



# CITY OF WATERTOWN, NEW YORK

## CITY PLANNING COMMISSION

ROOM 305, WATERTOWN CITY HALL

245 WASHINGTON STREET

WATERTOWN, NEW YORK 13601-3380

(315) 785-7741

MEETING: October 7, 2025

### PRESENT:

Michelle Capone, Chair

Peter Monaco

Scott Garrabrant

Maryellen Blevins

Lynn Godek

### ALSO:

Geoffrey Urda, Senior Planner

Joseph Albinus, Planner

Kerinne O'Donnell, Secretary

### ABSENT:

T.J. Babcock

Linda Fields

Planning Commission Chairperson, Michelle Capone, called October 7, 2025, Planning Commission meeting to order at 5:04 p.m. Ms. Capone asked for a motion regarding the minutes of the September 3, 2025, meeting. Lynn Godek made a motion to accept the minutes as written. Maryellen Blevins seconded the motion, and all voted in favor.

### **ZONING ORDINANCE AMENDMENT – AMENDING CHAPTER 310 – ZONING, OF THE CITY CODE; ARTICLE III – DISTRICT USES, ARTICLE VII – SUPPLEMENTAL REGULATIONS AND ARTICLE XVI – DEFINITIONS, REGARDING MARIJUANA DISPENSARIES, RETAIL.**

The Planning Commission considered a proposal to amend Chapter 310 – Zoning, of the City Code; Article III – District Uses, Article VII – Supplemental Regulations and Article XVI – Definitions, regarding Marijuana Dispensaries, Retail.

Ms. Capone began by explaining that while the City Council may not act on a Zoning Ordinance Amendment until after the County Planning Board considers it, the City Planning Commission is not similarly restricted from voting on a recommendation to City Council. If the Planning Commission concludes that the proposed amendment is acceptable, either as written or with minor changes, it may vote on its October 7, 2025, meeting to recommend that City Council approve the amendment.

She then said that if the Planning Commission determines that the proposed amendment is unacceptable as written, and requests significant changes or presents Staff with inquiries that require extensive additional research, then Staff would recommend scheduling a special Planning Commission meeting later in October.

Ms. Capone then stated there would be privilege of the floor at this meeting and asked Staff to explain the drafted recommendations for City Council.

Geoffrey Urda emphasized that this is not a public hearing, but a meeting to go over recommendations for the City Council, and the public hearing for this will likely be scheduled for November 3, 2025. He further said that any Zoning Amendment would require referral to the Jefferson County Planning Board pursuant to Section 239-m of New York State General Municipal Law, and that barring any unforeseen issues, Staff will refer this amendment to the County for consideration at its Tuesday, October 28, 2025, meeting, six days prior to the City Council meeting on November 3, 2025.

Mr. Urda recounted the history of the Zoning Ordinance and said that between August 2020 and February 2023 countless meetings and hundreds of Staff hours went towards the new ordinance. He then said that New York State had legalized marijuana during 2021, and Staff added retail marijuana to the Use Table, but because the City was opted out, not much more was done regarding regulations for retail marijuana.

Mr. Urda then said that on September 2, 2025, the City Council repealed, in part, the Local Law that opted out of permitting the licensing and establishment of dispensaries within the City, effectively opting back in. However, by subjecting “Marijuana Dispensaries, Retail” to opt-in/opt-out status, the Use Table accounted for the possibility that the City might opt-in and regulates where they would be allowed accordingly.

Mr. Urda said, that in the weeks since the City Council opted in to allowing dispensaries, Planning Staff has worked with the City’s attorneys at Bond, Schoeneck & King to write Supplemental Regulations for dispensaries within the City of Watertown, as well as other proposed additions and amendments to the Zoning Ordinance to help the City appropriately regulate cannabis sales within the City boundaries.

Mr. Urda said that the Use Table specifically allows “Marijuana Dispensaries, Retail” in the Commercial District only, an area which primarily encompasses Arsenal Street, Western Boulevard, Commerce Park Drive and a small segment of State Street at the east end of the City.

Mr. Urda further explained that the Use Table also contains a column titled, “Supplemental Regulations,” which appears at the far-right side of the table and that if a use is marked with an “X” in this column, that indicates that there are additional rules governing that use to ensure proper oversight. The Zoning Ordinance identifies these rules in Article VII – Supplemental Regulations.

Mr. Urda then began discussing the content of the proposed Zoning Amendment, beginning with five new proposed definitions, including: “Marijuana”, “Cannabis Products”, “Cannabis Consumption”, “Retail Sale of Cannabis Products”, “On-site Cannabis Consumption Lounge”

Mr. Urda said that the second proposed change is to require a Special Use Permit for a Marijuana Dispensary, Retail use. He explained that although dispensaries are currently allowed in the Commercial District, they are only subject to Site Plan Approval and that modifying this to require a Special Use Permit would provide the City with additional oversight authority.

Mr. Urda then said that the final proposed change was to add supplemental regulations to include locally codifying the prohibition of on-site consumption of cannabis products, prohibiting

On-site Cannabis Consumption Lounges, limiting hours of operation to 8 a.m. – 9 p.m., locally codifying the New York State prohibitions regarding proximity to schools and houses of worship.

Mr. Urda said that additionally proposed supplemental regulations included prohibiting dispensaries within 100 feet of a cemetery and a requirement for a 30-foot landscaped buffer when abutting a Residential District.

Mr. Urda explained that the rationale for the prohibition around cemeteries was out of consideration for the survivors of deceased relatives that would visit and tend to their loved ones' resting places on cemetery grounds.

Mr. Urda also mentioned that for the landscape buffer for the Supplemental Regulation, this was a larger buffer than the Commercial District, otherwise required when abutting a Residential District but specified that this was just a landscaped buffer Staff was recommending, and not a proximity prohibition.

Ms. Godek asked about proximity to other dispensaries, and if it was mentioned or specified within the proposed recommendations. Mr. Urda replied that it would default to the State distance. Mr. Garrabrant asked if that would be 1,000 feet. Mr. Urda replied that it would be whatever the State has specified, which is population based and confirmed 1,000 feet is correct, and that it would be part of licensing through the State.

Mr. Monaco then brought up his concern about limiting the retail dispensaries to the Commercial District. He said that he feels it is too restrictive and Urban Mixed Use should allow dispensaries as well, specifically mentioning Factory Street.

Mr. Urda then displayed the Zoning Map for the audience in attendance and explained what the different colors of the map meant.

Mr. Monaco then said that the presence of the Children's Home of Jefferson County's property on State Street would limit the available spaces for dispensaries in the Commercial District at the east end of the City.

Mr. Monaco then said he felt the cemetery proximity prohibition was an overreach and was adamant that the only cemetery this would affect is not visited or maintained, and its current population would not be bothered by a dispensary. He reiterated his desire to allow dispensaries in Urban Mixed Use.

Ms. Capone then asked what the thought process was for only allowing dispensaries in the Commercial District, and if Mr. Urda could clarify if dispensaries could get Special Use Permits in any of the districts, or a variance through the ZBA.

Mr. Urda confirmed Special Use Permits could only be granted in Zoning Districts that allowed a given use via a Special Use Permit. He then explained that the Zoning Rewrite Committee felt that Commercial Districts were most appropriate for dispensaries due to the large parcels with plenty of available space for the dispensaries and the existing character of Arsenal Street and Western Boulevard was conducive to establishing dispensaries. He pointed out the Urban Mixed-Use Districts are a transitional district from Downtown to Residential and that most Urban Mixed-Use Districts directly abutted Residential Districts.

Mr. Monaco then went on to say that not all Urban Mixed-Use abuts Residential, and that some streets such as Factory Street and Jefferson Street have store fronts that could be used.

Mr. Urda then went on to explain that the most permissive districts are Industrial, Commercial and Downtown, and there are more uses allowed in the Downtown District than in Urban Mixed Use. Mr. Monaco then mentioned that Syracuse allows dispensaries in their downtown.

Ms. Capone then stated that dispensaries could be established in other districts through Use Variances granted by the Zoning Board of Appeals. She then asked if the Commission wanted to remove the recommendation to allow Special Use Permits in the Commercial District and clarified that the Special Use Permit is an 'As of Right, Allowed' in this matter, and the Planning Commission would not be able to deny anything without reasonable cause.

Mr. Urda agreed that Ms. Capone was correct in her explanation and that once it is allowed with Special Use Permit, it is allowed.

Ms. Capone then asked the Commission for their opinions on the recommendations.

Ms. Godek stated she was concerned about the higher number of residences around Urban Mixed-Use and said that if there is a good location and logical place for a dispensary to be, then they can apply for a variance. Mr. Garrabrant agreed with Ms. Godek and mentioned that there does not seem to be a true need or demand to allow dispensaries in additional zoning districts. Ms. Capone agreed that they would not forward Mr. Monaco's recommendation to allow dispensaries in Urban Mixed Use.

Ms. Blevins asked about the operating hours, and why we are allowing 91 hours of available hours of operation for dispensaries when the State set the minimum at 70 hours.

Mr. Urda specified that 91 hours was not the driving factor. He said that Staff and the City legal team came up with the available hours of operation being from 8 a.m. to 9 p.m. so that the shops would be closed prior to when local drinking establishments typically emptied out, and because the State does not allow dispensaries to open prior to 8 a.m.

Ms. Blevins then asked if Staff were expecting them to be open seven days a week. Mr. Urda replied it would be up to the owners if they wanted to be open seven days a week or not. He also specified that the stores do not need to stay open for the full thirteen hours every day. The hours from 8 a.m. to 9 p.m. are the hours in which they would be allowed to be open for operation.

Ms. Blevins then asked if they had to operate a minimum of 70 hours a week. Mr. Urda replied that they must be granted a minimum of 70 operating hours per week, but it would be the owner's discretion for their hours of operation.

Ms. Blevins then said she wanted to see the hours more limited and proposed 6 p.m. or 7 p.m. for closing time. Ms. Godek said that it would cause too much limitation on their business hours since not everyone's work hours are an 8 a.m. to 4 p.m. shift.

Ms. Capone then brought up that with it being Commercially zoned, most commercial businesses have later hours of operation, and with not allowing dispensaries in Urban Mixed Use, limiting the hours does not seem reasonable. Ms. Capone then said she would like to see the hours extended to midnight to be consistent with the other businesses in the Commercial District. She then asked for thoughts on the matter.

Ms. Godek said she was in favor of extending the hours for when customers are more available.

Following a discussion about values, Ms. Capone then stated that the Commission did not need to argue the morality or legality of the situation due to it already being approved by City Council and the Commission just needs to look at the zoning changes and make a recommendation. She mentioned that if anyone has comments then they will be sent forward, and the Council can review it. She said that the Commission seems to all have different opinions about the hours of operation.

Mr. Urda said the commission can vote to make changes or keep the draft as written. Ms. Capone then said that since the Commission couldn't agree, they should send it to Council as written for them to decide. Mr. Urda acknowledged Ms. Capone's logic.

Ms. Godek then asked about the process for public comments on proposed changes for altering zoning. Mr. Urda replied that the City Council would conduct a formal public hearing prior to voting.

Ms. Capone then said that she did not fully understand the cemetery restriction and recommended that it not be included. Mr. Urda then said that it was entirely the Commission's purview to make that decision. Mr. Monaco commented that he could not remember the last time anyone paid any attention to the cemetery on Arsenal Street.

Ms. Blevins said she felt similar, and then said her concern was the 30-foot buffer from Residential Districts. She said that people who bought a house in Residential Districts would not want to be right next to a dispensary.

Mr. Urda then reiterated that it was the Commission's prevue to recommend to the City Council what they wanted. He also commented that the proposed 30-foot buffer would require landscaping in the 30 feet on the Commercial side of the property line.

Ms. Capone then clarified that it was the Commercial parcels that abut Residential parcels that would have to worry about this. Mr. Monaco then clarified it was the backside of Arsenal Street that would mainly be affected. Mr. Urda then displayed a GIS map to provide a visual explanation of the landscaped buffer.

Ms. Capone asked what the landscape buffer required. Mr. Urda replied that minimally grass, but that 310-83 of the Zoning Ordinance contained the full explanation of the requirements for a landscape buffer. Ms. Capone then stated she wanted to make sure that there isn't a requirement for trees that would become a problem to clear or maintain.

Mr. Urda then looked for a definition to provide clarity and cited page 74 of the Zoning Ordinance, Commercial, Downtown, UMU, and NMU Districts, which stated:

*“A landscaped strip shall be provided to separate the C, D, UMU and NMU Districts from the Residential (R) District. The landscaped strip shall be a minimum of 15 feet wide. Within the landscaped strip, one large deciduous tree (two inches DBH minimum) shall be provided every 35 linear feet, along with planting beds in between the trees containing assorted shrubs or one small to medium deciduous tree (1.5 inches DBH minimum) shall be provided every 20 linear feet, along with planting beds in between the trees containing assorted shrubs or one large coniferous tree (six feet minimum), stagger planted, shall be provided every 15 linear feet. In addition to the required trees and shrubs, a six-foot-high opaque fence (stockade or equal) shall be provided.”*

Mr. Urda then gave a visual representation using the same parcel from the GIS map he had used earlier. Mr. Garrabrant asked if that included a potential fence after the visual representation was complete. Mr. Urda replied that a fence did not replace a required landscape buffer, nor would a fence confer any relief from a buffering requirement.

Ms. Capone then asked why Staff chose a 30-foot buffer instead of a 15-foot buffer. Mr. Urda replied that Staff felt the use was different than average restaurant or drive through use, and that while it is not classified as an adult-use, it is an adult-oriented use. Mr. Urda elaborated that the 30-foot buffer is not as wide as what the Zoning Ordinance requires for other businesses such as auto-shops and outdoor dining. He clarified that it was a buffer opposed to a requirement to locate farther away.

Mr. Garrabrant asked what supplemental regulations applied for a bar. Mr. Urda referred to the Zoning Ordinance and read the from the regulations in Section 310-63 applying to a Nightclub use:

*“Loitering/queuing shall not obstruct the public right-of-way. Areas designated for smoking shall be provided, and they shall not obstruct the public right-of-way. All noise shall be contained within the building.”*

Mr. Urda mentioned auto repair and outdoor dining as uses with stricter supplemental regulations, and Ms. Capone felt that they did not apply here as they are not close enough to dispensaries to use as guidance.

Mr. Urda then said that it was well within the Commission’s purview to change that buffer and it was at their discretion if they wanted to stay at the fifteen-foot buffer for Commercial-Residential Districts.

Ms. Capone stated that she felt most comfortable recommending the 15-foot buffer, as it is what the Zoning Ordinance already requires for the Commercial District. She also supported removing the cemetery restriction.

Ms. Capone then asked if the Commission felt comfortable with removing the cemetery comment from the proposed changes. Mr. Garrabrant asked for confirmation that only the Arsenal Street Cemetery could be applied to this, and that it is for the most part unvisited.

Ms. Capone asked if the Planning Commission's changes would be included in the Ordinance advanced to City Council. Mr. Urda then replied that the City Council would receive the proposed Zoning Amendment exactly as the Planning Commission recommended it, and if the Commission recommended removing certain language, then Staff would remove that language before advancing the Amendment to Council.

Ms. Capone then asked if the Commission was okay with the buffer being 15 feet instead of 30 feet. Mr. Garrabrant added that as Ms. Godek had mentioned before, there would be no on-site consumption. Ms. Capone agreed that the hours of operation should remain as proposed.

Mr. Urda displayed the proposed changes on the display screen for the audience to explain what the Commission was speaking about. Ms. Capone then pointed out that the buffer should be a minimum of 15 feet. Mr. Urda then clarified that they would not need to do anything more than strike out the line of Code from the draft because then the existing 15-foot buffer for Commercial/Residential district boundaries would already apply.

Ms. Capone then opened privilege of the floor to any members of the public that wished to speak.

Brandon Blount, owner of Black River Supply Company of West Carthage, came up to speak. He distributed a packet to the Commission that broke down how he felt the State would interpret the draft Zoning Amendment.

Mr. Blount said that the 30-foot buffer was excessive, and that the New York State Office of Cannabis Management would throw it out. He continued that these were unrealistic distance requirements and said that the Planning Commission had to follow the State Requirements for proximity. He also discussed case law about municipal overreach. Mr. Blount stated that limiting dispensaries to enter Commercial Districts only amounted to a categorical ban.

Mr. Blount then stated that the language "Same road as" in the proposed Code was legally ambiguous. Mr. Urda clarified that it was a direct copy and paste from State language.

Mr. Blount then brought up the case of Tink & E. CO., Inc. v Town of Riverhead as a precedent. He said it was included in the packet that he handed to the Commission. In his closing statement, he stated that limiting cannabis dispensaries to Commercial Districts only and requiring a 30-foot landscaped buffer zone would limit dispensaries.

Ms. Capone then stated that the Commission is not creating a new buffer zone, they are referring to the existing buffer zone within the Zoning Ordinance. She clarified that it will be consistent with the 15-foot existing buffer requirement that all businesses in Commercial Districts must pertain to.

Mr. Blount asked if it is in Urban Mixed Use, if there was a chance to get a variance for it.

Ms. Capone stated that any request for a variance would go through the Zoning Board of Appeals. She added that it would not be an as of right use, and the Commercial Districts are an as of right use, only requiring a Special Use Permit. She said that locating a dispensary in any other zoning district would require a variance from the Zoning Board of Appeals.

Mr. Urda then explained the 15-foot landscaped buffer when abutting a Residential District applies to the Commercial, Downtown, Urban Mixed Use, and Neighborhood Mixed-Use Districts. He elaborated that the buffer requirement applied to all uses in those four districts and did not single out any use in particular.

Ms. Capone then said that was entirely fair, and agreed upon keeping it fair, and thanked Mr. Blount for his comments.

Mr. Monaco then asked Mr. Urda if dispensaries could go into the Industrial District. Mr. Urda replied that the current Use Table would not allow that.

Ms. Capone asked if anyone else would like to speak.

When no one else stood to speak, Mr. Urda clarified that the Jefferson County Planning Board would receive a copy of the recommendations as well.

Ms. Capone asked for a motion to recommend that City Council approve the proposed Zoning Amendment without the cemetery restriction nor the 30-foot landscaped buffer, but otherwise as written.

Mr. Godek moved to recommend that the City Council approve the proposal, to amend various sections of Chapter 310, Zoning, of the City Code, Article III – District Uses, Article VII – Supplemental Regulations and Article XVI – Definitions, regarding Marijuana Dispensaries, Retail, as amended.

Mr. Garrabrant seconded the motion, and all voted in favor.

Ms. Capone then asked for a vote to adjourn the meeting. Mr. Monaco made a motion to adjourn. Ms. Blevins seconded the motion, and all voted in favor.

Respectfully submitted,

Kerinne O'Donnell, Secretary