



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

HOPE KNIGHT

Board Member

ADAM W. PERRY

Board Member

JENNIFER GILBERT JENKINS

Board Member

FELICIA A. B. REID

Acting Executive Director

No. 2024-95
September 10, 2024

RESOLUTION TO ISSUE RESPONSES TO NEGATIVE MUNICIPAL OPINIONS OF APPLICANTS THE BOARD HAS ISSUED LICENSES

WHEREAS, pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organizations with dispensaries, or for on-site consumption within the State.

WHEREAS, Section 76(4) of the Cannabis Law (Cannabis Law 76(4)) provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion.

WHEREAS, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

WHEREAS, pursuant to Section 10(23) of the Cannabis Law, the Board may delegate its functions, powers and duties to the Executive Director of the Office of Cannabis Management (Office) subject to certain exceptions;

WHEREAS, if the Board timely received an Opinion from a Municipality or Community Board against the issuance of a license to an applicant that has received the Board’s approval that has been issued which is the subject of the Opinion, through delegation by the Board, the Office shall provide a written response to the Opinion within a reasonable time;

WHEREAS, the Office recommends the issuance of the following written responses explaining and addressing Municipality and Community Board that have expressed an Opinion in opposition of the issuance of a license to the applicants identified on Attachment A;

RESOLVED, the Board approves, and directs the Office to issue, the responses contained in Attachment B hereto to Municipalities that have expressed an Opinion in opposition of the issuance of a license to the applicants identified on Attachment A.

[Attachment A]



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Attachment A

Application #	Business name	Date Received	Address	Community Board or Municipality
OCMCAURD-2022-000430	Florisun LLC DBA Dazed	5/12/2023	33 Union Square West NY NY	Manhattan Community Board 5
OCMCAURD-2022-000402	Culture House	7/17/2023	958 6th Ave, New York, NY 10001	Manhattan Community Board 5
OCMCAURD-2022-000356	T & C Distribution LLC DBA Stoops	7/17/2023	182 5th Ave New York, NY 10010	Manhattan Community Board 5
OCMCAURD-2022-000694	Green Sun DBA Hibernica	7/27/2023	3220 Westchester Ave., Bronx, NY, 10461	Bronx Community Board 10
OCMRETL-2023-000023	Happy Dayz Cannabis Dispensary	10/23/2023	74 Lake Ave, Rochester, NY 14608	City of Rochester
OCMRETL-2023-002126	NY Rochester Group LLC	10/11/2023	3553 W Henrietta Rd Rochester, NY 14623	Town of Henrietta
OCMRETL-2023-001090	Misfits Dispensary R3 LLC	10/18/2023	400 Jefferson Rd Rochester, NY 14623	Town of Henrietta
OCMMICR-2023-000353	Kings of Cannabis LLC	10/25/2023	85 Canisteo St Hornell, NY 14843	City of Hornell
OCMCAURD-2022-000099	Polanco Brothers	11/16/2023	12 EAST 42ND STREET New York, NY 10018	Manhattan Community Board 5
OCMCAURD-2022-000393	Terrapin Greens LLC (DBA The Travel Agency Fifth Ave)	11/16/2023	587 5TH AVENUE New York, NY 10017	Manhattan Community Board 5



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Attachment B

September 10, 2024

SENT VIA EMAIL

Chair Vikki Barbero
Manhattan Community Board Five
450 Seventh Avenue, Suite 2109
New York, NY 10123-2199

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Manhattan Community Board Five:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Florisun LLC DBA Dazed, license OCM-CAURD-23-000008 located at 33 Union Square West, New York, NY.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about May 12, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Florisun, LLC DBA Dazed and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable.

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.



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- The two entities must be located on the same street for the 200-foot requirement to be applicable.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or building exclusively used as a school.
 - The two entities must be located on the same street for the 500-foot requirement to be applicable.
 - Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location to be considered a public youth facility it must be designated as such by a local municipality via the passage of a local law.

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. Per the attached advisory opinion, your Office expressed concerns with proximity to a public park and a hard reduction facility. However, under New York Cannabis Law and Regulations there is no distance requirement for a retail dispensary from these structures. Additionally, New York City has not adopted a local law establishing distance requirements from public youth facilities.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-23-000008 was approved for Florisun, LLC DBA Dazed located at 33 Union Square West, New York, NY.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,
Cannabis Control Board



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September 10, 2024

SENT VIA EMAIL

Manhattan Community Board 5
450 Seventh Avenue, Suite 2109
New York, NY 10123-2199

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Manhattan Community Board 5:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Gabriel Marin located at 958 6th Ave, New York, NY 10001.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about July 17, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Gabriel Marin, and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable.

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
 - The two entities must be located on the same street for the 200-foot requirement to be applicable.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or building exclusively used as a school.



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- The two entities must be located on the same street for the 500-foot requirement to be applicable.
- Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location to be considered a public youth facility it must be designated as such by a local municipality via the passage of a local law

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. Per attached advisory opinion, your Office expressed concerns with proximity to a public park. However, under New York State Cannabis Law and Regulations there is no distance requirement for adult-use retail dispensary from a public park. Further, New York City has not yet adopted a local law establishing distance requirements from public youth facilities.

After careful review and consideration of the opinion received from your Community Board, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-24-000049 was approved for Gabriel Marin located at 958 6th Ave, New York, NY 10001.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,
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September 10, 2024

SENT VIA EMAIL

Chair Vikki Barbero
Manhattan Community Board Five
450 Seventh Avenue, Suite 2109
New York, NY 10123-2199

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Manhattan Community Board Five:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for T&C Distribution DBA Stoops, license OCM-CAURD-23-000082 located at 182 5th Ave, New York, NY 10010.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about July 17, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to T&C Distribution LLC DBA Stoops and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable.

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
 - The two entities must be located on the same street for the 200-foot requirement to be applicable.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or



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building exclusively used as a school.

- The two entities must be located on the same street for the 500-foot requirement to be applicable.
- Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location to be considered a public youth facility it must be designated as such by a local municipality via the passage of a local law.

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. Per attached advisory opinion, your Office expressed concerns with proximity to a public park and pedestrian plaza. However, under New York State Cannabis Law and Regulations there is no distance requirement for a retail dispensary from these structures. Further, New York City has not yet adopted a local law establishing distance requirements from public youth facilities.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-23-000082 was approved for T&C Distribution LLC DBA Stoops at 182 5th Ave, New York, NY 10010.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,
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September 10, 2024

SENT VIA EMAIL

Joseph Russo, Board Chair
Bronx Community Board 10
3165 East Tremont Avenue
Bronx, NY 10461

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Bronx Community Board 10:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Green Sun DBA Hibernica, license OCM-CAURD-24-000131 located at 3220 Westchester Ave, Bronx, NY 10461.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about July 20, 2023, the Board received an Opinion from your office in support of granting a license to Green Sun DBA Hibernica. The Opinion was reviewed and considered by the Board, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-24-000131 was approved for Green Sun DBA Hibernica, located at 3220 Westchester Ave, Bronx, NY 10461.

Please note, the Board recognizes that a stipulation agreement (Stipulation) was attached to the Opinion executed by and between your Office and Green Sun DBA Hibernica. Although, the Board hereby acknowledges the Stipulation, this letter does not represent that the Board will monitor or enforce the Stipulation, or incorporate the terms of the Stipulation, in whole or in-part, into the license.

Additionally, the Office of Cannabis Management’s enforcement division is working to end illicit and unlicensed cannabis activities within the State. Although your Office’s concerns are well received, they do not pose a specific concern as it relates to the issuance of the contemplated license.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.



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September 10, 2024

SENT VIA EMAIL

City of Rochester
Department of Law
City Hall Room 400A
30 Church St
Rochester, NY 14614-1295

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear City of Rochester:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Happy Dayz Cannabis Dispensary (OCM-RETL-24-000080) located at 74 Lake Ave, Rochester, NY 14608.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about October 23, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Happy Dayz Cannabis Dispensary, and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable.

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
 - The two entities must be located on the same street for the 200-foot requirement to be applicable.



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- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or building exclusively used as a school.
 - The two entities must be located on the same street for the 500-foot requirement to be applicable.
 - Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location to be considered a public youth facility it must be designated as such by a local municipality via the passage of a local law

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. The Office of Cannabis Management recorded a distance of 207ft from Iglesia Pentecostal La Vid Verdadera to 74 Lake Ave, Rochester, NY 14608.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-RETL-24-000080 was approved for Happy Dayz Cannabis Dispensary located at 74 Lake Ave, Rochester, NY 14608.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,

Cannabis Control Board



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September 10, 2024

SENT VIA EMAIL

Town of Henrietta
475 Calkins Road
Rochester, NY 14623

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Town of Henrietta:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for NY Rochester Group LLC located at 3553 W Henrietta Road, Rochester, NY 14623.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about October 11, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to NY Rochester Group LLC, and the Board is responding as follows:

The Board is authorized to issue such final licensure based on an applicant satisfying all requirements under New York State Cannabis Laws and Regulations, which includes obtaining all necessary permits and a certificate of occupancy. Further, in the licensing application the applicant attests to the following “[A]n applicant and licensee shall have an obligation to ensure that the information, documentation, attestations and assurances submitted to the Office are not fraudulent, false, or misleading” as required by Section 120.1(g) of Title 9 of New York Codes Rules and Regulations (9 NYCRR). However, if the Office of Cannabis Management (OCM) discovers that the applicant/licensee provided misleading information about complying with local law requirements, OCM can follow its compliance and/or enforcement process. Please note, the applicant/licensee can also show proof that they obtained the permit after license issuance.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-RETL-24-000005 was approved for NY Rochester Group LLC located at 3553 W Henrietta Road, Rochester, NY 14623.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.



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Sincerely,
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SENT VIA EMAIL

Town of Henrietta
475 Calkins Road
Rochester, NY 14623

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Town of Henrietta:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Misfits Dispensary R3 LLC located at 420 Jefferson Road, Rochester, NY 14623

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about 10/18/2023 the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Misfits Dispensary R3 LLC, and the Board is responding as follows:

The Board is authorized to issue such final licensure based on an applicant satisfying all requirements under New York State Cannabis Law and Regulations, which includes obtaining all necessary permits and a certificate of occupancy. On the application, the Applicant attested to the following “[A]n applicant and licensee shall have an obligation to ensure that the information, documentation, attestations and assurances submitted to the Office are not fraudulent, false, or misleading” as required by Section 120.1(g) of Title 9 of New York Codes Rules and Regulations (9 NYCRR). If the Office of Cannabis Management (OCM) discovers that the Applicant/Licensee provided misleading information, then OCM can follow its compliance and/or enforcement process. Please note, the Applicant/Licensee can show proof that they obtained the permit after license issuance.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-RETL-24-000079 was approved for Misfits Dispensary R3 LLC located at 420 Jefferson Road, Rochester, NY 14623.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

HOPE KNIGHT

Board Member

ADAM W. PERRY

Board Member

JENNIFER GILBERT JENKINS

Board Member

FELICIA A. B. REID

Acting Executive Director

municipalities@ocm.ny.gov.

Sincerely,
Cannabis Control Board



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

HOPE KNIGHT

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JENNIFER GILBERT JENKINS

Board Member

FELICIA A. B. REID

Acting Executive Director

September 10, 2024

SENT VIA EMAIL

City of Hornell
82 Main St.
Hornell, NY 14843

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear City of Hornell:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Kings of Cannabis LLC located at 85 Canisteo St., Hornell, NY 14843.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about October 25, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Kings of Cannabis LLC, and the Board is responding as follows:

The Board has record of the City’s local law opting out of retail dispensaries and on-site consumption licenses. In its consideration of the proposed license, the Board reviewed and confirmed that the subject Microbusiness will not offer retail sales. Per attached advisory opinion, your Office expressed concerns with proximity to a school and other businesses. However, under the New York State Cannabis Law and Regulations there is no distance requirement for a Microbusiness from these structures.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-MICR-24-000036 was approved for Kings of Cannabis LLC located at 85 Canisteo St., Hornell, NY 14843.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

HOPE KNIGHT

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ADAM W. PERRY

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Acting Executive Director

Cannabis Control Board



Office of Cannabis Management

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JENNIFER GILBERT JENKINS

Board Member

FELICIA A. B. REID

Acting Executive Director

September 10, 2024

SENT VIA EMAIL

Manhattan Community Board Five
450 Seventh Ave, Suite 2109
New York, NY 10123-2199

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Manhattan Community Board Five:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Polanco Brothers (OCM-CAURD-24-000077) located at 12 East 42nd Street, New York, NY 10017.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about October 23, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license at a number of locations including 12 East 42nd Street, New York, NY 10017, and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable.

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
 - The two entities must be located on the same street for the 200-foot requirement to be applicable.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or building exclusively used as a school.



Office of Cannabis Management

KATHY HOCHUL

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Board Member

FELICIA A. B. REID

Acting Executive Director

- The two entities must be located on the same street for the 500-foot requirement to be applicable.
- Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location to be considered a public youth facility it must be designated as such by a local municipality via the passage of a local law

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. In the attached advisory opinion, your Office expressed concerns with 12 East 42nd Street and proximity to a public park. However, under New York State Cannabis Law and Regulations, there is no distance requirement for a retail dispensary from these structures. Additionally, New York City has not adopted a local law establishing distance requirements from public youth facilities.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-24-000077 was approved for Polanco Bros. located at 12 East 42nd Street, New York, NY 10017.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,

Cannabis Control Board



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

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Board Member

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Board Member

FELICIA A. B. REID

Acting Executive Director

September 10, 2024

SENT VIA EMAIL

Manhattan Community Board Five
450 Seventh Ave, Suite 2109
New York, NY 10123-2199

Re: Response from the New York State Cannabis Control Board under Cannabis Law Section 76(4)

Dear Manhattan Community Board Five:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Terrapin Greens LLC (OCM-CAURD-24-000125) located at 587 5th Avenue, New York, NY 10017.

Pursuant to Article 4 of the Cannabis Law, the Cannabis Control Board (Board) is authorized to issue registrations, licenses, and permits related to adult-use retail dispensaries, registered organization with dispensary (ROD), or for on-site consumption (License) within the State. Section 76(4) of the Cannabis Law provides that when a city, town, or village within New York State (Municipality), or a community board within New York City (Community Board), expresses an opinion (Opinion) either for or against the Board’s issuance for a License authorizing retail cannabis sale within their geographic bounds, the Board shall respond in writing with an explanation as to how it considered the Opinion. Furthermore, Part 119 of Title 9 of New York Codes Rules and Regulations (9 NYCRR) proscribes the timeframe of thirty (30) days, with the option to request thirty (30) additional days, in which a Municipality or Community Board may submit their Opinion to the Board.

On or about October 23, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license at a number of locations including 587 5th Avenue, New York, NY 10017, and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including registered organizations with retail dispensing (RODs, on-site consumption sites, and microbusiness retail locations, from other similarly licensed entities, houses of worship, schools, and public youth facilities, where applicable.

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
 - The two entities must be located on the same street for the 200-foot requirement to be applicable.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or building exclusively used as a school.



Office of Cannabis Management

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FELICIA A. B. REID

Acting Executive Director

- The two entities must be located on the same street for the 500-foot requirement to be applicable.
- Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location to be considered a public youth facility it must be designated as such by a local municipality via the passage of a local law

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. In the attached advisory opinion, your Office expressed concerns with 587 5th Avenue and proximity to a privately owned public space (POPS). However, under New York State Cannabis Law and Regulations there is no distance requirement for a retail dispensary from this structure.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-24-000125 was approved for Terrapin Greens LLC dba The Travel Agency Fifth Avenue located at 587 5th Avenue, New York, NY 10017.

Thank you for your patience while your opinion was being reviewed and this response was being formulated.

If you have any questions regarding this letter, please contact the New York State Office of Cannabis Management at municipalities@ocm.ny.gov.

Sincerely,
Cannabis Control Board