



Office of Cannabis Management

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

No. 2024-109
November 12, 2024

RESOLUTION TO ISSUE CERTAIN ADULT-USE CANNABIS LICENSES

WHEREAS, pursuant to Article 4 and Section 10(1) of the Cannabis Law, the Cannabis Control Board (Board) is given the authority and discretion to issue licenses related to adult-use cannabis;

WHEREAS, pursuant to Article 4 of the Cannabis Law, the Board is charged with the responsibility of overseeing activities related to adult-use cannabis;

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, pursuant to Section 76(4) of the Cannabis Law, 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, certain Municipalities have expressed an Opinion for or against the Board’s issuance of an adult-use license to certain applicants;

WHEREAS, the Chairperson of the Board has made a preliminary determination to grant adult-use licenses to certain individuals and entities that have applied for adult-use licenses (as identified by the applications in Attachment A);

WHEREAS, the members of the Board waive their right pursuant to Section 10(1) of the Cannabis Law to take up to 14 days from the Chairperson’s preliminary determination to object to the Chairperson’s preliminary determination or to request that the matter be brought before the full Board for consideration;

WHEREAS, no member of the Board objects to the Chairperson’s preliminary determination to grant certain adult-use licenses, and no member of the Board requests that the matter be brought before the full Board for consideration;

WHEREAS, the Board desires to issue a license as indicated, to every applicant that has received the Chairperson’s aforementioned preliminary determination to grant an adult-use license as identified on Attachment A hereto;



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Board Member

FELICIA A.B. REID

Acting Executive Director

WHEREAS, the Board desires that a response be issued to those Municipalities that have expressed an Opinion explaining how such Opinion was considered; now, therefore, be it

BE IT FURTHER RESOLVED, the Board hereby delegates its authority to the Office, effective immediately, to issue a response to Municipalities that have expressed an Opinion in favor of the issuance of a license to the applicants identified on Attachment A explaining how the Opinion was considered;

BE IT FURTHER 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;

BE IT FURTHER RESOLVED, the Board issues an adult-use license as indicated to every applicant that has received the Chairperson’s aforementioned preliminary determination to grant an adult-use license as identified on Attachment A; and

BE IT FURTHER RESOLVED, the Board dictates that an adult-use licensee shall not begin adult-use cannabis operations until the completion of any additional requirements to the satisfaction of the Office including written approval from the Office’s compliance team.



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Attachment A

Application Number	Business Legal Name
OCMCAURDP-2024-000076	Flower City Dispensary Inc.
OCMCULT-2023-000055	GSD CONSULTING FIRM LLC
OCMCULT-2023-000098	DAVESBUDS LLC
OCMCULT-2023-000278	Gflower LLC
OCMCULT-2023-000367	Hepworth Pura LLC
OCMCULT-2024-000028	HR BOTANICAL CULTIVATION LLC
OCMCULT-2024-000049	Sidoti Seven Gardens LLC
OCMDIST-2023-000057	DG INDUSTRIES, LLC
OCMDIST-2023-000266	Capital Region Co. INC
OCMDIST-2023-000302	MORALES EAST COAST INDUSTRIES LLC
OCMDIST-2023-000305	James H Garrett III Inc.
OCMDIST-2023-000318	HM OPS, LLC
OCMDIST-2023-000342	Nectara Ltd.
OCMDIST-2023-000344	Hepworth Pura LLC
OCMDIST-2024-000020	HR BOTANICAL DISTRIBUTION LLC
OCMDIST2-2024-000003	Flight Manufacturing LLC
OCMDIST2-2024-000004	All That Chocolate, LLC
OCMDIST2-2024-000006	Grass Roots Wellness LLC
OCMMICR-2023-000065	Lunkerville LLC
OCMMICR-2023-000074	Boyd Farms LLC
OCMMICR-2023-000088	Beginning of Longevity Achievement Culture and Knowledge LLC
OCMMICR-2023-000095	Mamas 420 Garden LLC
OCMMICR-2023-000119	NMG SERVICES INC
OCMMICR-2023-000130	BLAZIN RED HORSE LLC
OCMMICR-2023-000147	MATTHEW BURKE (negative muni opinion must be reviewed by the CCB)
OCMMICR-2023-000241	HempLocks, LLC
OCMMICR-2023-000255	Emerald Fields, LLC
OCMMICR-2023-000265	Wood's Higher Ground LLC
OCMMICR-2023-000282	Lazy Day Farm LLC
OCMMICR-2023-000297	Frost Hill Farmstead LLC



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OCMMICR-2023-000306	RMH 607 Craft Cannabis LLC
OCMMICR-2023-000327	Home Sweet Harvest LLC
OCMMICR-2023-000403	Miguel Berrios
OCMMICR-2023-000406	Lucky Sun Farms LLC
OCMMICR-2023-000421	PACHA PRODUCTS NY LLC
OCMMICR-2023-000456	Living Proof, LLC
OCMMICR-2023-000460	Velocity Retail INC
OCMMICR-2023-000480	AISHA RICCA & PAT J RICCA
OCMMICR-2023-000483	Greens Roadhouse LLC
OCMMICR-2023-000518	RETROZ LLC
OCMMICR-2023-000581	Copperhead Grow, LLC
OCMMICR-2023-000589	AJ'S NATIVE WHOLESALE INC
OCMMICR-2023-000618	PEACE AND LOVE KING LLC
OCMMICR-2023-000624	Green Klub Inc.
OCMMICR-2023-000672	Growing Renaissance LLC
OCMMICR-2023-000923	Healium Collective L.L.C.
OCMMICR-2023-000965	JUSTIN D MERKEL
OCMMICR-2023-001102	Stonewood Farm, LLC
OCMPROC-2023-000011	Gotham Manufacturing Corp.
OCMPROC-2023-000018	E29 Labs, Inc.
OCMPROC-2023-000041	Jamestown Canna Company LLC
OCMPROC-2023-000062	HERBAL HARVEST OF BUFFALO LLC
OCMPROC-2023-000104	The High Priestess Wellness Co Incorporated
OCMPROC-2023-000124	RIJO BRANDS LLC
OCMPROC-2023-000127	Sarah Waverly LLC
OCMPROC-2023-000157	M&M FAMILY REALTY HOLDING LLC
OCMPROC-2023-000158	Tree Hill Innovations, LLC
OCMPROC-2023-000160	Uptown Bespoke LLC
OCMPROC-2023-000168	Cannaboss, LLC
OCMPROC-2023-000171	GreenSky Technology Inc
OCMPROC-2023-000175	ProXtracts Processing Incorporated
OCMPROC-2023-000195	Dear Flor Inc.
OCMPROC-2023-000197	HEY FLAMER LLC
OCMPROC-2023-000224	Long Island Northern Lights Inc.
OCMPROC-2023-000228	High Moon Food Group LLC



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OCMPROC-2023-000232	Elevated Liquids LLC
OCMPROC-2023-000274	Hudson Valley Hemp Company, LLC
OCMPROC-2023-000348	BK SWEET DREAMS LLC
OCMPROC-2023-000364	Gflower LLC
OCMPROC-2023-000366	Airo Brands, Inc.
OCMPROC-2023-000408	Flowerhouse Walden LLC
OCMPROC-2023-000412	Island Farmers LLC
OCMPROC-2023-000420	GCC NY Operations, LLC
OCMPROC-2023-000421	Olio NY LLC
OCMPROC-2023-000474	FLX EXTRACTS LLC
OCMPROC-2023-000485	CJESTBX LLC
OCMPROC-2023-000492	Wingman Solutions LLC
OCMPROC-2023-000507	Starwater Group LLC
OCMPROC-2023-000525	Hempworth Pura LLC
OCMPROC-2024-000011	Daniel C Mcpike
OCMPROC-2024-000014	Empire Standard LLC
OCMPROC-2024-000024	Triple HHH Farm, LLC
OCMPROC-2024-000026	HR BOTANICAL PROCESSING LLC
OCMPROC-2024-000044	PASSION FIELD FARM LLC
OCMRETL-2023-000095	BLISSBAR LLC
OCMRETL-2023-000151	Dutchess Roots LLC
OCMRETL-2023-000217	Black River Supply Company, LLC
OCMRETL-2023-000291	Gentleman's Hemp L.L.C.
OCMRETL-2023-000383	Lafayette Wines LLC
OCMRETL-2023-000394	Treehouse Upstate NY, INC
OCMRETL-2023-000455	The Coughie Shop Limited Liability Company
OCMRETL-2023-000478	G.C. Roasting, Inc.
OCMRETL-2023-000567	Back Porch Cannabis Corp.
OCMRETL-2023-000617	wny aog inc
OCMRETL-2023-000668	Cannabis Dispensary LLC
OCMRETL-2023-000710	DM420 Inc.
OCMRETL-2023-000721	Comfort Care Services inc.
OCMRETL-2023-000767	Cannospace Inc.
OCMRETL-2023-000809	Green Leaf Holdings group llc
OCMRETL-2023-000852	GREEN FLOWER WELLNESS 5 LLC



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OCMRETL-2023-000855	GREEN FLOWER WELLNESS 6 LLC
OCMRETL-2023-001042	Lucid Vista, LLC
OCMRETL-2023-001111	Kaddo Sales and Services LLC
OCMRETL-2023-001147	Heavenly Garden NY INC
OCMRETL-2023-001178	Iodice Provisions, LLC
OCMRETL-2023-001200	Budhampton LLC
OCMRETL-2023-001201	ASKone's LLC
OCMRETL-2023-001235	Zenith Grove, LLC
OCMRETL-2023-001284	Upstate Pines Inc.
OCMRETL-2023-001324	Kaur Consulting LLC
OCMRETL-2023-001345	Garden Bliss LLC
OCMRETL-2023-001419	DEKALBCMM LLC
OCMRETL-2023-001468	MANOR CANNA LLC
OCMRETL-2023-001610	Elevated Times-1 LLC
OCMRETL-2023-001642	Sessco Corp.
OCMRETL-2023-001699	DDMM Dispensary LLC
OCMRETL-2023-001704	Monticello Cannabis LLC
OCMRETL-2023-001777	Carry-On Cannabis NY LLC
OCMRETL-2023-001787	HerbHub LLC
OCMRETL-2023-001810	3PM Ventures, LLC
OCMRETL-2023-001822	ROCKAWAY BEACH CAFE INC.
OCMRETL-2023-001837	MEADOW FLOWER LLC
OCMRETL-2023-001870	Inside the Park Dispo LLC
OCMRETL-2023-002034	Fire in Da Bowl LLC
OCMRETL-2023-002190	NY CJ Ball Inc.



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Attachment B

November 12, 2024

SENT VIA EMAIL

City of Amsterdam
61 Church St
Amsterdam, NY 12010

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

Dear City of Amsterdam:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Higher Grounds, LLC located at 2 Ann Street, Amsterdam, NY 12010.

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 15, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Higher Grounds, LLC and the Board is responding as follows:

The Board would like to address you concerns regarding illicit cannabis sales within your jurisdiction. Thank you for sharing this complaint as it has been referred to the Office of Cannabis Management’s (“OCM”) Enforcement Division for investigation and the Board has consider the results of the investigation in their determination to award or deny a license. OCM analyzed the charges referenced in the municipal opinion. When a fingerprint check from the applicant was completed none of the charges appeared and the applicant was able to provide paperwork that the charges were dismissed via ACOD process.

In accordance with OCM’s procedures and requirements, OCM has thoroughly evaluated these concerns as part of its licensing process. Licensed cannabis operators are held to strict compliance standards, as outlined in the



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Cannabis Law and related Regulations. In particular, Section 125.3(e) of the Regulations addresses security and the storage of cannabis. This section requires licensees to report any significant security breaches, diversion or theft, criminal activity occurring on or involving the licensed premises, or any other events that could compromise public health or safety, including incidents impacting the health or safety of the licensee's workforce.

When an incident occurs, licensees must submit a detailed incident report to OCM. This report includes the circumstances of the incident, the corrective actions taken, and confirmation that the appropriate law enforcement authorities have been notified. This mandatory reporting ensures a swift and transparent response to any threats to public safety. Additionally, Section 120.1(k) emphasizes that violations of the Regulations or the Cannabis Law by a licensee can result in significant penalties. These penalties may include fines, suspension, revocation of the license, and even debarment, as outlined in Part 133 of the Regulations.

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.
 - 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



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Furthermore, while the Board recognizes the municipalities concerns regarding distance from a proposed housing project build, there are no statutory or regulatory distance requirements established for this type of structure that would result in a denial of license. 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, a license was approved for Higher Grounds LLC located at 2 Ann Street Amsterdam NY 12010.

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

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November 12, 2024

SENT VIA EMAIL

City of Niagara Falls
745 Main Street
Niagara Falls, NY 14301

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

Dear City of Niagara Falls:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for AJ’s Native Wholesale, Inc. located at 118 87th Street, Niagara Falls, NY 14304.

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 January 17, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to AJ’s Native Wholesale, 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



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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 the attached municipality opinion, your Office raised concerns regarding distance from the proposed site, 118 87th Street, Niagara Falls, NY 14304, to a “Community Facility.” The term Community Facility was replaced with Public Youth Facility in the Cannabis Adult-Use Regulations and defined as “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.” Under § 119.2(a)(10) of the 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: 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.” The Board has been made aware from the Office of Cannabis Management (OCM), that the City was informed of the previous definition use and to provide a copy of their Local Law. However, OCM has not received a copy of the revised local law. Please note, to effectively implement distance requirements from public youth facilities, OCM would require you to submit a copy of the Local Law.

At the time of review of the proposed location, OCM did not receive a copy of a local law adopted by the City establishing distance requirements from a Public Youth Facility. As such OCM did not determine any disqualify distance requirement violations. In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant 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, a license was approved for AJ’s Native Wholesale, Inc. located at 118 87th Street,



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Acting Executive Director

Niagara Falls, NY 14304.

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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November 12, 2024

SENT VIA EMAIL

Town of Southampton
116 Hampton Road
Southampton, NY 11968

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

Dear Town of Southampton:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for L Train Agency LLC located at 2183 Montauk Highway, Bridgehampton NY 11932.

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 28, 2024, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to L Train Agency 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



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- o municipalities with a population 20,000 or more.
- o 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.
- o 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 the licensee to the applicant.

In the attached opinion, your Office raised concerns regarding the Town’s requirement of acquiring a Special Use Permit. The Board wants to clarify that on the 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 of Cannabis Management (“OCM”) 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), which includes obtaining all necessary permits and a certificate of occupancy. As such, the Board is authorized to issue such final licensure based on an applicant satisfying all requirements in Cannabis Law and Regulations. Please note, OCM 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, a license was approved for L Train Agency LLC located at 2183 Montauk Highway Bridgehampton NY 11932.

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	TREMAINE WRIGHT	JESSICA GARCIA	HOPE KNIGHT	CRYSTAL J. RODRIGUEZ DABNEY	JENNIFER GILBERT JENKINS	FELICIA A.B. REID
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Acting Executive Director

November 12, 2024

SENT VIA EMAIL

City of Niagara Falls
745 Main Street
Niagara Falls, NY 14301

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

Dear City of Niagara Falls:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Cannabis Dispensary, LLC located at 7560 Niagara Falls Blvd, Niagara Falls, NY 14304.

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 December 20, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Cannabis Dispensary, 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.



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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. Furthermore, applicants are required to demonstrate proof of ownership over the proposed premise through a lease, deed, or sublease. The Board reviewed and confirmed the applicant demonstrated sufficient proof of ownership over the proposed premise.

In the attached opinion, your Office raised concerns regarding the City’s requirement of acquiring an application through the City's Department of Code Enforcement. The Board wants to clarify that on the 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 of Cannabis Management (“OCM”) 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), which includes obtaining all necessary permits, a certificate of occupancy and meeting all City code and license requirements. As such, the Board is authorized to issue such final licensure based on an applicant satisfying all requirements in Cannabis Law and Regulations. Please note, OCM can also require that the applicant/licensee show proof that they obtained the local permit necessary after license issuance. Even though the business has been issued a license from the OCM, it is still subject to all applicable local laws/codes that are not specific to our licensed businesses.



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

Acting Executive Director

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, a license was approved for Cannabis Dispensary LLC located at 7560 Niagara Falls Blvd, Niagara Falls, NY 14304.

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	TREMAINE WRIGHT	JESSICA GARCIA	HOPE KNIGHT	CRYSTAL J. RODRIGUEZ DABNEY	JENNIFER GILBERT JENKINS	FELICIA A.B. REID
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Acting Executive Director

November 12, 2024

SENT VIA EMAIL

City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302

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

Dear City of Niagara Falls:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Carry-On Cannabis NY, LLC located at 8529 Niagara Falls Boulevard, Suite A, Niagara Falls, NY 14304.

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 January 12,2024 the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to -Carry-On Cannabis NY, 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



Office of Cannabis Management

KATHY HOCHUL	TREMAINE WRIGHT	JESSICA GARCIA	HOPE KNIGHT	CRYSTAL J. RODRIGUEZ DABNEY	JENNIFER GILBERT JENKINS	FELICIA A.B. REID
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- 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. Furthermore, applicants are required to demonstrate proof of ownership over the proposed premise through a lease, deed, or sublease. The Board reviewed and confirmed the applicant demonstrated sufficient proof of ownership over the proposed premise.

In the attached opinion, your Office raised concerns regarding the Cities requirement of acquiring an application through the City's Department of Code Enforcement. The Board wants to clarify that on the 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 of Cannabis Management (“OCM”) 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), which includes obtaining all necessary permits, a certificate of occupancy and meeting the City’s code requirements. As such, the Board is authorized to issue such final licensure based on an applicant satisfying all requirements in Cannabis Law and Regulations. Please note, OCM can also require that the applicant/licensee show proof that they obtained the local permitting necessary after license issuance. Even though the business has been issued a license from OCM, it is still subject to all applicable local laws/codes that are not specific to our licensed businesses.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, a license was approved for Carry-On Cannabis NY LLC located at 8529 Niagara



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**

Acting
Executive Director

Falls Boulevard, Suite A, Niagara Falls, NY 14304.

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	TREMAINE WRIGHT	JESSICA GARCIA	HOPE KNIGHT	CRYSTAL J. RODRIGUEZ DABNEY	JENNIFER GILBERT JENKINS	FELICIA A.B. REID
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Acting Executive Director

November 12, 2024

SENT VIA EMAIL

City of Syracuse
233 East Washington Street
Syracuse, NY 13202

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

Dear City of Syracuse:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Richard Rainone d/b/a Inside the Park Dispo LLC located at 173 Marshall St, Syracuse, NY, 13210.

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 7, 2024, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Richard Rainone d/b/a Inside the Park Dispo 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.



Office of Cannabis Management

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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 the attached opinion, your Office raised concerns regarding the proposed dispensary being located on the 2nd Floor of the proposed retail establishment. Please be aware, that an adult-use retail dispensary must be located in a store, the principal entrance to which shall be from the street level and located on a public thoroughfare in premises which may be occupied, operated or conducted for business, trade or industry. In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity and public thoroughfare requirements in its decision to grant 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, a license was approved for Richard Rainone d/b/a Inside the Park Dispo LLC located at 173 Marshall St, Syracuse, NY, 13210.

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
 November 12, 2024



Office of Cannabis Management

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

SENT VIA EMAIL

Bronx Community Board #2
 1029 E. 163rd Street
 Bronx, NY 10459

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

Dear Bronx Community Board 2:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Garden Bliss LLC located at 1031 Southern Boulevard, Bronx, NY 10459.

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 June 18, 2024, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license at 1031 Southern Boulevard, Bronx, NY due to the high number of robberies in and around the location and other quality of life concerns.

In accordance with Office of Cannabis Management (the “OCM”) procedures and requirements, OCM has thoroughly evaluated these concerns as part of its licensing process. Licensed cannabis operators are held to strict compliance standards, as outlined in the Cannabis Law and related Regulations. In particular, Section 125.3(e) of the Regulations addresses security and the storage of cannabis. This section requires licensees to report any significant security breaches, diversion or theft, criminal activity occurring on or involving the licensed premises, or any other events that could compromise public health or safety, including incidents impacting the health or safety of the licensee’s workforce.

When an incident occurs, licensees must submit a detailed incident report to the OCM. This report includes the circumstances of the incident, the corrective actions taken, and confirmation that the appropriate law enforcement authorities have been notified. This mandatory reporting ensures a swift and transparent response



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

Acting Executive Director

to any threats to public safety.

After careful review and consideration of the opinion received from your community board, and pursuant to the Cannabis Law and related regulations, license OCMRETL-2023-001345 was approved for Garden Bliss LLC located at 1031 Southern Blvd, Bronx, NY 10459.

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