

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

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#611

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

245 Washington Street
Watertown, New York 13601
Wednesday, December 10, 2025

B E F O R E:

- Chairperson: James Corriveau
- Board Members: Adam Ruppe
Molly Farrell
Lance Evans
- Senior Planner: Geoffrey Urda
- City Planner: Joseph Albinus
- City Attorney: Ryan Marquette, Esq.

REPORTED BY: Tiffany-Jo Ponce, RPR
Court Reporter

ZONING BOARD OF APPEALS

1 CHAIRPERSON CORRIVEAU: Well, it is
2 7:00 p.m., and as the board chair, I'm going to
3 call this meeting to order. We'll start with roll
4 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 Jim
12 Corriveau, and we have a quorum, four members.

13 The staff we've got here with us tonight
14 include: Geoff Urda, Senior Planner, and Joe
15 Albinus, Planner; and our attorney is Ryan
16 Marquette coming to us via the computer; and our
17 court reporter, Tiffany Ponce.

18 So we're here to resume the public
19 hearing that was kept open from our meeting on
20 12 November for the Variance Petition 611,
21 848 Coffeen Street.

22 And at this point, I would invite the
23 applicant, if he wants to approach the mic and add
24 anything, what you've done already, have at it.

25 MR. URDA: And then just a reminder for

ZONING BOARD OF APPEALS

1 everyone here to use your microphone so Ryan can
2 hear us through the call.

3 MR. SBORO: Good evening.

4 Everything you requested and everything
5 you required for this application is already
6 included in the packets submitted. I don't have
7 anything further to add beyond what is on record,
8 but I appreciate the board's time through the
9 entire process and tonight.

10 Thank you.

11 CHAIRPERSON CORRIVEAU: Okay. Is there
12 anyone else from the public that cares to speak for
13 this variance?

14 All right. Seeing none, we'll move on.

15 We received a most recent submission
16 dated 10 December through the email to the planning
17 department here, 21 pages.

18 And to begin tonight, I want to make it
19 clear that in some of your writing, you've got
20 notes of a request to withdraw or remove previously
21 submitted materials, and that request has to be
22 denied. Everything you've submitted is in the
23 record, stays in the record. Everything we say
24 goes into the transcript, stays in the record, and
25 that's just the way this process works. It doesn't

ZONING BOARD OF APPEALS

1 mean you can't amend things, as you did, and send
2 in more information, but nothing falls out of a
3 record, if you follow me.

4 And by my count, we now have a total of
5 205 pages that you've submitted to the planning
6 department or delivered in hard copy at the
7 12 November meeting, so it's quite a package.

8 And if any of the board members have
9 questions of the applicant, now would be the time
10 to raise them. Anyone? Okay.

11 MR. EVANS: Yeah.

12 CHAIRPERSON CORRIVEAU: I don't have any.

13 MR. EVANS: Yeah, I guess I don't either.

14 CHAIRPERSON CORRIVEAU: Okay. Well,
15 then, when we go around and state your views on
16 this -- talking to the board members here now -- I
17 want you to speak to all four of those tests that
18 are in there and how you feel about them, thumbs
19 up, thumbs down, and that needs to go into the
20 record.

21 And at this point, I guess we need to
22 close the public hearing, so I'd ask for a motion.

23 MR. RUPPE: I move that we close the
24 public hearing.

25 MS. FARRELL: I'll second.

ZONING BOARD OF APPEALS

1 CHAIRPERSON CORRIVEAU: All in favor?

2 MR. RUPPE: Yes.

3 CHAIRPERSON CORRIVEAU: Aye.

4 MR. EVANS: Aye.

5 MS. FARRELL: Aye.

6 CHAIRPERSON CORRIVEAU: Okay. The
7 hearing's closed.

8 MR. URDA: You will have to consider the
9 state environmental quality review form.

10 CHAIRPERSON CORRIVEAU: Yep. So let's
11 get to that right now, the SEQR short form.

12 You got one right there, Geoff?

13 MR. URDA: I do. You don't have one?

14 CHAIRPERSON CORRIVEAU: I can find one.

15 MR. URDA: If not, I can run off a copy
16 of this.

17 CHAIRPERSON CORRIVEAU: Go ahead.

18 Thanks.

19 So let's read through this and give a yea
20 or nay.

21 Will the proposed action create a
22 material conflict with an adopted land use plan or
23 zoning regulation?

24 MR. RUPPE: No.

25 CHAIRPERSON CORRIVEAU: No.

ZONING BOARD OF APPEALS

1 MR. EVANS: No.

2 CHAIRPERSON CORRIVEAU: All around.

3 Will the proposed action result in a
4 change in the use or the intensity of the use of
5 land?

6 MS. FARRELL: No.

7 MR. RUPPE: No.

8 CHAIRPERSON CORRIVEAU: No.

9 Will the proposed action impair the
10 character or quality of the existing community?

11 MS. FARRELL: No.

12 CHAIRPERSON CORRIVEAU: Nope.

13 MR. RUPPE: No.

14 CHAIRPERSON CORRIVEAU: Will the proposed
15 action have an impact on the environmental
16 characteristics that cause the establishment of a
17 critical environmental area?

18 MR. EVANS: No.

19 MS. FARRELL: No.

20 CHAIRPERSON CORRIVEAU: No.

21 Will the proposed action result in an
22 adverse change in the existing level of traffic or
23 affect existing infrastructure for mass transit,
24 biking, or walkway?

25 MS. FARRELL: No.

ZONING BOARD OF APPEALS

1 MR. RUPPE: No.

2 CHAIRPERSON CORRIVEAU: No.

3 Will the proposed action cause an
4 increase in the use of energy and it fails to
5 incorporate reasonably available energy
6 conservation or renewable energy opportunities?

7 MR. RUPPE: No.

8 CHAIRPERSON CORRIVEAU: No.

9 MR. EVANS: I guess not.

10 CHAIRPERSON CORRIVEAU: Will the proposed
11 action impact existing public/private water
12 supplies?

13 MS. FARRELL: No.

14 MR. RUPPE: No.

15 CHAIRPERSON CORRIVEAU: Public/private
16 wastewater treatment facilities?

17 MS. FARRELL: No.

18 CHAIRPERSON CORRIVEAU: No.

19 MR. RUPPE: No.

20 CHAIRPERSON CORRIVEAU: Will the proposed
21 action impair the character or quality of important
22 historic, archeological, architectural, or
23 aesthetic resources?

24 MR. RUPPE: No.

25 MS. FARRELL: No.

ZONING BOARD OF APPEALS

1 CHAIRPERSON CORRIVEAU: No.

2 Will the proposed action result in an
3 adverse change to natural resources, wetlands,
4 waterbodies, ground water, air quality, flora and
5 fauna?

6 MR. EVANS: No.

7 CHAIRPERSON CORRIVEAU: No.

8 Will the proposed action result in an
9 increase with the potential for erosion, flooding,
10 or drainage problems?

11 MS. FARRELL: No.

12 MR. EVANS: No.

13 CHAIRPERSON CORRIVEAU: No.

14 Will the proposed action create a hazard
15 to environmental resources or human health?

16 MR. RUPPE: No.

17 MS. FARRELL: No.

18 CHAIRPERSON CORRIVEAU: So now I'd like
19 to get a motion and a second to make a negative
20 declaration pursuant to the SEQR requirements.

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

22 CHAIRPERSON CORRIVEAU: Is there a
23 second?

24 MR. RUPPE: Second.

25 CHAIRPERSON CORRIVEAU: All in favor?

ZONING BOARD OF APPEALS

1 MR. RUPPE: Yes.

2 MS. FARRELL: Aye.

3 MR. EVANS: Aye.

4 CHAIRPERSON CORRIVEAU: Okay. Negative
5 declaration has been created.

6 Are the board members comfortable to vote
7 tonight?

8 MR. RUPPE: Yes.

9 MS. FARRELL: Yes.

10 CHAIRPERSON CORRIVEAU: Okay. Then, once
11 again, I'd like to have each of you speak, before
12 you cast your vote, to those four tests.

13 And I'll start you with, Adam.

14 MR. RUPPE: The applicant submitted
15 extensive material to the board to make the case of
16 the zoning law that has caused unnecessary hardship
17 to this property.

18 They showed, by comparison with other
19 uses in the area, that granting the variance for
20 retail cannabis use would not alter the essential
21 character of the neighborhood, as the store would
22 not be fundamentally dissimilar to other stores in
23 the area and that Coffeen Street can adequately
24 absorb the potential change in traffic. I also
25 believe that the proximity to the fairgrounds and

ZONING BOARD OF APPEALS

1 other public park space will not be a problem, as
2 there's other regulations governing this.

3 They showed, by comparison with other
4 structures in the area, that 848 Coffeen Street is
5 a unique situation with regard to the zoning law.
6 Its age existing building, tucked away between
7 three active restaurants, with a historical split
8 between retail and residential use, yet optimized
9 for neither --

10 MR. URDA: You need to go a little
11 slower.

12 MS. FARRELL: And maybe talk a little
13 louder. I'm having a hard time hearing you, and
14 I'm sitting at this table.

15 MR. EVANS: -- have created a unique
16 hardship for this property that most in the zone do
17 not face.

18 While the applicant stated they were
19 holding on to the property waiting for the city to
20 legalize retail cannabis use, they have made
21 efforts in a productive use of it in the meantime
22 to at least limit their losses, so I do not believe
23 that the hardship is self-created.

24 Finally, as to the reasonable return
25 test, the applicant prepared a written packet

ZONING BOARD OF APPEALS

1 detailing several potential uses for the property
2 and showed their receipts with actual expenses and
3 revenue. Despite initially feeling they were
4 overly pessimistic about some costs, after
5 analyzing the options in more detail, I agree that
6 it is more likely than not that this property will
7 continue to fall short with the reasonable return
8 for its most likely paths to ongoing
9 dollars-and-cents viability.

10 While the proposed use is a variant of
11 general retail, the applicant, as well as the
12 zoning ordinance itself, recognizes that retail
13 cannabis as a separate category with different
14 potential for return, so it is reasonable to
15 believe that it might succeed where other retail
16 uses would fail.

17 Being satisfied that the application has
18 shown unnecessary hardship to all four tests on
19 this specific property, and whereas the zoning law
20 states that we must grant the minimum variance that
21 we deem necessary to address that hardship, since
22 the applicant said that they only want to use the
23 first floor for this use, I'll vote yes on the
24 condition that the use is limited to the first
25 floor of the existing building.

ZONING BOARD OF APPEALS

1 CHAIRPERSON CORRIVEAU: Lance?

2 MR. EVANS: The 848 Coffeen Street parcel
3 is in the neighborhood mixed use district, or NMU.
4 Current zoning does not allow for a cannabis retail
5 operation in an NMU, and Mr. Sboro is asking for a
6 use variance.

7 A use variance is really difficult to get
8 approved, as the standard is unnecessary hardship
9 test. It has four criteria, and each of the four
10 must be met by the applicant. The criteria are:

11 The property cannot yield a reasonable
12 financial return for any of the uses allowed in
13 that zoning district that's demonstrated by
14 competent financial evidence;

15 The hardship is unique to the property
16 and does not apply to a substantial portion of the
17 neighborhood or district;

18 Number 3, the proposed use variance will
19 not alter the essential character of the
20 neighborhood;

21 And, Number 4, the alleged hardship is
22 not self-created by the applicant.

23 I will take these in order, beginning
24 with the first criteria, a reasonable financial
25 return for any of the permitted uses.

ZONING BOARD OF APPEALS

1 It's noted that there are a variety of
2 permitted uses in an NMU. In fact, under the
3 commercial category, Watertown zoning update notes
4 16, in addition to the ones noted in other
5 categories. Most practicable of these for this
6 parcel right now, the permitted uses, appears to be
7 a two-family rental, as the structure is set up for
8 this currently and has been used as such for
9 15 years or so. Interestingly, prior to 2010, the
10 location was a successful hair salon until, due to
11 that success, it relocated across the street.

12 Over the past several months, the
13 applicant has provided a number of ever-changing
14 stairs for a duplex. The present tenant, a
15 relative, rents one of the two apartments for a
16 relatively low rent of 800 a month, which includes
17 all utilities. Since this is not an arm's-length
18 transaction, it's hard to know the market rate for
19 the apartment. It does not appear the second floor
20 has been marketed much, as, according to Mr. Sboro,
21 it's only occupied sporadically.

22 The building is about 2,150 square feet
23 of living space, so I assume each apartment is
24 roughly 950 to 1,000 square feet. Looking at the
25 open market for this, \$800 is a great deal for an

ZONING BOARD OF APPEALS

1 apartment with all utilities provided. Most that
2 have utilities provided appear to be renting in the
3 \$1,200 to \$1,500 per month range. Even at the low
4 end per range, coupled with the current expense
5 scenario presented on pages 6 and 7, a positive
6 return is shown when both apartments are rented.

7 For the last four years, the applicant
8 has been counting on opening a cannabis dispensary
9 at this location, despite the city not allowing
10 those until recently. In fact, Bud Bound Ventures,
11 LLC, was registered with the New York State
12 Division of Corporations in April 2024, almost a
13 year and a half before the dispensaries were
14 allowed in the city.

15 Mr. Sboro would have us believe that no
16 presently allowed use for the property would yield
17 a reasonable financial return and only a cannabis
18 dispensary is feasible. I believe that others
19 disagree with this, as I understand, an offer of
20 about double the property's value was tendered and
21 rejected.

22 The second criteria asked us to look at
23 whether the hardship is unique to the property, as
24 opposed to unique to the owner. This property is a
25 fairly small parcel surrounded by three restaurant

ZONING BOARD OF APPEALS

1 properties. Driving through the parking lots of
2 the four parcels, it's hard to tell where one
3 parcel starts and another ends. I realize that
4 848 Coffeen and Craft836 Canteen are owned by the
5 same entity while the Fairgrounds Inn and Coleman's
6 Corner are owned by a different entity. However,
7 most people would not be able to discern where
8 those property lines are.

9 Other than a setback, it appears to be
10 similar to most properties within the 800 and 700
11 blocks. Mr. Sboro notes that the property is hard
12 to see when approaching it from the west; however,
13 Sassy's survived and thrived here until moving to a
14 larger quarters across the street. I don't believe
15 a unique hardship for the property has been proved
16 here.

17 Criteria 3 talks to the essential
18 character of the neighborhood. Driving down
19 Coffeen Street, there are several businesses mixed
20 into large structures of residential properties.
21 All the businesses, including the restaurants, that
22 surround this property predate the 2023 change in
23 zoning.

24 In addition to restaurants, the
25 businesses in this stretch include a hair salon, an

ZONING BOARD OF APPEALS

1 insurance agency, and a monument company. The only
2 similar business to the proposed one is Kinney
3 Drugs, and it's in the next block.

4 Mr. Sboro submitted letters from a number
5 of Watertown property owners; two of these live or
6 have businesses in close proximity to the proposed
7 cannabis dispensary, while the others appear to be
8 further away. As we inspect and all endorse the
9 granting of a variance, all believe the essential
10 character of the neighborhood would be unaffected.

11 Curiously, the form letters provide
12 mention that the signer would also be supportive if
13 the business owner chose to locate the same on
14 Coffeen Street. One letter that's not a form
15 letter specifically mentions 836 Coffeen Street.
16 This is presently the site of Canteen 836, a
17 current Sboro restaurant, and North Country
18 Grounds, which is owned by Erica Turck. It should
19 be reiterated that granting a variance for
20 848 Coffeen Street would not automatically grant
21 one for 836 in the future. I'll admit to being
22 conflicted as to whether a dispensary would change
23 the essential character of this neighborhood, so I
24 would assume that it passes that test.

25 On the final criteria, is the alleged

ZONING BOARD OF APPEALS

1 hardship self-created, I, again, have mixed
2 feelings. The applicant points out the dispensary
3 would probably have been allowed under the old
4 code. The only reason he had to file for a
5 variance is the 2023 code update.

6 According to the applicant, he's been
7 targeting this site as a dispensary since 2021 when
8 the state legalized the sale of cannabis. I am
9 puzzled that he did not participate in the zoning
10 discussions in 2023 that changed the zoning for
11 this parcel, nor did he make his thoughts known
12 recently when the planning board and city council
13 considered some amendments. In fact, he has said
14 that, quote, "There's nothing we could have done
15 about the change."

16 While the alleged hardship is not
17 self-created in a strict sense, the fact the
18 applicant did not participate in the process seems
19 to argue that Mr. Sboro did not advocate for his
20 vision for this property, at least passively
21 allowed the city to create circumstances for this
22 hardship by not making his voice heard during
23 discussions. However, I would grant that it is
24 a -- it is not a self-created hardship.

25 In order to grant a use variance,

ZONING BOARD OF APPEALS

1 however, a property must meet all four criteria.
2 In my view, there is two of the four he has not
3 met, and I'm conflicted on -- about the other two.

4 I vote to deny the variance.

5 CHAIRPERSON CORRIVEAU: Molly?

6 MS. FARRELL: A lot of what I had written
7 down has already been said, but I think the way
8 that property is situated is unique to that
9 property in that it is sort of dwarfed by the
10 larger buildings that are around it, and it does
11 sit back, so it's dwarfed a bit by the Fairgrounds,
12 and I can see how that could influence how
13 successful a business could be on that property,
14 and that there really isn't a lot that can be done
15 to change that. It's sort of the circumstance of
16 how the neighborhood developed around it.

17 I don't feel that a dispensary in that
18 neighborhood would negatively affect the character
19 of the neighborhood. I think it could potentially
20 increase traffic a good bit. But if you look at
21 where other dispensaries have been placed, there
22 haven't really been negative impacts to the
23 neighborhood because of that action. So I feel
24 like it meets that criteria of not impacting the
25 essential character of the neighborhood.

ZONING BOARD OF APPEALS

1 The idea of a reasonable return, I agree
2 with everything that you just said about how I
3 think the rents are too low in that apartment, and
4 that if you increase the rents, you likely could
5 stand a better chance of getting a reasonable
6 return on that property if the best use of it is to
7 rent it out as an apartment. I think the fact that
8 Sassy's was successful there shows that it's not
9 impossible for a business situated in that location
10 to be successful. It's a matter of choosing the
11 right business.

12 Personally, I feel it's a bit of a
13 self-created problem because I feel like if -- if
14 you were holding on to a property in order to put a
15 dispensary there and the city was redoing zoning,
16 keeping a really close on eye on that process would
17 have been critical to make sure the city didn't
18 change the zoning to zone you out of your property
19 for that purpose. So I feel like it is, in that
20 regards, a bit of a self-created problem.

21 I agree with you that I'm also sort of
22 conflicted about this variance choice because I
23 feel like it's kind of a complicated thing. But I
24 feel like it doesn't -- it doesn't really meet the
25 criteria of -- of -- of getting a variance, and so

ZONING BOARD OF APPEALS

1 I also vote no.

2 CHAIRPERSON CORRIVEAU: Okay. My
3 comments addressing the four use variance tests are
4 lengthy. As such, I want them entered into the
5 record completely so I can read them tonight, and
6 I'll provide the court reporter this hard copy to
7 assist in preparing the transcript.

8 Test Number One, reasonable return, the
9 duplex rental pro forma. The initial
10 2 September 2025 hardship packet pro forma
11 addressed, quote, "use evaluated dwelling, two
12 unit," end quote, page 43 of 97 lists, quote,
13 "potential annual revenue, two units times \$1,100
14 per month equals \$26,400 gross rents," end quote.

15 Page 44 of 97 lists a two-bedroom, quote,
16 "rental comparable," end quote, at Ontario Village
17 at 995 to 1,350 per month. At Ontario Village, the
18 rent includes water, sewer, trash, and snow
19 removal. Tenant pays the electric and utility,
20 which includes electric heat, as there is no
21 gas-fired heating.

22 The July 2025 rent at 848 Coffeen Street
23 duplex is shown as \$800 per month, collected from
24 the tenant, Monica, who is the applicant's cousin,
25 as stated in the initial submission on page 44 of

ZONING BOARD OF APPEALS

1 97 and at the 12 November ZBA minute, transcript
2 pages 86 to 87.

3 Page 45 of 97 addresses, quote, "use
4 evaluated, dwelling, multiple units, preexisting,
5 potential annual revenue, four units times \$1,100
6 per month equals \$52,800 gross rents," end quote.
7 The applicant has stated twice that the potential
8 rents are \$1,100 a month per unit.

9 The subsequent clarification submitted
10 dated 12 November includes notes on the bottom of
11 Exhibit A, page 8 of 36. Quote, "Page citations
12 correspond to supporting documentation already
13 filed with the planning department," end quote.
14 The income line makes reference to, quote,
15 "Page 44, rental history notes," end quote.
16 Page 44 of 97 from the initial submission does not
17 show rental history, rather simply the July 2025
18 \$800 per month rental income obtained from the
19 tenant, the applicant's cousin. Oddly enough, this
20 income line note makes no reference to the prior
21 page 43 of 97 where the, quote, "potential annual
22 revenue" end quote, is listed as, quote, "two units
23 times 1,100 per month equals \$26,400 gross rents,"
24 end quote.

25 The clarification submission dated

ZONING BOARD OF APPEALS

1 12 November includes Exhibit C-1, November 12,
2 comparable market rents summary, page 12 of 36.
3 Quote, "Purpose, to demonstrate that market rents
4 for comparable duplex-style units in the City of
5 Watertown range from 950 to \$1,000 per month,
6 typically including water and sewer, with
7 tenant-paid electric/gas, confirming that the
8 applicant's \$800 actual rent and the \$950
9 normalized assumption fall within a realistic
10 market range," end quote. This concluding
11 statement is not true as the actual \$800 a month
12 rent is clearly not within the range of 950 to
13 \$1,000, and the owner-provided gas and electric
14 utilities are not the rental market standard listed
15 in this comparable market rents summary.

16 The applicant lists 848 Coffeen Street
17 gas/electric expense as \$8,174 per year. To be
18 consistent with rental market practice, these gas
19 and electric costs must be removed from the owner's
20 expenses within 848 Coffeen Street pro formas.

21 Also, Exhibit C-1 summary states, quote,
22 "These examples confirm that comparable duplex
23 rentals in Watertown average between 950 and \$1,000
24 per month with similar layouts and some owner-paid
25 utilities. This supports the applicant's financial

ZONING BOARD OF APPEALS

1 assumption that the subject property's normalized
2 rent range, 950 to \$1,000, is accurate, and that
3 even when modeled at this range, the property still
4 fails to achieve a reasonable return as shown in
5 the applicant's financial analysis," end quote.

6 However, when you examine the next page,
7 13 of 36, detailing the applicant's financial
8 analysis, it shows the positive return in both
9 scenarios where the rents correspond to comparable
10 market rents and the tenant pays the gas and
11 electric expense, which is common practice. These
12 modest returns improve significantly when the
13 \$9,045 snow plowing expense is reduced to a
14 reasonable level for a duplex driveway.

15 Exhibit C-3, November 12, Massey Street
16 and Bishop Street comparables, page 14 of 36. This
17 document describes 409 Massey -- South Massey
18 Street as \$950, and 106 Bishop Street at \$1,000 a
19 month, submitted as duplex rental comparables.
20 Both comparables are listed as, quote, "water and
21 sewer included, tenant pays gas and electric," end
22 quote. However, the 848 Coffeen Street pro forma,
23 Exhibit A, November 12, page 8 of 36, lists all
24 utilities as owner provided, quote, "water/sewer,
25 \$370, gas and electric, \$8,174," end quote.

ZONING BOARD OF APPEALS

1 To legitimately use the two
2 applicant-submitted comparables as duplex market
3 rental reference points, the \$8,172 gas and
4 electric expense must be removed from the owner's
5 expenses in the Coffeen Street pro formas.
6 Comparables only work when comparing apples to
7 apples.

8 It is entirely realistic and reasonable
9 to believe that renting the entire duplex to a
10 family member at \$800 monthly rent, with the owner
11 providing all utilities and expansive snow removal,
12 does not represent a truly market-driven rental
13 income/expense for 848 Coffeen Street. This is not
14 an arm's-length residential property rental
15 transaction. The applicant has chosen to operate
16 the duplex in a manner to show that a reasonable
17 return does not exist at 848 Coffeen Street.

18 First, the expected future monthly rents
19 were reduced for both units from the initially
20 stated \$1,100 each to 800 and \$0. The original
21 submission showed a \$1,100 per month for both
22 duplex units, subsequently reduced to \$800 a month
23 rent from the tenant, the applicant's cousin,
24 page 44 of 97. The second duplex unit is left
25 vacant, no rent.

ZONING BOARD OF APPEALS

1 Second, the two submitted comparables
2 have rents of 950 and \$1,000. These rents are not
3 used in the subsequent pro forma, page 8 of 36.
4 These rents are ultimately listed in Exhibit C-2,
5 page 13 of 36, where they are evaluated along with
6 tenant-paid utilities. Positive financial returns
7 are identified in both the scenarios 3 and 4 where
8 market comparable rents are applied and the tenant
9 pays for the gas and electric utilities.

10 Third, the \$9,045 annual snow removal
11 cost at 848 Coffeen Street is excessive by any
12 reasonable standard for plowing a duplex driveway.
13 The snow removal receipt is a combined receipt
14 detailing the two adjacent properties, both owned
15 by the applicant's family, the duplex at 484 [sic]
16 Coffeen Street and the Craft836 Canteen restaurant
17 at 836 Coffeen Street. The snow removal area
18 serviced is shown as 9,200 square feet for the
19 duplex and 35,000 square feet for the restaurant.
20 The duplex property has just 21 percent of the
21 overall snow removal square footage, 9,200 divided
22 by the total of 44,200. Yet, twice as much,
23 42 percent of the service cost is allocated to the
24 duplex, \$9,045 divided by the total of 21,546.

25 9,200 square feet is grossly excessive

ZONING BOARD OF APPEALS

1 for a duplex driveway and tenant parking. The
2 applicant's initial 2 September petition letter
3 says, quote, "Parking will continue to support 15
4 to 20 spaces," end quote, at 848 Coffeen Street. I
5 believe this extensive snow removal at 848 Coffeen
6 Street is performed to provide supplemental
7 contiguously paved parking for the applicant's
8 family-owned adjacent Craft836 Canteen restaurant's
9 parking lot, not to simply provide parking for the
10 duplex tenants.

11 Together, these three elements, as
12 presented by the applicant, serve to create the
13 impression that the duplex cannot provide a
14 reasonable return.

15 Using the applicant's initial potential
16 annual revenue of \$26,400, two units at \$1,100 a
17 month, tenant paying the gas and electric
18 utilities, and a reasonable annual snow removal
19 expense of \$2,500 results in a positive
20 9.7 percentage annual return for the duplex. Even
21 using the two applicant-submitted comparables at
22 \$975 per month results in a positive 7.4 percent
23 return. The return is calculated here as net
24 operating income divided by the property's fair
25 market value, NOI over FMV, just as the applicant

ZONING BOARD OF APPEALS

1 has most often performed this calculation
2 throughout the submitted documents.

3 The applicant's most recent submission,
4 dated December 10, 2025, page 5 of 21, details five
5 scenarios for the duplex. The, quote, "tenant-paid
6 utilities," unquote, scenario is noted as, quote,
7 "the most realistic best case," end quote. The
8 projected rents at \$950 a month is consistent with
9 the applicant's submitted comparable rental
10 properties. It includes snow removal at \$2,714.

11 The "behind the numbers, how this
12 scenario was calculated" detail sheet on page 14 of
13 21 adds a \$10,000 cost item for splitting the
14 duplex utility metering. While this may be a
15 reasonable estimate, it is added to the owner's
16 expenses as a recurring annual cost. This is a
17 one-time work item and should be amortized over a
18 ten-year period, just like the applicant's stated
19 amortization of the roof repairs at 848 Coffeen
20 Street. As such, removing \$9,000 from the owner's
21 annual expenses in this scenario provides a
22 positive NOI, net operating income, of \$6,300, not
23 the negative NOI of \$2,700 as shown. The return on
24 fair market value then becomes a positive
25 4.7 percent, not the negative 2 percent return as

ZONING BOARD OF APPEALS

1 shown.

2 This page 14 of 21 concludes with, quote,
3 "what this scenario shows," end quote, statement
4 of, quote, "this demonstrates that even the most
5 favorable, realistic scenario cannot make the
6 permitted residential use economically viable," end
7 quote. When splitting the utility metering, a
8 \$10,000 one-time expense, is prorated -- properly
9 amortized over ten years, as the applicant has done
10 with the roof repairs, this scenario clearly does
11 provide a positive reasonable return.

12 I believe the applicant has failed to
13 show that a reasonable return, in compliance with
14 current zoning, cannot be realized at 848 Coffeen
15 Street.

16 For dispensary pro forma, the applicant's
17 initial petition, page 14 of 97, Exhibit C,
18 dispensary pro forma includes this conclusion
19 statement, quote: "This yields a net return of
20 approximately 130,000 to \$265,000 annually, well
21 above the reasonable return thresholds of 6 to
22 \$33,000. Accordingly, the hardship test
23 demonstrates that only the dispensary use provides
24 a viable return at 848 Coffeen Street," end quote.
25 Rather than reasonable, I have to characterize this

ZONING BOARD OF APPEALS

1 as an extraordinary return for a former residential
2 duplex property within the NMU district.

3 In the subsequent submission, preliminary
4 exhibits, dated 6 November, page 4 of 13, the NOI
5 is listed as, quote, "Net income, after tax and
6 amortization, equals \$360,000 to \$410,000 net
7 operating income before owner distributions," end
8 quote.

9 Page 5 of 13 includes this statement,
10 quote: "Note, the stabilized projection reflects
11 the Year 3 to 4 operations after ramp-up and
12 capital recovery. The return shown represents
13 property-level economic viability; remaining profit
14 is allocated to working capital and reinvestment,
15 not personal distribution," end quote.

16 Based on applicant's submission, this,
17 quote, "remaining profit," end quote, is
18 approximately in the range of 350,000 to \$400,000
19 per year. The applicant proposes applying these
20 annual profits to working capital and reinvestment
21 accounts, which does nothing to characterize these
22 substantial net profits as anything other than net
23 operating income.

24 Page 5 of 13, the conclusion statement,
25 quote, "The resulting 8 percent return on fair

ZONING BOARD OF APPEALS

1 market value meets, but does not exceed, the
2 reasonable return standard under New York General
3 City Law 81-bravo, demonstrating that the variance
4 enables economic viability, rather than --" and the
5 sentence stops there. This sentence is incomplete.
6 At the 12 November ZBA hearing, the applicant was
7 asked, quote, "What is the missing text from this
8 sentence," end quote.

9 The applicant's response was, quote, "a
10 windfall," end quote, transcript page 78. The
11 completed sentence reads, quote, "meets, but does
12 not exceed, the reasonable return standard under
13 New York General City Law 81-bravo, demonstrating
14 that the variance enables economic viability,
15 rather than a windfall," end quote.

16 The clarification submission, dated
17 12 November, presented at the 12 November ZBA
18 meeting includes the following on page 4 of 36,
19 quote: "Key updates include presentation framed to
20 demonstrate a modest and sustainable property-level
21 return of approximately 8 percent on fair market
22 value, consistent with the reasonable return
23 standard of General City Law 81-bravo," end quote.

24 I don't believe New York's General City
25 Law 81-bravo includes a specific numeric standard

ZONING BOARD OF APPEALS

1 for reasonable return. In any event, quote, "a
2 modest and sustainable property-level return," end
3 quote, of 8 percent amounts to just \$10,740,
4 8 percent times the fair market value of 134,250.

5 The clarification submission's pro forma
6 on page 5 of 36 shows, quote, "Net income after tax
7 and amortization equals 360,000 to \$410,000 net
8 operating income before owner distributions," end
9 quote. This greatly exceeds a modest 8 percent
10 annual return. Based upon the stated range of net
11 income after tax and amortization, the return is
12 actually a range of 268 percent to 305 percent.

13 The clarification submission on page 5 of
14 36 lists a return on fair market value, quote,
15 "equal to 8.2 percent." It is unclear from the
16 submitted materials how this calculation is
17 performed. When questioned during the 12 November
18 ZBA hearing, the applicant did not explain this
19 calculation, transcript pages 69 do 70.

20 Note page 19 of 36 states, quote: "The
21 property's documented inability to meet a
22 reasonable 6 to 10 percent return under all
23 permitted uses within the neighborhood mixed use
24 district, and that the proposed dispensary use
25 merely brings the parcel up to a modest,

ZONING BOARD OF APPEALS

1 sustainable level of financial viability," end
2 quote. This statement is untrue of the duplex and
3 completely misrepresents the dispensary's projected
4 returns.

5 Page 20 of 36, it is not clear how the
6 \$372,000 NOI as stated equates to an 8.2 percent
7 return on the fair market value of 134,250.

8 Page 20 of 36 also includes, quote:
9 "Variance use brings the parcel up to equal
10 8 percent return, a reasonable, not excessive
11 outcome," end quote. Quote, "This satisfies the
12 intent of the law by showing that the requested
13 variance does not create a windfall, but simply
14 cures a long-standing economic hardship," end
15 quote.

16 The various submitted cannabis dispensary
17 pro formas all indicate a very lucrative return,
18 despite the applicant's narratives repeatedly
19 suggesting otherwise. The, quote, "resulting
20 8 percent return on fair market value meets, but
21 does not exceed, the reasonable return standard
22 under General City Law 81-bravo," end quote.
23 Quote, "The presentation framed to demonstrate a
24 modest and sustainable property-level return,
25 approximately 8 percent of fair market value,

ZONING BOARD OF APPEALS

1 consistent with the reasonable return standard of
2 General City Law 81-bravo," end quote.

3 Training provided to ZBA members from the
4 New York Department of State, as well as the
5 New York Conference of Mayors address the use
6 variance reasonable return test. A property owner
7 is not entitled to a use variance simply because
8 the property may be put to a more profitable use
9 than those permitted under the existing zoning
10 ordinance.

11 The fact that another use may allow the
12 sale of the property for a better price, or permit
13 a larger profit, does not justify the granting of a
14 variance on the grounds of unnecessary hardship. I
15 believe this condition is the foundational basis
16 for this use variance request at 848 Coffeen
17 Street.

18 Change for good, community packet and
19 additional exhibits, dated 12 November. Page 36 of
20 42, comparable NMU retail uses, existing pattern
21 context. This entire page is an argument for
22 revising Watertown's Zoning Ordinance
23 Section 310.18 Use Table to allow the cannabis
24 dispensary within the NMU district. However, this
25 is not a relevant justification for a use variance.

ZONING BOARD OF APPEALS

1 While not specifically related to the
2 four use variance tests, I need to address another
3 item. Page 41 of 42, quote, "legal context,
4 unreasonably impracticable clause, local rules
5 cannot be so burdensome that they make lawful
6 retail operations infeasible," end quote.

7 Two other cannabis dispensaries have been
8 approved by the Watertown's Planning Commission to
9 be located at the Stateway Plaza on Arsenal Street,
10 within the commercial district, as permitted by the
11 zoning ordinance. Dream Bridge, LLC, Preet Chohan
12 from Fayetteville, to operate as Green Leaf
13 cannabis dispensary, and Chessworth Farms, Laura
14 Chessworth from West Carthage, are the two
15 developers.

16 Kim Parker, owner of Cannabis Depot in
17 the Town of Pamelaia, has publicly stated her
18 intention to also open a dispensary within
19 Watertown's commercial district. Opening a
20 cannabis dispensary in Watertown, New York, is
21 entirely feasible in compliance with the current
22 zoning.

23 Test 2, uniqueness. The applicant's
24 initial submission states, quote: "The hardship at
25 848 Coffeen Street is unique due to its small

ZONING BOARD OF APPEALS

1 parcel size, existing residential structure,
2 location along a major commercial corridor, and
3 limited parking capacity," end quote.

4 In reviewing the zoning district map, I
5 conclude that numerous NMU properties, certainly
6 the NMU along Coffeen Street, share these same
7 stated characteristics of 848 Coffeen Street.
8 Nearly all NMU residential parcels are of a similar
9 size. The majority of the NMU parcels contain
10 residential structures.

11 Limited parking is cited as a
12 distinguishing property characteristic; yet, the
13 applicant's initial submission's transmittal letter
14 says, quote, "parking will continue to support 15
15 to 20 spaces," end quote. The NMU districts
16 support residential and commercial uses located
17 intentionally along corridors with high traffic
18 volumes.

19 Applicant's initial submission package
20 includes the following on page 75 of 97: "Test
21 Number 2, unique hardship, analysis at 848 Coffeen
22 Street," end quote, lists five characteristics of
23 the property that represent uniqueness.

24 Number 1, quote, "parcel size and
25 configuration," end quote. I believe most NMU

ZONING BOARD OF APPEALS

1 residential lots have very similar size and
2 configuration.

3 Number 2, quote, "preexisting building,"
4 end quote. I believe many NMU parcels contain
5 preexisting residential structures. This is not
6 unique.

7 Number 3, quote, "commercial corridor
8 pressure," end quote. I believe nearly all NMU
9 parcels align to busy corridors. That's the common
10 nature of the NMU districts.

11 Number 4, quote, "parking and access
12 constraints," end quote. I believe the stated lot
13 dimensions and associated parking limitations apply
14 to many NMU parcels; however, the applicant states
15 that this property is restricted to 15 to 20
16 vehicles. This abundant parking space exceeds most
17 other residential properties within the NMU
18 districts.

19 And, Number 5, quote "zoning change
20 impact," end quote. I believe this argument is not
21 unique to this parcel within the NMU.

22 This initial submission fails to pass the
23 uniqueness hardship test.

24 The subsequent submission, preliminary
25 exhibits, dated 6 November, Exhibit F-1

ZONING BOARD OF APPEALS

1 parcel-specific constraints, measured facts, takes
2 on an entirely different approach to show a
3 property uniqueness hardship.

4 The measured facts list futures include:
5 lot area, lot -- front setback, adjacent structure
6 spacing, driveway width, and parking layout. The
7 listed property attributes the applicant uses to
8 address the uniqueness test are at pages 21 and 22
9 of 36.

10 Lot area, quote, "848 Coffeen Street,
11 though similar in size on paper," end quote. The
12 applicant confirms that this parcel size is, quote,
13 "similar in size and not unique," end quote.
14 Applicant lists 848 Coffeen Street as measuring,
15 quote, ".32 acres," end quote. Throughout Coffeen
16 Street's NMU district's 90 -- there's 90 property
17 parcels, the median lot size is .28 acres. The lot
18 area of 848 Coffeen Street is not unique.

19 The front setback. The applicant lists
20 848 Coffeen Street's setback as, quote, "25 feet,"
21 end quote. The median setback throughout Coffeen
22 Street's NMU district is 34 feet. The applicant
23 states, quote, "most nearby parcels east of
24 Vanduzee, 42 to 47-foot setback create deepening
25 building line, breaks corridor's consistent rhythm,

ZONING BOARD OF APPEALS

1 limits visibility and access," end quote. It is
2 unclear how the Coffeen Street properties east of
3 Vanduzee Street influence the property at
4 848 Coffeen Street, which is located 610 feet west
5 of Vanduzee Street.

6 West side. The relative tight spacing
7 between the adjacent buildings at 848 and
8 852 Coffeen Street is real. The visibility and
9 signage concerns can be addressed with comparable
10 signage placed at 848 to compete with the existing
11 sign at 852.

12 East side. The paved, open area between
13 these two buildings on adjacent parcels, both owned
14 by the applicant's family, provides striped parking
15 primarily for the Canteen 836 restaurant, as well
16 as the duplex tenants. This attribute cannot be
17 viewed as a unique property hardship.

18 Ingress/egress width. The applicant
19 states this uniqueness as the, quote, "12-foot
20 single drive onto Coffeen Street," end quote.
21 However, the applicant addresses the existing
22 driveway at 848 Coffeen Street earlier on page 10
23 of 36 as, quote, "One 12-foot entryway from Coffeen
24 Street. Prepared to widen to 24 feet if
25 recommended for improved safety and access," end

ZONING BOARD OF APPEALS

1 quote. This property feature does not present any
2 significant uniqueness hardship.

3 Parking layout. Quote, "Mixed paved and
4 gravel, shared use," end quote. Beyond the duplex
5 structure's footprint itself and the front yard,
6 the remainder of 848 Coffeen Street parcel is paved
7 parking for the stated shared use. This property
8 future does not present significant uniqueness
9 hardship.

10 I conclude that the claimed uniqueness at
11 848 Coffeen Street does not exist in comparison to
12 a substantial portion of the Watertown's NMU
13 district parcels overall, nor the NMU neighborhood
14 along Coffeen Street. Much of the stated property
15 features do exist throughout a substantial portion
16 of the NMU district overall, as well as the Coffeen
17 Street NMU neighborhood.

18 These dimensions do not characterize the
19 property as having a unique hardship when compared
20 to the many other NMU properties. Hardship is
21 supported -- supposed to be unique to the property,
22 not a hardship that applies generally to the
23 district and/or neighborhood.

24 This second submission also fails to pass
25 the uniqueness hardship test.

ZONING BOARD OF APPEALS

1 Test Number 3, neighborhood character. I
2 believe a cannabis dispensary will not alter the
3 essential character of the neighborhood.

4 Test 4, not self-created. I don't
5 believe the alleged hardship has been self-created;
6 however, the applicant has failed to utilize
7 multiple opportunities to engage the governing body
8 to express concerns regarding zoning changes and a
9 future cannabis dispensary within the NMU district
10 at 848 Coffeen Street. I realize there's no
11 obligation on the applicant's part to have engaged
12 the city council; however, it would have been
13 sensible and reasonable to do so.

14 Exhibit G, statement of intended use
15 agreement, pre-zoning update, signed
16 2 September 2025, quote, "By 2022, when the
17 Conditional Adult-Use Retail Dispensary Program was
18 launched, the parties began planning for eventual
19 dispensary licensing once the City of Watertown
20 opted in," end quote.

21 Quote, "Steve agreed to reserve the
22 property at 848 Coffeen Street for the purpose of
23 operating an adult-use cannabis dispensary,
24 contingent on city opt-in and state licensing
25 approval. Michael agreed to pursue the licensing

ZONING BOARD OF APPEALS

1 through OCM with the intent to locate the business
2 on this property. Both parties understood that
3 this was the most viable property for this use
4 within their control, given its location, size, and
5 existing improvements," end quote.

6 Quote, "Conclusion, this documentation
7 shows that 848 Coffeen Street was set aside for
8 dispensary use well before the February 2023 zoning
9 amendment," end quote. No such contemporaneous
10 documentation has been presented with this use
11 variance application.

12 Applicant states in the closing
13 statement, page 96 of 96, quote: "The applicant
14 has been actively preparing for this opportunity
15 since before 2021 ... to allow the property to
16 reach its highest and best use," end quote. There
17 is nothing formal in the record that documents such
18 activity during the applicant's many years of
19 preparation. Neither Steve Sboro, land owner and
20 transferor, nor Michael Sboro, the transferee,
21 addressed the draft 2023 zoning ordinance update
22 during the two public hearings or the two
23 subsequent zoning revisions by the city council.

24 The zoning ordinance update was adopted
25 21 February 2023. The city council also adopted a

ZONING BOARD OF APPEALS

1 number of changes to the ordinance in
2 February/March of 2025. And most recently, in
3 October 2025, the city council approved some more
4 zoning ordinance changes, specifically concerning
5 cannabis dispensaries.

6 Given the applicant's stated
7 long-standing interest in opening a cannabis
8 dispensary at this property, it is surprising that
9 no petition, engagement, or public comment was ever
10 presented to the governing body regarding their
11 plans for 848 Coffeen Street. Each of these zoning
12 ordinance updates included opportunity for the
13 public to address concerns to the city council
14 prior to adoption.

15 Since February 2023, the zoning ordinance
16 update and both subsequent revisions have allowed
17 cannabis dispensaries only within the commercial
18 districts.

19 I vote to disapprove this variance
20 request.

21 So we've got one vote approving and three
22 votes disapproving. The request is denied.

23 And with that, I'll vote for a motion to
24 close the meeting.

25 MR. EVANS: Motion to close.

ZONING BOARD OF APPEALS

1 CHAIRPERSON CORRIVEAU: Second?

2 MR. RUPPE: I'll second.

3 CHAIRPERSON CORRIVEAU: All in favor?

4 MR. RUPPE: Aye.

5 MS. FARRELL: Aye.

6 CHAIRPERSON CORRIVEAU: Aye.

7 *(The proceeding was concluded.)*

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 REPORTER'S CERTIFICATE

2
3 I, TIFFANY-JO K. PONCE, RPR, Senior Court
4 Reporter and Notary Public in and for the State of
5 New York, do hereby certify:

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

12 That the foregoing transcript contains a full,
13 true, and accurate record of all the testimony and/or
14 proceedings held on December 10, 2025.

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

18
19 WITNESS MY HAND this 2 day of January, 2026.

20
21 
22 _____
TIFFANY-JO K. PONCE, RPR
Court Reporter