



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

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[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

**JESSICA CHAIT**  
Chair

**JESSE R. BODINE**  
District Manager

May 15, 2024

Chris Alexander  
Executive Director  
NYS of Cannabis Management  
Harriman State Office Building Campus 1220 Washington Ave.  
Albany, NY 12207

Tremaine Wright  
Chairwoman  
Cannabis Control Board  
Harriman State Office Building Campus 1220 Washington Ave.  
Albany, NY 12207

RE: 797 Eighth Avenue – NICKL'S - Planet 51 LLC

Dear Mr. Alexander and Ms. Wright,

Manhattan Community Board 4 ("MCB4") voted by 31 for, 5 against, 3 abstaining, and 0 present-not-eligible to recommend approval of the application of Social & Economic Equity CUARD applicant NICKL'S - Planet 51 LLC for an Adult-Use Retail Dispensary at 797 Eighth Avenue, with the conditions listed below.



MCB4 votes to approve the Applicant in spite of its immense frustration with the continued proliferation of illegal smoke-shops and dispensaries in our district. Although MCB4 does not believe that those who have followed the law by waiting for a license, such as the Applicant, should be penalized for the illegal acts of others, it is becoming increasingly difficult to recommend approval on blocks already saturated with such illicit dispensaries. MCB4 anticipates that if State and City agencies significantly improve their enforcement efforts against illegal enterprises, a cannabis dispensary, when operated in a legal, responsible, and neighborly way, can: (a) compete with, and displace, illicit and dangerous dispensaries and smoke-shops; (b) create jobs within our district; (c) contribute to New York's tax revenue.

NICKL'S - Planet 51 LLC is owned by Nicholas Koury and Rafael Barbosa lifelong New Yorker businessmen, who were previously engaged in the legacy cannabis market. Planet 51 LLC is seeking and Adult-Use retail dispensary license. Adult-Use retail dispensaries are the principal license to conduct retail sales of adult-use cannabis products to consumers over twenty-one (21) years old. Retail dispensaries are allowed to acquire, possess, sell, and deliver adult-use cannabis products from their own licensed premises and licensed distributors, in addition to other select items including paraphernalia.

NICKL'S - Planet 51 is demonstrating an understanding of the complexity of the OCM regulations having hired experienced cannabis dispensary personnel as well as drawing on their experience from the Legacy business. The Applicant presented a detailed floor plan, a clear outline of their business operation and a robust security plan including the hiring of armed guards.

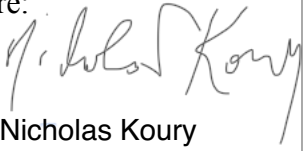
MCB4 recommends approval if and only if the Applicant agrees to the following stipulations:<sup>1</sup>

- Actively engage with the local Block Associations and other community stakeholders with the aim of solving problems if they arise
- Outreach to the building tenants including the hotel and residents
- The Applicant will operate the dispensary in accordance with the methods outlined in the applicant's MCB4 Cannabis Task Force application (annexed hereto as Exhibit A).

MCB4 District Office	MCB4 Cannabis Task Force	
Signature:  Print: Jesse Bodine Date: 5/15/24	Signature:  Print: Delores Rubin Date: 4/15/24	
<b>Applicant</b>		

<sup>1</sup> Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its dispensary license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.

Signature:



Print: Nicholas Koury

Date: 5/15/2024

# MCB4 Cannabis Licensee Application

Email \*

ralph@nicklzny.com

Corporation Name \*

Planet 51 llc

\*Doing Business As \*

Nicklz

Address (or intended address) \*

797 Eight Aveue NY NY 10019

Attorney/Representative

Jeffery Hoffman

Owner \*

Nicholas Koury

Please list all individuals and entities with financial interest in this business and percentage of ownership: \*

Rafael Barbosa  
.....

Phone Number/Email Address \*

347-753-1669 / 332-208-3182  
.....


Application Type \*

- Adult-Use Retail Dispensary
- Adult-Use Retail Dispensary & Consumption Facility
- Microbusiness
- Registered organization (ROD)
- Other: .....


Does the Applicant have a fully executed lease? \*

- Yes
- No

Please upload an Executed Lease or Landlord Letter of Intent (LOI) for your intended location.

 797 8th Ave Leas...

Please upload the site/floor plan for your business.

 797 8th Ave Floo...

Property Owner Information: Name, Phone Number, Business Address & Email Address \*

797 Eight Avenue LLC

Applicant Priority

- Social & Economic Equity Applicant
- CAURD Licensee
- CAURD Applicant
- N/A

Has the owner filed with the Cannabis Control Board/OCM? \*

- Yes
- No

If no, when does the owner plan on filing?

.....

Pursuant to § 119.1 of the Adult-Use Cannabis Regulations, has the applicant confirmed that the location is **NOT** (a) on the same road and within 200 feet of a building occupied exclusively as a house of worship? \*

- Yes
- No

(b) on the same road and within 500 feet of the entrance of a building occupied exclusively as a school? \*

- Yes
- No

(c) on the same road and within 500 feet of a structure and its grounds occupied exclusively as a public youth facility? \*

- Yes
- No
- N/A (see § 119.1 (3))

Are there any drug treatment facilities, harm reduction facilities, playgrounds or parks within 1000 ft. of the proposed cannabis business location? If yes, please list: \*

No  
.....

Community Notification/Relations

List all: block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted. \*

Option 1

If the location has residential units in the same building, please list both the method and date of when notice was provided to those residential units and can you confirm the residential units are aware of this application?

None

Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? \*

Yes

No

Will applicant inform the Community Board of its job openings and/or provide a hyperlink to applicants jobs webpage? \*

Yes

No

Background



Does the owner(s) have a connection to Community District 4? \*

- Business Owner
- Resident
- Other
- None

Please provide a brief overview of the applicant's previous business experience. Please list all owned/operated businesses within Community District 4. \*

Nicholas Koury currently owns Service 41, Fitness and training facility and Rafael Barbosa owns Port Morris distillery.

If the applicant has previous experience in the cannabis industry, please explain.

Both have experience in the Legacy market

Is there any other information the applicant would like to provide the Board regarding work or life experience?

Both of us are married and still reside in NYC. Nicholas wife works in finance and Rafael wife is a DOE Principal.

### Operational Details

State the name and type of business previously located in this space. \*

Don't Know

What are the hours of operation M-F? \*

10am to 12am

What are the hours of operation Sat-Sun? \*

10am to 12am

Please upload applicants security plan or provide detailed description in the next response. \*

 Security Plan for ...

Please provide the applicant's detailed security plan (if the plan was uploaded, enter "Uploaded") \*

Over 20 cameras installed, monitored security system, in person security guard and at times armed during hours of operation, security scanning all customers ensuring everyone is 21 years and older.

What is the anticipated increase in sidewalk traffic? How will you manage the sidewalk, crowd control, vehicular traffic? Will you use utilize stanchions and ropes? \*

Anticipated traffic is approximately 30 walk ins per hour. Utilize security personnel or crowd to monitor pedestrian flow and address any congestion or safety concerns promptly. By using Stanchions in the store we can limit customers from standing outside. Regularly assess the effectiveness from stakeholders, and make adjustments as needed to optimize pedestrian flow and safety.

How many employees does the applicant expect to employ? How many full-time/part-time? \*

8 fulltime and 8 partime

Please provide the applicant's hiring plan; please explain if the applicant will take steps to hire from CB4. \*

We will love to, been interviewing and we begin our second round next week. Can you please provide information on how can we get some of the community to apply.

What products does the applicant expect to carry? \*

Flowers, carts, vapes, edibles, apparel, etc...

Will the applicant accept online or telephone orders? If yes, how will the applicant verify the purchaser is over the age of 21? (See § 123.10 (d)(4)) \*

Pick up only, upon picking customer must so ID.

Does the applicant intend to operate a delivery service? \*

As of 5/28/2023, the revised Adult-Use Regulations do now allow a business licensed to sell adult-use cannabis to simultaneously hold a delivery license/make deliveries. (See § 123.20 (c)(1))

Yes

No

If this dispensary includes or plans to include on-site consumption at any point, please describe how it will be managed. What is the capacity? What environmental monitoring and ventilation measures will be taken to protect shoppers and staff from second hand smoke and other potential hazards? If not, please write n/a. \*

No

Do you use/plan to use any outdoor space? If so, please explain how you intend to use the space. \*

No

Is the entrance of the store ADA compliant?

Yes

No

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