



# Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**HOPE KNIGHT**

Board Member

**CRYSTAL J. RODRIGUEZ DABNEY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

No. 2024-101  
October 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]



# Office of Cannabis Management

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Application #	Business name	Date Received	Address	Community Board or Municipality
<b>OCMCAURD-2022-000878</b>	TreeHead Culture	9/5/2023	665 North French Rd, Amherst NY, 14228	Town of Amherst
<b>OCMMICR-2023-000375</b>	Budding Bliss	10/17/2023	310 Bulson Rd Troy, NY 12180	Town of Brunswick
<b>OCMCAURD-2022-000304</b>	Kings Raw Property LLC (DBA Kings House of Fire)	11/1/2023	3006 E Main St Cortlandt NY 10566	Town of Cortlandt
<b>OCMCAURD-2022-000034</b>	Purple Plains	11/1/2023	32 Westchester Ave Pound Ridge, NY 10576	Town of Pound Ridge
<b>OCMMICR-2023-000044</b>	Muckland LLC	11/2/2023	42 Garden Ln Pine Island, NY 10969	Town of Warwick
<b>OCMRETL-2023-001716</b>	Hudson Economics	11/17/2023	1981 86th Street Brooklyn NY 11214	Brooklyn Community Board 11
<b>OCMRETL-2023-001539</b>	Venus Cannabis Shop, LLC	11/27/2023	248-06 Northern Blvd, Queens NY 11362	Queens Community Board 11
<b>OCMRETL-2023-001250</b>	Midnight Moon Inc	11/27/2023	1536 Amsterdam Ave New York NY 10031	Manhattan Community Board 9
<b>OCMRETL-2023-000003</b>	Seaweed RBNY INC	11/29/2023	73-13 Beach Channel Drive, Arverne, NY 11692	Queens Community Board 14



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**[Attachment B]**

October 10<sup>th</sup>, 2024

**SENT VIA EMAIL**

Town of Amherst  
5583 Main St.  
Williamsville, NY, 14221

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

Dear Town of Amherst:

This letter is in reference to the Cannabis Control Board’s decision to approve for the license OCM-CAURD-24-000085 (TreeHead Culture) located at 665 North French Rd, Amherst, NY 14228.

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 9/5/2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to TreeHead Culture, 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.



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- 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.
  - 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 that attached memorandum, the Town of Amherst Planning Department’s establishes that the use of the accessory drive thru will not be permitted. The Board hereby acknowledges the Town’s decision, but pursuant to § 123.10 (b) of the Regulations “The retail dispensary may operate a drive-thru service window or pre-order pick-up lanes for individuals using ground transport, with prior written approval from the Office and in compliance with all applicable state and local laws, rules, and regulations.”

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-24-000085 was approved for TreeHead Culture located at 665 North French Rd, Amherst, NY 14228.

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](mailto:municipalities@ocm.ny.gov).

Sincerely,  
Cannabis Control Board



# Office of Cannabis Management

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Board Member

**FELICIA A. B. REID**

Executive Director

October 10<sup>th</sup>, 2024

**SENT VIA EMAIL**

Town of Brunswick  
336 Town Office Rd,  
Troy, NY 12180

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

Dear Town of Brunswick:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Budding Bliss located at 310 Bulson Rd Troy, NY 12180.

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 17, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Budding Bliss, 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



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Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Executive Director

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.
  - 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 Cannabis Control Board is authorized to issue such final licensure based on an applicant satisfying all requirements in Cannabis Law and Office regulations, which includes obtaining all necessary permits and a certificate of occupancy. On their application, applicants attest to a requirement that “[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 finds that the applicant misled the Office about local law requirements that Cannabis Law or our regulations requires compliance, then the Office can follow its compliance and/or enforcement process. Please note, the Office can also require that the applicant/license 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-MICR-24-000066 was approved for Budding Bliss located at 310 Bulson Rd Troy, NY 12180. The following Micro-business activities were approved, Adult Use Cultivation, Adult Use Processing, Adult Use Distributor and Adult Use Retail Dispensary.

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](mailto:municipalities@ocm.ny.gov).



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Executive Director

Sincerely,

Cannabis Control Board



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Executive Director

October 10<sup>th</sup>, 2024

**SENT VIA EMAIL**

Town of Cortlandt  
1 Heady Street,  
Cortlandt Manor, NY 10567

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

Dear Town of Cortlandt:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Kings Raw Property LLC (DBA Kings House of Fire) located at 3006 E Main St Cortlandt NY 10566.

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 November 1, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Kings Raw Property LLC, 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





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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.
  - 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 the attached letter provided by your municipality, you raised concerns with distance proximity from Little Kings & Queens Fun Place. The Adult Use Regulations defines School grounds as any building, structure and surrounding outdoor grounds, including entrances or exits, contained within a public or private pre-school, nursery school, elementary or secondary school’s legally defined property boundaries as registered in a county clerk’s office as defined by section 409 of the Education Law. In review the Office of Cannabis Management determined the Little Kings & Queens Fun Place did not meet the definition of School Grounds nor is the structure exclusively used as such. 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.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-24-000104 was approved for Kings Raw Property LLC (DBA Kings House of Fire) located at 3006 E Main St Cortlandt NY 10566

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](mailto:municipalities@ocm.ny.gov).

Sincerely,  
Cannabis Control Board



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October 10<sup>th</sup>, 2024

**SENT VIA EMAIL**

Town of Pound Ridge  
179 Westchester Ave  
Pound Ridge, NY 10576

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

Dear Town of Pound Ridge:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for SMMB, Inc (DBA Purple Plains) located at 32 Westchester Ave Pound Ridge, NY 10576.

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 November 1, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Purple Plains 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.



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- 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.
  - 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 distance proximity from another proposed site located at 69 Westchester Ave, Pound Ridge, NY 10576. Due to proximity protection awarded to 32 Westchester Ave, Pound Ridge, NY, 10576 and population of Town of Pound Ridge being less than 20,000 people, the Office of Cannabis Management denied 69 Westchester Ave, Pound Ridge, NY 10576 due to proximity to another retail dispensary.

Furthermore, in your advisory opinion you raised concerns with parking and vehicle traffic. The Board considered the parking and safety concern raised for the 32 Westchester Avenue site given the location on a “significant roadway curve with very poor site lines for ingress and regress.” Unfortunately, it appears as though that concern would apply to any business operating at that location. Please be aware that SMMB, Inc (DBA Purple Plains) was approved for a license to operate as a Cannabis retail dispensary business and not a Cannabis “facility” as was referenced by your Office. Additionally, we would like to inform you that, pursuant to § 119.2 of the Adult Use Regulations “Municipalities are authorized to adopt local laws and regulations governing the time, place, and manner; provided however, that such local laws and regulations shall not be unreasonably impracticable. The following activities constitute the permissible time, place, and manner restrictions that may be imposed by a municipality:

- Retail dispensary hours of operation for cities of one million (1,000,000) or less. In cities having a population of one million (1,000,000) or less, the hours of operation of when cannabis products can be sold at adult-use retail dispensaries:



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- (i) shall not be from 2:00 a.m. to 8:00 a.m., unless given express written permission by such municipality, or the municipality passes a local law, authorizing it to operate during such hours; and
- (ii) (ii) do so; shall not be restricted to less than seventy (70) hours a week, unless the licensee agrees to
  - the visual or architectural integrity of the building if located within historical districts
  - parking
  - traffic control, including, but not limited to, pedestrian and vehicular traffic;
  - odor, pursuant to article 13-E of the Public Health Law and the Clean Indoor Air Act, except as preempted under subdivision (b) of section 119.1 of this Part
  - noise
  - distance requirements between the retail dispensary, microbusiness, or ROD and a public youth facility, provided, however, that such distance requirement is no greater than 500 feet from the retail dispensary, microbusiness, or ROD

Additionally, the Cannabis Control Board is authorized to issue such final licensure based on an applicant satisfying all requirements mandated by the Cannabis Law and Office regulations, which includes obtaining all necessary permits and a Certificate of occupancy. On their application, applicants attest to a requirement that “[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 finds that the applicant/licensee was misleading with the Office about local law requirements that Cannabis Law or our regulations require compliance with, then the Office can follow its compliance and/or enforcement process. With respect to any necessary municipal approvals and permits, please note, the Office can also require that the applicant/licensee 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-CAURD-24-000119 was approved for SMMB, Inc located at 32 Westchester Ave Pound Ridge, NY 10576.

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](mailto:municipalities@ocm.ny.gov).

Sincerely,  
Cannabis Control Board



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Executive Director

October 10<sup>th</sup>, 2024

Town of Warwick  
132 Kings Highway,  
Warwick, NY 10990

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

Dear Town of Warwick:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Muckland LLC located at 42 Garden Ln Pine Island, NY 10969.

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 November 2, 2023, the Board received an Opinion from your office in support of granting a license to Muckland LLC. The Opinion was reviewed and considered by the Board, and pursuant to the Cannabis Law and related regulations, license OCM-MICR-24-000062 was approved for Muckland LLC located at 42 Garden Ln Pine Island, NY 10969.

The Cannabis Control Board is authorized to issue such final licensure based on an applicant satisfying all requirements in Cannabis Law and Office regulations, which includes obtaining all necessary permits and a certificate of occupancy. On their application, applicants attest to a requirement that “[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 finds that the applicant/licensee misled the Office about local law requirements that Cannabis Law or our regulations requires compliance, then the Office can follow its compliance and/or enforcement process. Please note, the Office can also require that the applicant/licensee show proof that they obtained the permit after license issuance.



# Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**HOPE KNIGHT**

Board Member

**CRYSTAL J. RODRIGUEZ DABNEY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

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](mailto: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**

Board Member

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Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

October 10, 2024

**SENT VIA EMAIL**

Brooklyn Community Board 11  
2214 Bath Avenue  
Brooklyn, NY 11214

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

Dear Brooklyn Community Board 11:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMRETL-2023-001716 (Hudson Economics) located at 1981 86th Street , Brooklyn, NY 11214

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 November 17, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Hudson Economics, 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.



# Office of Cannabis Management

<b>KATHY HOCHUL</b>	<b>TREMAINE WRIGHT</b>	<b>JESSICA GARCIA</b>	<b>HOPE KNIGHT</b>	<b>CRYSTAL J. RODRIGUEZ DABNEY</b>	<b>JENNIFER GILBERT JENKINS</b>	<b>FELICIA A. B. REID</b>
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Executive Director

- 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.
  - 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 proximity to a McDonalds Restaurant. However, under New York State Cannabis Law and Regulations, there is no distance requirement for a retail dispensary from these structures. Furthermore, in your advisory opinion you raised concerns with parking and vehicle traffic. However, pursuant to § 119.2 of the Adult Use Regulations “Municipalities are authorized to adopt local laws and regulations governing the time, place, and manner; provided however, that such local laws and regulations shall not be unreasonably impracticable. The following activities constitute the permissible time, place, and manner restrictions that may be imposed by a municipality:

- Retail dispensary hours of operation for cities of one million (1,000,000) or more. In cities having a population of one million (1,000,000) or more, the hours of operation of when cannabis products can be sold at adult-use retail dispensaries:
  - (i) shall not be from 2:00 a.m. to 8:00 a.m., unless given express written permission by such municipality, or the municipality passes a local law, authorizing it to operate during such hours; and
  - (ii) shall not be restricted to less than seventy (70) hours a week the visual or architectural integrity of the building if located within historical districts
- parking
- traffic control, including, but not limited to, pedestrian and vehicular traffic;





# Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**HOPE KNIGHT**

Board Member

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Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

- odor, pursuant to article 13-E of the Public Health Law and the Clean Indoor Air Act, except as preempted under subdivision (b) of section 119.1 of this Part
- noise
- distance requirements between the retail dispensary, microbusiness, or ROD and a public youth facility, provided, however, that such distance requirement is no greater than 500 feet from the retail dispensary, microbusiness, or ROD”

Please, note, authorization to enact local laws governing parking and traffic control is under the jurisdiction of the City of New York.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-RETL-24-000006 was approved for Hudson Economics located at 1981 86th Street, Brooklyn, NY 11214.

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](mailto: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**

Board Member

**CRYSTAL J. RODRIGUEZ DABNEY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

October 10, 2024

**SENT VIA EMAIL**

Queens Community Board 11  
46-21 Little Neck Pkwy  
Queens, NY 11362

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

Dear Queens Community Board 11:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMRETL-2023-001539 (Venus Cannabis Shop, LLC) located at 248-06 Northern Blvd, Queens, NY 11362.

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 November 27, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Venus Cannabis Shop, LLC and the Board is responding as follows:

In the attached advisory opinion, your Office expressed that at a committee meeting a motion to approve the application was denied due to the applicant not presenting a clear method of operation. In accordance with our Offices procedures and requirements, an operating plan is not required to be submitted to our Office by the Applicant for license approval. Rather, the operating plan is required in accordance with § 125.2 (b) of the Adult Use Regulations, which states “A licensee shall document, implement, and maintain an operating plan that shall, at a minimum, consist of the applicable written operating procedures, an employee handbook, and the following information in this section. A licensee shall make the operating plan available to the Office immediately upon request.”

After careful review and consideration of the opinion received from your community board, and pursuant to the Cannabis Law and related regulations, license OCM-RETL-24-000018 was approved for Venus Cannabis Shop, LLC located at 248-06 Northern Blvd, Queens, NY 11362.



## Office of Cannabis Management

**KATHY HOCHUL**

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Board Member

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Board Member

**FELICIA A. B. REID**

Executive Director

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](mailto:municipalities@ocm.ny.gov).

Sincerely,  
Cannabis Control Board



# Office of Cannabis Management

**KATHY HOCHUL**

Governor

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Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

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Board Member

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Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

October 10, 2024

**SENT VIA EMAIL**

Manhattan Community Board 9  
3291/3295 Broadway  
New York, NY 10027

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

Dear Manhattan Community Board 9:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Midnight Moon Inc located at 1536 Amsterdam Ave., New York, NY 10031.

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 November 27, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Midnight Moon Inc, 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.



# Office of Cannabis Management

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Cannabis Control Board Chair

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Board Member

**HOPE KNIGHT**

Board Member

**CRYSTAL J. RODRIGUEZ DABNEY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

- 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.
  - 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 license to the applicant. In the attached advisory opinion, your Office expressed concerns with proximity to Riverbank State Park. However, under New York State Cannabis Law and Regulations, there is no distance requirement for a retail dispensary from this structure. 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-RETL-24-000048 was approved for Midnight Moon Inc located at 1536 Amsterdam Ave., New York, NY 10031.

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](mailto: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**

Board Member

**CRYSTAL J. RODRIGUEZ DABNEY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

October 10, 2024

**SENT VIA EMAIL**

Queens Community Board 14  
1931 Mott Ave., # 311  
Far Rockaway, NY 11691

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

Dear Queens Community Board 14:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMRETL-2023-001981 (Seaweed RBNY INC) located at 73-13 Beach Channel Drive, Arverne, NY 11692.

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 November 29, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Seaweed RBNY INC, 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



# Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**HOPE KNIGHT**

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Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A. B. REID**

Executive Director

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.
  - 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.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-RETL-24-000115 was approved for Seaweed RBNY INC located at 73-13 Beach Channel Drive, Arverne, NY 11692.

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](mailto:municipalities@ocm.ny.gov).

Sincerely,  
Cannabis Control Board