



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

March 12, 2025

Felicia A. B. Reid
Acting 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: Level Up NYC Corp. - 405 West 39th Street.

Dear Ms Reid and Ms. Wright,

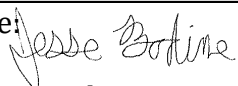
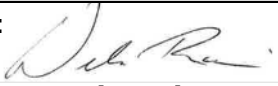
Manhattan Community Board 4 (“MCB4”), at it’s duly noticed full board meeting on March 5th, 2025, voted, by a vote of 38 for, 2 against, 3 abstaining, and 0 present-not-eligible, to recommend approval of the application of Social & Economic Equity CUARD applicant Level Up NYC Corp. for an Adult-Use Retail Dispensary at 405 West 39th Street.

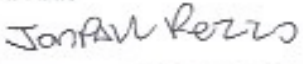
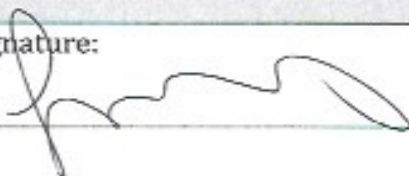
Level Up NYC Corp is comprised of majority shareholder and CUARD applicant, John Rufino, and three investors/operators. Jonpaul Pezzo and Giancarlo Pinto, presented on behalf of Level UP NYC Corp. Level UP NYC Corp currently operates a licensed cannabis retail dispensary in Long Island City, which has been open for approximately one year. Level Up NYC Corp is seeking its second Adult-Use retail dispensary license at 405 West 39th Street. Mr. Pezzo previously owned a restaurant and lived in the vicinity of the proposed location and maintain ties to this community. The Adult-Use retail dispensary, which will operate under the name BUD NYC Midtown as per regulation, intends to sell 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.

Level Up NYC Corp is committed to being a good neighbor and is keenly aware of the challenging conditions on this block. Having learned valuable lessons from their LIC operations, the applicant presented a clear outline of their business operation and a robust security plan. The operation in LIC currently offers delivery across much of the City and this operator intends to offer delivery out of this location as well.

MCB4 recommends approval if and only if the Applicant agrees to the following stipulations:

- Operate from 10am to 12am
- Amend their current signage to comply with current zoning regulations for the R8 zone in which their dispensary is located¹ and any O.C.M. regulations, specifically complying with:
 - No sign shall project across a street line more than 12 inches
 - No sign shall extend above the ground ceiling, or more than 20 feet above curb level, whichever is less
- Actively engage with the local community stakeholders with the aim of solving problems if they arise
- Resolve any outstanding issues regarding their pending lease.
- 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	Date
Signature: 	Signature: 	Date: 3/12/25
Print: Jesse Bodine, District Manager	Print: Delores Rubin, Chair, CTF	Date: 3/12/25

Applicant		
Print: 	Signature: 	Date: 3/11/25



Jessica Chair
Chair
Manhattan Community Board 4

¹ <https://zr.planning.nyc.gov/article-ii/chapter-2#22-20>

MCB4 Cannabis Licensee Application

Email *

jonpaul@nycbud.com

Corporation Name *

Level Up nyc corp

*Doing Business As *

NYC BUD Midtown

Address (or intended address) *

405 West 39th

Attorney/Representative

Joseph Bondy

Owner *

Jonpaul Pezzo

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

Jonpaul Pezzo 12.25%, Giancarlo Pinto 12.25%, John Rufino 51%, Fahmi Nagi 24.50%

Phone Number/Email Address *

347-724-9386. jonpaul@nycbud.com

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.



Commercial Lea...



Add file

Please upload the Site & Security plans for your business.



NYC BUD Dispen...



Add file

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

Alex Meskouris 917-741-4296

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?

Posted document

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. *

We currently own and operate and retail dispensary in Long island city. We have one year operating experience in the new industry.

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

current Owner of retail dispensary

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

Both Principle operators have been business owners in NYC for over 20 + years and have background in Safety and Security and hospitality.

Operational Details

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

recently warehosue storage, it was a club at once point

What are the hours of operation M-F? *

7 days a week - 10am to 2am

What are the hours of operation Sat-Sun? *

10 to 2am

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



NYC BUD securit...



Add file

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

uploaded

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? *

If needed we will. use Stanchions and extra security. store lobby is big enough that we do not anticipate street overflow.

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

7 full time and 10 part time

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

We will host a hiring fair and we will notify CB4 first to pass along to anyone seeking employment via community board

What products does the applicant expect to carry? *

Flower, Edibles, Vapes and CBD

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)) *

yes telephone and delivery will be available. all customers must register online via a site verification website and all ID are checked before product is handed over.

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.

n/a

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

no

Is the entrance of the store ADA compliant?

☒ Yes

☐ No

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