MR. SBORO: I believe so, yes.

2 MR. EVANS: Sassy's left in 2010, I think  
3 she said in her letter here. So did that get  
4 changed into residential after that, or did you try  
5 retail there at some -- or did Sboro's --

6 MR. SBORO: No. It got changed into what  
7 it is currently, yes.

8 MR. EVANS: Okay. So it was two-family  
9 at that point.

10 MR. SBORO: What's that?

11 MR. EVANS: It was two-family at that  
12 point, the up and the down.

13 MR. SBORO: Yes, yes.

14 MR. EVANS: Okay. Thank you.

15 MR. SBORO: So it was when she was there,  
16 too. I think she used the upstairs for like an  
17 office use and stuff when she had the salon.

18 MR. EVANS: Okay. Got you.

19 I don't have anything else.

20 CHAIRPERSON CORRIVEAU: Okay. Well, just  
21 a couple things left to be done here.

22 I want to reiterate the same words I had  
23 earlier that a use variance is fundamentally quite  
24 difficult compared to an area variance, and a use  
25 variance petitioned here can be viewed, in many

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1 respects, as essentially seeking a zoning change,  
2 and only the governing body, the council, has the  
3 authority to do that.

4 The ZBA's authority here and our  
5 obligations are restricted to the language with the  
6 current zoning. And while it's not my place to  
7 give advice, when I look at the zoning and with the  
8 cannabis dispensary being another retail -- legal  
9 retail operation, there's a lot of districts in the  
10 zoning that allow retail, and the fact that it's  
11 restricted just to commercial, I think, provides an  
12 opportunity for the council on getting that  
13 expanded, but that's your choice, obviously.

14 MR. SBORO: Sure, sure. Absolutely.

15 CHAIRPERSON CORRIVEAU: So continuing on  
16 with what we've got here today, I want to ask for a  
17 motion and a second to continue this hearing to our  
18 next meeting so we have time to digest everything  
19 that's been presented tonight and copy that there's  
20 no more materials inbound.

21 MR. URDA: Before you make such a motion,  
22 I think the board would need to agree on a meeting  
23 date that -- where every board member is available,  
24 and then the board and the applicant would have to  
25 come to some agreement on what that cutoff date



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1 would be for new information. I would suggest  
2 determining a meeting date would be your first  
3 order of business and then mutually determining a  
4 cutoff for new information would be your second  
5 order of business.

6 MR. RUPPE: Isn't there a requirement  
7 where we have something in 60 days of receiving the  
8 application?

9 MS. BENNETT: So, generally, those time  
10 periods are based on when an application is deemed  
11 complete, and certainly under DEC's rules, an  
12 application is not deemed complete until you make  
13 SEQRA determination, which you have not done, in  
14 connection with this application.

15 In addition, he's also submitted a number  
16 of additional materials, so, you know, this board  
17 hasn't determined that the application is complete,  
18 so I don't know that that time period -- and -- and  
19 also the public hearing has not been closed.

20 MR. URDA: There is a local -- there is a  
21 local piece here that is a little stricter,  
22 however.

23 MS. BENNETT: Okay.

24 MR. URDA: Under Article 16, variance  
25 appeals, Section 310, 141-b, time of appeal, to

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1 Adam's point, such appeal shall be taken within  
2 60 days after the filing of any order, requirement,  
3 decision, interpretation, or determination of the  
4 planning and community development department or  
5 code enforcement bureau charged with the  
6 enforcement of such ordinance or local law by  
7 filing with such planning and community development  
8 department and with the zoning board of appeals the  
9 notice of appeal specifying the grounds thereof and  
10 the relief sought.

11 MS. BENNETT: So that would be if he  
12 wanted to take an appeal of something. That  
13 wouldn't apply to this board's action.

14 MR. EVANS: Well, he's appealing Geoff.

15 MR. URDA: He's appealing our denial of  
16 the --

17 MS. BENNETT: Right. So he's satisfied  
18 his time period. That doesn't apply to your  
19 decision-making.

20 MR. EVANS: Oh, so if Geoff had denied  
21 him in February and he was now appealing it, he's  
22 outside that --

23 MS. BENNETT: Yes. Correct. Correct.

24 MR. EVANS: I got you.

25 MR. URDA: Okay. Yep.

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1 MR. LUMBIS: I believe you have to make a  
2 decision within 60 days of close of the public  
3 hearing.

4 MS. BENNETT: Right. Which you haven't  
5 closed yet.

6 MR. EVANS: Correct.

7 CHAIRPERSON CORRIVEAU: Well, our next  
8 scheduled ZBA is the third Wednesday, the 17th of  
9 December.

10 MS. FARRELL: I will be in Albany.

11 MR. EVANS: I -- I'd like to amend to  
12 change it to the 10th, if that was -- if that would  
13 work.

14 MS. FARRELL: I'll be here on the 10th.

15 CHAIRPERSON CORRIVEAU: Adam?

16 MR. RUPPE: Let me check. The 10th works  
17 for me.

18 MR. EVANS: Does the --

19 CHAIRPERSON CORRIVEAU: Well, let me ask  
20 for a motion to set our meeting for next month as  
21 the 10th of December and a second, please.

22 MR. EVANS: I'll move that we do it on  
23 the 10th of December.

24 CHAIRPERSON CORRIVEAU: Second?

25 MS. FARRELL: I'll second.

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1 CHAIRPERSON CORRIVEAU: All in favor?

2 MR. RUPPE: Yes.

3 CHAIRPERSON CORRIVEAU: Aye.

4 All right. We can do that.

5 And as far as a second part of that, I  
6 think we ought to cut off materials a week ahead of  
7 that and say the 3rd. Is that reasonable?

8 MR. URDA: I think so; although, I might  
9 ask for the 2nd, because I will be likely leaving  
10 town midday on Thursday, the 4th, and I know I have  
11 two meetings the morning of the 4th, so I would  
12 need time to turn around the applicant's materials  
13 to the board.

14 Is there a great difference between the  
15 close of business the 2nd versus the 3rd from  
16 either end, board or applicant?

17 MS. FARRELL: No.

18 CHAIRPERSON CORRIVEAU: I don't think so.

19 MR. SBORO: (Shaking head side to side.)

20 CHAIRPERSON CORRIVEAU: So I'd ask for a  
21 motion for cutoff of further materials to be the  
22 close of business 2 December. Do I have a motion?

23 MS. FARRELL: I'll make the motion.

24 MR. EVANS: Can I just have a  
25 clarification on that? If somebody else is coming

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1 in for us, would they have that same cutoff date?

2 MR. URDA: If somebody else wanted to  
3 apply, the regular ZBA deadline date is  
4 November 19th. They would be bound by that.  
5 You're, in essence, giving him -- so you would --  
6 if you're applying with a new application, you have  
7 to have everything in three weeks ahead of time.

8 MR. EVANS: Okay.

9 MR. URDA: Since Mr. Sboro is coming back  
10 and this isn't the initial submission, you, the  
11 board, in essence, are giving him some grace to go  
12 up to a week in advance of the meeting, basically  
13 enough to give me the 24 hours to turn it around to  
14 you.

15 MR. EVANS: So somebody who wants a new  
16 use or area variance --

17 MR. URDA: Much earlier deadline. Yeah.

18 MR. EVANS: Okay. Thank you. I didn't  
19 realize that.

20 CHAIRPERSON CORRIVEAU: Did I hear a  
21 second?

22 MR. EVANS: Yes, you -- yes. Second.

23 CHAIRPERSON CORRIVEAU: All in favor  
24 using 2 December close of business as the cutoff  
25 date for further materials?

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1 MR. URDA: And I would also -- before  
2 there's a motion to adjourn, either side, but  
3 specifically for Mr. Sboro, if there is anything  
4 that you want to ask the board about now about  
5 their questions that would help you in the  
6 meantime -- it's a lot easier for them to email me  
7 questions and then to email to you. It's a lot  
8 harder when the questions are going from you to  
9 them. This is kind of your opportunity.

10 MS. BENNETT: They should vote on that  
11 first.

12 MR. EVANS: Yeah, we should vote on --

13 CHAIRPERSON CORRIVEAU: Let's vote on the  
14 cutoff on the close of business 2 December. We've  
15 got a motion. We've got a second. All in favor?

16 MR. EVANS: Aye.

17 MS. FARRELL: Aye.

18 CHAIRPERSON CORRIVEAU: Aye. Okay. That  
19 will be the cutoff, close of business, 2 December.

20 So you want to open up some more dialogue  
21 for --

22 MR. URDA: Well, it's a lot easier when  
23 you, as board members, give me questions. I can,  
24 within five minutes, forward them to Mr. Sboro, and  
25 he can spend several days working on them. It's a

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1 little more difficult if he has a question for you  
2 to then go out to all of you.

3 MR. SBORO: Understood.

4 MR. URDA: So I just wanted to say, if  
5 you have a specific question for the board --

6 MR. SBORO: I understand.

7 MR. URDA: -- as far as what they are  
8 looking for out of you, this would be your best  
9 chance.

10 MR. SBORO: I understand I need to do  
11 better and clarify for the chair and the board. So  
12 if they have anymore, they can send them right  
13 away, and we'll get after them. But I'm under the  
14 firm belief what they're looking for to clarify.

15 CHAIRPERSON CORRIVEAU: Okay. I don't  
16 think we voted on the actual continuing the  
17 hearing.

18 MS. BENNETT: No.

19 MR. EVANS: Motion to continue the  
20 hearing.

21 CHAIRPERSON CORRIVEAU: Can I have a  
22 second?

23 MS. FARRELL: I'll second it.

24 CHAIRPERSON CORRIVEAU: All in favor of  
25 continuing this hearing until next month's meeting?

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1 MS. FARRELL: Aye.

2 MR. EVANS: Aye.

3 CHAIRPERSON CORRIVEAU: Aye.

4 MR. RUPPE: Yes.

5 CHAIRPERSON CORRIVEAU: Okay. We'll do  
6 that.

7 And the last business is to close. I  
8 need a motion and a second.

9 MR. EVANS: Motion to adjourn.

10 CHAIRPERSON CORRIVEAU: Yep.

11 MR. RUPPE: Second.

12 CHAIRPERSON CORRIVEAU: All in favor?

13 MS. FARRELL: Aye.

14 CHAIRPERSON CORRIVEAU: Aye.

15 MR. EVANS: Aye.

16 MR. RUPPE: Yes.

17 *(Proceeding adjourned.)*

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## REPORTER'S CERTIFICATE

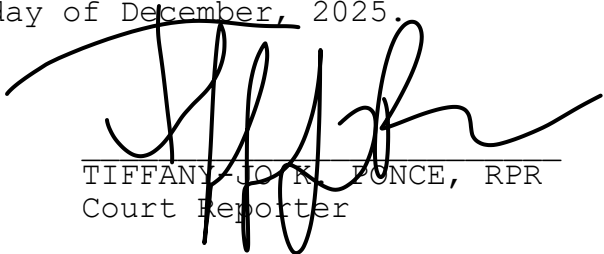
I, TIFFANY-JO K. PONCE, RPR, Court Reporter  
and Notary Public in and for the State of New York, do  
hereby certify:

That the sworn testimony and/or proceedings, a  
transcript of which is attached, was given before me at  
the time and place stated therein; that the witness was  
duly sworn or affirmed to testify to the truth; that the  
testimony and/or proceedings were stenographically  
recorded by me and transcribed under my supervision.

That the foregoing transcript contains a full,  
true, and accurate record of all the testimony and/or  
proceedings held on November 12, 2025.

That I am in no way related to any party to  
the matter, nor to any counsel, nor do I have any  
financial interest in the event of the cause.

WITNESS MY HAND this 2 day of December, 2025.



TIFFANY-JO K. PONCE, RPR  
Court Reporter

TIFFANY-JO PONCE  
Court Reporter