



Manhattan Community Board Five

Bradley Sherburne, Chair

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Marisa Maack, District Manager

May 8, 2025

Felicia A. B. Reid
Acting Executive Director
New York State Office of Cannabis Management (OCM)
1220 Washington Ave.
Albany, New York 12207

Re: Revisions to Manhattan Community Board 5 Guidelines on Cannabis Licensing

Dear Acting Executive Director Reid:

At the regularly scheduled monthly Community Board Five meeting on Thursday, May 8, 2025, the following resolution passed with a vote of 32 in favor; 0 opposed; 5 abstaining; 0 present not entitled; 2 absent:

WHEREAS, On March 31, 2021, the State of New York enacted the Marijuana Regulation and Taxation Act (MRTA), which legalized the production, sale, and use of recreational cannabis and created the Cannabis Law to govern this new cannabis industry; and

WHEREAS, The licensing and regulation of cannabis establishments is predominantly handled by the State, and the State has created the Cannabis Control Board (CCB) and the Office of Cannabis Management (OCM) under the CCB for that purpose; and

WHEREAS, Within the State regulations, municipalities can enact local laws and regulations governing the “time, place and manner” of retail dispensaries and on-site consumption establishments, with the activities that constitute permissible restrictions defined therein; and

WHEREAS, Community Board Five (CB5) strives to balance the needs of the entire community, ensuring the quality of life of its residents while also allowing for its businesses to flourish; and

WHEREAS, To maximize the local benefit of legal cannabis establishments while minimizing the risk of disruption to the community, following a two-month period of outreach to residents, businesses, block associations, neighborhood groups, and building owners, CB5’s Cannabis Task Force (CTF) developed

the “Guidelines on Cannabis Licensing” (the “GCL”) for use in evaluating cannabis license applications; and

WHEREAS, On February 9, 2023, CB5 voted to adopt the GCL and urge the CCB to review it and support CB5’s priorities as expressed therein; and

WHEREAS, Since the GCL’s adoption, CB5 has determined that the GCL is overly restrictive, as it has led to the outright denial of all but one retail dispensary application based solely on the distance requirements established in the GCL, even in the majority of cases when CB5 has been satisfied with the suitability of an applicant, their operational plans, and their engagement with the community; and

WHEREAS, The State has also been continuously updating its cannabis regulations, resulting in CB5 being out of alignment with State law and left to base its decisions on outdated standards, which in turn has led the CCB to approve four retail dispensary locations to date against CB5’s recommendations; and

WHEREAS, CB5’s State Licenses and Permits (SLAP) Committee thereby initiated additional research and outreach efforts with a request for public comment in February 2025 with the goal of gathering information to inform revisions to the GCL that would align the guidelines with current law while having it continue to guide CB5’s advocacy for community-specific needs; and

WHEREAS, To understand and account for current community sentiment concerning the “time, place and manner” of legal cannabis operations, this outreach effort included public hearings at the beginning of the regularly scheduled SLAP committee meetings on April 2, 2025 and April 30, 2025, as well as the district-wide deployment of a survey, which received 50 completed responses from community members who all claimed to live, work, and/or attend school in the district, including two cannabis licensees; and

WHEREAS, The survey returned a range of opinions that aligned on a desire for clarity and enforcement of that which is legal, and while those against cannabis cited concerns with the potential overconcentration of dispensaries in sensitive areas, the disruption to quality of life that may result from late operating hours, and the exposure to cannabis by illegal and poorly operated establishments to children especially, those who are in support recognize the potential for safer and better regulated operations and feel cannabis should be treated similarly to liquor in order to support concepts of legal access, personal choice, and small business and economic growth; and

WHEREAS, The committee acknowledged these differing but not incompatible opinions and thereupon strove to revise the GCL with the goals of having it 1) enable good, responsible, and cooperative operators, 2) protect the community and their quality of life, and 3) guide CB5 in being an effective mediator between stakeholders so that a safe and fully regulated cannabis industry that is mutually beneficial to the community can be achieved; and

WHEREAS, Accordingly, as it relates to “time,” in regard to hours of operation, the committee clarified that while it will continue to uphold the previously established standard that all cannabis establishments shall operate no later than 2:00 a.m., to address persistent community concerns about late night operations potentially disrupting quality of life, it shall be made explicit that the standard closing hours for a retail dispensary shall be aligned to those of other commercial businesses in the immediate vicinity of the given establishment and set at no later than 12:00 a.m. (midnight), in alignment with CB5 best practices and

liquor store hours in New York County, respectively, unless proximity to residences and the character of the given neighborhood are determined to be nonissues by the committee; and

WHEREAS, As it relates to “place,” in regard to proximity protection from existing cannabis establishments, school grounds, places/houses of worship, and public youth facilities, the committee will utilize the definitions, distances, and measurement methods as set forth by the State to determine whether or not a cannabis establishment is approvable, and for all other places

that do not qualify for proximity protection under State definitions, the committee will commit to bringing such places to the attention of the CCB when providing its recommendation but will no longer consider them to be disqualifying factors in CB5’s holistic review of an application; and

WHEREAS, As it relates to “place,” in regard to other facilities, CB5 will continue to regard harm reduction facilities, parks and public spaces, and other places where children aged 17 and under may gather as places of concern, and parks and public spaces shall be defined to include the 4 major parks and 14 plazas in or bordering our district, but not the 106 Privately Owned Public Spaces in our district, all as defined in the New York City Department of City Planning Facilities Database, unless the community raises concerns about a specific location; and

WHEREAS, As it relates to “place,” in regard to additional proximity protections, CB5 commits to advocating for facility types that meet the State’s definition of a public youth facility to be designated by local law as such, and CB5 commits to continue to advocate for all other facilities of concern that do not qualify for protection to receive protections as the community deems appropriate; and

WHEREAS, As it relates to “place,” in regard to commenting on Public Convenience and Advantage (PCA) Waiver requests, which, if granted by the CCB, permit a new cannabis establishment to be within 500 to 1,000 feet of another establishment of the same license type, in the spirit of earnestly engaging with this process and ensuring community concerns are heard in a timely manner, CB5 shall be open to fielding such requests from eligible applicants, as long as the applicant is willing to undergo an accelerated community engagement and review process that will allow CB5 to formulate an informed opinion on the application and the request within the 45 days provided from the day of notice of the request; and

WHEREAS, As it relates to “manner,” in regard to method of operation standards and the process for community engagement, the committee felt the existing guidelines were sufficient and made no changes to these points as written; and

WHEREAS, The State Licenses and Permits Committee discussed and unanimously adopted these revisions to the Guidelines on Cannabis Licensing at its regular meeting on April 30, 2025; and therefore be it

RESOLVED, That, in furtherance of the foregoing, Community Board Five hereby adopts the Guidelines on Cannabis Licensing (Revised) (“GCL”) attached hereto; and be it further

RESOLVED, That Community Board Five urges the New York State Cannabis Control Board to review the revised GCL and to support Community Board Five's priorities expressed therein as applied to cannabis establishment applications relevant thereto.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bradley Sherburne".

Bradley Sherburne
Chair, CB5

A handwritten signature in blue ink, appearing to read "Seth Borden".

Seth Borden
Chair, CB5 State Licenses & Permits Committee