



No. 2025-59
September 9, 2025

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;

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



**Office of Cannabis
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FELICIA A.B. REID

Acting Executive Director

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 ID	License Type	Entity Name
OCMCULT-2023-000219	Adult-Use Cultivator License	332 Manor Farms Inc
OCMCULT-2023-000008	Adult-Use Cultivator License	Derek Frank
OCMCULT-2023-000004	Adult-Use Cultivator License	Dragonfly Kitchen III Inc.
OCMCULT-2023-000028	Adult-Use Cultivator License	Cannon Cultivation LLC
OCMCULT-2023-000133	Adult-Use Cultivator License	CHENCANNA INC.
OCMCULT-2023-000101	Adult-Use Cultivator License	ALUSI, LLC
OCMCULT-2023-000109	Adult-Use Cultivator License	EOD Farms Corp
OCMCULT-2023-000181	Adult-Use Cultivator License	Aches and Strains Incorporated
OCMDIST-2023-000264	Adult-Use Distributor License	Jerico Farms LLC
OCMDIST2-2024-000018	Adult-Use Distributor License	Hurley Grown LLC
	Adult-Use Distributor License	Miss Perry Farms Processing Inc.
OCMDIST2-2025-000006	Adult-Use Distributor License	Roxanne Burford
OCMMICR-2023-000446	Adult-Use Microbusiness License w/Retail	TW of NY Retail LLC
OCMMICR-2023-000556	Adult-Use Microbusiness License w/Retail	Lasting Legacy Cannabis LLC
OCMMICR-2023-000584	Adult-Use Microbusiness License	Electric City Organics LLC
OCMMICR-2023-000169	Adult-Use Microbusiness License	A%N LLC
OCMPROC2-2025-000002	Adult-Use Processor License	Sezby Growers LLC
OCMPROC-2023-000464	Adult-Use Processor License	ATR Processing LLC
OCMPROC-2023-000511	Adult-Use Processor License	CCKNY, LLC



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OCMPROC2-2025-000003	Adult-Use Processor License	Stalliongrow, LLC
OCMPT3B-2025-000148	Adult-Use Processor Type Three-Branding License	Fernway New York, LLC
OCMPT3B-2025-000059	Adult-Use Processor Type Three-Branding License	LUCIANO STEFANO DEVELOPMENT LLC
OCMPT3B-2025-000053	Adult-Use Processor Type Three-Branding License	StranMan LLC
OCMPT3B-2025-000041	Adult-Use Processor Type Three-Branding License	Ultra Black Inc.
OCMPT3B-2025-000167	Adult-Use Processor Type Three-Branding License	Reefer Rolls LLC
OCMPT3B-2025-000167	Adult-Use Processor Type Three-Branding License	Stoney Flower LLC
OCMPT3B-2025-000028	Adult-Use Processor Type Three-Branding License	Pedro Sena
OCMPT3B-2025-000019	Adult-Use Processor Type Three-Branding License	let my people grow, llc
OCMPT3B-2024-000127	Adult-Use Processor Type Three-Branding License	Tookiki LLC
OCMPT3B-2024-000016	Adult-Use Processor Type Three-Branding License	Vitabudz Group LLC
OCMRETL-2023-002223	Adult-Use Retail Dispensary License	Rochester Management Hospitality Group, Inc.
OCMRETL-2023-000459	Adult-Use Retail Dispensary License	SDIP Holdings LLC
OCMRETL-2023-001186	Adult-Use Retail Dispensary License	NNC 3 LLC
OCMRETL-2023-001391	Adult-Use Retail Dispensary License	581 Realty CRD LLC
OCMRETL-2023-001415	Adult-Use Retail Dispensary License	Crystonio, LLC
OCMRETL-2023-001432	Adult-Use Retail Dispensary License	Gtb2 Enterprise Llc
OCMRETL-2023-002090	Adult-Use Retail Dispensary License	Tink & E Co. Inc.
OCMRETL-2023-000493	Adult-Use Retail Dispensary License	Smoke Emporium LLC
OCMRETL-2023-000358	Adult-Use Retail Dispensary License	KB Holdings 716 LLC
OCMRETL-2023-000807	Adult-Use Retail Dispensary License	Rosedale Cannabis Dispensary LLC
OCMRETL-2023-001448	Adult-Use Retail	DUTCHMEN OF CENTRAL LLC



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	Dispensary License	
OCMRETL-2023-000500	Adult-Use Retail Dispensary License	The Highline Cannabis LLC
OCMCAURDP-2025-000013	Conditional Adult-Use Retail Dispensary	SEVEN AMAZING KIDS LLC
OCMCAURDP-2025-000043	Conditional Adult-Use Retail Dispensary	Royal Buds LLC
OCMCAURDP-2024-000064	Conditional Adult-Use Retail Dispensary	Gourmet Budz LLC
OCMCAURDP-2023-000095	Conditional Adult-Use Retail Dispensary	Simply Green Natural Lifestyle Remedies LLC

Attachment B

September 9th, 2025

SENT VIA EMAIL



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Town of Babylon
200 E. Sunrise Highway
Lindenhurst, New York 1757

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

Dear Town of Babylon:

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMMICR-2023-000446 located at 39-49 Allen Blvd., Farmingdale, NY 11735.

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

On or about July 17, 2025 the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to TW of NY Retail LLC, and the Board is responding as follows:

In the opinion letter provided by the Town of Babylon Planning Department, your Office raised concerns that the license applicant needed to contact the Planning Department to discuss zoning and other relevant permitting issues, including the potential need for site plan review. Please note that the Board reviewed and confirmed TW of NY Retail LLC's completion of all statutory and regulatory 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 OCMMICR-2023-000446 was approved for TW of NY Retail LLC located at 39-49 Allen Blvd., Farmingdale, NY 11735.

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



September 9th, 2025

SENT VIA EMAIL

City of Yonkers City Council
40 South Broadway
Room 414
Yonkers, NY 10701

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

Dear City of Yonkers:

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMRETL-2023-000459 located at 471 McLean Avenue, Yonkers, NY 10705.

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

On or about July 2, 2025, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to SDIP Holdings 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 minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and school grounds.



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- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility.

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 opinion provided by the City of Yonker's City Council Majority Leader, your Office raised concerns with the potential impacts on quality of life, traffic, youth access, and the character of the neighborhood. Your letter also notes concerns regarding nearby religious institutions and public parks which host youth sporting events. The Board appreciates you bringing this to their attention.

There are regulations in place that create distance protection for public youth facilities. However, please be aware that there are no statutory or regulatory requirements setting minimum distance requirements from a retail dispensary and a public park which hosts youth sporting events. A public youth facility under the cannabis regulations is a location or structure owned by a government subdivision or agency, 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 years of age or younger. To fall within minimum distance requirements set for public youth facilities, a municipality must designate a location as a public youth facility through local law.

The Office of Cannabis Management and Board continues to prioritize the public health and safety of New Yorkers, particularly those under twenty-one, through our regulatory framework, guidance, and ongoing public education campaign. This includes packaging and labeling provisions that prohibit products that could be considered attractive to individuals under twenty-one, marketing and advertising provisions that ban advertisements easily viewed by individuals under twenty-one such as billboards. The Board and Office of Cannabis Management realize the importance of protection of youth from adult-use cannabis and have implemented regulatory and policy-based requirements which address the security and safety of individuals under the age of twenty-one.

Your office also highlighted concerns about SDIP Holdings LLC opening in a residential neighborhood with a distinctive character that might be affected by a retail dispensary storefront, based on community compatibility and appropriateness. Pursuant to Article 6 of the Cannabis Law, local municipalities had the option to pass local laws to opt-out of New York's cannabis market, by barring adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions by December 31, 2021 (nine months after the effective date of the legislation). If the opt-out action did not take place, local municipalities do not have the authorization to bar adult-use cannabis retail dispensaries from locating within their jurisdictions.

The Board reviewed and confirmed SDIP Holdings LLC's completion of all application requirements for final licensure, including the distance between the proposed dispensary location and nearby religious institutions.



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After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCMRETL-2023-000459 was approved for SDIP Holdings LLC located at 471 McLean Avenue, Yonkers, NY 10705.

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



September 9th, 2025

SENT VIA EMAIL

Town of Riverhead
4 West Second Street
Riverhead, New York 11901

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

Dear Town of Riverhead,

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMRETL-2023-002090 located at 1201 Ostrander Ave., Riverhead, NY 11901.

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 4, 2023, the Board received an Opinion from the Town of Riverhead Department of Economic Development, Planning and Building, Community Development Division (Office) outlining concerns on the review and issuance of a license to Tink & E Co. 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 (unless the Board finds that issuing the license would promote public convenience and advantage).



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- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more ((unless the Board finds that issuing the license would promote public convenience and advantage).
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and school grounds.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility.
 - 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. In order for 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 opinion provided by your Office, concerns were raised that zoning provisions of the Riverhead Town Code would prevent cannabis retail businesses from operating near parcels being used for residential purposes. These provisions were recently found to be legally invalid. 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 Board reviewed and confirmed Tink & E Co. Inc.'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 OCMRETL-2023-002090 was approved for Tink & E Co. Inc. located at 1201 Ostrander Ave., Riverhead, NY 11901.

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



September 9th, 2025

SENT VIA EMAIL

Queens Community Board 10
115-01 Lefferts Boulevard
South Ozone Park, NY 11420

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

Dear Queens Community Board 10:

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMCAURDP-2024-000064 located at 135-26 Crossbay Blvd., Ozone Park, NY 11417.

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 7, 2025, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Gourmet Budz 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 minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more ((unless the Board finds that issuing the license would promote public convenience and advantage).
- 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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- A minimum straight-line measurement of 500 feet between any cannabis dispensary and school grounds.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility.

In the opinion provided by your Office, concerns were raised that 135-26 Crossbay Blvd., Ozone Park, NY 11417 is within 500 feet of hotels used by the NYC Dept. of Homeless Services through a private contractor to house hundreds of persons, including minor children. For a building to be considered a Public Youth Facility under the Cannabis Law and regulations, it must be owned by the government or a government subdivision or agency, 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. In order for 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.

Your Office also cited concerns about the proximity to public schools. Please know 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.

Applicants attest to a requirement that “an applicant and licensee shall have an obligation to ensure that the information, documentation, attestations and assurances submitted to the Office of Cannabis Management are not fraudulent, false, or misleading” as required by Section 120.1(g) of 9 NYCRR, which includes obtaining all necessary permits, a certificate of occupancy, and meeting other Town codes and license requirements. Please note, OCM may require that the applicant/licensee show proof they obtained the local permit necessary after license issuance and prior to commencing operations. Although the business has been issued a license from OCM, it is subject to all applicable local laws/codes that are not specific to our licensed businesses.

The Board reviewed and confirmed Gourmet Budz LLC 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 OCMCAURDP-2024-000064 was approved for Gourmet Budz LLC located at 135-26 Crossbay Blvd., Ozone Park, NY 11417.

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

Sincerely,
Cannabis Control Board



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September 9th, 2025

SENT VIA EMAIL

Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

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

Dear Town of Brookhaven:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMCAURDP-2023-000095 located at 406 Middle Country Rd., Coram, NY 11727.

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 September 19, 2023, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Simply Green Natural Lifestyle Remedies LLC, and the Board is responding as follows:

The opinion provided by your Office highlights concerns that the 406 Middle Country Rd., Coram, NY 11727 address is zoned improperly for a retail cannabis dispensary. Note that “an applicant and licensee shall have an obligation to ensure that the information, documentation, attestations and assurances submitted to the Office of Cannabis management are not fraudulent, false or misleading,” provided by Section 1201.1(g) of 9 NYCRR, which includes obtaining all necessary permits and meeting other Town code and license requirements. OCM may require an applicant/licensee show proof they obtained the local permit necessary after license issuance, prior to commencing operation. Although the business has been issued a license from OCM, it is subject to all applicable local laws/codes that are not specific to our licensed businesses.

Your Office’s opinion also voiced concern that the proposed site was within 1,000 feet of two different religious establishments. 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,



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houses of worship, schools, and public youth facilities, where applicable. Please note the Municipality Rulemaking regulations (9 NYCRR) require a minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, license OCMCAURDP-2023-000095 was approved for Simply Green Natural Lifestyle Remedies LLC located at 406 Middle Country Rd., Coram, NY 11727.

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



September 9, 2025

SENT VIA EMAIL

City of Batavia
One Batavia City Centre,
Batavia, New York 14020

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

Dear City of Batavia:

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMRETL-2023-001415 (Crystonio, LLC) located at 230 W. Main Street Batavia, NY 14020.

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

On or about July 2, 2025, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Crystonio, 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 (unless the Board finds that issuing the license would promote public convenience and advantage).
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more ((unless the Board finds that issuing the license would promote public convenience and advantage).
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and school grounds.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility.



- 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 for 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 Board reviewed and confirmed Crystonio, LLC completion of all application requirements for final licensure.

While the proposed site meets the statutory and regulatory distance requirements, the Office recognizes your concerns regarding the proximity and heavy traffic. The Board and OCM realize the importance of protection of youth from adult use cannabis and have implemented regulatory and policy-based requirements that address security and safety requirements. Specifically, § 123.10 (d) sets requirements for a retail dispensary to verify identification and proof of age. 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, § 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.

Further, in your advisory opinion you raised concerns with parking and vehicle traffic. The Board appreciates the City for providing this information and wants to clarify pursuant to § 119.2(a) 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 some of 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:
 - 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. 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; and
- 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.



Office of Cannabis Management

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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 are not fraudulent, false, or misleading” as required by Section 120.1(g) of Title 9 NYCRR, which includes obtaining all necessary permits, a certificate of occupancy and meeting all local codes and license requirements. Please note, OCM can also require that the applicant/licensee show proof that they obtained the local permit necessary after license issuance and prior to commencing operations. 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.

In that attached opinion, the City establishes concerns regarding the use of the accessory drive through. The Board hereby acknowledges the City's concerns, 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.” While drive through operations are permitted, it is still illegal for any individual to consume cannabis in a motor vehicle and would be subject to applicable Penal Law violations. Additionally, drive through services would still be subject to all age verification requirements.

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 Crystonio, LLC located at 230 W. Main Street Batavia, NY 14020.

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



September 9, 2025

SENT VIA EMAIL

Village of Hastings-on-Hudson
7 Maple Avenue
Hastings-on-Hudson, NY 10706

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

Dear Village of Hastings-on-Hudson:

This letter is in reference to the Cannabis Control Board's decision to approve the license for OCMRETL-2023-000500 (The Highline Cannabis) located at 45 Main St. Hastings-on-Hudson NY 10706.

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 12, 2023, the Board received an Opinion from your office outlining concerns on the review and issuance of a license to The Highline Cannabis 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.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a school grounds as defined in the Education 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 opinion provided to our Office you raised extensive concerns ranging from parking and traffic, proximity to sensitive use areas, and concerns regarding public convenience and advantage. The Board and OCM appreciates you raising these concerns for our awareness and attention. Firstly, to address public convenience and advantage standards, the proposed location currently does not have any retail dispensing locations within 2,000 feet of the proposed retail dispensary location. Please note public convenience and advantage factors in Part 119(4) of the cannabis regulations do not apply to this referenced application as they are not within proximity of another retail dispensary.

In regard to proximity concerns with the proposed site, the Office further reviewed the proposed location due to your concerns and determined that the site meets all regulatory distance requirements. To address specific concerns with proximity to Rivertown Preschool Inc, please be aware the applicant provided documentation indicating Rivertown Preschool Inc, a private operator utilizes a portion of Grace Episcopal Church. In further review conducted by the Office, the program held at the Grace Episcopal Church did not meet the definition of a school grounds as defined in the Education Law.

Furthermore, in regard to proximity to a dance studio, please note there are no statutory or regulatory distance requirements for an adult use dispensary to be a certain distance requirement from this type of businesses. While the proposed site meets the statutory and regulatory distance requirements, the Office recognizes your concerns regarding the proximity and possible heavy foot traffic. The Board and OCM realize the importance of protection of youth from adult use cannabis and have implemented regulatory and policy-based requirements that address security and safety requirements. Specifically, § 123.10(d) sets requirements for a retail dispensary to verify identification and proof of age. 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.

Additionally, legalization in NYS means OCM is able to provide evidence-based education and tools for educators and families across the state. 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.

Through communication with your municipality, you alerted our Office of the opening of a house of worship at 52 Main St, Hastings-On-Hudson, NY 10706. As previously provided to your Office pursuant to Section 72(6) of the Cannabis Law, “No cannabis retail licenses shall locate a storefront within five hundred feet of a school grounds as such term is defined in the Education law or within two hundred feet of a house of worship.” The aforesaid provision of the Cannabis Law does not expressly state when the determination of the proximity of a proposed licensed location to school grounds or a place of worship should be made. Resolution No. 2025-21, passed by the CCB at the March 20, 2025, Board meeting, establishes a date in which such determination should be made as to whether a proposed licensed location meets the requirements of the Cannabis Law. The resolution states that the Board shall use the date a proposed location is submitted to the Office of Cannabis Management to determine whether the proposed licensed complies with the provision of Section 72(6) of the Cannabis Law.

To further address the concerns of the location viability of 45 Main Street, Hastings-On-Hudson, NY 10706, the Office would like to clarify OCMRETL-2023-000500 (The Highline Cannabis, LLC) submitted their application on 10/16/2023 with proof of control and proper notification to municipality for the proposed



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site. The proposed location was reviewed and deemed viable per distance requirements by our Office on 09/18/2024. Based on information and documentation provided by the Village it appears an application for certificate of business operations was filed by Iglesia Erangelica Church on 1/31/2025 with the Village. In accordance with the Board's clarification to Cannabis Law Section 72(6) through Resolution No. 2025-21, the proposed site 45 Main Street, Hastings-On-Hudson, NY 10706 has been determined to meet all statutory and regulatory distance requirements.

Your municipal opinion raised concerns with parking and vehicle traffic. The Board appreciates the Village for providing this information and wants to clarify pursuant to § 119.2(a) 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 some of 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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 - 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; and
- 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.”

Furthermore, the Board reviewed and confirmed The Highline Cannabis 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, a license was approved for The Highline Cannabis located at 45 Main St., Hastings-on-Hudson, NY 10706.

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