



**BOARD MEMBERS**

Jessica Garcia  
Hope Knight  
Crystal Rodriguez-Dabney  
Brad Usher

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**  
Cannabis Control Board Chair

**FELICIA A.B. REID**  
Acting Executive Director

**Full Meeting of the Cannabis Control Board**

March 20, 2025

1:00 PM meeting begins (Tech Check at 12:30 PM)

Onondaga Community College, Whitney Building, 4585 West Seneca Turnpike, Syracuse, NY 13215

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- i. Call to Order
  - ii. Welcome and Opening Remarks
  - iii. Approval of Meeting Minutes from February 14, 2025, Board Meeting
  - iv. Consideration of Adult-Use Applications for Approval
  - v. Consideration of Conditional Adult-Use Retail Dispensary Applications for Renewal
  - vi. Consideration of Location and Tier Change Amendments
  - vii. Consideration of Registered Organization Application for Approval
  - viii. Consideration of Cannabis Testing Laboratory Permit Approvals
  - ix. Consideration of Cannabis Research License
  - x. Consideration of Cannabis Research License Annual Report
  - xi. Consideration of School and House of Worship Proximity Distance Policy
  - xii. Consideration of Provisional Adult-Use Licensee Extension
  - xiii. Consideration of Amendments to the Packaging, Labeling, Marketing and Advertising Proposed Regulations
  - xiv. Consideration of Administrative Law Hearing Appeals
  - xv. Public Convenience and Advantage Process Discussion
  - xvi. Office of Cannabis Management Update
  - xvii. Public Comment
  - xviii. Adjourn



# Office of Cannabis Management

<b>KATHY HOCHUL</b>	<b>TREMAINE WRIGHT</b>	<b>JESSICA GARCIA</b>	<b>HOPE KNIGHT</b>	<b>CRYSTAL J. RODRIGUE Z DABNEY</b>	<b>Brad Usher</b>	<b>FELICIA A.B. REID</b>
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Acting Executive Director

No. 2025-14  
March 20, 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



# Office of Cannabis Management

<b>KATHY HOCHUL</b>	<b>TREMAINE WRIGHT</b>	<b>JESSICA GARCIA</b>	<b>HOPE KNIGHT</b>	<b>CRYSTAL J. RODRIGUE Z DABNEY</b>	<b>Brad Usher</b>	<b>FELICIA A.B. REID</b>
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Acting Executive Director

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

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## Attachment A

Application ID	License Type	Entity Name
OCMCULT-2024-000025	Adult-Use Cultivator License	True Budz LLC
OCMCULT-2023-000095	Adult-Use Cultivator License	Blueroman, LLC
OCMDIST2-2024-000010	Adult-Use Distributor License	Rollin' Cuisine LLC
OCMDIST2-2024-000019	Adult-Use Distributor License	Starwater Group LLC
OCMDIST2-2024-000009	Adult-Use Distributor License	The Grasse Company LLC
OCMDIST-2024-000017	Adult-Use Distributor License	True Budz LLC
OCMDIST-2023-000347	Adult-Use Distributor License	Leaf Lab NYC, LLC
OCMDIST2-2024-000012	Adult-Use Distributor License	Flower City Cannabis LLC
OCMDIST-2023-000228	Adult-Use Distributor License	Green Theory Labs LLC
OCMDIST-2023-000225	Adult-Use Distributor License	NorthEast Extracts LLC
OCMDIST-2023-000041	Adult-Use Distributor License	Jamestown Canna Company LLC
OCMDIST-2023-000083	Adult-Use Distributor License	Forgotten Borough Farms, LLC
OCMDIST-2023-000063	Adult-Use Distributor License	ASSOCIATED SUPPLY, LLC
OCMDIST2-2025-000001	Adult-Use Distributor License	MacGowan Ventures LLC
OCMDIST-2023-000070	Adult-Use Distributor License	Jeanette Padilla Neji
OCMDIST-2023-000150	Adult-Use Distributor License	Lion's Mane Infusions, LLC
OCMMICR-2023-000500	Adult-Use Microbusiness License w/Retail	AMAA Venture LLC
OCMMICR-2023-000337	Adult-Use Microbusiness License w/ Retail	Rolling Hills Wellness llc
OCMMICR-2023-000390	Adult-Use Microbusiness License w/ Retail	Upstate New York Cannabis and Clone Company, LLC



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OCMMICR-2023-000052	Adult-Use Microbusiness License w/Retail	DAISEYS LLC
OCMMICR-2023-000085	Adult-Use Microbusiness License w/Retail	Grass Roots Wellness NY LLC
OCMMICR-2023-000308	Adult-Use Microbusiness License w/Retail	Alpine agronomy LLC
OCMMICR-2023-000492	Adult-Use Microbusiness License	Green Goat Gardens, LLC
OCMMICR-2023-000595	Adult-Use Microbusiness License	Merit NY Group LLC
OCMMICR-2023-001328	Adult-Use Microbusiness License	Birch & Bloom LLC
OCMMICR-2023-000463	Adult-Use Microbusiness License	Utopia Flowers LLC
OCMMICR-2023-000246	Adult-Use Microbusiness License	DANK VALLEY GROWERS LLC
OCMMICR-2023-000303	Adult-Use Microbusiness License	845 Organics LLC
OCMMICR-2023-000123	Adult-Use Microbusiness License	Battenkill Buds LLC
OCMMICR-2023-000528	Adult-Use Microbusiness License	Excelsior Legacy LLC
OCMPROC-2023-000308	Adult-Use Processor License	NorthEast Extracts LLC
OCMPROC-2023-000317	Adult-Use Processor License	Nama Brands LLC
OCMPROC-2023-000410	Adult-Use Processor License	Terp Land Farms LLC
OCMPROC-2024-000020	Adult-Use Processor License	True Budz LLC
OCMPROC-2023-000517	Adult-Use Processor License	Leaf Lab NYC, LLC
OCMPROC-2024-000045	Adult-Use Processor License	County Line Ventures, LLC
OCMPROC-2024-000003	Adult-Use Processor License	Tumbleweed Farms, LLC
OCMPROC-2023-000257	Adult-Use Processor License	Red Eye Foods and Distributors, LLC
OCMPROC-2023-000240	Adult-Use Processor License	Puffcorn & Sweets LLC
OCMPROC-2023-000039	Adult-Use Processor License	WHR Consulting LLC



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OCMPT3B-2025-000065	Adult-Use Processor Type Three-Branding License	Double or Nothing, LLC
OCMPT3B-2025-000025	Adult-Use Processor Type Three-Branding License	Paula Collins
OCMPT3B-2024-000073	Adult-Use Processor Type Three-Branding License	Absurd Exotics, Inc.
OCMPT3B-2024-000070	Adult-Use Processor Type Three-Branding License	The Budcracker LLC
OCMPT3B-2024-000066	Adult-Use Processor Type Three-Branding License	Joseph W Kepferle
OCMPT3B-2024-000058	Adult-Use Processor Type Three-Branding License	Healthy Living By Design, Inc.
OCMPT3B-2024-000057	Adult-Use Processor Type Three-Branding License	Yerba LLC
OCMPT3B-2024-000054	Adult-Use Processor Type Three-Branding License	Water Brands, LLC
OCMPT3B-2024-000050	Adult-Use Processor Type Three-Branding License	5Boro Legacy Corp
OCMPT3B-2024-000049	Adult-Use Processor Type Three-Branding License	Doe boyz llc
OCMPT3B-2024-000048	Adult-Use Processor Type Three-Branding License	NATIONAL DISTRIBUTORS LLC
OCMPT3B-2024-000045	Adult-Use Processor Type Three-Branding License	Kerry Kaur
OCMPT3B-2024-000043	Adult-Use Processor Type Three-Branding License	DocTree LLC
OCMPT3B-2024-000039	Adult-Use Processor Type Three-Branding License	Kitty Creme LLC
OCMPT3B-2024-000038	Adult-Use Processor Type Three-Branding License	Gummies For The People LLC
OCMPT3B-2024-000007	Adult-Use Processor Type Three-Branding License	High Seal LLC
OCMPT3B-2024-000068	Adult-Use Processor Type Three-Branding License	GOOD ROOTS NY LLC
OCMPT3B-2024-000067	Adult-Use Processor Type Three-Branding License	LIN'S CULTIVATION INC
OCMPT3B-2024-000056	Adult-Use Processor Type Three-Branding License	S.T.A. Exotics Enterprises LLC



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OCMPT3B-2024-000055	Adult-Use Processor Type Three-Branding License	MASC LC CONSULTANTS INC
OCMPT3B-2024-000052	Adult-Use Processor Type Three-Branding License	Munchies NY LLC
OCMPT3B-2024-000034	Adult-Use Processor Type Three-Branding License	KHP Development LLC
OCMPT3B-2024-000019	Adult-Use Processor Type Three-Branding License	HOLM GROWN LLC
OCMPT3B-2024-000020	Adult-Use Processor Type Three-Branding License	Bezos Buds, LLC
OCMPT3B-2024-000069	Adult-Use Processor Type Three-Branding License	Brand JP LLC
OCMPT3B-2024-000029	Adult-Use Processor Type Three-Branding License	Christopher Bell
OCMPT3B-2024-000027	Adult-Use Processor Type Three-Branding License	Adis Kolenovic
OCMPT3B-2024-000002	Adult-Use Processor Type Three-Branding License	NY FINCA LLC
OCMPT3B-2024-000053	Adult-Use Processor Type Three-Branding License	Minute Particulars LLC
OCMPT3B-2024-000094	Adult-Use Processor Type-3 Branding License	Reliable Telecommunication, INC
OCMPT3B-2024-000082	Adult-Use Processor Type-3 Branding License	Mend NY LLC
OCMPT3B-2024-000084	Adult-Use Processor Type-3 Branding License	MBW Technical Solutions LLC
OCMRETL-2023-001750	Adult-Use Retail Dispensary License	Brow & Body LLC
OCMRETL-2023-001867	Adult-Use Retail Dispensary License	Birchwyn & Tess LLC
OCMRETL-2023-002067	Adult-Use Retail Dispensary License	Cannary LLC
OCMRETL-2023-001927	Adult-Use Retail Dispensary License	Copper City Bud LLC
OCMRETL-2023-001469	Adult-Use Retail Dispensary License	MANK LLC
OCMRETL-2023-001426	Adult-Use Retail Dispensary License	Exotic Farms LLC



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OCMRETL-2023-000090	Adult-Use Retail Dispensary License	100 North 3rd Ltd
OCMRETL-2023-000246	Adult-Use Retail Dispensary License	ONE STOP DELI & CANDY STORE INC
OCMRETL-2023-000402	Adult-Use Retail Dispensary License	NSH LLC
OCMRETL-2023-000133	Adult-Use Retail Dispensary License	Dansville Dispensary Corporation
OCMRETL-2023-000848	Adult-Use Retail Dispensary License	Happy Cork Bedstuy
OCMRETL-2023-000881	Adult-Use Retail Dispensary License	EVERYTHING EXOTIC DELI CORP
OCMRETL-2023-000986	Adult-Use Retail Dispensary License	LUCIFER BREWING CORPORATION
OCMRETL-2023-001509	Adult-Use Retail Dispensary License	Joint Venture 1111 LLC
OCMRETL-2023-002109	Adult-Use Retail Dispensary License	Astrid Holdings LLC
OCMRETL-2023-001939	Adult-Use Retail Dispensary License	Richard G Robinson III
OCMRETL-2023-001567	Adult-Use Retail Dispensary License	Azzam Properties LLC
OCMRETL-2023-001565	Adult-Use Retail Dispensary License	3 Guys Canna, LLC
OCMRETL-2023-001906	Adult-Use Retail Dispensary License	HF Dispensary LLC
OCMRETL-2023-001204	Adult-Use Retail Dispensary License	CB BudCo LLC
OCMRETL-2023-001003	Adult-Use Retail Dispensary License	Luminare LLC
OCMRETL-2023-000218	Adult-Use Retail Dispensary License	Lake Eire Holdings LLC
OCMRETL-2023-001747	Adult-Use Retail Dispensary License	Jojo Show LLC
OCMRETL-2023-000427	Adult-Use Retail Dispensary License	WNY Greenhouse LLC
OCMRETL-2023-000599	Adult-Use Retail Dispensary License	Sunny Days Dispensary LLC





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OCMRETL-2023-000606	Adult-Use Retail Dispensary License	Dankley LLC
OCMRETL-2023-000793	Adult-Use Retail Dispensary License	SUPPLY DESIGN LLC
OCMRETL-2023-000142	Adult-Use Retail Dispensary License	Seneca Cann LLC
OCMRETL-2023-001771	Adult-Use Retail Dispensary License	Smitty Buds Inc.



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March 20, 2025

**SENT VIA EMAIL**

Town of Southampton  
116 Hampton Road  
Southampton, NY 11968

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

Dear Town of Southampton:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMRETL-2023-001867 (Birchwyn & Tess LLC) located at 471 County Rd 39 Southampton, NY 11968.

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 6, 2024, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to Birchwyn & Tess LLC and the Board is responding as follows:

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

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.



# Office of Cannabis Management

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

In the attached opinion, your Office raised concerns regarding the proximity to Tuckahoe Common School District. The Board appreciates the Town for providing this information. As concerns were raised the Office further reviewed the proposed location in accordance with the Adult Use Regulations. § 119.4 (f) of the Adult Use Regulations establishes The measurements in subdivision (a) of section 119.1 of this Part and subdivisions (a), (c) and (e) of this section, are to be taken in a straight line from the center of the nearest entrance of the premises licensed and operating as a retail dispensary, on-site consumption, microbusiness, or ROD to the center of the nearest entrance of the nearest building occupied exclusively as a school, on the school grounds. § 119.4 (h) if the Adult Use Regulations further establishes the “entrance” shall mean a main door of a house of worship, a building on the school grounds, or public youth facility, if applicable, or of premises licensed and operating pursuant to this Title, regularly used to give ingress to the general public attending the house of worship, a building on the school grounds, public youth facility, the premises licensed and operating pursuant to this Title, or of the premises sought to be licensed, except that where a house of worship, a building on the school grounds, or public youth facility, premises licensed pursuant to this Title, or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line, structure if applicable for public youth facility, or public thoroughfare. Such definition shall not include cellars, back and side doors, delivery entrances, or emergency exits.

In its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant the licensee to the applicant. The Office determined in its review that the proposed site 471 County Rd 39, Southampton, NY 11968 does not share the same street and is not within 500 feet of Tuckahoe Common School District located at 468 Magee St, Southampton, NY 11968.



## Office of Cannabis Management

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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, a license was approved for Birchwyn & Tess LLC located at 471 County Rd 39 Southampton, NY 11968.

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

Sincerely,  
Cannabis Control Board



# Office of Cannabis Management

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March 20, 2025

**SENT VIA EMAIL**

Brooklyn Community Board 14  
810 East 16th Street  
Brooklyn, NY 11230

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

Dear [Municipality]:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMRETL-2023-000246 (ONE STOP DELI & CANDY STORE INC) located at 9 Newkirk Plz, Brooklyn, NY 1122.

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 February 12, 2025, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to ONE STOP DELI & CANDY STORE INC, and the Board is responding as follows:

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

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.



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

In the attached Opinion provided by your Office you raised concerns regarding frustration with illicit operators and proximity to sensitive use areas. The Board thanks you for bringing these concerns to their attention. The Board would like to address that the Office of Cannabis Management enforcement division is working to end illicit and unlicensed cannabis activities within the State. Although your Office’s concerns are well received, they do not pose a specific concern as it relates to the issuance of the contemplated license. Likewise, in regards to the concerns of the location being located near a plaza, the Office would like to highlight that the smoking of cannabis is treated similar to tobacco under the Clean Indoor Air Act allowing municipalities to pass local laws that may be applicable to their jurisdiction as it relates to where smoking can occur.

Additionally, there are no statutory or regulatory requirements that require a specific distance from a retail dispensary to a homeless shelter, supportive housing or treatment facility. As such, in its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant or deny the licensee to the applicant. The Board reviewed and confirmed ONE STOP DELI & CANDY STORE INC 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 was approved for ONE STOP DELI & CANDY STORE INC located at 9 Newkirk Plz, Brooklyn, NY 1122.

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

Sincerely,  
Cannabis Control Board



# Office of Cannabis Management

<b>KATHY HOCHUL</b>	<b>TREMAINE WRIGHT</b>	<b>JESSICA GARCIA</b>	<b>HOPE KNIGHT</b>	<b>CRYSTAL J. RODRIGUE Z DABNEY</b>	<b>Brad Usher</b>	<b>FELICIA A.B. REID</b>
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Acting Executive Director

March 20, 2025

**SENT VIA EMAIL**

Brooklyn Community Board 18  
1097 Bergen Ave  
Brooklyn, NY 11234

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

Dear Brooklyn Community Board 18:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMRETL-2023-000402 (NSH LLC) located at 2280 Flatbush Ave Brooklyn, NY 11234.

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 February 24, 2025, the Board received an Opinion from your office (Office) outlining concerns on the review and issuance of a license to NSH LLC, and the Board is responding as follows:

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

The Municipality Rulemaking regulations (9 NYCRR) require:

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.



# Office of Cannabis Management

<b>KATHY HOCHUL</b>	<b>TREMAINE WRIGHT</b>	<b>JESSICA GARCIA</b>	<b>HOPE KNIGHT</b>	<b>CRYSTAL J. RODRIGUE Z DABNEY</b>	<b>Brad Usher</b>	<b>FELICIA A.B. REID</b>
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Acting Executive Director

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

In that attached opinion provided by your Office, you raised concerns with vehicle and pedestrian traffic as well as concerns with oversaturation of cannabis dispensaries. The Board thanks you for bringing these concerns to their attention. 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. As concerns were raised regarding the 1,000ft distance requirements the Office further reviewed and confirmed there are no other adult use retail dispensary locations within 1,000ft of 2280 Flatbush Ave Brooklyn, NY 11234. This 1,000 foot buffer is in the regulations to help prevent the oversaturation of cannabis dispensaries in municipalities.

Regarding concerns with vehicle and pedestrian traffic, the Board would like 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;





## Office of Cannabis Management

<b>KATHY HOCHUL</b>	<b>TREMAINE WRIGHT</b>	<b>JESSICA GARCIA</b>	<b>HOPE KNIGHT</b>	<b>CRYSTAL J. RODRIGUE Z DABNEY</b>	<b>Brad Usher</b>	<b>FELICIA A.B. REID</b>
Governor	Cannabis Control Board Chair	Board Member	Board Member	Board Member	Board Member	Acting Executive Director

- 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.

Please be aware the authorizations listed above fall under the power and jurisdiction of New York City.

Furthermore, the Board reviewed and confirmed NSH 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, a license was approved for NSH LLC located at 2280 Flatbush Ave Brooklyn, NY 11234.

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

Sincerely,  
Cannabis Control Board



# Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**HOPE KNIGHT**

Board Member

**CRYSTAL J. RODRIGUEZ DABNEY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A.B. REID**

Acting Executive Director

March 20, 2025

**SENT VIA EMAIL**

Town of Seneca Falls  
130 Ovid St  
Seneca Falls, NY 13148

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

Dear Town of Seneca Falls:

This letter is in reference to the Cannabis Control Board’s decision to approve the license for OCMRETL-2023-000986 (LUCIFER BREWING CORPORATION) located at 79 Fall St, Seneca Falls, NY, 13148.

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 February 10, 2025, the Board received an Opinion from your office (Office) outlining concerns for the issuance of a license to LUCIFER BREWING CORPORATION. The following background was applied to the review of the application and the Opinion from your Office.

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:



# 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

- A proposed adult-use cannabis retail dispensary location to not be located in a municipality that opted out of allowing retail dispensary locations.
- A minimum distance of 2,000 feet between adult-use cannabis retail dispensaries in municipalities with a population less than 20,000.
- A minimum distance of 1,000 feet between adult-use cannabis retail dispensaries in municipalities with a population 20,000 or more.
- A minimum straight-line measurement of 200 feet between any cannabis dispensary and a building exclusively used as a house of worship.
  - The two entities must be located on the same street for the 200-foot requirement to be applicable.
- A minimum straight-line measurement of 500 feet between any cannabis dispensary and a public youth facility or building exclusively used as a school.
  - The two entities must be located on the same street for the 500-foot requirement to be applicable.
  - Public Youth facility means a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger. Please note, in order of a location to be considered a public youth facility it must be designated as such by a local municipality via the passage of a local law

Here, the Board confirmed that the Town did not adopt a local law opting out of adult use retail and/or on-site consumption licenses before December 31, 2021, and that the Town of Seneca Falls has a population under 20,000. Thus, the above distance requirements establish a 2,000ft distance requirement from an adult use retail dispensary to another adult use retail dispensary. In the attached opinion provided by the Town you noted that there is another adult use dispensary outside the Towns limit less then 3.5 miles away. The Board appreciates the Town raising these concerns and highlighting proximity between dispensaries.

In the review of this matter, there is more than 2,000ft between the proposed site for LUCIFER BREWING CORPORATION and the other adult use dispensary outside the Town limits. As such, in its consideration of the proposed license, the Board reviewed and confirmed the foregoing proximity requirements in its decision to grant the licensee to the applicant. The Board reviewed and confirmed LUCIFER BREWING CORPORATION completion of all application requirements for final licensure. Please be aware, that 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.



## Office of Cannabis Management

**KATHY HOCHUL**

Governor

**TREMAINE WRIGHT**

Cannabis Control Board Chair

**JESSICA GARCIA**

Board Member

**HOPE KNIGHT**

Board Member

**CRYSTAL J. RODRIGUEZ DABNEY**

Board Member

**JENNIFER GILBERT JENKINS**

Board Member

**FELICIA A.B. REID**

Acting Executive Director

After careful review and consideration of the opinion received from your Locality, and pursuant to the Cannabis Law and related regulations, a license was approved for LUCIFER BREWING CORPORATION) located at 79 Fall St, Seneca Falls, NY, 13148.

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

Sincerely,  
Cannabis Control Board