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COMMUNITY BOARD No. 2, MANHATTAN

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1/23/2026

To: Jessica García
Chair
NYS Cannabis Control Board

Susan Filburn
Acting Executive Director
NYS Office of Cannabis Management

Dear Chair Garcia, and Acting Executive Director Filburn,

Community Board 2 Manhattan adopted the following resolution on 22 January 2026:

#1 RESOLUTION TO DENY UPSTATE STATE COLLECTIVE/ OCMRETL-2023-001155O, 66 JANE ST. 10014

- Whereas**, Community Board 2 (CB2) reviewed the application for Upstate State Collective OCMRETL-2023-001155 submitted by Jennifer Tzar for an Adult-Use Retail Dispensary license on Nov 28, 2025 with a proposed premises of 66 Jane Street 10014, which the Department of Buildings lists as is 807 Greenwich Street 10014, Block 625 Lot 5; and
- Whereas**, the proposed premises is a landmarked Row House built in 1849, which is a contributing building to the Greenwich Village Historic District established April 29, 1969; and
- Whereas**, the 66 Jane Street entrance, which is the address for which this applicant provided notice, is inaccessible (ADA noncompliant) and leads exclusively to the building's residential units, precluding it from for public use; and
- Whereas**, OCM documents show that Upstate State Collective LLC, under its previous owner, Marcel Hooks, had the high position of number 93 on the [November application queue](#)¹; and
- Whereas**, in April 2025 the application for Upstate State Collective LLC had a pending location at 73 Central Ave in Albany, then 306 South Main St. in Syracuse from June until November 2025 despite the fact that location was on the [list of dispensaries illegally sited within 500-ft of schools](#)² in July of that year; in November 2025, it was listed as "pending" at the current proposed location of 66 Jane Street, with Mr. Hooks, listed as owner; currently, the license number is listed under silver and spindle llc, with Jennifer Tzar as the contact; and

¹ <https://cannabis.ny.gov/system/files/documents/2024/02/retail-and-microbusiness-non-provisional-queue-oct-nov-2023-revised-01-29-24.pdf>

² <https://bavnews9.com/content/dam/News/static/pdfs/updated-school-proximity-list-7-29-25.pdf>

6. **Whereas**, CB2 received a total of three Notification to Municipality (NTM) forms, for two distinct addresses, for Upstate State LLC’s application; both Oct. 2025 NTM forms were withdrawn to allow time for community engagement, and the Nov. 28, 2025 form was heard and reviewed by the CB2 CLC on Jan. 12, 2026; and

SERVICE DATE	CORPORATE ENTITY	D/B/A	APPLICANT NAME	PROPOSED ADDRESS	STATUS
21 Oct. 2025	Upstate State Collective LLC	Dagmar (Upstate State Collective)	Marcel Hooks	807 Greenwich St.	WITHDRAWN
31 Oct. 2025		Dagmar	Upstate State Collective	66 Jane St.	WITHDRAWN
28 Nov. 2025		Upstate State Collective	Jennifer Tzar	66 Jane St.	HEARD 1/12/2026

7. **Whereas**, Ms. Tzar submitted Purchase Agreement, dated 30 Oct. 2025, showing silver and spindle LLC, with Ms. Tzar as managing member, assuming the entity which is applying for licensure, Upstate State Collective LLC, from Mr. Hooks; and
8. **Whereas**, Ms. Tzar stated in the CB2 applicant questionnaire that she also owns a Dagmar dispensary in Dagmar Williamsburg at 61 N. 11th St. Brooklyn, 11249, and Dagmar SoHo 412 West Broadway, 10012;; the latter was reviewed and approved by CB2 in September of 2023, and approved for renewal by CB2 Oct. 2025; and
9. **Whereas**, the NTM submitted to CB2 on 28 Nov., 2025 form does not show the name silver and spindle LLC, nor does it bare the DBA of Dagmar, only the applying entity as Upstate State Collective LLC, with a DBA of Upstate State Collective; and
10. **Whereas**, as of 22 Jan. 2026, the business operating as [Dagmar Williamsburg](https://dagmarcannabis.com/)³ 61 N. 11th St. Brooklyn, 11249, is listed with the state as Salt City Naturals, LLC, with Jermaine Jacobs as the main contact and no DBA; and

License Number	License Status	Issued Date	Effective Date	Expiration Date	Application Number	SEE Category	Entity Name	DBA	Address Line 1	City	State	Zip Code
OCM-CAU RD-25-000 296	Active	09/09/2025 12:00:00 AM	09/09/2025 12:00:00 AM	09/09/2027 12:00:00 AM	OCMCAUR DP-2024-00 0132		Salt City Naturals, LLC		61 N 11th St	Brooklyn	NY	11249

Business Website	Operational Status	Business Purpose	Retail Activities Sales with Delivery	Retail Activities Sales No Delivery	Retail Date Opened to Public	Primary Contact Name
	Active	Adult-Use Retail Sales	0	1	2025 Nov 12 12:00:00 AM	Jermaine Jacobs

11. **Whereas**, Proposed hours of operation are 10AM-10PM 7 days a week - (84 hours) with one sales person and one inventory person on-site at all times; and
12. **Whereas**, Kayla Ferguson, manager of Dagmar SoHo and Dagmar Williamsburg, presented on behalf of Dagmar, Ms. Tzar was not present; and
13. **Whereas**, CB2 received an inordinate amount of opposition to the application for licensure for

³ <https://dagmarcannabis.com/>

Upstate State Collective LLC at 66 Jane St. 10014, as of 21 Jan., 2026, 113 letters (to date); and

14. **Whereas**, approximately fifty (50) local stakeholders, including residents, business owners, parents, public health professionals, and the Jane Street Block Association testified in opposition to the application, citing zoning, proximity to a nursery and preschool and other children's facilities, quality-of-life impacts, and concerns regarding the accuracy of the application; and
15. **Whereas**, [NYC Department of Buildings \(DOB\) NYC Guide to Locating Cannabis Businesses in Compliance with the NYC Zoning Resolution](#)⁴ shows cannabis business types, their Use Groups and the districts in which they are permitted; and

WHERE CAN I LOCATE MY CANNABIS BUSINESS?

To locate a new proposed business on a property in New York City, first establish what **Use Group** the activity fits within in the NYC Zoning Resolution, then match that Use Group to the permitted zoning districts. The locations of the zoning districts where use is permitted can be identified by using [NYC's Zoning & Land Use Map \(Zola\)](#).

For example, a **Conditional Adult-Use Retail Dispensary (CAURD)** cannabis business is considered Use Group VI. Use Group VI is permitted in all commercial zoning districts (except C3) and in M1, M2, and M3 Manufacturing districts. Other cannabis business types, their Use Groups and the districts in which they are permitted are shown in the table:

STATE LICENSE TYPE	USE GROUP ¹ (PRE-ZEO UG): USE NAME (NAICS CODE)	PERMITTED IN DISTRICTS	NOTES
Adult-Use Retail Dispensary	UG VI (6C): Miscellaneous Retailers (4599)	C1 - C8 <i>except</i> C3 M1 M2 M3	As-of-Right
Adult-Use Retail Dispensary with Temporary Delivery-Only Location	UG IX(A) (7B, 16D): Micro-distribution facility, warehouse	C1, C2	Up to 2,500 sf; outside Manhattan, not permitted in C1-1 through C1-4 and C2-1 through C2-4
		C4 -C7	Up to 5,000 sf at ground floor; 10,000 sf above ground floor
		C8	As-of-Right
		M1 - M3	Conform to performance standards

16. **Whereas**, the [proposed premises is situated in an R6 residential zoning district](#), raising substantial concerns regarding whether an adult-use cannabis dispensary is a permitted or appropriate use at this site; and

[NYC Zoning Map 08b](#)⁵



17. **Whereas**, the proposed premises is located in a pure R6 district, meaning it is a Residential District only with no as-of-right retail and no commercial overlay; and
18. **Whereas**, in an R6 zone without a commercial overlay, cannabis [retail is not permitted as-of-right](#)⁶, so zoning relief such as a variance, special permit, or neighborhood rezoning would be

⁴ <https://www.nyc.gov/assets/buildings/pdf/canbiz-zr.pdf>
⁵ <https://zoningmap.nyc3.digitaloceanspaces.com/map08b.pdf>
⁶ <https://zoningresolution.planning.nyc.gov/article-12/chapter-2/12-10>

required; and

19. **Whereas**, obtaining a zoning variance to permit cannabis retail in a pure R6 residential district requires meeting an exceptionally high legal hardship standard, is subject to intense scrutiny by the Community Board, Borough President, the NYC Board of Standards and Appeals a prolonged approval process often exceeding two years, and an extremely low likelihood of approval; and
20. **Whereas**, the NYC Special Permit zoning process constitutes a statutorily prescribed, exceptionally onerous discretionary approval regime including a multilayered review by the City Planning Commission, Board of Standards and Appeals, extensive pre-certification and environmental compliance obligations, and the full Uniform Land Use Review Procedure, requiring sequential determinations by the Community Board, Borough President, Planning, and City Council, with any adverse finding or procedural deficiency sufficient to delay, materially condition, or deny; and
21. **Whereas**, rezoning in NYC involves a complex, 1.5 to 2-year Uniform Land Use Review Procedure requiring reviews by the Department of City Planning, Community Board, Borough President, and final approval by the City Council; and
22. **Whereas**, even if a proposed premises may have previously housed an office, clothing store, restaurant, or any other type of business, cannabis retail cannot qualify as a lawful preexisting non-conforming use as non-conforming rights are strictly limited to the continuation of the same general use category and level of intensity that existed prior to zoning restrictions;
23. **Whereas**, to obtain a use variance in an R6 district, an applicant must demonstrate that:
 - The property cannot realize a reasonable return from any permitted use;
 - No residential or community facility use could exist on the premises;
 - The property is essentially unusable for residential purposes;
 - The proposed use will not alter the residential character of the neighborhood;
 - The proposed use will not be detrimental to the public welfare;
 - That hardship is due to unique physical characteristics of the property;
 - That hardship is not self-created, a result of the owner's decisions, or financial hardship alone; and
24. **Whereas**, a cannabis dispensary is classified as a distinct and more intensive commercial use, subject to heightened regulatory controls, security requirements, and community impact considerations, and therefore constitutes a material change in use rather than a continuation of prior retail occupancy; and
25. **Whereas**, legal non-conforming retail does not extend to new cannabis dispensary use, which is treated as a different and substantially divergent and distinct use category from ordinary non-cannabis retail; and
26. **Whereas**, under [Zoning Resolution §52-31 and its related sections](#)⁷, a materially different and intensive use such as cannabis retail cannot rely on pre-existing non-conforming office or retail occupancy for zoning compliance, especially when located in Residence Districts (R6); and
27. **Whereas**, testimony and documentary evidence presented to the committee indicated that the proposed dispensary is within ≈350-feet of [West Village Nursery School](#) 73 Horatio street 10014, which is in violation of the with New York State Law's siting requirements which prohibits adult-use cannabis establishments within 500-feet of school grounds; and
28. **Whereas**, [New York Cannabis Law § 72\(6\)](#)⁸ states that "no cannabis retail licensee shall locate a storefront within five hundred feet of a school grounds as such term is defined in the education

⁷ <https://zoningresolution.planning.nyc.gov/article-v/chapter-2#52-22>

⁸ <https://www.nysenate.gov/legislation/laws/CAN/72>

law"; and

29. **Whereas**, local stakeholders met with Ms. Tzar prior to the CLC hearing that failed to assuage local concerns;
30. **Whereas**, numerous speakers emphasized that the surrounding area is a predominantly residential block within the West Village, characterized by family housing, long-term residents, and neighborhood-serving uses, and that the introduction of a cannabis dispensary at this location would fundamentally alter the character of the block; and
31. **Whereas**, parents and caregivers expressed particular concern about increased foot traffic, deliveries, loitering, and exposure of children to an adult-use business immediately adjacent to a nursery school and play spaces; and
32. **Whereas**, the CLC heard testimony alleging material inaccuracies and misrepresentations in the application, including but not limited to:
 - Conflicting or incorrect address information and cross-street identification;
 - Misstatements regarding the physical characteristics of the building, including ground-floor configuration;
 - Questionable claims of proximity protection based on a withdrawn or invalid prior application;
 - Inconsistent or misleading statements regarding delivery operations, security measures, ADA compliance, and community notification; and
33. **Whereas**, testimony, including from individuals with public health and regulatory experience, asserted that the application fails to meet zoning and land-use requirements and should therefore be denied on that basis alone; and
34. **Whereas**, the CLC noted that denial of this application would not preclude the applicant from seeking an alternative, compliant location and would not necessarily result in undue financial hardship, as licenses may be transferred or relocated in accordance with state rules.

THEREFORE, BE IT RESOLVED, Community Board 2 (CB2) strongly recommends the **denial** of the Adult-Use Retail Dispensary License application for Upstate State Collective d/b/a Dagmar, 807 Greenwich street/66 Jane St. 10014, due to the extensive and documented issues outlined herein, and that this decision shall be deemed part of the record upon which the Office of Cannabis Management (Office) makes its recommendation to the Cannabis Control Board (Board) to grant or deny the application per §76 section 4 of NYS Cannabis Law.

BE IT FURTHER RESOLVED, CB2 strongly advises that applications of this nature must meet the highest standards of transparency, community engagement, and compliance with all applicable regulations, including but not limited to cannabis law, state regulations, zoning, historic preservation, and security requirements, to be considered viable.

Passed: 34 Board Members in favor, 0 Nay, 1 abstentions (R. Sanz), 1 recusal (M. Fitzgerald)

Respectfully submitted,



Valerie De La Rosa, Chair
Community Board 2, Manhattan



Mar Fitzgerald, Chair
Cannabis Licensing Committee (CLC)
Community Board 2, Manhattan

VDL/fa

cc:

Hon. Kathy Hochul, Governor of the State of New York
Hon. Zohran Mamdani, Mayor of the City of New York
Hon. Brad Hoylman-Sigal, Manhattan Borough President
Hon. Deborah Glick, Assembly Member
Hon. Erik Bottcher, Council Member
Hon. Liz Krueger, NYS Senator
Hon. Crystal Peoples-Stokes, NYS Senator
Hon. Mark Levine, NYC Comptroller
Pascale Bernard, Director of Downstate Government Affairs, NYS OCM