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## **COMMUNITY BOARD NO. 2, MANHATTAN**

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January 30, 2023

Tremaine Wright  
Chair, NYS Cannabis Control Board

Dasheeda Dawson  
Director, Cannabis NYC

Chris Alexander  
Executive Director, NYS Office of Cannabis Management

Dear Chair Wright, Director Dawson, and Executive Director Alexander,

At its Full Board meeting on January 19, 2023, Community Board #2 Manhattan adopted the following resolution:

### **Community Board 2 Manhattan Resolution in to Approve Smacked, LLC. January 2023**

#### **Item #1 Smacked, LLC. (Applicant), 144 Blecker Street, NY, NY 10012 (New Dispensary License)**

1. Whereas, Smacked, LLC. was granted a provisional license under the [Conditional Adult-Use Retail Dispensary \(CAURD\) program](#) to sell retail cannabis, approved by the [New York State Cannabis Control Board](#) (OCM), and issued by the [New York State Office of Cannabis Management](#) (CCB) on November 21, 2022; and
2. Whereas, §119.2 10(b) [Proposed Adult-Use Cannabis Regulations](#) Authorizes municipalities to “*have 30 days from the receipt of the notification from an applicant to express an opinion for or against the granting of such registration, license or permit application, and any such opinion shall be part of the record upon which the Office makes its recommendation to the Board to grant or deny an application*”, and that this resolution shall serve as Community Board 2 Manhattan’s expression of that opinion regarding this license; and

3. Whereas, section §119.2 Authorizations for Municipality Rulemaking Of the CCB's 11/21/2022 [Proposed Adult-Use Cannabis Regulations](#) States that, *"To the extent, the following is not unreasonably impracticable, the Board authorizes municipalities to pass local laws and regulations governing the time, place, and manner"*, of cannabis retail dispensaries and on-site consumption sites, including retail hours, traffic, odor and noise; and
4. Whereas, the Applicant, their representative, and security team appeared before Community Board 2, Manhattan's CLC Committee to present an application to the NYS OCM/CCB for a new Adult-Use Retail Dispensary license to operate a dispensary in a mixed-use commercial and residential building at 144 Bleecker Street; and
5. Whereas, the storefront premise was previously a Duane Reade store, but has been vacant since 2016.
6. Whereas, this application, being subject to proximity rules, as defined by §119.4 of the [Proposed Adult-Use Cannabis Regulations](#), the subject premises is not within 1000 feet of any licensed cannabis establishments, 500 feet of buildings exclusively used as schools, or within 200 feet of buildings used exclusively as houses of worship; and
7. Whereas, the dispensary will utilize the ground and cellar level of the storefront premises, which is a mid-block location, on the north side of Bleecker Street, with a main entry door between LaGuardia Place to the east and Thompson Street to the west, as indicated on diagrams presented to CB2; and
8. Whereas, the premises has 4718 square feet of usable space which include 2285 square feet at ground level with 8 points of purchase, and 2433 square feet on the cellar level. There is, currently, one bathroom; and
9. Whereas, the Applicant has no plans to structural make changes to the facade, and signage will be per OCM's [Store Exterior and Outdoor Areas](#) guidelines (p 20, #26); and
10. Whereas, uniformed security will manage customer queues and steward the sidewalk in front of the premises to ensure pedestrian access; and
11. Whereas, a Letter of No Objection was provided by the Department of Buildings; and
12. Whereas, no music or sound will be audible in any adjacent residences at any time; and
13. Whereas, the Applicant has conducted significant outreach and positive engagement within the immediate community, which included residents, community groups, neighboring businesses, district electeds, and the local merchants association; and
14. Whereas, listed below are the details of the establishment's operations as presented to Community Board 2 CLC Committee in the Applicant's questionnaire and live testimony concerning the premises, as follows:
  - a) The premises will operate as a dispensary selling cannabis products per state law.
  - b) The dispensary's retail operating hours are 10:00AM-10:00PM (84hrs/week). No patrons will remain after the stated closing times.
  - c) No sound will be audible in any adjacent residences at any time.
  - d) Will keep doors closed other than entrance and egress.
  - e) Patron ingress/egress will be through the front doors at 144 Bleecker Street only, and the dispensary security will prevent loitering and ensure that only individuals engaging in activity, expressly or by necessary implication, permitted by the Cannabis Law are allowed to remain on the premises of the licensee.

- f) Will have uniformed security personnel managing the queue, checking the IDs of patrons upon entry, and again at the purchase point, and will utilize stanchions and ropes as necessary.
- g) Will appear before CB2, Manhattan before submitting any changes to the stipulations agreed to herein as they comply with State regulations.

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **approval** of the new Adult-Use Retail Dispensary License for Smacked, LLC. at 144 Bleecker Street, NY, NY 10012, provided that the above-stated conditions a-g as agreed to by the Applicant “*be part of the record upon which the Office makes its recommendation to the Board*” per §119.2 10(b) of the [Proposed Adult-Use Cannabis](#)

**Vote: PASSED:** 43 Board Members in favor  
1 Recusal (M. Metzger) 1 Against (R. Sanz)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Jeannine Kiely, Chair  
Community Board #2, Manhattan



Mar Fitzgerald, Chair  
Cannabis Licensing Committee  
Community Board #2, Manhattan

cc: Roland Conner, Owner, Smacked, LLC.  
Pascale Bernard, Deputy Director of Intergovernmental Affairs, NYS OCM  
Philip Rumsey, Manager of Intergovernmental Outreach, NYS OCM  
Kevin Kim, Commissioner, NYC Small Business Services  
Hon. Daniel Goldman, Congressman  
Hon. Brian Kavanaugh, NYS Senator  
Hon. Deborah Glick, Assembly Member  
Hon. Christopher Marte, Council Member  
Hon. Carlina Rivera, Council Member  
Hon. Mark Levine, Manhattan Borough President  
Hon. Brad Lander, NYC Comptroller  
Hon. Jumaane Williams, NYC Public Advocate  
Cristina Buccola, Attorney  
Desmon Lewis, Strategy & Outreach, Smacked Village