

201--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- recommitted to the Committee on Commerce, Economic Development and Small Business in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to the siting of certain premises licensed to sell liquor for consumption on the premises, which premises are located in cities with populations in excess of one million people

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (d-1) of subdivision 7 of section 64 of the alco-
2 holic beverage control law, as amended by chapter 463 of the laws of
3 2009, is amended and a new paragraph (d-2) is added to read as follows:
4 (d-1) Within the context of this subdivision, a building occupied as a
5 place of worship does not cease to be "exclusively" occupied as a place
6 of worship by incidental uses that are not of a nature to detract from
7 the predominant character of the building as a place of worship, such
8 uses which include, but which are not limited to: the conduct of legally
9 authorized games of bingo or other games of chance held as a means of
10 raising funds for the not-for-profit religious organization which
11 conducts services at the place of worship or for other not-for-profit
12 organizations or groups; use of the building for fund-raising perform-
13 ances by or [benefitting] BENEFITING the not-for-profit religious organ-
14 ization which conducts services at the place of worship or other not-
15 for-profit organizations or groups; the use of the building by other
16 religious organizations or groups for religious services or other
17 purposes; the conduct of social activities by or for the benefit of the
18 congregants; the use of the building for meetings held by organizations

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 or groups providing bereavement counseling to persons having suffered
2 the loss of a loved one, or providing advice or support for conditions
3 or diseases including, but not limited to, alcoholism, drug addiction,
4 cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the
5 use of the building for blood drives, health screenings, health informa-
6 tion meetings, yoga classes, exercise classes or other activities
7 intended to promote the health of the congregants or other persons; and
8 use of the building by non-congregant members of the community for
9 private social functions. The building occupied as a place of worship
10 does not cease to be "exclusively" occupied as a place of worship where
11 the not-for-profit religious organization occupying the place of worship
12 accepts the payment of funds to defray costs related to another party's
13 use of the building.

14 (D-2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (C) AND (D) OF THIS
15 SUBDIVISION, WITH RESPECT TO CITIES HAVING POPULATIONS IN EXCESS OF ONE
16 MILLION PEOPLE, THE MEASUREMENTS IN PARAGRAPHS (A) AND (B) OF THIS
17 SUBDIVISION ARE TO BE TAKEN IN STRAIGHT LINES FROM THE POINT ON THE
18 PROPERTY BOUNDARY LINE OF THE PREMISES TO BE LICENSED THAT IS CLOSEST TO
19 THE PROPERTY BOUNDARY LINE OF SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER
20 PLACE OF WORSHIP TO THE CLOSEST POINT ON THE PROPERTY BOUNDARY LINE OF
21 SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP OR FROM THE
22 POINT ON THE PROPERTY BOUNDARY LINE OF THE PREMISES TO BE LICENSED THAT
23 IS CLOSEST TO THE PROPERTY BOUNDARY LINE OF A PREMISES LICENSED AND
24 OPERATING PURSUANT TO THIS SECTION TO THE CLOSEST POINT ON THE BOUNDARY
25 LINE OF EACH SUCH PREMISES LICENSED AND OPERATING PURSUANT TO THE
26 PROVISIONS OF THIS SECTION; EXCEPT, HOWEVER, THAT NO RENEWAL LICENSE
27 SHALL BE DENIED BECAUSE OF SUCH RESTRICTION TO ANY PREMISES SO LOCATED
28 WHICH WERE MAINTAINED AS A BONA FIDE HOTEL, RESTAURANT, CATERING ESTAB-
29 LISHMENT OR CLUB ON OR PRIOR TO DECEMBER FIFTH, NINETEEN HUNDRED THIR-
30 TY-THREE; AND, EXCEPT THAT NO LICENSE SHALL BE DENIED TO ANY PREMISES AT
31 WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY
32 FROM A DATE PRIOR TO THE DATE WHEN A BUILDING ON THE SAME STREET OR
33 AVENUE AND WITHIN TWO HUNDRED FEET OF SAID PREMISES HAS BEEN OCCUPIED
34 EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP;
35 AND EXCEPT THAT NO LICENSE OR RENEWAL THEREOF SHALL BE DENIED TO ANY
36 PREMISES PURSUANT TO THIS SECTION AT WHICH A LICENSE UNDER THIS CHAPTER
37 HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO DECEMBER THIR-
38 TY-FIRST, TWO THOUSAND FOURTEEN; AND EXCEPT THAT NO LICENSE SHALL BE
39 DENIED TO ANY PREMISES, WHICH IS WITHIN FIVE HUNDRED FEET OF THREE OR
40 MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THE PROVISIONS
41 OF THIS SECTION, AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN IN
42 EXISTENCE CONTINUOUSLY ON OR PRIOR TO NOVEMBER FIRST, NINETEEN HUNDRED
43 NINETY-THREE; AND EXCEPT THAT THIS SUBDIVISION SHALL NOT BE DEEMED TO
44 RESTRICT THE ISSUANCE OF A HOTEL LIQUOR LICENSE TO A BUILDING USED AS A
45 HOTEL AND IN WHICH A RESTAURANT LIQUOR LICENSE CURRENTLY EXISTS FOR
46 PREMISES WHICH SERVE AS A DINING ROOM FOR GUESTS OF THE HOTEL AND A
47 CATERER'S LICENSE TO A PERSON USING THE PERMANENT CATERING FACILITIES OF
48 A CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP PURSUANT TO A WRITTEN
49 AGREEMENT BETWEEN SUCH PERSON AND THE AUTHORITIES IN CHARGE OF SUCH
50 FACILITIES. THE LIQUOR AUTHORITY, IN ITS DISCRETION, MAY AUTHORIZE THE
51 REMOVAL OF ANY SUCH LICENSED PREMISES TO A DIFFERENT LOCATION ON THE
52 SAME STREET OR AVENUE, WITHIN TWO HUNDRED FEET OF SAID SCHOOL, CHURCH,
53 SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED THAT SUCH NEW LOCATION IS
54 NOT WITHIN A CLOSER DISTANCE TO SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER
55 PLACE OF WORSHIP.

1 S 2. Subdivision 7 of section 64-a of the alcoholic beverage control
2 law is amended by adding a new paragraph (b-1) to read as follows:

3 (B-1) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (III) OF PARA-
4 GRAPH (A) AND PARAGRAPH (B) OF THIS SUBDIVISION, WITH RESPECT TO CITIES
5 HAVING POPULATIONS IN EXCESS OF ONE MILLION PEOPLE, THE MEASUREMENTS IN
6 SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF THIS SUBDIVISION ARE TO
7 BE TAKEN IN STRAIGHT LINES FROM THE POINT ON THE PROPERTY BOUNDARY LINE
8 OF THE PREMISES TO BE LICENSED THAT IS CLOSEST TO THE PROPERTY BOUNDARY
9 LINE OF SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE
10 CLOSEST POINT ON THE PROPERTY BOUNDARY LINE OF SUCH SCHOOL, CHURCH,
11 SYNAGOGUE OR OTHER PLACE OF WORSHIP, OR FROM THE POINT ON THE PROPERTY
12 BOUNDARY LINE OF THE PREMISES TO BE LICENSED THAT IS CLOSEST TO THE
13 PROPERTY BOUNDARY LINE OF A PREMISES LICENSED AND OPERATING PURSUANT TO
14 THIS SECTION TO THE CLOSEST POINT ON THE BOUNDARY LINE OF EACH SUCH
15 PREMISES LICENSED AND OPERATING PURSUANT TO THE PROVISIONS OF THIS
16 SECTION; EXCEPT THAT NO LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH
17 A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A
18 DATE PRIOR TO THE DATE WHEN A BUILDING ON THE SAME STREET OR AVENUE AND
19 WITHIN TWO HUNDRED FEET OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY
20 AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP; AND EXCEPT
21 THAT NO LICENSE OR RENEWAL THEREOF SHALL BE DENIED TO ANY PREMISES
22 PURSUANT TO THIS SECTION AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN
23 IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO DECEMBER THIRTY-FIRST,
24 TWO THOUSAND FOURTEEN; AND EXCEPT THAT NO LICENSE SHALL BE DENIED TO ANY
25 PREMISES, WHICH IS WITHIN FIVE HUNDRED FEET OF THREE OR MORE EXISTING
26 PREMISES LICENSED AND OPERATING PURSUANT TO THE PROVISIONS OF THIS
27 SECTION, AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE
28 CONTINUOUSLY ON OR PRIOR TO NOVEMBER FIRST, NINETEEN HUNDRED
29 NINETY-THREE.

30 S 3. Subdivision 5 of section 64-b of the alcoholic beverage control
31 law is amended by adding a new paragraph (a-1) to read as follows:

32 (A-1) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
33 SION, WITH RESPECT TO CITIES HAVING POPULATIONS IN EXCESS OF ONE MILLION
34 PEOPLE, NO BOTTLE CLUB LICENSE SHALL BE GRANTED FOR ANY PREMISES WHICH
35 SHALL BE ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET OF A
36 BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER
37 PLACE OF WORSHIP; THE MEASUREMENTS TO BE TAKEN IN A STRAIGHT LINE FROM
38 THE POINT ON THE PROPERTY BOUNDARY LINE OF THE PREMISES TO BE LICENSED
39 THAT IS CLOSEST TO THE PROPERTY BOUNDARY LINE OF SUCH SCHOOL, CHURCH,
40 SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE CLOSEST POINT ON THE PROPERTY
41 BOUNDARY LINE OF SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF
42 WORSHIP; EXCEPT THAT NO LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH
43 A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A
44 DATE PRIOR TO THE DATE WHEN A BUILDING ON THE SAME STREET OR AVENUE AND
45 WITHIN TWO HUNDRED FEET OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY
46 AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP; AND EXCEPT
47 THAT NO LICENSE OR RENEWAL THEREOF SHALL BE DENIED TO ANY PREMISES
48 PURSUANT TO THIS SECTION AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN
49 IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO DECEMBER THIRTY-FIRST,
50 TWO THOUSAND FOURTEEN.

51 S 4. Paragraph (d) of subdivision 11 of section 64-c of the alcoholic
52 beverage control law, as amended by chapter 463 of the laws of 2009, is
53 amended and a new paragraph (b-1) is added to read as follows:

54 (B-1) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (III) OF PARA-
55 GRAPH (A) AND PARAGRAPH (B) OF THIS SUBDIVISION, WITH RESPECT TO CITIES
56 HAVING POPULATIONS IN EXCESS OF ONE MILLION PEOPLE, THE MEASUREMENTS IN

1 SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF THIS SUBDIVISION ARE TO
2 BE TAKEN IN STRAIGHT LINES FROM THE POINT ON THE PROPERTY BOUNDARY LINE
3 OF THE PREMISES TO BE LICENSED THAT IS CLOSEST TO THE PROPERTY BOUNDARY
4 LINE OF SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE
5 CLOSEST POINT ON THE PROPERTY BOUNDARY LINE OF SUCH SCHOOL, CHURCH,
6 SYNAGOGUE OR OTHER PLACE OF WORSHIP, OR FROM THE POINT ON THE PROPERTY
7 BOUNDARY LINE OF THE PREMISES TO BE LICENSED THAT IS CLOSEST TO THE
8 PROPERTY BOUNDARY LINE OF A PREMISES LICENSED AND OPERATING PURSUANT TO
9 THIS SECTION TO THE CLOSEST POINT ON THE BOUNDARY LINE OF EACH SUCH
10 PREMISES LICENSED AND OPERATING PURSUANT TO THE PROVISIONS OF THIS
11 SECTION; EXCEPT THAT NO LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH
12 A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A
13 DATE PRIOR TO THE DATE WHEN A BUILDING ON THE SAME STREET OR AVENUE AND
14 WITHIN TWO HUNDRED FEET OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY
15 AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP; AND EXCEPT
16 THAT NO LICENSE OR RENEWAL THEREOF SHALL BE DENIED TO ANY PREMISES
17 PURSUANT TO THIS SECTION AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN
18 IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO DECEMBER THIRTY-FIRST,
19 TWO THOUSAND FOURTEEN; AND EXCEPT THAT NO LICENSE SHALL BE DENIED TO ANY
20 PREMISES, WHICH IS WITHIN FIVE HUNDRED FEET OF THREE OR MORE EXISTING
21 PREMISES LICENSED AND OPERATING PURSUANT TO THE PROVISIONS OF THIS
22 SECTION OR SECTION SIXTY-FOUR OR SIXTY-FOUR-A OF THIS ARTICLE, AT WHICH
23 A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY ON OR
24 PRIOR TO NOVEMBER FIRST, NINETEEN HUNDRED NINETY-THREE.

25 (d) Within the context of this subdivision, a building occupied as a
26 place of worship does not cease to be "exclusively" occupied as a place
27 of worship by incidental uses that are not of a nature to detract from
28 the predominant character of the building as a place of worship, such
29 uses which include, but which are not limited to: the conduct of legally
30 authorized games of bingo or other games of chance held as a means of
31 raising funds for the not-for-profit religious organization which
32 conducts services at the place of worship or for other not-for-profit
33 organizations or groups; use of the building for fund-raising perform-
34 ances by or [benefitting] BENEFITING the not-for-profit religious organ-
35 ization which conducts services at the place of worship or other not-
36 for-profit organizations or groups; the use of the building by other
37 religious organizations or groups for religious services or other
38 purposes; the conduct of social activities by or for the benefit of the
39 congregants; the use of the building for meetings held by organizations
40 or groups providing bereavement counseling to persons having suffered
41 the loss of a loved one, or providing advice or support for conditions
42 or diseases including, but not limited to, alcoholism, drug addiction,
43 cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the
44 use of the building for blood drives, health screenings, health informa-
45 tion meetings, yoga classes, exercise classes or other activities
46 intended to promote the health of the congregants or other persons; and
47 use of the building by non-congregant members of the community for
48 private social functions. The building occupied as a place of worship
49 does not cease to be "exclusively" occupied as a place of worship where
50 the not-for-profit religious organization occupying the place of worship
51 accepts the payment of funds to defray costs related to another party's
52 use of the building.

53 S 5. Paragraph (c) of subdivision 3 of section 105 of the alcoholic
54 beverage control law, as added by chapter 406 of the laws of 2007, is
55 amended and a new paragraph (b-1) is added to read as follows:

1 (B-1) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THIS
2 SUBDIVISION, WITH RESPECT TO CITIES HAVING POPULATIONS IN EXCESS OF ONE
3 MILLION PEOPLE, NO RETAIL LICENSE TO SELL LIQUOR AND/OR WINE FOR
4 OFF-PREMISES CONSUMPTION SHALL BE GRANTED FOR ANY PREMISES WHICH SHALL
5 BE LOCATED ON THE SAME STREET OR AVENUE, AND WITHIN TWO HUNDRED FEET OF
6 A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER
7 PLACE OF WORSHIP; THE MEASUREMENTS TO BE TAKEN IN A STRAIGHT LINE FROM
8 THE POINT ON THE PROPERTY BOUNDARY LINE OF THE PREMISES TO BE LICENSED
9 THAT IS CLOSEST TO THE PROPERTY BOUNDARY LINE OF SUCH SCHOOL, CHURCH,
10 SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE CLOSEST POINT ON THE PROPERTY
11 BOUNDARY LINE OF SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF
12 WORSHIP; EXCEPT, HOWEVER, THAT NO LICENSE SHALL BE DENIED TO ANY PREM-
13 ISES AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTIN-
14 UOUSLY FROM A DATE PRIOR TO THE DATE WHEN A BUILDING ON THE SAME STREET
15 OR AVENUE AND WITHIN TWO HUNDRED FEET OF SAID PREMISES HAS BEEN OCCUPIED
16 EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP;
17 AND EXCEPT THAT NO LICENSE OR RENEWAL THEREOF SHALL BE DENIED TO ANY
18 PREMISES PURSUANT TO THIS SECTION AT WHICH A LICENSE UNDER THIS CHAPTER
19 HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO DECEMBER THIR-
20 TY-FIRST, TWO THOUSAND FOURTEEN.

21 (c) Within the context of this subdivision, a building occupied as a
22 place of worship does not cease to be "exclusively" occupied as a place
23 of worship by incidental uses that are not of a nature to detract from
24 the predominant character of the building as a place of worship, such
25 uses which include, but which are not limited to: the conduct of legally
26 authorized games of bingo or other games of chance held as a means of
27 raising funds for the not-for-profit religious organization which
28 conducts services at the place of worship or for other not-for-profit
29 organizations or groups; use of the building for fund-raising perform-
30 ances by or [benefitting] BENEFITING the not-for-profit religious
31 [organizations] ORGANIZATION which conducts services at the place of
32 worship or other not-for-profit organizations or groups; the use of the
33 building by other religious organizations or groups for religious
34 services or other purposes; the conduct of social activities by or for
35 the benefit of the congregants; the use of the building for meetings
36 held by organizations or groups providing bereavement counseling to
37 persons having suffered the loss of a loved one, or providing advice or
38 support for conditions or diseases including, but not limited to, alco-
39 holism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or
40 Alzheimer's disease; the use of the building for blood drives, health
41 screenings, health information meetings, yoga classes, exercise classes
42 or other activities intended to promote the health of the congregants or
43 other persons; and use of the building by non-congregant members of the
44 community for private social functions. The building occupied as a place
45 of worship does not cease to be "exclusively" occupied as a place of
46 worship where the not-for-profit religious organization occupying the
47 place of worship accepts the payment of funds to defray costs related to
48 another party's use of the building.

49 S 6. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law.