S T A T E O F N E W Y O R K

7780

I N S E N A T E

June 9, 2014

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to wine, beer and liquor in motion picture theatres

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

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 20-f to read as follows:

20-F. "MOTION PICTURE THEATRE" SHALL MEAN A BUILDING OR FACILITY WHICH IS REGULARLY USED AND KEPT OPEN PRIMARILY FOR THE EXHIBITION OF MOTION PICTURES ON A DAILY BASIS TO THE GENERAL PUBLIC WHERE ALL AUDITORIUM SEATING IS PERMANENTLY AFFIXED TO THE FLOOR AND AT LEAST SIXTY-FIVE PERCENT OF THE MOTION PICTURE THEATRE'S ANNUAL GROSS REVENUES IS THE COMBINED RESULT OF ADMISSION REVENUE FOR THE SHOWING OF MOTION PICTURES AND THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES.

S 2. The alcoholic beverage control law is amended by adding a new section 64-e to read as follows:

S 64-E. LICENSE TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES IN A MOTION PICTURE THEATRE. 1. ANY PERSON MAY MAKE AN APPLICATION TO THE STATE LIQUOR AUTHORITY FOR A LICENSE TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES IN A MOTION PICTURE THEATRE AS DEFINED IN SUBDIVISION TWENTY-F OF SECTION THREE OF THIS CHAPTER.

2. A LICENSE UNDER THIS SECTION SHALL BE ISSUED TO ALL APPLICANTS EXCEPT FOR GOOD CAUSE SHOWN. IN DETERMINING WHETHER GOOD CAUSE EXISTS TO DENY AN APPLICATION, THE AUTHORITY MAY CONSIDER:

(A) THE HISTORY OF LIQUOR VIOLATIONS AND DOCUMENTED CRIMINAL ACTIVITY AT THE PROPOSED PREMISES CONNECTED WITH THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES;

(B) EVIDENCE THAT ALL NECESSARY LICENSES AND PERMITS HAVE BEEN OBTAINED FROM THE STATE AND ALL OTHER GOVERNING BODIES FOR THE OPERATION OF THE MOTION PICTURE THEATRE AND SALE OF ALCOHOLIC BEVERAGES;

(C) THE AGGREGATE NUMBER OF SEATS IN THE MOTION PICTURE THEATRE;

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

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(D) THE APPLICANT'S PROPOSED METHOD OF OPERATION AND ALCOHOLIC BEVERAGE CONTROL PLAN;

(E) OBJECTIONS FROM THE LOCAL MUNICIPALITY BASED ON EVIDENCE OF NEGATIVE IMPACTS TO THE SURROUNDING COMMUNITY;

(F) ANY OTHER FACTORS, IN THE JUDGMENT OF THE AUTHORITY, THAT WOULD CREATE A RISK IN THE ORDERLY ENFORCEMENT OF THIS CHAPTER; AND

(G) ANY OTHER FACTORS, SUCH AS THE CHARACTER AND FITNESS OF THE APPLICANT TO HOLD A LICENSE, THAT ARE RELEVANT TO DETERMINE WHETHER GOOD CAUSE EXISTS TO DENY THE APPLICATION.

3. SUCH APPLICATION SHALL BE IN SUCH FORM AND SHALL CONTAIN SUCH INFORMATION AS SHALL BE REQUIRED BY THE RULES OF THE LIQUOR AUTHORITY AND SHALL BE ACCOMPANIED BY A CHECK OR DRAFT IN THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. SUCH LICENSE SHALL ALSO BE DEEMED TO INCLUDE A LICENSE TO SELL WINE AND BEER AT RETAIL TO BE CONSUMED UNDER THE SAME TERMS AND CONDITIONS, WITHOUT THE PAYMENT OF ANY ADDITIONAL FEE.

4. SECTION FIFTY-FOUR OF THIS CHAPTER SHALL CONTROL SO FAR AS APPLICABLE THE PROCEDURE IN CONNECTION WITH SUCH APPLICATION.

5. A LICENSE ISSUED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE CONDITIONS SET FORTH BELOW. FAILURE TO COMPLY WITH ANY OF THESE CONDITIONS SHALL, CONSTITUTE GROUNDS FOR THE SUSPENSION, CANCELLATION OR REVOCATION OF THE LICENSE, AND/OR THE IMPOSITION OF A CIVIL PENALTY AND THE RECOVERY OF THE PENAL SUM OF THE BOND ON FILE DURING THE PERIOD OF THE VIOLATION.

(A) A LICENSEE SHALL NOT SELL OR SERVE AN ALCOHOLIC BEVERAGE TO ANY PERSON THAT DOES NOT DEMONSTRATE THAT THEY ARE OVER THE AGE OF TWENTY-ONE AS EVIDENCED BY THE PRESENTATION OF A VALID FORM OF PHOTOGRAPHIC IDENTIFICATION AUTHORIZED BY SECTION SIXTY-FIVE-B OF THIS CHAPTER;

(B) NO MORE THAN ONE ALCOHOLIC BEVERAGE SHALL BE SOLD OR SERVED TO ANY ONE PERSON DURING ANY ONE TRANSACTION;

(C) SUBJECT TO THE PROVISIONS SET FORTH IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIX OF THIS CHAPTER, THE LICENSEE SHALL ONLY SELL OR SERVE ALCOHOLIC BEVERAGES FOR THE PERIOD BEGINNING ONE HOUR PRIOR TO THE FIRST MOTION PICTURE VIEWING AND ENDING UPON THE CONCLUSION OF THE LAST MOTION PICTURE VIEWING; AND

(D) THE LICENSEE MUST MAKE AVAILABLE TO ITS PATRONS FOOD THAT IS TYPICALLY FOUND IN A MOTION PICTURE THEATRE, INCLUDING BUT NOT LIMITED TO: POPCORN, CANDY, AND LIGHT SNACKS.

6. NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT THE ISSUANCE OF A LICENSE PURSUANT TO SECTION SIXTY-FOUR OF THIS SECTION TO A MOTION PICTURE THEATRE OR OTHER VENUE THAT SHOWS MOTION PICTURES THAT MEETS THE DEFINITION OF A RESTAURANT SET FORTH IN SUBDIVISION TWENTY-SEVEN OF SECTION THREE OF THIS CHAPTER AND WHERE ALL SEATING IS AT TABLES OR SEATSIDE TABLES WHERE MEALS ARE SERVED.

7. NO RETAIL LICENSE FOR ON-PREMISES CONSUMPTION SHALL BE GRANTED FOR ANY PREMISES WHICH SHALL BE:

(A) ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP; OR

(B) IN A CITY, TOWN OR VILLAGE HAVING A POPULATION OF TWENTY THOUSAND OR MORE WITHIN FIVE HUNDRED FEET OF THREE OR MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE.

8. (A) THE MEASUREMENTS IN SUBDIVISION SEVEN OF THIS SECTION ARE TO BE TAKEN IN STRAIGHT LINES FROM THE CENTER OF THE NEAREST ENTRANCE OF THE PREMISES SOUGHT TO BE LICENSED TO THE CENTER OF THE NEAREST ENTRANCE OF SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP OR TO THE CENTER OF THE NEAREST ENTRANCE OF EACH SUCH PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE; EXCEPT, HOWEVER, THAT NO RENEWAL LICENSE SHALL BE DENIED BECAUSE OF SUCH RESTRICTION TO ANY PREMISES SO LOCATED WHICH WERE MAINTAINED AS A BONA FIDE HOTEL, RESTAURANT, CATERING ESTABLISHMENT OR CLUB ON OR PRIOR TO DECEMBER FIFTH, NINETEEN HUNDRED THIRTY-THREE; AND, EXCEPT THAT NO LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO THE DATE WHEN A BUILDING ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP; AND EXCEPT THAT NO LICENSE SHALL BE DENIED TO ANY PREMISES, WHICH IS WITHIN FIVE HUNDRED FEET OF THREE OR MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE, AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY ON OR PRIOR TO NOVEMBER FIRST, NINETEEN HUNDRED NINETY-THREE. THE LIQUOR AUTHORITY, IN ITS DISCRETION, MAY AUTHORIZE THE REMOVAL OF ANY SUCH LICENSED PREMISES TO A DIFFERENT LOCATION ON THE SAME STREET OR AVENUE, WITHIN TWO HUNDRED FEET OF SAID SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED THAT SUCH NEW LOCATION IS NOT WITHIN A CLOSER DISTANCE TO SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, THE WORD "ENTRANCE" SHALL MEAN A DOOR OF A SCHOOL, OF A HOUSE OF WORSHIP, OR OF PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE OR OF THE PREMISES SOUGHT TO BE LICENSED, REGULARLY USED TO GIVE INGRESS TO STUDENTS OF THE SCHOOL, TO THE GENERAL PUBLIC ATTENDING THE PLACE OF WORSHIP, AND TO PATRONS OR GUESTS OF THE PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE OR OF THE PREMISES SOUGHT TO BE LICENSED, EXCEPT THAT WHERE A SCHOOL OR HOUSE OF WORSHIP OR PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE OR THE PREMISES SOUGHT TO BE LICENSED IS SET BACK FROM A PUBLIC THOROUGHFARE, THE WALKWAY OR STAIRS LEADING TO ANY SUCH DOOR SHALL BE DEEMED AN ENTRANCE; AND THE MEASUREMENT SHALL BE TAKEN TO THE CENTER OF THE WALKWAY OR STAIRS AT THE POINT WHERE IT MEETS THE BUILDING LINE OR PUBLIC THOROUGHFARE. A DOOR WHICH HAS NO EXTERIOR HARDWARE, OR WHICH IS USED SOLELY AS AN EMERGENCY OR FIRE EXIT, OR FOR MAINTENANCE PURPOSES, OR WHICH LEADS DIRECTLY TO A PART OF A BUILDING NOT REGULARLY USED BY THE GENERAL PUBLIC OR PATRONS, IS NOT DEEMED AN "ENTRANCE".

(C) FOR THE PURPOSES OF THIS SUBDIVISION, A BUILDING OCCUPIED AS A PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLUSIVELY" OCCUPIED AS A PLACE OF WORSHIP BY INCIDENTAL USES THAT ARE NOT OF A NATURE TO DETRACT FROM THE PREDOMINANT CHARACTER OF THE BUILDING AS A PLACE OF WORSHIP, SUCH USES WHICH INCLUDE, BUT WHICH ARE NOT LIMITED TO: THE CONDUCT OF LEGALLY AUTHORIZED GAMES OF BINGO OR OTHER GAMES OF CHANCE HELD AS A MEANS OF RAISING FUNDS FOR THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR FOR OTHER NOT-FOR-PROFIT

ORGANIZATIONS OR GROUPS; USE OF THE BUILDING FOR FUND-RAISING PERFORMANCES BY OR BENEFITING THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR OTHER NOT-FOR-PROFIT ORGANIZATIONS OR GROUPS; THE USE OF THE BUILDING BY OTHER RELIGIOUS ORGANIZATIONS OR GROUPS FOR RELIGIOUS SERVICES OR OTHER PURPOSES; THE CONDUCT OF SOCIAL ACTIVITIES BY OR FOR THE BENEFIT OF THE CONGREGANTS; THE USE OF THE BUILDING FOR MEETINGS HELD BY ORGANIZATIONS OR GROUPS PROVIDING BEREAVEMENT COUNSELING TO PERSONS HAVING SUFFERED THE LOSS OF A LOVED ONE, OR PROVIDING ADVICE OR SUPPORT FOR CONDITIONS OR DISEASES INCLUDING BUT NOT LIMITED TO, ALCOHOLISM, DRUG ADDITION, CANCER, CEREBRAL PALSY, PARKINSON'S DISEASE, OR ALZHEIMER'S DISEASE; THE USE OF THE BUILDING FOR BLOOD DRIVES, HEALTH SCREENINGS, HEALTH INFORMATION MEETINGS, YOGA CLASSES, EXERCISE CLASSES OR OTHER ACTIVITIES INTENDED TO PROMOTE THE HEALTH OF THE CONGREGANTS OR OTHER PERSONS; AND USE OF THE BUILDING BY NON-CONGREGANT MEMBERS OF THE COMMUNITY FOR PRIVATE SOCIAL FUNCTIONS. THE BUILDING OCCUPIED AS A PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLUSIVELY" OCCUPIED AS A PLACE OF WORSHIP WHERE THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION OCCUPYING THE PLACE OF WORSHIP ACCEPTS THE PAYMENT OF FUNDS TO DEFRAY COSTS RELATED TO ANOTHER PARTY'S USE OF THE BUILDING.

9. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION, THE AUTHORITY MAY ISSUE A LICENSE PURSUANT TO THIS SECTION FOR A PREMISES WHICH SHALL BE WITHIN FIVE HUNDRED FEET OF THREE OR MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE IF, AFTER CONSULTATION WITH THE MUNICIPALITY OR COMMUNITY BOARD, IT DETERMINES THAT GRANTING SUCH LICENSE WOULD BE IN THE PUBLIC INTEREST. BEFORE IT MAY ISSUE ANY SUCH LICENSE, THE AUTHORITY SHALL CONDUCT A HEARING, UPON NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD, AND SHALL STATE AND FILE IN ITS OFFICE ITS REASONS THEREFOR. THE HEARING MAY BE RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY SAID LICENSE, THE AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF MAY, IN ADDITION TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT A PUBLIC MEETING REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR CONTINUED PUBLIC MEETING. NOTICE TO THE MUNICIPALITY OR COMMUNITY BOARD SHALL MEAN WRITTEN NOTICE MAILED BY THE AUTHORITY TO SUCH MUNICIPALITY OR COMMUNITY BOARD AT LEAST FIFTEEN DAYS IN ADVANCE OF ANY HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH. UPON THE REQUEST OF THE AUTHORITY, ANY MUNICIPALITY OR COMMUNITY BOARD MAY WAIVE THE FIFTEEN DAY NOTICE REQUIREMENT. NO PREMISES HAVING BEEN GRANTED A LICENSE PURSUANT TO THIS SECTION SHALL BE DENIED A RENEWAL OF SUCH LICENSE UPON THE GROUNDS THAT SUCH PREMISES ARE WITHIN FIVE HUNDRED FEET OF A BUILDING OR BUILDINGS WHEREIN THREE OR MORE PREMISES ARE LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE.

S 3. Subdivision 3 of section 17 of the alcoholic beverage control law, as amended by chapter 355 of the laws of 2013, is amended to read as follows:

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against

any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-two, fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, SIXTY-FOUR-E, seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three, seventy-six, seventy-six-a, and seventy-eight of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

S 4. Subdivision 3 of section 55 of the alcoholic beverage control law, as amended by chapter 531 of the laws of 1964, is amended to read as follows:

3. No such license shall be issued, however, to any person for any premises other than premises for which a license may be issued under section sixty-four [or], sixty-four-a OR SIXTY-FOUR-E of this chapter or a hotel or premises which are kept, used, maintained, advertised or held out to the public to be a place where food is prepared and served for consumption on the premises in such quantities as to satisfy the liquor authority that the sale of beer intended is incidental to and not the prime source of revenue from the operation of such premises. The foregoing provisions of this subdivision shall not apply to any premises located at, in, or on the area leased by the city of New York to New York World's Fair 1964 Corporation pursuant to the provisions of chapter four hundred twenty-eight of the laws of nineteen hundred sixty, as amended by a chapter of the laws of nineteen hundred sixty-one, during the term or duration of such lease. Such license may also include such suitable space outside of the licensed premises and adjoining it as may be approved by the liquor authority.

S 5. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage control law, as amended by chapter 384 of the laws of 2013, is amended to read as follows:

1. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each initial application for a license filed pursuant to section fifty-one, fifty-one-a, fifty-three, fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seventy-eight of this chapter, a filing fee of four hundred dollars; with each initial application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of this chapter, a filing fee of two hundred dollars; with each initial application for a license filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of one hundred dollars; with each initial application for a permit filed pursuant to section ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is to be issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter if such permit is to be issued on a calendar year basis, or for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of twenty dollars; and with each application for a permit under section ninety-three-a of this chapter, other than a permit to be issued on a calendar year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-nine-b of this chapter, other than a permit to be issued pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter on a calendar year basis, a filing fee of ten dollars.

2. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each renewal application for a license filed pursuant to section fifty-one, fifty-one-a, fifty-three, fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seventy-eight of this chapter, a filing fee of one hundred dollars; with each renewal application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of this chapter, a filing fee of ninety dollars; with each renewal application for a license filed pursuant to section seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of twenty-five dollars; and with each renewal application for a license or permit filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, ninety-one,

ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a of this chapter or pursuant to subdivisions b, c, e or j of section ninety-nine-b, if such permit is issued on a calendar year basis, or with each renewal application for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of thirty dollars.

S 6. Paragraph (b) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(b) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article;

S 7. Paragraph (c) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article; except, however, that no renewal license shall be denied because of such restriction to any premises so located which were maintained as a bona fide hotel, restaurant, catering establishment or club on or prior to December fifth, nineteen hundred thirty-three; and, except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three; and except that this subdivision shall not be deemed to restrict the issuance of a hotel liquor license to a building used as a hotel and in which a restaurant liquor license currently exists for premises which serve as a dining room for guests of the hotel and a caterer's license to a person using the permanent catering facilities of a church, synagogue or other place of worship pursuant to a written agreement between such person and the authorities in charge of such facilities. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

S 8. Paragraph (d) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(d) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

S 9. Paragraph (f) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, is amended to read as follows:

(f) Notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article.

S 10. Paragraph (a) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(a) No special on-premises license shall be granted for any premises which shall be

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship or

(ii) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article;

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

S 11. Paragraph (b) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walk-

way or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

S 12. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, is amended to read as follows:

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article.

S 13. Paragraphs (a), (b) and (c) of subdivision 5 of section 64-b of the alcoholic beverage control law, paragraph (a) as amended and paragraph (b) as added by chapter 463 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(a) No bottle club license shall be granted for any premises which shall be

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; or

(ii) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article;

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled,

adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article.

S 14. Paragraph (a) of subdivision 10 of section 64-c of the alcoholic beverage control law, as added by chapter 366 of the laws of 2012, is amended to read as follows:

(a) For purposes of sections one hundred one and one hundred six of this chapter, a person licensed under this section shall be deemed a "retailer" as that term is defined within section three of this chapter. Notwithstanding any provision of this chapter to the contrary, a person licensed under this section may also be licensed (or interested directly or indirectly in a license) to sell liquor at retail to be consumed on or off the premises under section fifty-four, fifty-four-a, fifty-five, fifty-five-a, seventy-nine or eighty-one of this chapter or sections sixty-four, sixty-four-a, sixty-four-b [and], sixty-four-d, AND SIXTY-FOUR-E of this article.

S 15. Subdivision 11 of section 64-c of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws of 2012, is amended to read as follows:

11. (a) No restaurant-brewer license shall be granted for any premises which shall be:

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; or

(ii) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section or sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this article; or

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this article; except that no license shall be denied to any premises at

which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three.

(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this article is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive

the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are operating and licensed pursuant to this section or sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this article.

S 16. Subdivision 8 of section 64-d of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009 and paragraph (e) as amended by chapter 185 of the laws of 2012, is amended to read as follows:

8. No cabaret license shall be granted for any premises which shall be:

(a) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship or

(b) in a city, town or village having a population of twenty thousand or more within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section, or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article.

(c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(d) within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of

this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(e) notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article.

(f) Within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising perform-

ances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the payment of funds to defray costs related to another party's use of the building.

S 17. Subdivision 4 of section 66 of the alcoholic beverage control law, as amended by section 3 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

4. The annual fee for a license, under section sixty-four [or], sixty-four-a[,] OR SIXTY-FOUR-E to sell liquor at retail to be consumed on the premises where sold shall be twenty-one hundred seventy-six dollars in the counties of New York, Kings, Bronx and Queens; fifteen hundred thirty-six dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; twelve hundred sixteen dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of eight hundred ninety-six dollars elsewhere; except that the license fees for catering establishments shall be two-thirds the license fee specified herein and for clubs, except luncheon clubs and golf clubs, shall be seven hundred fifty dollars in counties of New York, Kings, Bronx and Queens; five hundred dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; three hundred fifty dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of two hundred fifty dollars elsewhere. The annual fees for luncheon clubs shall be three hundred seventy-five dollars, and for golf clubs in the counties of New York, Kings, Bronx, Queens, Nassau, Richmond and Westchester, two hundred fifty dollars, and elsewhere one hundred eighty-seven dollars and fifty cents. Notwithstanding any other provision of law to the contrary, there shall be no annual fee for a license, under section sixty-four, to sell liquor at retail to be consumed on the premises where the applicant is an organization organized under section two hundred sixty of the military law and incorporated pursuant to the not-for-profit corporation law. Provided, however, that where any premises for which a license is issued pursuant to section sixty-four [or], sixty-four-a OR SIXTY-FOUR-E of this article remain open only within the period commencing April first and ending October thirty-first of any one year, or only within the period commencing October first and ending the following April thirtieth, the liquor authority may, in its discretion, grant a summer or winter license effective only for such appropriate period of time, for which a license fee shall be paid to be pro-rated for the period for which such license

is effective, at the rate provided for in the city, town or village in which such premises are located, except that no such license fee shall be less than one-half of the regular annual license fee; provided further that where the premises to be licensed are a race track or a golf course or are licensed pursuant to section sixty-four [or], sixty-four-a, OR SIXTY-FOUR-E of this chapter, the period of such summer license may commence March first and end November thirtieth.

Where a hotel, restaurant, club, golf course or race track is open prior to April first and/or subsequent to October thirty-first by reason of the issuance of a caterer's permit or permits issued by the authority, such fact alone shall not affect the eligibility of the premises or the person owning or operating such hotel, restaurant, club, golf course or race track for a summer license.

S 18. Paragraph a of subdivision 4 of section 81-a of the alcoholic beverage control law, as added by chapter 666 of the laws of 1987, is amended to read as follows:

a. No such license shall be issued to any person for any premises other than premises for which a license may be issued under section sixty-four OR SIXTY-FOUR-E of this chapter or a hotel or premises which are kept, used, maintained, advertised or held out to the public to be a place where food is prepared and served for consumption on the premises in such quantities as to satisfy the liquor authority that the sale of wine intended is incidental to and not the prime source of revenue from the operation of such premises. Such license may also include such suitable space outside the licensed premises and adjoining it as may be approved by the liquor authority.

S 19. Subdivision 7 of section 100 of the alcoholic beverage control law, as added by chapter 256 of the laws of 1978, is amended to read as follows:

7. Within ten days after filing a new application to sell liquor at retail under section sixty-three, sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of this chapter, a notice thereof, in the form prescribed by the authority, shall be posted by the applicant in a conspicuous place at the entrance to the proposed premises. The applicant shall make reasonable efforts to insure such notice shall remain posted throughout the pendency of the application. The provisions hereof shall apply only where no retail liquor license has previously been granted for the proposed premise and shall, specifically, not be applicable to a proposed sale of an existing business engaged in the retail sale of liquor. The authority may adopt such rules it may deem necessary to carry out the purpose of this subdivision.

S 20. The closing paragraph of subdivision 2 of section 102 of the alcoholic beverage control law, as added by section 1 of part OO of chapter 56 of the laws of 2010, is amended to read as follows:

As used in this subdivision, "recreational facility" shall mean: (i) premises that are part of a facility the principal business of which shall be the providing of recreation in the form of golf, tennis, swimming, skiing or boating; and (ii) premises in which the principal business shall be the operation of a theatre, MOTION PICTURE THEATRE, concert hall, opera house, bowling establishment, excursion and sightseeing vessel, or accommodation of athletic events, sporting events, expositions and other similar events or occasions requiring the accommodation of large gatherings of persons.

S 21. Subdivision 1 of section 110-a of the alcoholic beverage control law, as added by chapter 77 of the laws of 1999, is amended to read as follows:

1. Every person applying for a license to sell alcoholic beverages pursuant to subdivision four of section fifty-one, or section fifty-five, sixty-four, sixty-four-a, sixty-four-c, SIXTY-FOUR-E, eighty-one or eighty-one-a of this chapter shall publish notice thereof pursuant to subdivision two of this section.

S 22. Subdivision 1 of section 110-b of the alcoholic beverage control law, as amended by chapter 560 of the laws of 2011, is amended to read as follows:

1. Not less than thirty days before filing any of the following applications, an applicant shall notify the municipality in which the premises is located of such applicant's intent to file such an application:

(a) for a license issued pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or eighty-one-a of this chapter;

(b) for a renewal under section one hundred nine of this chapter of a license issued pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or eighty-one-a of this chapter if the premises is located within the city of New York;

(c) for approval of an alteration under section ninety-nine-d of this chapter if the premises is located within the city of New York and licensed pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or eighty-one-a of this chapter; or

(d) for approval of a substantial corporate change under section ninety-nine-d of this chapter if the premises is located within the city of New York and licensed pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or eighty-one-a of this chapter.

S 23. This act shall take effect immediately, provided, however, that the amendments to subdivision 3 of section 17 of the alcoholic beverage control law made by section three of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.