



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

BRAD USHER

Board Member

FELICIA A. B. REID

Executive Director

No. 2025-10
February 14, 2025

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 the Municipality and Community Boards that have expressed an Opinion in opposition of the issuance of a license to the applicants identified in Attachment A;

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

[Attachment A]

Attachment A



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Application #	Business Name	Date Licensed	Address	Municipality of Community Board
OCMMICR-2023-000353	Kings of Cannabis LLC	10/25/2023	85 Canisteo St Hornell, NY 14843	City of Hornell
OCM-CAURD-24-000077	Polanco Brothers	11/16/2023	12 EAST 42ND STREET New York, NY 10018	Manhattan Community Board 5
OCMCAURD-2022-000393	Terrapin Greens LLC (DBA The Travel Agency Fifth Ave)	11/16/2023	587 5TH AVENUE New York, NY 10017	Manhattan Community Board 5
OCMCAURD-2022-000652	Freshly Baked NYC (DNP-Z Inc)	11/29/2023	2375 Arthur Avenue Bronx NY 10458	Bronx Community Board 6
OCMCAURD-2022-000144	NC ACCIDENT REPORTS LLC (Elevate Soho Cannabis)	12/1/2023	481 Broadway New York, NY 10013	Manhattan Community Board 2
OCMRETL-2023-001197	Satura Development Group	12/8/2023	1561 Westchester Ave Bronx, NY 10472	Bronx Community Board 9
OCMRETL-2023-001001	Nitecap LLC	12/8/2023	1151 Hylan Boulevard Staten Island NY 10305	Staten Island Community Board 2



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Attachment B

February 14, 2025

SENT VIA EMAIL

City of Hornell
82 Main St.
Hornell, NY 14843

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

Dear City of Hornell:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Kings of Cannabis LLC (OCMMICR-2023-000353) located at 85 Canisteo St., Hornell, NY 14843.

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

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

The Board has record of the City’s local law opting out of retail dispensaries and on-site consumption licenses. In its consideration of the proposed license, the Board reviewed and confirmed that the subject Microbusiness will not offer retail sales.

Per attached advisory opinion, your Office also expressed concerns with proximity to a school and other businesses with concerns regarding public safety. The Board appreciates you expressing these concerns to our Office, the Board would like to make you aware that under the New York State Cannabis Law and Associated Regulations there are no distance requirement for a Microbusiness from these types of structures.

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



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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.

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.

The Board is authorized to issue such final licensure based on an applicant satisfying all requirements in Cannabis Law and 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). Please note, licensees are still required to adhere to local laws and zoning ordinances.

We understand and respect the municipality’s concerns regarding the location. However, we want to assure you that this licensee has met the requirements of the Cannabis Law and has been approved by the Board. The OCM is committed to being a proactive partner with the municipality to ensure that all licensed operators maintain the highest standards of operation. We are more than willing to address any further questions or concerns you may have regarding the safety and security of this particular licensee.

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

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

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

Sincerely,
Cannabis Control Board



Office of Cannabis Management

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February 14, 2025

SENT VIA EMAIL

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

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

Dear Manhattan Community Board Five:

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

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

On or about November 13, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license at a number of locations including 12 East 42nd Street, New York, NY 10017, and the Board is responding as follows:

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

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.



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- 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

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant.

In the attached advisory opinion, your Office expressed concerns with 12 East 42nd Street and the proximity to a public park. We understand and respect the Community Board’s concerns regarding the location. However, we want to assure you that this licensee has met the requirements of the Cannabis Law and associated regulations. When OCM was reviewing this application, New York City had not yet adopted a local law establishing distance requirements from public youth facilities, as such there are no statutory or regulatory distance requirements of a retail dispensary to be 500-feet from a public youth facility.

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

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



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Acting Executive Director

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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February 14, 2025

SENT VIA EMAIL

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

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

Dear Manhattan Community Board Five:

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

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

On or about November 13, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license at a number of locations including 587 5th Avenue, New York, NY 10017, and the Board is responding as follows:

Pursuant to 9 NYCRR, the Board implemented distance and proximity requirements between licensed retail dispensaries, including 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.



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- 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

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. In the attached advisory opinion, your Office expressed concerns with 587 5th Avenue and proximity to a privately owned public space (POPS). We understand and respect the Community Boards concerns regarding the location. However, we want to assure you that this licensee has met the requirements under New York State Cannabis Law and Regulations, which has no distance requirement for a retail dispensary from this structure.

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

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

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



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Acting Executive Director

Sincerely,
Cannabis Control Board



Office of Cannabis Management

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February 14, 2025

SENT VIA EMAIL

Bronx Community Board 6
1931 Mott Avenue, Room 311
Far Rockaway, NY 11691

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

Dear Bronx Community Board 6:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Freshly Baked NYC d/b/a DNP-Z Inc located at 2375 Arthur Avenue, Bronx, NY 10458

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 11/29/2023 the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Freshly Baked NYC, and the Board is responding as follows:

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

The Municipality Rulemaking regulations (9 NYCRR) require:

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



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

In the advisory opinion your Community Board provided, you raised concerns with this proposed site proximity to other retail dispensary licenses. In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements were all met in its decision to grant or deny the licensee to the applicant.

Furthermore, the Board reviewed and confirmed Freshly Baked NYCd/b/a DNP-Z completion of all application requirements for final licensure. After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-24-000137 was approved for Freshly Baked NYC d/b/a DNP-Z Inc located at 2375 Arthur Avenue, Bronx, NY 10458.

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

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

Sincerely,
Cannabis Control Board



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February 14, 2025

SENT VIA EMAIL

Manhattan Community Board 2
3 Washington Square Village,
New York, NY 10012-1899

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

Dear Manhattan Community Board 2:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for NC Accident Reports, LLC d/b/a Elevate Cannabis Soho located at 481 Broadway, New York, NY 10013.

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 1, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Accident Reports, 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 exclusively used as a house of worship.



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

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. Furthermore, the Board reviewed and confirmed Accident Reports, LLC completion of all application requirements for final licensure.

While the applicant was not able to provide all requested detail when meeting with the Community Board, the applicant did complete all requirements required for licensure under the CAURD regulations and the Cannabis Law. Understanding that there was significant pressure to try and get dispensaries open the Board decided to grant the adult-use license.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-CAURD-24-000132 was approved for Accident Reports, LLC d/b/a Elevate Cannabis Soho located at 481 Broadway, New York, NY 10013.

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

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

Sincerely,
Cannabis Control Board



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February 14, 2025

SENT VIA EMAIL

Bronx Community Board 9
1967 Turnbull Avenue
Bronx, NY 10473

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

Dear Bronx Community Board 9:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for Satura Development Group located at 1561 Westchester Ave., Bronx, NY 10472.

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 8, 2024, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Satura Development Group and the Board is responding as follows:

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

The Municipality Rulemaking regulations (9 NYCRR) require:

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



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

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. Furthermore, the Board reviewed and confirmed Satura Development Group completion of all application requirements for final licensure.

Additionally, the municipality opinion provided to the Board included a list of applicants that were being recommended for denial for not attending a community board meeting except for one applicant, Satura Development Group. It is unclear why Satura Development Group was included in the list of recommend denials if they had attended the meeting unlike the other applicants listed in the opinion. As such, the Board had no reason to deny the application for Satura Development Group.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-RETL-24-000185 was approved for Satura Development Group located at 1561 Westchester Ave., Bronx, NY 10472.

Please be aware, the Office of Cannabis Management was notified from Satura Development Group on September 17, 2024, that they have lost control over the site, 1561 Westchester Ave., Bronx, NY 10472, and are no longer pursuing that location. The licensee will be required to submit a new proposed retail dispensary location for the Office to review. The licensee would still have to provide notice to municipality in accordance with Section 76 of the Cannabis Law.

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

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

Sincerely,



Office of Cannabis Management

KATHY HOCHUL

Governor

TREMAINE WRIGHT

Cannabis Control Board Chair

JESSICA GARCIA

Board Member

HOPE KNIGHT

Board Member

CRYSTAL J. RODRIGUEZ DABNEY

Board Member

JENNIFER GILBERT JENKINS

Board Member

FELICIA A.B. REID

Acting Executive Director

Cannabis Control Board



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Board Member

FELICIA A.B. REID

Acting Executive Director

February 14, 2025

SENT VIA EMAIL

Staten Island Community Board 2
900 South Ave, Suite 28
Staten Island, NY 10314

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

Dear Staten Island Community Board 2:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMRETL-2023-001001 (Nitecap, LLC) located at 1151 Hylan Boulevard, Staten Island, NY 10305.

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 22, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Nitecap, LLC located at 1151 Hylan Boulevard, Staten Island, NY 10305 and the Board is responding as follows:

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

The Municipality Rulemaking regulations (9 NYCRR) require:

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



Office of Cannabis Management

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

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant.

In the attached advisory opinion, your Office raised concerns regarding the potential influence that adult use retail dispensaries on youth perception. The Office of Cannabis Management and Board continues to prioritize the public health and safety of individuals under 21 through our regulatory framework, guidance, and ongoing public education campaigns. This includes packaging and labeling provisions that prohibit products that could be considered attractive to individuals under 21, marketing and advertising provisions that ban advertisements easily viewed by individuals under twenty-one such as billboards, and audience composition requirements designed to protect against marketing to youth.

Legalization in NYS means OCM is able to provide evidence-based education and tools for educators and families across the state. Acknowledging the fact that young people often lack access to avenues that allow for open and balanced discussions about drug use, one of the Office’s first public resources focused on “What Parents, Mentors, and Trusted Adults Need To Know About Cannabis”. This resource intends to support conversations about the potential impacts of cannabis use for young people – helping them make safer, healthier choices. Additional information for ‘Young Adults’ also has its own subsection on the OCM website found here: <https://cannabis.ny.gov/adult-use-information>

The Board and Office of Cannabis Management (“OCM”) realize the importance of protection of youth from adult use cannabis, and as such have implemented regulatory and policy-based requirements that address security and safety requirements. In particular, Section 125.3(e) of the Cannabis Adult-Use 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



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include fines, suspension, revocation of the license, and even debarment, as outlined in Part 133 of the Regulations.

The Board reviewed and confirmed Nitecap, LLC's completion of all application requirements for final licensure. After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCM-RETL-24-000103 was approved for Nitecap, LLC located at 1151 Hylan, Boulevard Staten Island, NY 10305.

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