

# New details on dispensary licensing effort

By EDWARD BAUM

At least one senior town official was formally notified more than three months ago of a company's efforts to obtain a state license to open a cannabis dispensary in Scotts Corners.

Sophia Mortell, a partner in the business, SBBM Inc., said this week that her company notified the town of its intention to apply for a license to operate the retail store via certified mail sent to the Pound Ridge Town Clerk on June 27.

Erin Trostle, town clerk, confirmed by email Thursday that her office received the notification. "I did receive a notice of intent to apply, and I did notify the town board shortly thereafter that I had received it, but as you know, court challenges shut down the licensing process, which meant that applications couldn't be filed for many months," she said.

Municipal notification is a required step in the state's cannabis dispensary license application process, which Ms. Mortell said SBBM completed Aug. 11. The company was granted a provisional license May 11, pending completion of the full application, she explained. It has not yet received final license approval.

"We were required to notify the municipality and we did as required on our application to the state," Ms. Mortell said.

Receipt of the municipal notification occurred about two months before Kevin Hansan, the town supervisor, said he learned of the company's plans. In an interview last week, Mr. Hansan said he became aware of the business's intention about a month earlier after first hearing "rumors" that a dispensary might be opening in town.

Ms. Trostle said she not recall exactly when she informed town board members of the notification, but added it was likely within several days of its receipt.

Ms. Trostle also commented, "As I've said before, applications go directly to the state; they do not come to the town. I have not to date received any information regarding the actual filing of any application."

The notification timing confirmed by Ms. Trostle jibes with the statement made by town attorney William Harrington at Tuesday's town board meeting that the town received notification of the license application "over



ELLEN BEST PHOTO

The exterior of the building at 32 Westchester Ave., Pound Ridge, where a company has applied for a license to operate a retail cannabis store.

the summer."

The Office of Cannabis Management, the state's regulating authority, advises on its website that "Pursuant to Section 76 of the Cannabis Law, not less than thirty days nor more than two hundred seventy days before filing an application for licensure as an adult-use retail dispensary .... an applicant shall notify the municipality in which the premises is located of such applicant's intent to file such an application."

In August 2022, Ms. Mortell said, as initial step in the licensing application process, she and her partners provided details on their professional backgrounds and other information to OCM. However, she noted, the municipal notification form was not required for submission to town officials until 30 days before completion of the full application, which she said occurred on Aug. 11 of this year.

Ms. Mortell also described a phone call between Ms. Trostle and Jack Mortell, her father and SBBM partner, which she said took place roughly a week before the formal notification was sent to Ms. Trostle's office. She said Mr. Mortell and Ms. Trostle discussed the building SBBM had identified for a possible future dispensary, and that Ms. Trostle referred him to the building department for further discussion.

Building Inspector Jim Perry said in an interview on Oct. 2 that a "businessman" who didn't identify himself came to the building department twice — once in 2022 and again in late March or April of this year — to inquire whether any zoning or other

restrictions would prohibit operation of a retail marijuana dispensary in the town's commercial district. Mr. Perry recalled confirming with the individual that no marijuana consumption was planned at the site being considered on Westchester Avenue. "He wanted to make sure he could legally (operate a dispensary) there," Mr. Perry said. At the most recent meeting, Mr. Perry said he mentioned the town's standard permitting approvals that would be needed for exterior building changes and signage, also indicating "there are no specifics in our code that address" the intended retail use as a marijuana dispensary.

Mr. Hansan said by email Thursday he does not usually get involved with inquiries from businesses seeking guidance from the building department. "I do encourage tenants to come to the building department to discuss their plans before making large financial commitments so they aren't surprised by septic and water issues later on. The building department does it as a courtesy, but not a requirement. And, no, I'm not briefed on every inquiry because not everyone who inquires moves forward with their business plan."

## Open questions

As part of the dispensary licensing process, state regulators permit municipalities to submit comments and opinions about the applicant within 30 to 60 days of receiving formal notification. Town officials have not said whether they provided any input before the comment window expired

around late August.

There is also a question whether SBBM is required to include with its license application an analysis of "municipal feedback" pertaining to its planned business. According to OCM's published guidelines, all dispensary applications must show an analysis of such feedback, "including impact of dispensary on locality." However, Ms. Mortell said her company's submission of supporting materials did not contain this information, which, she added, "wasn't ever asked of us."

On Oct. 4, she confirmed the company filed a second application with OCM because its first one has been held up as a result of litigation filed against the regulators. The second application, for an adult use retail dispensary license, contained the same information the company supplied in the earlier application, Ms. Mortell said, and also did not include an analysis of municipal feedback.

"Purple Plains has followed all requirements set forth by the Office of Cannabis Management," Ms. Mortell stressed, using the planned dispensary's commercial name.

In a separate interview last week, Mr. Mortell said the dispensary plans to accept debit cards for payment. Despite federal restrictions on some banking services used for marijuana sales, his daughter confirmed the point in a follow-up discussion this week, saying, "There are payment processing companies that provide PIN debt for cannabis sales which is widely used across the country. Purple Plains will use one or multiple payment processors that offer legal debit card transactions."

For now, Ms. Mortell said she and her partners are focused on readying the space at 32 Westchester Ave. for retail operations. "Right now, we're doing our renovations, and ordering case work and painting and all that kind of stuff," she said.

As for a decision on the latest license application, "the state said we'd hear back starting Nov. 4," Ms. Mortell stated, "but last time it took nine months to hear back. We'll see, hopefully sooner than later."

She said she has been following residents' comments and concerns posted on social media, and invited residents who have questions about the planned dispensary to email the company at info@purpleplains.com.

# Supervisor candidates clash in LWV forum