



No. 2026-12
March 5, 2026

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



**Office of Cannabis
Management**

BOARD MEMBERS

Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL

Governor

JESSICA GARCIA

Cannabis Control Board
Chair

JOHN KAGIA

Acting Executive Director

expressed an Opinion explaining how such Opinion was considered; now, therefore, be it

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.



Office of Cannabis Management

BOARD MEMBERS
Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL
Governor
JESSICA GARCIA
Cannabis Control Board
Chair

JOHN KAGIA
Acting Executive Director

Attachment A

Application Number	License Type	Entity Name
OCMCAURDP-2024-000123	CAURD	Elise Pelka
OCMCAURDP-2025-000003	CAURD	Legacy Lifestyle Cannabis LLC
OCMCAURDP-2025-000009	CAURD	NYHAM LLC
OCMCAURDP-2025-000023	CAURD	Exotic Kingdom Cannabis Dispensary LLC
OCMCULT-2023-000093	AU Cultivator	WESTWOOD PRESERVE LLC
OCMCULT-2023-000306	AU Cultivator	Guy Matalon Grows LLC
OCMDIST-2023-000314	AU Distributor	ATR Processing LLC
OCMDIST2-2025-000007	AU Distributor	NanoCann Independent Research LLC
OCMDIST2-2025-000012	AU Distributor	Heaven Holding Inc.
OCMMICR-2023-000477	AU Micro	Service Women Pro Cannabis CORP.
OCMMICR-2023-000536	AU Micro	LFG Distribution, LLC
OCMPROC-2023-000363	AU Processor	Live Flower, LLC
OCMPROC-2023-000530	AU Processor	Nile of NY, LLC
OCMPT3B-2025-000091	AU Processor	Bau-Aj LLC
OCMPT3B-2025-000114	AU Processor	Tedd Jean-Paul Holding LLC
OCMPT3B-2025-000115	AU Processor	One LED Group LLC
OCMRETL-2023-000501	AU Retail	Green Room Dispensary LLC
OCMRETL-2023-000847	AU Retail	Twisted Cannabis FLX LLC
OCMRETL-2023-002066	AU Retail	Brooklyn Buds Dispensary Inc
OCMRETL-2023-002099	AU Retail	On The Bus Inc.



**Office of Cannabis
Management**

BOARD MEMBERS

Hope Knight
Crystal Rodriguez-Dabney
Brad Usher

KATHY HOCHUL

Governor

JESSICA GARCIA

Cannabis Control Board
Chair

JOHN KAGIA

Acting Executive Director



Attachment B

March 5, 2026

SENT VIA EMAIL

Manhattan Community Board 2
3 Washington Square Village
#1A New York, NY 10012

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 OCMCAURDP-2024-000123 (Elise Pelka LLC d/b/a Flynnstoned Cannabis Company) located at 388 West St., New York, NY, 10014.

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) sets forth 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 25, 2024 and November 21, 2025, the Board received Opinions from your office (Office) outlining concerns on the review and issuance of a license to Elise Pelka. Given the gap in time between those letters, the Board is responding to the November 21, 2025, opinion 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

On September 25, 2025, Albany County Supreme Court issued a preliminary injunction order in the matter of *ConBud, et. al. v New York State Cannabis Control Board, et. al.* The order requires the Office of Cannabis Management (OCM) to review cannabis dispensary applications under the standards that a retail dispensary cannot be on the same road and within 500 feet of the entrance of a building occupied exclusively as a school. Such order extends until February 15, 2026. 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.

While the proposed site meets regulatory distance requirements, the Board recognizes your concerns regarding the proximity to the aforementioned sites. The Board appreciates the Community Boards concern regarding proximity to school grounds and shares the commitment to protecting youth from exposure to adult-use cannabis. To that end, New York’s adult-use cannabis program includes multiple safeguards in addition to distance requirements, including:

- Age Verification – 9 NYCRR § 123.10(d) requires retail dispensaries to require identification and verify age for every customer.
- Marketing & Advertising Restrictions – 9 NYCRR Parts 128 and 129 prohibit advertising that is attractive to individuals under twenty-one.
- Packaging & Labeling – 9 NYCRR Part 128 requires child-resistant tamper-evident



packaging that cannot be attractive to individuals under twenty-one.

- Incident Reporting & Enforcement – Licensees must promptly submit detailed incident reports to OCM whenever a public-safety concern occurs. Violations of the Cannabis Law or regulations can result in fines, suspension, or license revocation under 9 NYCRR § 120.1(k) and Part 133.

Additionally, 9 NYCRR § 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.

Your office raised further concerns with the partnership agreement between Elise Pelka and Michael Flynn dba Flynnstoned Cannabis Company. The Office's Trade Practice Bureau (“TPB”) has reviewed the associated Membership Interest Purchase Agreement and Operating Agreement for Flynnstoned’s minority ownership interest purchase. Following the review, which required several changes to the agreements that would have violated the “sole control” requirements, the TPB determined the agreement and governance documents are in compliance with the adult-use cannabis regulations.

Also, in the provide opinion, your office highlights concerns that the proposed address has begun construction without proper NYC Department of Building permits. While the Board appreciates these raised concerns, matters involving local permitting procedures remains with the local municipality to implement and enforce. 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 9 NYCRR § 1201.1(g), which includes obtaining all necessary permits and meeting other local 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.

Furthermore, the Board reviewed and confirmed Elise Pelka 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, a license was approved for Elise Pelka LLC located at 388 West St, New York, NY, 10014.

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