

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

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#611

Use variance to allow a marijuana dispensary,
retail in a neighborhood mixed use district
-----x

245 Washington Street
Watertown, New York 13601
Wednesday, October 15, 2025

B E F O R E:

Acting Chairperson:	James Corriveau
Board Members:	Adam Ruppe Lance Evans Molly Farrell (Absent)

Planning and Community Development Director:	Michael Lumbis
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Senior Planner:	Geoffrey Urda
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City Planner:	Joseph Albinus
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City Attorney:	Kathleen M. Bennett, Esq.
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REPORTED BY:	Tiffany-Jo Ponce, RPR Court Reporter
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1 CHAIRMAN CORRIVEAU: All right. We're
2 looking at 7:00 here, so I'll call the meeting to
3 order, and I'll start with the roll call.

4 Adam Ruppe?

5 MR. RUPPE: Here.

6 CHAIRMAN CORRIVEAU: Lance Evans?

7 MR. EVANS: Here.

8 CHAIRMAN CORRIVEAU: And I'm Jim
9 Corriveau. Molly Farrell is absent tonight. And
10 so we have a quorum of three members and so we can
11 do some business.

12 The previous chair, Sam Thomas, just
13 stepped down recently. And I'd like to put on the
14 record that he volunteered 33 years of service to
15 the ZBA as a board member and a chair. He's a
16 regular living legend. We'll miss him, for sure.
17 It seems strange not to have him around.

18 In light of that, the first order of
19 business we have tonight is to elect an acting
20 board of chair, and so I'm looking for a motion.

21 MR. EVANS: I'll make a motion that Jim
22 Corriveau be the acting chair.

23 MR. RUPPE: Second.

24 CHAIRMAN CORRIVEAU: All in favor?

25 MR. RUPPE: Aye.

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1 CHAIRMAN CORRIVEAU: Aye.

2 MR. EVANS: Aye.

3 CHAIRMAN CORRIVEAU: So be it. I expect
4 to get a formal appointment from the city manager,
5 wait for the paperwork to get here and all that
6 short of thing, but tonight, as an acting board of
7 chair.

8 A couple introductions are in order.
9 We've got the planning and community development
10 director, Mike Lumbis, sitting over in the white
11 shirt, and his senior planner, Geoff Urda, sitting
12 right here, and Planner Joseph Albinus next to
13 Mike, our city attorney, Kathy Bennett, and our
14 court reporter, Tiffany Ponce.

15 And to start, I'll read the public notice
16 that was put out.

17 Notice of Public Hearings Request for
18 Variance of the Zoning Ordinance of the City of
19 Watertown, New York. Notice is hereby given that
20 the Zoning Board of Appeals of the City of
21 Watertown, New York, will meet at 7 p.m. on
22 Wednesday, October 15, 2025, in the City Council
23 Chambers on the Third Floor of City Hall for the
24 purpose of hearing two variance requests.

25 Variance Request Number 610 is for a

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1 property located at 545 Arsenal Street, being
2 Parcel Number 9-01-124.000, submitted by Brandon A.
3 Blount, to allow a marijuana dispensary, retail use
4 in urban mixed use district.

5 Variance Request Number 611 is for the
6 property located 848 Coffeen Street, being Parcel
7 Number 8-21-311.000, submitted by Michael Sboro, to
8 allow a marijuana dispensary, retail use in a
9 neighborhood mixed use district. Both hearings may
10 be adjourned, if necessary.

11 The meeting is open to the public.
12 Copies of the above request are available for
13 public inspection by contacting the planning
14 department at the phone number above or by email,
15 planning@watertown-ny.gov. Geoff Urda, senior
16 planner.

17 So with that, I'd like to open the public
18 hearing for Number 610, 545 Arsenal Street, and I
19 would invite the applicant, Brandon Blount, to
20 present his request.

21 Approach the microphone. State your name
22 and address.

23 MR. BLOUNT: My name is Brandon A.
24 Blount. I currently have a business at 15 Bridge
25 Street, Carthage, New York. My request is to get

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1 zoning approval for a cannabis dispensary at the
2 Bad Apple, Arsenal Street location.

3 In submitting this request, the reason
4 for this location is, one, security purposes. It
5 has its own private parking lot. It's fenced in.
6 It's not going to take a lot of money in order for
7 me to install the security devices that I need to.
8 And making those changes in, let's say, a leased
9 space is going to be substantial, especially in a
10 commercial district. And whether or not any of the
11 property owners would even allow the changes that I
12 would need to make to be sufficient for OCM
13 standards, that is kind of an up-in-the-air type
14 thing, because I would need to basically have
15 shatterproof glass installed, if not have the glass
16 bricked up, security doors installed, gateways, all
17 that kind of stuff.

18 Doing that to a retail establishment in a
19 plaza of some sort is not going to be cost
20 effective, and a lot of companies that are leasing
21 those properties are not going to allow somebody
22 like me to go in and do that.

23 Also, the Bad Apple being where it is on
24 Arsenal Street provides a prime location for us.
25 And especially that -- sorry. I'm going through my

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1 notes here. Especially having that private parking
2 lot, I can monitor 24/7 with my cameras anything
3 that's going on. My plans are to -- if I do get
4 approval from the city, we will be installing a
5 gate so, after hours, the parking lot will be
6 blocked off. There will be no access to it,
7 unauthorized or otherwise.

8 I would also like to note that the
9 cannabis control board, on 10/6, issued two
10 different advisory opinions based on municipal
11 zoning laws that kind of went against what the
12 9 NYCRR 119.5 say.

13 On the first one, the first advisory
14 opinion, it is Brian Stark Enterprises and
15 Tink & E. Co., collectively, either request or
16 submitted separate requests to the cannabis control
17 board seeking advisory opinions based on the Town
18 of Riverhead's zoning laws. And on page 13 of
19 that -- and I'm sorry. I did not get you guys
20 copies because this came out on the 6th when I was
21 here for a previous hearing.

22 Let's see. On page 11 through the top of
23 page 13, the advisory opinion from the cannabis
24 control board basically calls their zoning
25 unreasonably impracticable. After reviewing the

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1 text of Town Code 304 and 301-283(A)(1)-(6), (C),
2 (D), and (E) violate Cannabis Law 131 because they
3 are outside the proper time, place, and manner
4 restrictions within 9 NYCRR 119.2 or contradict the
5 provisions of the cannabis law, therefore making
6 them unreasonably impracticable.

7 The initial section here basically says
8 that the municipality tried to extend the proximity
9 to 1,000 feet between a school, 1,000 feet between
10 a library, et cetera and so on.

11 And then the next part of this is
12 something that kind of pertains to what's happening
13 here. Under 283.2(A) -- or 20(A)(6), there's
14 another prohibition that finds that no corollary
15 and statute of regulation is establishing or
16 expanding required distance buffers between
17 cannabis licenses and other businesses or
18 organizations or specifically prohibiting cannabis
19 businesses from areas where other businesses may
20 lawfully operate are not among the enumerated time,
21 place, and manner restrictions permitted by 9 NYCRR
22 119.2. Therefore, the sections of the town code
23 are improper laws forbidden by Cannabis Law 131(2),
24 and it must be deemed unreasonably impracticable
25 under 9 NYCRR 119.5(a).

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1 Basically, what the town tried to do is
2 say that the cannabis dispensaries could only
3 operate within certain commercial districts,
4 instead of mixed use areas. The cannabis control
5 board has -- after the legal opinions for the court
6 cases, has agreed with the judges in these matters
7 and shows that restricting cannabis dispensaries
8 from operating in other locations, such as liquor
9 stores, is impracticably unreasonable.

10 The second opinion is a lot more and goes
11 a lot more into depth. Basically, on page 18 of
12 that second advisory opinion, in addition to
13 finding that Section 3 of Local Law 15-2003 [sic]
14 is unreasonably impracticable, the CCB also finds
15 that Section 3's amendment of a Town Code 330-33 is
16 unreasonably impracticable because it limits the
17 operation of retail dispensaries and on-site
18 consumption establishments, which Southampton
19 classifies under nonmedical cannabis dispensaries,
20 to just two of Southampton's eight business
21 district zones. This limitation, which prohibits
22 cannabis dispensaries from areas where other
23 businesses may lawfully operate, liquor stores
24 licensed by the New York State Liquor Authority may
25 operate in four Southampton business districts, for

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1 example, is not among the enumerated time, place,
2 and manner restrictions permitted by 9 NYCRR 119.2.
3 Therefore, these sections of town code are improper
4 laws forbidden by Cannabis Law 131(2) and must be
5 deemed unreasonably impracticable under 9 NYCRR
6 119.5(a).

7 Basically, what that's saying is, again,
8 it's just reiterating from the first advisory
9 opinion showing that if liquor stores can operate,
10 if other retail establishments are operating within
11 a mixed use, you cannot prohibit dispensaries from
12 operating within those same zones. It's a
13 discriminatory practice.

14 The reason I brought these in is because,
15 obviously, I am trying to get a location that's in
16 an urban mixed use zone and not in a commercial
17 district.

18 These suit cases here, and there are
19 several more on the docket for New York State with
20 dispensaries that are suing the state or the
21 municipalities for these types of discriminatory
22 acts, the OCM is just going to keep reiterating
23 this opinion.

24 The way that the city went and said that
25 we could only operate within the commercial

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1 districts without consulting the cannabis control
2 board initially to see whether it was practicable
3 or unreasonably impracticable, that's something I
4 feel is a flaw in the process.

5 And that's pretty much all I've got to
6 say.

7 CHAIRMAN CORRIVEAU: Okay. Thanks so
8 much.

9 I now put it to the board members. If
10 you've got some questions for Brandon, now's the
11 time to request. Adam or Lance?

12 MR. EVANS: I have multiple questions.

13 MR. BLOUNT: Yeah. Absolutely.

14 MR. EVANS: In West Carthage, do you own
15 that building, or do you lease that building?

16 MR. BLOUNT: We own that building.

17 MR. EVANS: You own that building.

18 MR. BLOUNT: Yes, sir.

19 MR. EVANS: So you've done these sorts of
20 security upgrades before?

21 MR. BLOUNT: Absolutely. Yep.

22 MR. EVANS: And are you going to be
23 leasing, cohabiting with the Bad Apple? I mean,
24 how's that going to work?

25 MR. BLOUNT: No. Our -- we have a

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1 standing offer on the real estate. The only reason
2 we have not moved forward with that is because of
3 this process. We are not going to obviously spend
4 \$300,000-plus on a building that we can pay on a
5 mortgage over time, advertised out, that -- where
6 you guys aren't going to allow me to operate.

7 MR. EVANS: Sure. Yeah.

8 MR. BLOUNT: Does that make sense?

9 MR. EVANS: No, that makes sense. Yeah.
10 You've got an option to buy the building.

11 MR. BLOUNT: Yep. I have an option to
12 buy the building, yes.

13 MR. EVANS: You state that there's going
14 to be zero on-site consumption by consumers. How
15 will you enforce that in your parking lot or on the
16 front sidewalk or whatever?

17 MR. BLOUNT: The sidewalk is kind of
18 outside of my purview.

19 MR. EVANS: Okay. Fair enough.

20 MR. BLOUNT: Anywhere that people can
21 smoke tobacco, they can smoke cannabis. If
22 someone's walking down the street smoking a
23 cigarette, I can't walk out there and assume that
24 they're smoking a joint or vice versa. Does that
25 make sense?

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1 MR. EVANS: Yeah.

2 MR. BLOUNT: If they're on the property,
3 we will be monitoring the camera 24/7. If
4 somebody -- and trust me. I plan on having that
5 every inch of that parking lot covered with
6 cameras, video feed. We have to. The OCM does not
7 allow us to have a square inch of our own space
8 where cannabis may be transported into -- so like
9 my deliveries, they'll be coming in the back door.
10 I have to have that whole parking lot covered. And
11 we have to hold onto that security footage for 60
12 days.

13 My current setup in Carthage for a small
14 shop cost me right around 30,000. I'm probably
15 going to end up spending double on that for this
16 location.

17 MR. EVANS: Okay. Which I believe is
18 probably more restrictive than a liquor store has,
19 isn't it?

20 MR. BLOUNT: Much more, yes.

21 MR. EVANS: Okay. And did you check
22 other places in the city for these --

23 MR. BLOUNT: I have looked. I looked at
24 potentially leasing. At \$17.50 a square foot for
25 commercial real estate space, I'm looking at

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1 anywhere from 64 to \$80,000-plus a year in lease
2 payments.

3 Cannabis dispensaries cannot write off
4 those lease payments. We are restricted by the
5 federal government on what we can write off, and it
6 is literally only cost of goods sold. So whatever
7 money I make, that's 21 percent right off the top
8 every single quarter that has to go to the federal
9 government. I can't write off my employment. I
10 can't write off lease payments. You know, these
11 things are huge overhead.

12 If I buy a place and my mortgage is only
13 \$1,200 a month, that's less than \$80,000-something
14 a month for a leased space that I can't write off.
15 You know what I mean? Overhead is a killer of
16 small businesses.

17 MR. EVANS: And you're aware --

18 And correct me if I'm wrong, though. We
19 can't approve this tonight at all because we've got
20 to wait for the county, correct?

21 MR. BLOUNT: Correct.

22 MR. URDA: That's correct. Because it's
23 on a state-maintained highway.

24 MR. BLOUNT: Yep.

25 MR. EVANS: All right. Those are all my

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1 questions at the moment.

2 CHAIRMAN CORRIVEAU: Adam?

3 MR. RUPPE: My concern is -- with what
4 you're saying is more of a legal argument.

5 You're saying that the zoning restriction
6 is itself inappropriate, but the ZBA can only issue
7 a use variance when you show that the hardship is
8 unique to your property and does not apply to the
9 rest of the district or neighborhood. So --

10 MR. BLOUNT: But it --

11 MR. RUPPE: -- do you have specifics
12 unique to this property?

13 MR. BLOUNT: Yeah. So the property
14 itself, Shannon, who owns the property, it's not
15 profitable for her. It hasn't been profitable as a
16 bar/restaurant for a little bit of time.

17 Also, for me, taking a bar out of the
18 equation where people can go and sit down and drink
19 and get into their vehicles and drive as to a
20 retail location that I would have where people are
21 not coming in, they're not consuming cannabis on
22 site, they're basically coming in, purchasing their
23 stuff, and leaving the property.

24 Our hours will not be anywhere near what
25 a bar's would be. And for me, having full control

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1 over the entire property versus having a leased
2 property that I can't gate off or that I can't
3 completely secure poses a risk. And anything in
4 the commercial district, you know, any of those
5 plazas is going to be a high-risk environment for
6 us.

7 CHAIRMAN CORRIVEAU: Is that it, Adam?

8 MR. RUPPE: Yeah. I see -- I guess the
9 question would be, for this property, your use
10 might be high risk, but there might be other uses
11 that would be allowed in this zoning. And we can
12 only grant the variance if you show that all the
13 other possible uses also don't work for you or for,
14 you know, the current owner. So ...

15 MR. BLOUNT: Right.

16 MR. RUPPE: Yeah. It's relating back to
17 the property, not necessarily your business.

18 CHAIRMAN CORRIVEAU: Okay. A couple
19 questions that I've got as well.

20 You've seen the zoning code. There's
21 these four tests for a use variance.

22 MR. BLOUNT: Yes.

23 CHAIRMAN CORRIVEAU: And they all need to
24 be met to achieve a variance, and that's a pretty
25 high bar compared to area variances and such.

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1 Reading through your packet, I didn't
2 find all four of those, you know, laid out one,
3 two, three, four kind of thing. You talked a lot
4 about the dollars and cents of the business at
5 length, but I think you ought to say some more
6 about the other aspects of those tests when we come
7 back again next month, probably.

8 And one, in particular, that always
9 catches my eye here is the uniqueness, how is this
10 property that you have, this site here, the Bad
11 Apple, how is that unique compared to the rest of
12 the parcels that lease out of that district?
13 Because, really, the uniqueness of it is not so
14 much driven by the circumstances surrounded by what
15 your business is supposed to be about, but the
16 property itself, the real estate.

17 Any thoughts for that?

18 MR. BLOUNT: When you say the uniqueness
19 of the property, can you expand on that just a
20 little bit more?

21 CHAIRMAN CORRIVEAU: Physical futures.

22 MR. BLOUNT: So the physical futures of
23 the place, it is a solid block building. It only
24 has two windows in the front, which are small. I
25 can have bars literally welded and put in place for

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1 security purposes. Anything else is going to take
2 a lot of extra work for me to implement my security
3 protocols that I need to have.

4 CHAIRMAN CORRIVEAU: Okay. I think the
5 uniqueness applies more to the land than the
6 structures, but I could be wrong with that.

7 MR. URDA: I think what the acting chair
8 is saying is, to earn a use variance or to prove a
9 use variance, you have to prove that all of the
10 uses that are allowed in the UMU district are
11 impractical on that parcel.

12 And then the uniqueness is, you know,
13 other parcels in the UMU district are realizing a
14 reasonable return with the uses allowed in UMU. So
15 what would be unique about this parcel that the
16 list of uses allowed in UMU wouldn't earn a
17 reasonable return and only a dispensary would?
18 That's the reasonable -- what the acting chair is
19 getting at, the reasonable return test.

20 MR. BLOUNT: Okay. Well, for instance,
21 there's already a liquor store just down the
22 street. There's a nail salon. There's massage
23 parlors.

24 You know, bringing in any competing
25 business that -- that's going to be going against

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1 already established companies, you know, and
2 especially after having to do a remodel on the
3 interior of the place, it's going to be pretty
4 unreasonably impracticable for those types of
5 places to set up in there, especially for what
6 she's asking for the price on the property.

7 CHAIRMAN CORRIVEAU: Okay.

8 MS. BENNETT: May I?

9 So the standard has to be
10 dollars-and-cents proof. So you need to come in
11 with some kind of economic analysis as to why that
12 property can't realize a reasonable return for any
13 of the permitted uses. So, generally, that
14 requires something by someone with experience in
15 real estate, an appraiser. It is a very difficult
16 standard to meet. I mean, it has to show almost no
17 value --

18 MR. BLOUNT: Okay.

19 MS. BENNETT: -- is the standard.

20 MR. BLOUNT: Okay. Well, I mean, it is
21 currently a restaurant. If she sold it as a
22 restaurant and it's not making any money currently,
23 and then anybody coming in is going to have to put
24 a ton of money into the remodel. And I
25 understand --

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1 MS. BENNETT: There needs to be
2 dollars-and-cents proof.

3 MR. BLOUNT: I -- I will bring you
4 dollars and cents.

5 MR. URDA: And I just wanted to add,
6 that, as all three members of the board mentioned,
7 their hands are also tied by the state.

8 MR. BLOUNT: Right.

9 MR. URDA: So just like the state has its
10 cannabis regulations, the state also has enabling
11 legislation that basically enables the ZBA to grant
12 variances.

13 MR. BLOUNT: Yep.

14 MR. URDA: And the way I always try to
15 explain that to the applicant is that imagine that
16 you're sitting in those chairs. This is what the
17 state is telling them they have to see in order to
18 vote yes.

19 MR. BLOUNT: Yep.

20 CHAIRMAN CORRIVEAU: And I guess I've got
21 a question for you, Kathy, too. The two cases that
22 are cited there, Riverhead and Southampton, how do
23 they bear on the wording of our existing zoning?
24 Is our zoning out of whack or what?

25 MS. BENNETT: So I -- I'm familiar with

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1 Riverhead. I'm not familiar with the other one.

2 My understanding of the Riverhead case is
3 that that -- the way that they had set up their
4 zoning really eliminated the ability to put a
5 cannabis dispensary anywhere in the town, and
6 that's why that was struck down. Riverhead is
7 appealing it, so I think that's all still, you
8 know, for future consideration. But my
9 understanding of Riverhead's law was that it really
10 eliminated the opportunity to put a cannabis
11 dispensary anywhere in the town.

12 As far as what the city's code says with
13 respect to cannabis, that's not really for you guys
14 to consider in connection with granting a variance.
15 If there are issues with the city code and what the
16 city code says, that should be taken up with the
17 city council. And so that's not really a
18 consideration for you. Your consideration is those
19 four factors and those four factors only.

20 CHAIRMAN CORRIVEAU: Okay. Thanks.

21 Well, thanks, Brandon. Appreciate the
22 time.

23 MR. BLOUNT: Thank you, guys.

24 CHAIRMAN CORRIVEAU: Is there anybody
25 else that wants to speak to this particular

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1 variance request, neighboring property owners or
2 the public? Anybody?

3 Okay. Hearing none, we'll -- we will
4 move on.

5 MR. EVANS: Do we need to make a motion
6 to continue the hearing?

7 MS. BENNETT: Yes.

8 CHAIRMAN CORRIVEAU: Yes. That's what
9 I'm about to do right now.

10 MR. EVANS: Sorry.

11 CHAIRMAN CORRIVEAU: Because we're going
12 to revisit this next month after the county does
13 their thing, we need to have a continuance for this
14 hearing to continue into next month.

15 MR. URDA: So, Jim, if I might, just for
16 one second.

17 You've already mentioned to the applicant
18 you need to see dollars-and-cents proof, and we've
19 discussed the need for, you know, that economic
20 piece.

21 If there's anything else that any of the
22 board members would wish the applicant to supply
23 for next month's meeting, now would be the
24 appropriate time to ask the applicant for that.

25 MR. RUPPE: Well, if they're alleging

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1 it's difficult to sell the property for any other
2 use, I would like to see that it's been marketed.
3 I wasn't even aware that it was up for sale right
4 now.

5 MR. BLOUNT: It's been on the market
6 for -- since July.

7 MR. RUPPE: Okay.

8 MR. EVANS: And, Kathy, you're saying
9 that those cases don't have any bearing on us, at
10 least as the ZBA.

11 MS. BENNETT: That's correct.

12 MR. EVANS: Okay. Then I don't need to
13 see the cases either.

14 MS. BENNETT: What I think would be
15 helpful is if you did go through the four factors
16 and put something in that identify -- right, like,
17 one --

18 MR. BLOUNT: Yep.

19 MS. BENNETT: -- can't realize a
20 reasonable return, here's why; two, unique
21 circumstances to the property, here are those
22 circumstances.

23 MR. BLOUNT: Yep.

24 MS. BENNETT: Right? Three, not alter
25 the essential character of the neighborhood and

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1 explain that, and then, four, why the hardship
2 wasn't self-created.

3 MR. BLOUNT: Right.

4 MS. BENNETT: So if you can just list and
5 identify all four of those, I think that would be
6 helpful for the board.

7 MR. BLOUNT: Thank you.

8 MS. BENNETT: Yep.

9 CHAIRMAN CORRIVEAU: As we had mentioned
10 earlier that the Jefferson County Planning Board
11 has got to have a determination on this prior to
12 our voting here, their next meeting is the 28th of
13 October, and the staff is going to have it on their
14 agenda. And so our meeting of the ZBA will most
15 likely be the 19th of November. We meet the third
16 Wednesday of the month, unless something changes
17 it. And so we'll bring it up there again.

18 But, right now, I need a motion for a
19 continuance of this public hearing.

20 MR. RUPPE: Yeah. I'll move that we keep
21 this public hearing open until our next meeting.

22 MR. EVANS: Second.

23 CHAIRMAN CORRIVEAU: All in favor?

24 MR. EVANS: Aye.

25 CHAIRMAN CORRIVEAU: Aye. Carried.

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1 All right. Let's open another public
2 hearing for Variance Request 611 at 848 Coffeen
3 Street. And I would invite the applicant, Michael
4 Sboro, to present his request.

5 MR. SBORO: Good evening, members of the
6 board. My name's Michael Sboro, applicant for Bud
7 Bound Ventures, LLC, appearing on behalf of the
8 property owners, Sboro Enterprises LLC, for the
9 property at 848 Coffeen Street.

10 This petition requests a use variance to
11 allow a licensed adult-use retail cannabis
12 dispensary in the neighborhood mixed use district.
13 The building is an existing two-story structure
14 with approximately 1,300 square foot on the ground
15 floor area on a .32 acre lot with on-site parking.
16 The proposed use would occupy only the lower story
17 of the building.

18 Under Hardship Test Number 1, reasonable
19 return. Under the first hardship test, I must
20 demonstrate that the property cannot yield a
21 reasonable return under any permitted use. I've
22 prepared a detailed financial analysis comparing
23 the site performance as a two-unit dwelling with
24 its potential as a licensed adult-use retail
25 dispensary.

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1 The unit -- the two-unit dwelling
2 scenario results in an annual operating loss after
3 taxes, utilities, insurance, and maintenance, even
4 at full occupancy. This shows that the property,
5 under its current use or other permitted uses,
6 cannot achieve even the most modest return
7 benchmarks.

8 By contrast, the proposed dispensary use
9 is projected to provide a modest, but reasonable,
10 amount of return that would finally make the
11 property financially stable. All this information
12 is contained in my hardship packet and exhibits,
13 which were submitted for your review.

14 Under Hardship Test Number 2, unique
15 hardship. The hardship is unique to this property.
16 848 Coffeen Street has previously been developed
17 for a variety of uses, including a hair salon, an
18 office space, and more recently, a two-unit
19 dwelling. It's limited frontage, setback
20 constraints, and dual entry layout restricts
21 adaptability for many of the commercial or mixed
22 use options permitted in the neighborhood mixed
23 used district.

24 The site is board by parcels that contain
25 both commercial and mixed use activities. These

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1 surrounding conditions, combined with the
2 building's existing configuration, create a unique
3 set of constraints not generally shared by other
4 properties in the district.

5 Hardship Test 3, essential character.
6 Granting this variance will not alter the essential
7 character of the neighborhood. The proposed
8 dispensary will occupy the existing ground floor of
9 the building, approximately 1,300 square feet, with
10 only minor interior renovations. No major exterior
11 construction or expansion is planned, and all
12 signage will comply with city code and OCM
13 standards.

14 This corridor already contains several
15 small businesses, restaurants, and mixed use
16 properties. A well-regulated retail dispensary
17 operating within the strict state and local
18 guidelines will fit appropriately within that
19 existing commercial pattern and will not negatively
20 impact -- affect neighborhood uses.

21 Hardship 4, not self-created. This
22 hardship was not self-created. The property has
23 been maintained by the current owner for many years
24 and has struggled to support any permitted use that
25 produces a reasonable return. I have worked

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1 closely with city planning and community
2 development staff to ensure my hardship analysis
3 addressed all required use categories. Staff
4 confirmed that the analysis must include all the
5 uses permitted by right by site plan review and
6 special use permit.

7 Based on that guidance, identified a
8 comprehensive list of possible uses and then
9 narrowed them down to those that are physically and
10 economically feasible for this site. This process
11 and correspondence are fully documented in
12 Exhibit K, applicant communications with staff,
13 located on page 92 of my hardship packet.

14 In closing, I want to thank the zoning
15 board of appeals and planning staff for the time
16 and effort spent reviewing this application. I
17 worked carefully to meet every requirement outlined
18 in the New York General City Law Section 81-B and
19 to provide transparent documentation demonstrating
20 each of the four hardship tests.

21 I believe this proposal represents a
22 reasonable and appropriate use for 848 Coffeen
23 Street; one that will bring a currently
24 underutilized property into a productive use
25 generating local tax revenue and provide a safe,

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1 regulated retail option for adults within the City
2 of Watertown.

3 I respectfully ask the board to grant
4 this use variance on the evidence submitted and the
5 findings presented here tonight. Thank you for
6 your time and consideration. I will now try to
7 answer any questions you may have.

8 MR. EVANS: I've got a couple of quick
9 questions.

10 MR. SBORO: Yes, sir.

11 MR. EVANS: Marijuana was legalized by
12 the state in 2021. Watertown opted out of
13 dispensaries until September. So what was your
14 plan up until September for this building?

15 MR. SBORO: To hold onto it for this use
16 when we did opt back in.

17 MR. EVANS: If the city hadn't opted back
18 in now, it could have waited another ten years or
19 something, would you have held onto it for ten
20 years or -- you know. I mean, it just -- you've
21 been holding this for four years.

22 MR. SBORO: Sure. Sure. Well, it's
23 under the umbrella of Sboro's LLC as a company. So
24 it gets taken care of on the side when we cannot
25 make up the financial revenue that suffers from

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1 that property, if that makes sense.

2 MR. EVANS: All right. And have you been
3 renting it as a two-family dwelling?

4 MR. SBORO: Yes.

5 MR. EVANS: And is it up and down or side
6 by side?

7 MR. SBORO: It is -- there's a bottom
8 story and a top story.

9 MR. EVANS: Right. I mean the duplex,
10 that is. The top story is one and the other bottom
11 story is the other --

12 MR. SBORO: Yes. Yes.

13 MR. EVANS: -- as opposed to a
14 side-by-side duplex?

15 MR. SBORO: Yes.

16 MR. EVANS: Okay. So will you still
17 continue to rent the top half for --

18 MR. SBORO: Yes.

19 MR. EVANS: Okay. Sorry. This is going
20 to take me a few minutes to find all of my little
21 notes that I made. This was a very extensive
22 packet. So let's see. Nope. That, I asked Geoff,
23 and that was okay.

24 I have some questions I had to ask the
25 staff and some questions for you, so ...

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1 MR. SBORO: Yeah. Absolutely.

2 MR. EVANS: If someone has another one, I
3 can come back if you guys have got questions that
4 you wanted to ask.

5 MR. RUPPE: I guess I have some stuff
6 that's on some of your numbers. The cost for the
7 two-unit dwelling seems somewhat high compared to
8 what I'm used to, which is a different part of
9 town, so I acknowledge there may be differences.

10 But if you were to cut some of those
11 expenses, have you considered doing that? That
12 would also help increase the profits.

13 MR. SBORO: As the way it sits right now?

14 MR. RUPPE: Yeah.

15 MR. SBORO: Can you provide some examples
16 of --

17 MR. RUPPE: Well, for example, you're
18 paying a great deal of money for snow removal, for
19 utilities.

20 MR. SBORO: Mm-hmm. We could not --
21 yeah, we could not plow some of it and cut down on
22 that. But we do utilize the whole parking lot for
23 other adventures that aren't encompassed on that
24 whole corner. So there are people that rely on us
25 to do some of that plowing, if that makes sense.

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1 MR. RUPPE: Is the parking lot used for
2 private residential use or is that for your other
3 companies?

4 MR. SBORO: It's -- it is used for the
5 entire lot with those adjoining properties. They
6 utilize it for their parking as well.

7 MR. RUPPE: My other question, on your
8 packet here -- it was page Number 57 -- it talks
9 about retail conversion where it says that
10 conversion to retail would be -- guaranteed loss
11 was the term you used. And, yet, you're arguing
12 for a whole mantel of properties that cannabis is a
13 retail use that you would have assumed have been
14 valid.

15 So how does that guaranteed loss
16 correspond to your high confidence of profit for
17 the cannabis use? Is it just what you're selling
18 or is it --

19 MR. SBORO: Yes. Correct. This is a
20 different use, though?

21 MR. RUPPE: Yeah.

22 MR. SBORO: Yeah.

23 MR. RUPPE: So there is no other thing
24 that you could sell in a retail establishment.

25 MR. SBORO: Not to make a reasonable

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1 return off of the benchmarks that you guys are
2 asking me to go off.

3 MR. RUPPE: And have you attempted to
4 sell this property to someone else who might have
5 other uses for it?

6 MR. SBORO: No.

7 MR. RUPPE: Thank you.

8 MR. EVANS: I did have some -- I did find
9 my questions, and they went back to the
10 residential. You stated that the rent on it has
11 been \$1,100 a month for each unit or that's what
12 you've got on your -- I don't know if it's what you
13 have been charging or --

14 MR. SBORO: It's not what currently is
15 being charged. I put that on there as a benchmark
16 of what rental properties, similar properties
17 charge for that.

18 MR. EVANS: All right. So looking at
19 similar properties, I'd like to -- in NYMLS, which
20 you also had referenced in your -- in your
21 documents, multiples of them either charge more for
22 rent and include the utilities or charge around
23 what you're charging, but the tenant will then pay
24 the electricity and the heat. Usually snow removal
25 is included.

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1 And I question that \$14,000 for snow
2 removal of that one parcel is a little bit high.

3 MR. SBORO: Mm-hmm.

4 MR. EVANS: Is that for all -- for all
5 the properties that you own in that area?

6 MR. SBORO: No. Just square footage of
7 that specific property.

8 MR. EVANS: The 14,000 is just that one
9 property?

10 MR. SBORO: I guess -- do you know what
11 page it is on that we're talking about?

12 MS. BENNETT: 43.

13 MR. EVANS: 43, yes. Or 56, if you go by
14 the -- if you cut out all the different bills.

15 MR. SBORO: Mm-hmm.

16 MR. EVANS: And I do want to compliment
17 you on the thoroughness of the packet.

18 MR. SBORO: Oh, well, thank you.

19 MR. EVANS: I don't know whether you
20 prepared it or had someone else prepare it, but ...

21 MR. SBORO: 43 in the -- in the uses, or
22 this is something -- there's like a documented --

23 MR. EVANS: This is the pro forma use
24 variance analysis. It actually is the 56th page,
25 because you've got all of those bills.

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1 MR. SBORO: Okay. So --

2 MR. URDA: It's the page right before the
3 Ontario Village Apartments.

4 MR. SBORO: So there's going to have to
5 be hauling away with snow removal, too, which I
6 know that is an expense, which, with a dump truck,
7 that's quadruple, you know. So that's probably
8 factored into that cost as well, I was told.

9 MR. EVANS: Oh, there was roof
10 amortization, though, too, you said, in there, so
11 it's not just --

12 MR. SBORO: Yeah, yeah. There was
13 roof -- yep.

14 MR. EVANS: Okay. Fair enough. Yeah.
15 Like I said, the ones I looked at that are
16 currently out there are charging extra for some of
17 the utilities and stuff, so ...

18 MR. SBORO: Sure.

19 MR. EVANS: Yeah. Okay.

20 Which, I mean, the one that you showed
21 was Ontario Village, which is, I think, a little
22 more upscale than -- or a different -- a different
23 animal --

24 MR. SBORO: Sure.

25 MR. EVANS: -- than the -- than a house

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1 is. I don't know if it's upscale. I shouldn't say
2 that.

3 MR. SBORO: Yeah. I don't --

4 MR. EVANS: It's a different type of
5 property, as opposed to something over on Stone
6 Street or something over on -- something like that.

7 Adam asked my question about retail.

8 Good job, Adam. You and I both found the
9 same question there for that.

10 And from what I understood, Sassy's moved
11 out in 2010; right?

12 MR. SBORO: Yes.

13 MR. EVANS: Okay. So you've had a good
14 14, 15 years of what to do with it after that.

15 Okay. And I asked that question already.
16 Sometimes I ask the same question three times when
17 I write things down because ...

18 Okay. So your -- under Test 3, essential
19 character -- I think it's page 85 -- you talk about
20 the existing commercial corridor, the retail uses
21 permitted, the site design, operation controls. I
22 have concern because it does about the fairgrounds
23 and it's across from the little league field, too.

24 But, Geoff, were those ones that are not
25 included in the law or -- I know schools are

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1 included and I know that churches are included.

2 MR. URDA: So the state only offers
3 guidance on, like you just said, houses of worship
4 and schools. And then the state has its own
5 measurements from those that the municipality is
6 not allowed to preempt.

7 But, again, that's sort of, I think,
8 different than the four tests you're at tonight.
9 You know, the essential character of the
10 neighborhood is something that the three of you
11 would use your expert local knowledge to evaluate.

12 MR. EVANS: Okay.

13 MS. BENNETT: Yeah. And if I could just
14 add to that. So what the case law says with
15 respect to that is that the change should not
16 disrupt or alter the character of the neighborhood
17 or be at odds with the purpose of the zoning
18 district.

19 And the cases go on to say that the
20 proposed project need not, in and of itself, alter
21 the character of the neighborhood if it's shown
22 that the project would set a pattern for future
23 development, that would, in time, alter the
24 neighborhood's character.

25 MR. EVANS: Okay. Thank you.

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1 Unless someone brings something else up,
2 I think that's all I've got.

3 CHAIRMAN CORRIVEAU: Yeah. I just wanted
4 to add to that, too. It's not our place here to
5 enforce the state's rules or criteria. We have the
6 zoning to deal with, and somebody else can look
7 after compliance with the state.

8 Okay. I've got a couple questions as
9 well. With regards to the reasonable return, which
10 is what a lot of your packet dealt with, the
11 opportunity for a -- in order to make more money,
12 more property sale or rental if the zoning is
13 changed or a use variance is granted is not the
14 same as being unable to make a reasonable return on
15 the property in its current zoning status. Just a
16 statement.

17 MR. SBORO: Noted.

18 CHAIRMAN CORRIVEAU: In your Test 2 of
19 the uniqueness of the property, you've got a
20 statement that reads, I quote: "The hardship at
21 848 Coffeen Street is unique due to its small
22 parcel size, existing residential structure,
23 location along a major commercial corridor, and
24 limited parking capacity," end quote. How is that
25 not very similar to a lot of neighborhood mixed

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1 use?

2 MR. SBORO: Right at the bottom where it
3 says "Conclusion"?

4 CHAIRMAN CORRIVEAU: It shows at a couple
5 spots.

6 MR. SBORO: Unique due to its small
7 parking size, existing residential structure,
8 that's what you're referring to?

9 CHAIRMAN CORRIVEAU: Yeah. It's under
10 your Test 2.

11 MR. SBORO: Okay. And I'm sorry. The
12 question is -- one more time?

13 CHAIRMAN CORRIVEAU: Well, you list these
14 out as attributes: small parcel size, existing
15 residential, location along major commercial
16 corridor, and limited parking. And my question to
17 you is how is that different from much of the
18 properties and parcels that are in the zoning
19 district?

20 MR. SBORO: I don't think it was trying
21 to target maybe that it's much different.

22 MR. URDA: What the Chair is asking is
23 that the test has to show that the hardship in
24 question is unique to your property. So he's
25 saying, you know, if you look at Coffeen Street,

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1 which is -- this pink is the NMU, you know, and
2 then this is the subject parcel here (indicating).

3 What is so different about this parcel
4 than all of these others up and down the street?
5 That's what he's asking you.

6 MR. SBORO: I believe it had a lot to do
7 with the setbacks. It's pretty close to the front
8 of Coffeen Street, and then the building itself
9 abuts very closely to the neighboring property.
10 That's something you don't see up and down this
11 neighborhood mixed use corridor with those
12 buildings that sit like that, if that makes sense.

13 CHAIRMAN CORRIVEAU: The abutting
14 properties are just real close or what's the --

15 MR. SBORO: Yeah. Extremely. You can
16 probably --

17 If you want to zoom in on that, you can,
18 Geoff, to show them what I'm referring to.

19 Right there in the middle left side of
20 the house, you see how the house -- next to the
21 other parcel?

22 MR. URDA: That's as far in as I can go.

23 MR. SBORO: Yeah, yeah.

24 CHAIRMAN CORRIVEAU: Another question in
25 the same category here, did you or Steve address

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1 the 2023 zoning update during the public hearings
2 that were held prior to the adoption of that back
3 in February '23?

4 MR. SBORO: Did we address that?

5 CHAIRMAN CORRIVEAU: Did you speak to
6 this issue here on cannabis zoning that was added
7 to the zoning ordinance at that time? We had
8 public hearings for comment --

9 MR. SBORO: In 2023?

10 CHAIRMAN CORRIVEAU: Yes.

11 MR. SBORO: No.

12 MR. EVANS: Were you aware that it was
13 going to be changing in 2023?

14 MR. SBORO: Yes, yes.

15 MR. EVANS: Because you had said you
16 targeted this since 2021 --

17 MR. SBORO: Yes.

18 MR. EVANS: -- that you would like to --

19 MR. SBORO: We kept that as an idea.

20 MR. EVANS: And I think -- I think even
21 if the city had allowed in 2021, you wouldn't have
22 been able to open up until 2023 anyway --

23 MR. SBORO: Correct.

24 MR. EVANS: -- because I don't think that
25 the OCM had their --

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1 MR. SBORO: Mm-hmm. It's still out.

2 MR. EVANS: -- had all the regulations in
3 place for that.

4 MR. SBORO: Yeah. You know, it's a long
5 process.

6 MR. EVANS: Oh, I know. I've heard that.

7 CHAIRMAN CORRIVEAU: Okay. Those are the
8 questions I've got at this point.

9 MR. SBORO: Thank you, sir.

10 CHAIRMAN CORRIVEAU: Is there anybody
11 else that wants to speak tonight from adjoining
12 properties or the neighborhood or the general
13 public? You're free to speak. Come to the
14 microphone and say what you've got in mind.

15 MR. EVANS: I did have another question.
16 The planning board met last week, and I'm a little
17 confused as to are they still proposing some
18 regulations -- some different regulations or some
19 additional regulations or some --

20 MR. URDA: The planning commission did
21 recommend that the city council adopt a zoning
22 ordinance amendment that the council will take up
23 next month. So the planning commission did
24 recommend that -- an amendment that would provide
25 some additional oversight, but that is a separate

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1 process from what's happening here tonight.

2 MR. EVANS: Okay.

3 MR. URDA: And, you know, all that
4 oversight, you know, applies to cannabis
5 dispensaries, but it also largely applies to
6 commercial district where it would be allowed.

7 MR. EVANS: Okay. Thank you.

8 CHAIRMAN CORRIVEAU: Okay. Hearing -- is
9 there anybody else here that wants to speak?

10 MS. BENNETT: Can I ask a couple
11 questions of the applicant?

12 CHAIRMAN CORRIVEAU: Sure.

13 MS. BENNETT: So when you went through
14 your financial analysis -- and I noticed, right,
15 you have conversion costs. So does that factor
16 into the recognition of a reasonable return?

17 MR. SBORO: (Nodding head up and down.)

18 MS. BENNETT: So I think the way that
19 this analysis has to be done is that there should
20 be a discounted cash flow analysis of the
21 stabilized income that doesn't take into account
22 quite so heavily those conversions costs. I mean,
23 clearly, that would be part of the factor, but
24 there really should be sort of a long-term look of
25 what the economic return of each of these uses

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1 would be for that property.

2 And in terms of the current use, I think
3 actual income and expense statements would be
4 helpful for the board to consider.

5 CHAIRMAN CORRIVEAU: Okay. Then, at this
6 point, I would like to close the public hearing for
7 Variance 611. I need a motion and a vote to do
8 that.

9 MR. URDA: Are you -- if you want to
10 table it, you would make a motion to keep it open.
11 If the board is comfortable voting, then you would
12 make the motion to close. So the board will have
13 to determine whether it feels comfortable voting
14 before making a motion.

15 CHAIRMAN CORRIVEAU: What say you?

16 MR. EVANS: I'd like to move to keep
17 the -- I'd like to turn my microphone on. I'd like
18 to move to keep the hearing open till next month.

19 MR. RUPPE: I'll second that.

20 CHAIRMAN CORRIVEAU: All in favor?

21 MR. EVANS: Aye.

22 MR. RUPPE: Yes.

23 CHAIRMAN CORRIVEAU: Aye.

24 All right. Then we will have a
25 continuance for a hearing until next month, and we

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1 will not vote tonight.

2 Does it give us the opportunity to do the
3 SEQR work tonight?

4 MR. URDA: No. You'll do the SEQR next
5 month.

6 I'll also add that if board members think
7 of anything over the coming days, that -- you know,
8 the immediate coming days, like this week and next
9 week, that you would like either applicant to
10 submit, please let me know, and I can contact the
11 applicants directly. That would give them the
12 opportunity to put things together for you.

13 CHAIRMAN CORRIVEAU: All right. So that
14 concludes our business tonight. I'll close the
15 meeting with a motion and a vote.

16 MR. EVANS: So moved.

17 MR. RUPPE: Second.

18 CHAIRMAN CORRIVEAU: All in favor?

19 MR. EVANS: Aye.

20 CHAIRMAN CORRIVEAU: Aye. Meeting
21 adjourned.

22 *(Proceedings adjourned.)*

23

24

25

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 October 15, 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 22 day of October, 2025.

Tiffany-Jo Ponce

TIFFANY-JO K. PONCE, RPR
Court Reporter