

10125

I N A S S E M B L Y

June 16, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lentol) --
read once and referred to the Committee on Economic Development

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:

- 1 Section 1. Section 3 of the alcoholic beverage control law is amended
2 by adding a new subdivision 20-f to read as follows:
3 20-F. "MOTION PICTURE THEATRE" SHALL MEAN A BUILDING OR FACILITY WHICH
4 IS REGULARLY USED AND KEPT OPEN PRIMARILY FOR THE EXHIBITION OF MOTION
5 PICTURES ON A DAILY BASIS TO THE GENERAL PUBLIC WHERE ALL AUDITORIUM
6 SEATING IS PERMANENTLY AFFIXED TO THE FLOOR AND AT LEAST SIXTY-FIVE
7 PERCENT OF THE MOTION PICTURE THEATRE'S ANNUAL GROSS REVENUES IS THE
8 COMBINED RESULT OF ADMISSION REVENUE FOR THE SHOWING OF MOTION PICTURES
9 AND THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES.
10 S 2. The alcoholic beverage control law is amended by adding a new
11 section 64-e to read as follows:
12 S 64-E. LICENSE TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREM-
13 ISSES IN A MOTION PICTURE THEATRE. 1. ANY PERSON MAY MAKE AN APPLICATION
14 TO THE STATE LIQUOR AUTHORITY FOR A LICENSE TO SELL LIQUOR AT RETAIL FOR
15 CONSUMPTION ON THE PREMISES IN A MOTION PICTURE THEATRE AS DEFINED IN
16 SUBDIVISION TWENTY-F OF SECTION THREE OF THIS CHAPTER.
17 2. A LICENSE UNDER THIS SECTION SHALL BE ISSUED TO ALL APPLICANTS
18 EXCEPT FOR GOOD CAUSE SHOWN. IN DETERMINING WHETHER GOOD CAUSE EXISTS TO
19 DENY AN APPLICATION, THE AUTHORITY MAY CONSIDER:
20 (A) THE HISTORY OF LIQUOR VIOLATIONS AND DOCUMENTED CRIMINAL ACTIVITY
21 AT THE PROPOSED PREMISES CONNECTED WITH THE SALE AND CONSUMPTION OF
22 ALCOHOLIC BEVERAGES;
23 (B) EVIDENCE THAT ALL NECESSARY LICENSES AND PERMITS HAVE BEEN
24 OBTAINED FROM THE STATE AND ALL OTHER GOVERNING BODIES FOR THE OPERATION
25 OF THE MOTION PICTURE THEATRE AND SALE OF ALCOHOLIC BEVERAGES;
26 (C) THE AGGREGATE NUMBER OF SEATS IN THE MOTION PICTURE THEATRE;
27 (D) THE APPLICANT'S PROPOSED METHOD OF OPERATION AND ALCOHOLIC BEVER-
28 AGE CONTROL PLAN;

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

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(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

1 SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP OR TO THE
2 CENTER OF THE NEAREST ENTRANCE OF EACH SUCH PREMISES LICENSED AND OPER-
3 ATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A,
4 SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE; EXCEPT,
5 HOWEVER, THAT NO RENEWAL LICENSE SHALL BE DENIED BECAUSE OF SUCH
6 RESTRICTION TO ANY PREMISES SO LOCATED WHICH WERE MAINTAINED AS A BONA
7 FIDE HOTEL, RESTAURANT, CATERING ESTABLISHMENT OR CLUB ON OR PRIOR TO
8 DECEMBER FIFTH, NINETEEN HUNDRED THIRTY-THREE; AND, EXCEPT THAT NO
9 LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH A LICENSE UNDER THIS
10 CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO THE DATE
11 WHEN A BUILDING ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET
12 OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH,
13 SYNAGOGUE OR OTHER PLACE OF WORSHIP; AND EXCEPT THAT NO LICENSE SHALL BE
14 DENIED TO ANY PREMISES, WHICH IS WITHIN FIVE HUNDRED FEET OF THREE OR
15 MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION
16 AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C,
17 AND/OR SIXTY-FOUR-D OF THIS ARTICLE, AT WHICH A LICENSE UNDER THIS CHAP-
18 TER HAS BEEN IN EXISTENCE CONTINUOUSLY ON OR PRIOR TO NOVEMBER FIRST,
19 NINETEEN HUNDRED NINETY-THREE. THE LIQUOR AUTHORITY, IN ITS DISCRETION,
20 MAY AUTHORIZE THE REMOVAL OF ANY SUCH LICENSED PREMISES TO A DIFFERENT
21 LOCATION ON THE SAME STREET OR AVENUE, WITHIN TWO HUNDRED FEET OF SAID
22 SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED THAT SUCH
23 NEW LOCATION IS NOT WITHIN A CLOSER DISTANCE TO SUCH SCHOOL, CHURCH,
24 SYNAGOGUE OR OTHER PLACE OF WORSHIP.

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

46 (C) FOR THE PURPOSES OF THIS SUBDIVISION, A BUILDING OCCUPIED AS A
47 PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLUSIVELY" OCCUPIED AS A PLACE
48 OF WORSHIP BY INCIDENTAL USES THAT ARE NOT OF A NATURE TO DETRACT FROM
49 THE PREDOMINANT CHARACTER OF THE BUILDING AS A PLACE OF WORSHIP, SUCH
50 USES WHICH INCLUDE, BUT WHICH ARE NOT LIMITED TO: THE CONDUCT OF LEGALLY
51 AUTHORIZED GAMES OF BINGO OR OTHER GAMES OF CHANCE HELD AS A MEANS OF
52 RAISING FUNDS FOR THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH
53 CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR FOR OTHER NOT-FOR-PROFIT
54 ORGANIZATIONS OR GROUPS; USE OF THE BUILDING FOR FUND-RAISING PERFORM-
55 ANCES BY OR BENEFITING THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH
56 CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR OTHER NOT-FOR-PROFIT ORGAN-

1 IZATIONS OR GROUPS; THE USE OF THE BUILDING BY OTHER RELIGIOUS ORGANIZA-
2 TIONS OR GROUPS FOR RELIGIOUS SERVICES OR OTHER PURPOSES; THE CONDUCT OF
3 SOCIAL ACTIVITIES BY OR FOR THE BENEFIT OF THE CONGREGANTS; THE USE OF
4 THE BUILDING FOR MEETINGS HELD BY ORGANIZATIONS OR GROUPS PROVIDING
5 BEREAVEMENT COUNSELING TO PERSONS HAVING SUFFERED THE LOSS OF A LOVED
6 ONE, OR PROVIDING ADVICE OR SUPPORT FOR CONDITIONS OR DISEASES INCLUDING
7 BUT NOT LIMITED TO, ALCOHOLISM, DRUG ADDICTION, CANCER, CEREBRAL PALSY,
8 PARKINSON'S DISEASE, OR ALZHEIMER'S DISEASE; THE USE OF THE BUILDING FOR
9 BLOOD DRIVES, HEALTH SCREENINGS, HEALTH INFORMATION MEETINGS, YOGA
10 CLASSES, EXERCISE CLASSES OR OTHER ACTIVITIES INTENDED TO PROMOTE THE
11 HEALTH OF THE CONGREGANTS OR OTHER PERSONS; AND USE OF THE BUILDING BY
12 NON-CONGREGANT MEMBERS OF THE COMMUNITY FOR PRIVATE SOCIAL FUNCTIONS.
13 THE BUILDING OCCUPIED AS A PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLU-
14 SIVELY" OCCUPIED AS A PLACE OF WORSHIP WHERE THE NOT-FOR-PROFIT RELI-
15 GIOUS ORGANIZATION OCCUPYING THE PLACE OF WORSHIP ACCEPTS THE PAYMENT OF
16 FUNDS TO DEFRAY COSTS RELATED TO ANOTHER PARTY'S USE OF THE BUILDING.

17 9. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION
18 SEVEN OF THIS SECTION, THE AUTHORITY MAY ISSUE A LICENSE PURSUANT TO
19 THIS SECTION FOR A PREMISES WHICH SHALL BE WITHIN FIVE HUNDRED FEET OF
20 THREE OR MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS
21 SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,
22 SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE IF, AFTER CONSULTA-
23 TION WITH THE MUNICIPALITY OR COMMUNITY BOARD, IT DETERMINES THAT GRANT-
24 ING SUCH LICENSE WOULD BE IN THE PUBLIC INTEREST. BEFORE IT MAY ISSUE
25 ANY SUCH LICENSE, THE AUTHORITY SHALL CONDUCT A HEARING, UPON NOTICE TO
26 THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD, AND SHALL STATE
27 AND FILE IN ITS OFFICE ITS REASONS THEREFOR. THE HEARING MAY BE RESCHED-
28 ULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE
29 APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHED-
30 ULED, ADJOURNED OR CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY
31 SAID LICENSE, THE AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF
32 MAY, IN ADDITION TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT
33 A PUBLIC MEETING REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT
34 AND THE MUNICIPALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE
35 RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE
36 TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH
37 RESCHEDULED, ADJOURNED OR CONTINUED PUBLIC MEETING. NOTICE TO THE MUNI-
38 CIPALITY OR COMMUNITY BOARD SHALL MEAN WRITTEN NOTICE MAILED BY THE
39 AUTHORITY TO SUCH MUNICIPALITY OR COMMUNITY BOARD AT LEAST FIFTEEN DAYS
40 IN ADVANCE OF ANY HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH. UPON THE
41 REQUEST OF THE AUTHORITY, ANY MUNICIPALITY OR COMMUNITY BOARD MAY WAIVE
42 THE FIFTEEN DAY NOTICE REQUIREMENT. NO PREMISES HAVING BEEN GRANTED A
43 LICENSE PURSUANT TO THIS SECTION SHALL BE DENIED A RENEWAL OF SUCH
44 LICENSE UPON THE GROUNDS THAT SUCH PREMISES ARE WITHIN FIVE HUNDRED FEET
45 OF A BUILDING OR BUILDINGS WHEREIN THREE OR MORE PREMISES ARE LICENSED
46 AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR,
47 SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS
48 ARTICLE.

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

52 3. To revoke, cancel or suspend for cause any license or permit issued
53 under this chapter and/or to impose a civil penalty for cause against
54 any holder of a license or permit issued pursuant to this chapter. Any
55 civil penalty so imposed shall not exceed the sum of ten thousand
56 dollars as against the holder of any retail permit issued pursuant to

1 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
2 paragraph f of subdivision one of section ninety-nine-b of this chapter,
3 and as against the holder of any retail license issued pursuant to
4 sections fifty-two, fifty-three-a, fifty-four, fifty-four-a, fifty-five,
5 fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
6 sixty-four-c, SIXTY-FOUR-E, seventy-six-f, seventy-nine, eighty-one and
7 eighty-one-a of this chapter, and the sum of thirty thousand dollars as
8 against the holder of a license issued pursuant to sections fifty-three,
9 seventy-six, seventy-six-a, and seventy-eight of this chapter, provided
10 that the civil penalty against the holder of a wholesale license issued
11 pursuant to section fifty-three of this chapter shall not exceed the sum
12 of ten thousand dollars where that licensee violates provisions of this
13 chapter during the course of the sale of beer at retail to a person for
14 consumption at home, and the sum of one hundred thousand dollars as
15 against the holder of any license issued pursuant to sections fifty-one,
16 sixty-one and sixty-two of this chapter. Any civil penalty so imposed
17 shall be in addition to and separate and apart from the terms and
18 provisions of the bond required pursuant to section one hundred twelve
19 of this chapter. Provided that no appeal is pending on the imposition of
20 such civil penalty, in the event such civil penalty imposed by the divi-
21 sion remains unpaid, in whole or in part, more than forty-five days
22 after written demand for payment has been sent by first class mail to
23 the address of the licensed premises, a notice of impending default
24 judgment shall be sent by first class mail to the licensed premises and
25 by first class mail to the last known home address of the person who
26 signed the most recent license application. The notice of impending
27 default judgment shall advise the licensee: (a) that a civil penalty was
28 imposed on the licensee; (b) the date the penalty was imposed; (c) the
29 amount of the civil penalty; (d) the amount of the civil penalty that
30 remains unpaid as of the date of the notice; (e) the violations for
31 which the civil penalty was imposed; and (f) that a judgment by default
32 will be entered in the supreme court of the county in which the licensed
33 premises are located, or other court of civil jurisdiction or any other
34 place provided for the entry of civil judgments within the state of New
35 York unless the division receives full payment of all civil penalties
36 due within twenty days of the date of the notice of impending default
37 judgment. If full payment shall not have been received by the division
38 within thirty days of mailing of the notice of impending default judg-
39 ment, the division shall proceed to enter with such court a statement of
40 the default judgment containing the amount of the penalty or penalties
41 remaining due and unpaid, along with proof of mailing of the notice of
42 impending default judgment. The filing of such judgment shall have the
43 full force and effect of a default judgment duly docketed with such
44 court pursuant to the civil practice law and rules and shall in all
45 respects be governed by that chapter and may be enforced in the same
46 manner and with the same effect as that provided by law in respect to
47 execution issued against property upon judgments of a court of record. A
48 judgment entered pursuant to this subdivision shall remain in full force
49 and effect for eight years notwithstanding any other provision of law.

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

53 3. No such license shall be issued, however, to any person for any
54 premises other than premises for which a license may be issued under
55 section sixty-four [or], sixty-four-a OR SIXTY-FOUR-E of this chapter or
56 a hotel or premises which are kept, used, maintained, advertised or held

1 out to the public to be a place where food is prepared and served for
2 consumption on the premises in such quantities as to satisfy the liquor
3 authority that the sale of beer intended is incidental to and not the
4 prime source of revenue from the operation of such premises. The forego-
5 ing provisions of this subdivision shall not apply to any premises
6 located at, in, or on the area leased by the city of New York to New
7 York World's Fair 1964 Corporation pursuant to the provisions of chapter
8 four hundred twenty-eight of the laws of nineteen hundred sixty, as
9 amended by a chapter of the laws of nineteen hundred sixty-one, during
10 the term or duration of such lease. Such license may also include such
11 suitable space outside of the licensed premises and adjoining it as may
12 be approved by the liquor authority.

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

16 1. In addition to the annual fees provided for in this chapter, there
17 shall be paid to the authority with each initial application for a
18 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,
19 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-
20 ty-eight of this chapter, a filing fee of four hundred dollars; with
21 each initial application for a license filed pursuant to section sixty-
22 three, sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of
23 this chapter, a filing fee of two hundred dollars; with each initial
24 application for a license filed pursuant to section fifty-three-a,
25 fifty-four, fifty-five, fifty-five-a, seventy-nine, eighty-one or eight-
26 y-one-a of this chapter, a filing fee of one hundred dollars; with each
27 initial application for a permit filed pursuant to section ninety-one,
28 ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if
29 such permit is to be issued on a calendar year basis, ninety-four, nine-
30 ty-five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or
31 j of subdivision one of section ninety-nine-b of this chapter if such
32 permit is to be issued on a calendar year basis, or for an additional
33 bar pursuant to subdivision four of section one hundred of this chapter,
34 a filing fee of twenty dollars; and with each application for a permit
35 under section ninety-three-a of this chapter, other than a permit to be
36 issued on a calendar year basis, section ninety-seven, ninety-eight,
37 ninety-nine, or ninety-nine-b of this chapter, other than a permit to be
38 issued pursuant to paragraph b, c, e or j of subdivision one of section
39 ninety-nine-b of this chapter on a calendar year basis, a filing fee of
40 ten dollars.

41 2. In addition to the annual fees provided for in this chapter, there
42 shall be paid to the authority with each renewal application for a
43 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,
44 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-
45 ty-eight of this chapter, a filing fee of one hundred dollars; with each
46 renewal application for a license filed pursuant to section sixty-three,
47 sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of this
48 chapter, a filing fee of ninety dollars; with each renewal application
49 for a license filed pursuant to section seventy-nine, eighty-one or
50 eighty-one-a of this chapter, a filing fee of twenty-five dollars; and
51 with each renewal application for a license or permit filed pursuant to
52 section fifty-three-a, fifty-four, fifty-five, fifty-five-a, ninety-one,
53 ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if
54 such permit is issued on a calendar year basis, ninety-four, ninety-
55 five, ninety-six or ninety-six-a of this chapter or pursuant to subdivi-
56 sions b, c, e or j of section ninety-nine-b, if such permit is issued on

1 a calendar year basis, or with each renewal application for an addi-
2 tional bar pursuant to subdivision four of section one hundred of this
3 chapter, a filing fee of thirty dollars.

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

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

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

15 (c) the measurements in paragraphs (a) and (b) of this subdivision are
16 to be taken in straight lines from the center of the nearest entrance of
17 the premises sought to be licensed to the center of the nearest entrance
18 of such school, church, synagogue or other place of worship or to the
19 center of the nearest entrance of each such premises licensed and oper-
20 ating pursuant to this section and sections sixty-four-a, sixty-four-b,
21 sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this arti-
22 cle; except, however, that no renewal license shall be denied because of
23 such restriction to any premises so located which were maintained as a
24 bona fide hotel, restaurant, catering establishment or club on or prior
25 to December fifth, nineteen hundred thirty-three; and, except that no
26 license shall be denied to any premises at which a license under this
27 chapter has been in existence continuously from a date prior to the date
28 when a building on the same street or avenue and within two hundred feet
29 of said premises has been occupied exclusively as a school, church,
30 synagogue or other place of worship; and except that no license shall be
31 denied to any premises, which is within five hundred feet of three or
32 more existing premises licensed and operating pursuant to this section
33 and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-
34 four-d, AND/OR SIXTY-FOUR-E of this article, at which a license under
35 this chapter has been in existence continuously on or prior to November
36 first, nineteen hundred ninety-three; and except that this subdivision
37 shall not be deemed to restrict the issuance of a hotel liquor license
38 to a building used as a hotel and in which a restaurant liquor license
39 currently exists for premises which serve as a dining room for guests of
40 the hotel and a caterer's license to a person using the permanent cater-
41 ing facilities of a church, synagogue or other place of worship pursuant
42 to a written agreement between such person and the authorities in charge
43 of such facilities. The liquor authority, in its discretion, may author-
44 ize the removal of any such licensed premises to a different location on
45 the same street or avenue, within two hundred feet of said school,
46 church, synagogue or other place of worship, provided that such new
47 location is not within a closer distance to such school, church, syna-
48 gogue or other place of worship.

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

52 (d) Within the context of this subdivision, the word "entrance" shall
53 mean a door of a school, of a house of worship, or of premises licensed
54 and operating pursuant to this section and sections sixty-four-a,
55 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
56 of this article or of the premises sought to be licensed, regularly used

1 to give ingress to students of the school, to the general public attend-
2 ing the place of worship, and to patrons or guests of the premises
3 licensed and operating pursuant to this section and sections
4 sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR
5 SIXTY-FOUR-E of this article or of the premises sought to be licensed,
6 except that where a school or house of worship or premises licensed and
7 operating pursuant to this section and sections sixty-four-a, sixty-
8 four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this
9 article or the premises sought to be licensed is set back from a public
10 thoroughfare, the walkway or stairs leading to any such door shall be
11 deemed an entrance; and the measurement shall be taken to the center of
12 the walkway or stairs at the point where it meets the building line or
13 public thoroughfare. A door which has no exterior hardware, or which is
14 used solely as an emergency or fire exit, or for maintenance purposes,
15 or which leads directly to a part of a building not regularly used by
16 the general public or patrons, is not deemed an "entrance".

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

20 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
21 sion, the authority may issue a license pursuant to this section for a
22 premises which shall be within five hundred feet of three or more exist-
23 ing premises licensed and operating pursuant to this section and
24 sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or]
25 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation
26 with the municipality or community board, it determines that granting
27 such license would be in the public interest. Before it may issue any
28 such license, the authority shall conduct a hearing, upon notice to the
29 applicant and the municipality or community board, and shall state and
30 file in its office its reasons therefor. The hearing may be rescheduled,
31 adjourned or continued, and the authority shall give notice to the
32 applicant and the municipality or community board of any such resched-
33 uled, adjourned or continued hearing. Before the authority issues any
34 said license, the authority or one or more of the commissioners thereof
35 may, in addition to the hearing required by this paragraph, also conduct
36 a public meeting regarding said license, upon notice to the applicant
37 and the municipality or community board. The public meeting may be
38 rescheduled, adjourned or continued, and the authority shall give notice
39 to the applicant and the municipality or community board of any such
40 rescheduled, adjourned or continued public meeting. Notice to the muni-
41 cipality or community board shall mean written notice mailed by the
42 authority to such municipality or community board at least fifteen days
43 in advance of any hearing scheduled pursuant to this paragraph. Upon the
44 request of the authority, any municipality or community board may waive
45 the fifteen day notice requirement. No premises having been granted a
46 license pursuant to this section shall be denied a renewal of such
47 license upon the grounds that such premises are within five hundred feet
48 of a building or buildings wherein three or more premises are licensed
49 and operating pursuant to this section and sections sixty-four-a,
50 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
51 of this article.

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

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

1 (i) on the same street or avenue and within two hundred feet of a
2 building occupied exclusively as a school, church, synagogue or other
3 place of worship or
4 (ii) in a city, town or village having a population of twenty thousand
5 or more within five hundred feet of three or more existing premises
6 licensed and operating pursuant to this section and sections sixty-four,
7 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
8 of this article;
9 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph
10 are to be taken in straight lines from the center of the nearest
11 entrance of the premises sought to be licensed to the center of the
12 nearest entrance of such school, church, synagogue or other place of
13 worship or to the center of the nearest entrance of each such premises
14 licensed and operating pursuant to this section and sections sixty-four,
15 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
16 of this article; except that no license shall be denied to any premises
17 at which a license under this chapter has been in existence continuously
18 from a date prior to the date when a building on the same street or
19 avenue and within two hundred feet of said premises has been occupied
20 exclusively as a school, church, synagogue or other place of worship;
21 and except that no license shall be denied to any premises, which is
22 within five hundred feet of three or more existing premises licensed and
23 operating pursuant to this section and sections sixty-four,
24 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
25 of this article, at which a license under this chapter has been in
26 existence continuously on or prior to November first, nineteen hundred
27 ninety-three. The liquor authority, in its discretion, may authorize the
28 removal of any such licensed premises to a different location on the
29 same street or avenue, within two hundred feet of said school, church,
30 synagogue or other place of worship, provided that such new location is
31 not within a closer distance to such school, church, synagogue or other
32 place of worship.

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

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

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

4 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
5 (a) of this subdivision, the authority may issue a license pursuant to
6 this section for a premises which shall be within five hundred feet of
7 three or more existing premises licensed and operating pursuant to this
8 section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or]
9 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation
10 with the municipality or community board, it determines that granting
11 such license would be in the public interest. Before it may issue any
12 such license, the authority shall conduct a hearing, upon notice to the
13 applicant and the municipality or community board, and shall state and
14 file in its office its reasons therefor. Notice to the municipality or
15 community board shall mean written notice mailed by the authority to
16 such municipality or community board at least fifteen days in advance of
17 any hearing scheduled pursuant to this paragraph. Upon the request of
18 the authority, any municipality or community board may waive the fifteen
19 day notice requirement. The hearing may be rescheduled, adjourned or
20 continued, and the authority shall give notice to the applicant and the
21 municipality or community board of any such rescheduled, adjourned or
22 continued hearing. Before the authority issues any said license, the
23 authority or one or more of the commissioners thereof may, in addition
24 to the hearing required by this paragraph, also conduct a public meeting
25 regarding said license, upon notice to the applicant and the munici-
26 pality or community board. The public meeting may be rescheduled,
27 adjourned or continued, and the authority shall give notice to the
28 applicant and the municipality or community board of any such resched-
29 uled, adjourned or continued public meeting. No premises having been
30 granted a license pursuant to this section shall be denied a renewal of
31 such license upon the grounds that such premises are within five hundred
32 feet of a building or buildings wherein three or more premises are
33 licensed and operating pursuant to this section and sections sixty-four,
34 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
35 of this article.

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

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

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

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

51 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph
52 are to be taken in straight lines from the center of the nearest
53 entrance of the premises sought to be licensed to the center of the
54 nearest entrance of such school, church, synagogue or other place of
55 worship or to the center of the nearest entrance of each such premises
56 licensed and operating pursuant to this section and sections sixty-four,

1 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
2 of this article; except that no license shall be denied to any premises
3 at which a license under this chapter has been in existence continuously
4 from a date prior to the date when a building on the same street or
5 avenue and within two hundred feet of said premises has been occupied
6 exclusively as a school, church, synagogue or other place of worship;
7 and except that no license shall be denied to any premises, which is
8 within five hundred feet of three or more existing premises licensed and
9 operating pursuant to this section and sections sixty-four,
10 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
11 of this article, at which a license under this chapter has been in
12 existence continuously on or prior to November first, nineteen hundred
13 ninety-three. The liquor authority, in its discretion, may authorize the
14 removal of any such licensed premises to a different location on the
15 same street or avenue, within two hundred feet of said school, church,
16 synagogue or other place of worship, provided that such new location is
17 not within a closer distance to such school, church, synagogue or other
18 place of worship.

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

40 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
41 (a) of this subdivision, the authority may issue a license pursuant to
42 this section for a premises which shall be within five hundred feet of
43 three or more existing premises licensed and operating pursuant to this
44 section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or]
45 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation
46 with the municipality or community board, it determines that granting
47 such license would be in the public interest. Before it may issue any
48 such license, the authority shall conduct a hearing, upon notice to the
49 applicant and the municipality or community board, and shall state and
50 file in its office its reasons therefor. The hearing may be rescheduled,
51 adjourned or continued, and the authority shall give notice to the
52 applicant and the municipality or community board of any such resched-
53 uled, adjourned or continued hearing. Before the authority issues any
54 said license, the authority or one or more of the commissioners thereof
55 may, in addition to the hearing required by this paragraph, also conduct
56 a public meeting regarding said license, upon notice to the applicant

1 and the municipality or community board. The public meeting may be
2 rescheduled, adjourned or continued, and the authority shall give notice
3 to the applicant and the municipality or community board of any such
4 rescheduled, adjourned or continued public meeting. Notice to the muni-
5 cipality or community board shall mean written notice mailed by the
6 authority to such municipality or community board at least fifteen days
7 in advance of any hearing scheduled pursuant to this paragraph. Upon the
8 request of the authority, any municipality or community board may waive
9 the fifteen day notice requirement. No premises having been granted a
10 license pursuant to this section shall be denied a renewal of such
11 license upon the grounds that such premises are within five hundred feet
12 of a building or buildings wherein three or more premises are licensed
13 and operating pursuant to this section and sections sixty-four, sixty-
14 four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this
15 article.

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

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

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

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

35 (i) 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; or

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

43 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph
44 are to be taken in straight lines from the center of the nearest
45 entrance of the premises sought to be licensed to the center of the
46 nearest entrance of such school, church, synagogue or other place of
47 worship or to the center of the nearest entrance of each such premises
48 licensed and operating pursuant to this section and sections sixty-four,
49 sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of
50 this article; except that no license shall be denied to any premises at
51 which a license under this chapter has been in existence continuously
52 from a date prior to the date when a building on the same street or
53 avenue and within two hundred feet of said premises has been occupied
54 exclusively as a school, church, synagogue or other place of worship and
55 except that no license shall be denied to any premises, which is within
56 five hundred feet of three or more existing premises licensed and oper-

1 ating pursuant to this section and sections sixty-four, sixty-four-a,
2 sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this article,
3 at which a license under this chapter has been in existence continuously
4 on or prior to November first, nineteen hundred ninety-three.

5 (b) Within the context of this subdivision, the word "entrance" shall
6 mean a door of a school, of a house of worship, or premises licensed and
7 operating pursuant to this section and sections sixty-four,
8 sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of
9 this article or of the premises sought to be licensed, regularly used to
10 give ingress to students of the school, to the general public attending
11 the place of worship, and to patrons or guests of the premises licensed
12 and operating pursuant to this section and sections sixty-four, sixty-
13 four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this
14 article or of the premises sought to be licensed, except that where a
15 school or house of worship or premises licensed and operating pursuant
16 to this section and sections sixty-four, sixty-four-a, sixty-four-b
17 [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this article is set back
18 from a public thoroughfare, the walkway or stairs leading to any such
19 door shall be deemed an entrance; and the measurement shall be taken to
20 the center of the walkway or stairs at the point where it meets the
21 building line or public thoroughfare. A door which has no exterior hard-
22 ware, or which is used solely as an emergency or fire exit, or for main-
23 tenance purposes, or which leads directly to a part of a building not
24 regularly used by the general public or patrons, is not deemed an
25 "entrance".

26 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
27 (a) of this subdivision, the authority may issue a license pursuant to
28 this section for a premises which shall be within five hundred feet of
29 three or more existing premises licensed and operating pursuant to this
30 section and sections sixty-four, sixty-four-a, sixty-four-b [and/or],
31 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation
32 with the municipality or community board, it determines that granting
33 such license would be in the public interest. Before it may issue any
34 such license, the authority shall conduct a hearing, upon notice to the
35 applicant and the municipality or community board, and shall state and
36 file in its office its reasons therefor. The hearing may be rescheduled,
37 adjourned or continued, and the authority shall give notice to the
38 applicant and the municipality or community board of any such resched-
39 uled, adjourned or continued hearing. Before the authority issues any
40 said license, the authority or one or more of the commissioners thereof
41 may, in addition to the hearing required by this paragraph, also conduct
42 a public meeting regarding said license, upon notice to the applicant
43 and the municipality or community board. The public meeting may be
44 rescheduled, adjourned or continued, and the authority shall give notice
45 to the applicant and the municipality or community board of any such
46 rescheduled, adjourned or continued public meeting. Notice to the muni-
47 cipality or community board shall mean written notice mailed by the
48 authority to such municipality or community board at least fifteen days
49 in advance of any hearing scheduled pursuant to this paragraph. Upon the
50 request of the authority, any municipality or community board may waive
51 the fifteen day notice requirement. No premises having been granted a
52 license pursuant to this section shall be denied a renewal of such
53 license upon the grounds that such premises are within five hundred feet
54 of a building or buildings wherein three or more premises are operating
55 and licensed pursuant to this section or sections sixty-four, sixty-

1 four-a, sixty-four-b [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this
2 article.

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

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

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

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

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

43 (d) within the context of this subdivision, the word "entrance" shall
44 mean a door of a school, of a house of worship, or of premises licensed
45 and operating pursuant to this section and sections sixty-four, sixty-
46 four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this
47 article or of the premises sought to be licensed, regularly used to give
48 ingress to students of the school, to the general public attending the
49 place of worship, and to patrons or guests of the premises licensed and
50 operating pursuant to this section and sections sixty-four,
51 sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of
52 this article or of the premises sought to be licensed, except that where
53 a school or house of worship or premises licensed and operating pursuant
54 to this section and sections sixty-four, sixty-four-a, sixty-four-b,
55 [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article or the prem-
56 ises sought to be licensed is set back from a public thoroughfare, the

1 walkway or stairs leading to any such door shall be deemed an entrance;
2 and the measurement shall be taken to the center of the walkway or
3 stairs at the point where it meets the building line or public thorough-
4 fare. A door which has no exterior hardware, or which is used solely as
5 an emergency or fire exit, or for maintenance purposes, or which leads
6 directly to a part of a building not regularly used by the general
7 public or patrons, is not deemed an "entrance".

8 (e) notwithstanding the provisions of paragraph (b) of this subdivi-
9 sion, the authority may issue a license pursuant to this section for a
10 premises which shall be within five hundred feet of an existing premises
11 licensed and operating pursuant to the provisions of this section or
12 within five hundred feet of three or more existing premises licensed and
13 operating pursuant to this section and sections sixty-four,
14 sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of
15 this article if, after consultation with the municipality or community
16 board, it determines that granting such license would be in the public
17 interest. Before it may issue any such license, the authority shall
18 conduct a hearing, upon notice to the applicant and the municipality or
19 community board, and shall state and file in its office its reasons
20 therefor. The hearing may be rescheduled, adjourned or continued, and
21 the authority shall give notice to the applicant and the municipality or
22 community board of any such rescheduled, adjourned or continued hearing.
23 Before the authority issues any said license, the authority or one or
24 more of the commissioners thereof may, in addition to the hearing
25 required by this paragraph, also conduct a public meeting regarding said
26 license, upon notice to the applicant and the municipality or community
27 board. The public meeting may be rescheduled, adjourned or continued,
28 and the authority shall give notice to the applicant and the munici-
29 pality or community board of any such rescheduled, adjourned or contin-
30 ued public meeting. Notice to the municipality or community board shall
31 mean written notice mailed by the authority to such municipality or
32 community board at least fifteen days in advance of any hearing sched-
33 uled pursuant to this paragraph. Upon the request of the authority, any
34 municipality or community board may waive the fifteen day notice
35 requirement. No premises having been granted a license pursuant to this
36 section shall be denied a renewal of such license upon the grounds that
37 such premises are within five hundred feet of an existing premises
38 licensed and operating pursuant to the provisions of this section or
39 within five hundred feet of a building or buildings wherein three or
40 more premises are licensed and operating pursuant to this section and
41 sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c
42 AND/OR SIXTY-FOUR-E of this article.

43 (f) Within the context of this subdivision, a building occupied as a
44 place of worship does not cease to be "exclusively" occupied as a place
45 of worship by incidental uses that are not of a nature to detract from
46 the predominant character of the building as a place of worship, such
47 uses which include, but which are not limited to: the conduct of legally
48 authorized games of bingo or other games of chance held as a means of
49 raising funds for the not-for-profit religious organization which
50 conducts services at the place of worship or for other not-for-profit
51 organizations or groups; use of the building for fund-raising perform-
52 ances by or benefitting the not-for-profit religious organization which
53 conducts services at the place of worship or other not-for-profit organ-
54 izations or groups; the use of the building by other religious organiza-
55 tions or groups for religious services or other purposes; the conduct of
56 social activities by or for the benefit of the congregants; the use of

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

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

18 4. The annual fee for a license, under section sixty-four [or],
19 sixty-four-a[,] OR SIXTY-FOUR-E to sell liquor at retail to be consumed
20 on the premises where sold shall be twenty-one hundred seventy-six
21 dollars in the counties of New York, Kings, Bronx and Queens; fifteen
22 hundred thirty-six dollars in the county of Richmond and in cities
23 having a population of more than one hundred thousand and less than one
24 million; twelve hundred sixteen dollars in cities having a population of
25 more than fifty thousand and less than one hundred thousand; and the sum
26 of eight hundred ninety-six dollars elsewhere; except that the license
27 fees for catering establishments shall be two-thirds the license fee
28 specified herein and for clubs, except luncheon clubs and golf clubs,
29 shall be seven hundred fifty dollars in counties of New York, Kings,
30 Bronx and Queens; five hundred dollars in the county of Richmond and in
31 cities having a population of more than one hundred thousand and less
32 than one million; three hundred fifty dollars in cities having a popu-
33 lation of more than fifty thousand and less than one hundred thousand;
34 and the sum of two hundred fifty dollars elsewhere. The annual fees for
35 luncheon clubs shall be three hundred seventy-five dollars, and for golf
36 clubs in the counties of New York, Kings, Bronx, Queens, Nassau, Rich-
37 mond and Westchester, two hundred fifty dollars, and elsewhere one
38 hundred eighty-seven dollars and fifty cents. Notwithstanding any other
39 provision of law to the contrary, there shall be no annual fee for a
40 license, under section sixty-four, to sell liquor at retail to be
41 consumed on the premises where the applicant is an organization organ-
42 ized under section two hundred sixty of the military law and incorpo-
43 rated pursuant to the not-for-profit corporation law. Provided, howev-
44 er, that where any premises for which a license is issued pursuant to
45 section sixty-four [or], sixty-four-a OR SIXTY-FOUR-E of this article
46 remain open only within the period commencing April first and ending
47 October thirty-first of any one year, or only within the period commenc-
48 ing October first and ending the following April thirtieth, the liquor
49 authority may, in its discretion, grant a summer or winter license
50 effective only for such appropriate period of time, for which a license
51 fee shall be paid to be pro-rated for the period for which such license
52 is effective, at the rate provided for in the city, town or village in
53 which such premises are located, except that no such license fee shall
54 be less than one-half of the regular annual license fee; provided
55 further that where the premises to be licensed are a race track or a
56 golf course or are licensed pursuant to section sixty-four [or], sixty-

1 four-a, OR SIXTY-FOUR-E of this chapter, the period of such summer
2 license may commence March first and end November thirtieth.

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

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

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

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

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

37 S 20. The closing paragraph of subdivision 2 of section 102 of the
38 alcoholic beverage control law, as added by section 1 of part 00 of
39 chapter 56 of the laws of 2010, is amended to read as follows:

40 As used in this subdivision, "recreational facility" shall mean: (i)
41 premises that are part of a facility the principal business of which
42 shall be the providing of recreation in the form of golf, tennis, swim-
43 ming, skiing or boating; and (ii) premises in which the principal busi-
44 ness shall be the operation of a theatre, MOTION PICTURE THEATRE,
45 concert hall, opera house, bowling establishment, excursion and sight-
46 seeing vessel, or accommodation of athletic events, sporting events,
47 expositions and other similar events or occasions requiring the accommo-
48 dation of large gatherings of persons.

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

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

1 S 22. Subdivision 1 of section 110-b of the alcoholic beverage control
2 law, as amended by chapter 560 of the laws of 2011, is amended to read
3 as follows:
4 1. Not less than thirty days before filing any of the following appli-
5 cations, an applicant shall notify the municipality in which the prem-
6 ises is located of such applicant's intent to file such an application:
7 (a) for a license issued pursuant to section fifty-five, fifty-five-a,
8 sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d,
9 SIXTY-FOUR-E, eighty-one or eighty-one-a of this chapter;
10 (b) for a renewal under section one hundred nine of this chapter of a
11 license issued pursuant to section fifty-five, fifty-five-a, sixty-four,
12 sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or
13 eighty-one-a of this chapter if the premises is located within the city
14 of New York;
15 (c) for approval of an alteration under section ninety-nine-d of this
16 chapter if the premises is located within the city of New York and
17 licensed pursuant to section fifty-five, fifty-five-a, sixty-four,
18 sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or
19 eighty-one-a of this chapter; or
20 (d) for approval of a substantial corporate change under section nine-
21 ty-nine-d of this chapter if the premises is located within the city of
22 New York and licensed pursuant to section fifty-five, fifty-five-a,
23 sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E,
24 eighty-one or eighty-one-a of this chapter.
25 S 23. This act shall take effect immediately, provided, however, that
26 the amendments to subdivision 3 of section 17 of the alcoholic beverage
27 control law made by section three of this act shall not affect the expi-
28 ration of such subdivision and shall be deemed to expire therewith.