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

7935

I N S E N A T E

May 26, 2016

Introduced by Sen. LANZA -- (at request of the Governor) -- 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 and the executive law, in relation to a reorganization of the alcoholic beverage control law; and to repeal certain provisions of the alcoholic beverage control law relating thereto

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

Section 1. Section 10 of the alcoholic beverage control law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

S 10. State liquor authority. There shall continue to be in the executive department an alcoholic beverage control division, the head of which shall be the state liquor authority [which] WHOSE MEMBERS shall consist of [three members, who shall be known as commissioners] A CHAIRMAN AND TWO COMMISSIONERS, all of whom shall be citizens and residents of the state. [The state alcoholic beverage control board created and appointed pursuant to chapter one hundred eighty of the laws of nineteen hundred thirty-three, as presently constituted, shall continue in existence and hereafter shall be known and designated as the state liquor authority.] The terms "state alcoholic beverage control board", "state board", "liquor authority", or "authority", wherever occurring in any of the provisions of this chapter or of any other law, or in any official books, records, instruments, rules or papers, shall hereafter mean and refer to the state liquor authority provided for in this section.

S 2. Section 14 of the alcoholic beverage control law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

S 14. Vacancies; quorum. 1. In the event of a vacancy caused by the death, resignation, removal or disability of any [member] COMMISSIONER, the vacancy shall be filled by the governor by and with the advice and consent of the senate for the unexpired term.

2. IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION, REMOVAL, OR DISABILITY OF THE CHAIRMAN, THE VACANCY SHALL BE FILLED BY

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

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THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR THE UNEXPIRED TERM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL DESIGNATE ONE OF THE COMMISSIONERS TO SERVE AS ACTING CHAIRMAN UNTIL THE APPOINTMENT AND QUALIFICATION OF A SUCCESSOR CHAIRMAN.

3. A majority of the members of the authority shall constitute a quorum for the purpose of conducting the business thereof and a majority vote of all the members in office shall be necessary for action.

S 3. Subdivision 3 of section 17 of the alcoholic beverage control law, as amended by section 2 of 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,] seventy-six-f, seventy-nine, AND 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, SIXTY-ONE-A, SIXTY-ONE-B, 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 17 of the alcoholic beverage control law, as amended by section 3 of 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,] seventy-six-f, seventy-nine, AND 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, SIXTY-ONE-A, SIXTY-ONE-B, 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 5. The section heading of section 55 of the alcoholic beverage control law is amended to read as follows:

[License to sell] RETAIL ON-PREMISES beer [at retail for consumption on the premises] LICENSE.

S 6. 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 (A) A premises for which a license may be issued under section sixty-four [or sixty-four-a] 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.]; OR

(B) A BASEBALL PARK, RACE TRACK, OR OTHER ATHLETIC FIELD AND STADIUM WHERE ADMISSION FEES ARE CHARGED, OTHER THAN A PARK, FIELD OR STADIUM OPERATED AND MAINTAINED BY AN EDUCATIONAL INSTITUTION.

S 7. Section 55 of the alcoholic beverage control law is amended by adding a new subdivision 4 to read as follows:

4. (A) THE PROVISIONS OF SUBDIVISIONS SIX, SEVEN AND EIGHT OF SECTION SIXTY-FOUR OF THIS CHAPTER SHALL APPLY TO ANY LICENSE ISSUED UNDER THIS SECTION.

(B) A LICENSE UNDER THIS SECTION SHALL BE ISSUED TO ALL APPLICANTS EXCEPT FOR GOOD CAUSE SHOWN.

S 8. The alcoholic beverage control law is amended by adding two new sections 61-a and 61-b to read as follows:

S 61-A. COMBINED CRAFT MANUFACTURING LICENSE. 1. THE AUTHORITY MAY ISSUE A COMBINED CRAFT MANUFACTURER'S LICENSE TO A PERSON COMBINING THE PRIVILEGES OF TWO OR MORE FARM OR MICRO MANUFACTURING LICENSES FOR USE AT ONE PREMISES.

2. THE LICENSE FEE FOR THE COMBINED LICENSE SHALL EQUAL THE LICENSE FEE FOR EACH OF THE LICENSES INCLUDED IN THE COMBINED LICENSE. PROVIDED, HOWEVER, THAT ONLY ONE FILING FEE SHALL BE REQUIRED FOR ANY COMBINED LICENSE.

3. THE LICENSE CERTIFICATE OF THE COMBINED LICENSE SHALL SET FORTH THE LICENSES THAT ARE INCLUDED UNDER THE COMBINED LICENSE.

4. A COMBINED FARM MANUFACTURER'S LICENSE MAY COMBINE TWO OR MORE OF THE FOLLOWING LICENSES: FARM BREWERY; MICRO-BREWERY; FARM CIDERY; FARM WINERY; MICRO-DISTILLERY; MICRO-RECTIFIER; AND FARM DISTILLERY. PROVIDED, HOWEVER, THAT THE LICENSED PREMISES FOR A COMBINED FARM MANUFACTURER'S LICENSE THAT INCLUDES A FARM WINERY LICENSE MUST BE LOCATED ON A FARM.

S 61-B. IMPORTER'S LICENSE. AN IMPORTER'S LICENSE SHALL AUTHORIZE THE HOLDER THEREOF TO IMPORT ALCOHOLIC BEVERAGES INTO THIS STATE AND SELL SUCH ALCOHOLIC BEVERAGES TO LICENSED WHOLESALERS AUTHORIZED TO SELL SUCH ALCOHOLIC BEVERAGES.

S 9. Subdivision 4 of section 63 of the alcoholic beverage control law, as amended by chapter 603 of the laws of 1992, is amended to read as follows:

4. No licensee under this section shall be engaged in any other business on the licensed premises. The sale of lottery tickets, when duly authorized and lawfully conducted, the sale of corkscrews or the sale of ice or the sale of publications, including prerecorded video and/or audio cassette tapes, designed to help educate consumers in their knowledge and appreciation of wine and wine products, as defined in section three of this chapter, or the sale of non-carbonated, non-flavored mineral waters, spring waters and drinking waters or the sale of glasses designed for the consumption of wine, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked, OR THE SALE OF GIFT BAGS, GIFT BOXES, OR WRAPPING, FOR ALCOHOLIC BEVERAGES PURCHASED AT THE LICENSED PREMISES shall not constitute engaging in another business within the meaning of this subdivision.

S 10. Section 64 of the alcoholic beverage control law is REPEALED and a new section 64 is added to read as follows:

S 64. RETAIL ON-PREMISES LIQUOR LICENSE. 1. ANY PERSON MAY MAKE AN APPLICATION TO THE AUTHORITY FOR A LICENSE TO SELL LIQUOR AT RETAIL TO BE CONSUMED ON THE PREMISES WHERE SOLD, AND SUCH LICENSES SHALL BE ISSUED TO ALL APPLICANTS EXCEPT FOR GOOD CAUSE SHOWN.

2. 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.

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

4. SUCH LICENSE SHALL IN FORM AND IN SUBSTANCE BE A LICENSE TO THE PERSON SPECIFICALLY LICENSED TO SELL LIQUORS AT RETAIL, TO BE CONSUMED UPON THE PREMISES. 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.

5. (A) NO LICENSE UNDER THIS SECTION SHALL BE GRANTED EXCEPT FOR:

(I) SUCH PREMISES AS ARE BEING OPERATED AS A BONA FIDE HOTEL PROVIDED THAT A RESTAURANT IS OPERATED IN SUCH PREMISES; A RESTAURANT; A CATERING ESTABLISHMENT; A CLUB; A RAILROAD CAR; A VESSEL; AN AIRCRAFT BEING OPERATED ON REGULARLY SCHEDULED FLIGHTS BY A UNITED STATES CERTIFICATED AIRLINE; A RESTAURANT-BREWERY; OR AN ESTABLISHMENT DESIGNATED AND COMMONLY KNOWN AND OPERATED AS A "BED AND BREAKFAST" REGARDLESS OF WHETHER OR NOT A RESTAURANT IS OPERATED IN SUCH ESTABLISHMENT, PROVIDED THAT SUCH LICENSE SHALL ONLY PERMIT THE SALE OF ALCOHOLIC BEVERAGES TO OVERNIGHT GUESTS OF SUCH ESTABLISHMENT;

(II) A PREMISES IN WHICH THE PRINCIPAL BUSINESS SHALL BE THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES OR THE OPER-

ATION OF A LEGITIMATE THEATER OR SUCH OTHER LAWFUL ADULT ENTERTAINMENT OR RECREATIONAL FACILITY AS THE LIQUOR AUTHORITY, GIVING DUE REGARD TO THE CONVENIENCE OF THE PUBLIC AND THE STRICT AVOIDANCE OF SALES PROHIBITED BY THIS CHAPTER, SHALL BY REGULATION CLASSIFY FOR ELIGIBILITY;

(III) A BOTTLE CLUB, BEING A PREMISES OPERATED FOR PROFIT OR PECUNIARY GAIN, WITH A CAPACITY FOR THE ASSEMBLAGE OF TWENTY OR MORE PERSONS TO PERMIT A PERSON OR PERSONS TO COME TO THE PLACE OF ASSEMBLY FOR THE PURPOSE OF CONSUMING ALCOHOLIC BEVERAGES ON SAID PREMISES, WHICH ALCOHOLIC BEVERAGES ARE EITHER PROVIDED BY THE OPERATOR OF THE PLACE OF ASSEMBLY, HIS AGENTS, SERVANTS OR EMPLOYEES, OR ARE BROUGHT ONTO SAID PREMISES BY THE PERSON OR PERSONS ASSEMBLING AT SUCH PLACE; OR

(IV) A CABARET, BEING A PREMISES IN WHICH THE PRINCIPAL BUSINESS SHALL BE THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES, OTHER THAN A RESTAURANT, CATERING ESTABLISHMENT OR HOTEL: UPON WHOSE PREMISES MUSICAL ENTERTAINMENT, SINGING, DANCING OR OTHER FORMS OF ENTERTAINMENT IS PERMITTED; WITH A CAPACITY FOR THE ASSEMBLAGE OF SIX HUNDRED OR MORE PERSONS.

(B) NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE DEEMED TO AUTHORIZE THE ISSUANCE OF A LICENSE TO A MOTION PICTURE THEATRE, EXCEPT THOSE MEETING THE DEFINITION OF RESTAURANT AND MEALS, AND WHERE ALL SEATING IS AT TABLES WHERE MEALS ARE SERVED.

(C) NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED AS AFFECTING THE DEFINITION OF PLACE OF ASSEMBLY IN THIS CHAPTER OR ANY OTHER LAW; NOR SHALL PROHIBIT OR RESTRICT THE LEASING OR USE OF SUCH PLACE OF ASSEMBLAGE AS DEFINED IN THIS SECTION BY ANY ORGANIZATION OR CLUB ENUMERATED IN SUBDIVISION SEVEN OF THIS SECTION.

(D) A LICENSE UNDER THIS SECTION SHALL NOT BE REQUIRED FOR A BOTTLE CLUB OPERATED BY ANY NON-PROFIT RELIGIOUS, CHARITABLE, OR FRATERNAL ORGANIZATION NOR TO A CLUB AS DEFINED IN SUBDIVISION NINE OF SECTION THREE OF THIS CHAPTER, NOR TO A DULY RECOGNIZED POLITICAL CLUB, EXCEPT THAT IT SHALL BE UNLAWFUL FOR ANY OF THE ABOVE TO PERMIT CONSUMPTION OF ALCOHOLIC BEVERAGES DURING THE HOURS PROHIBITED BY OR PURSUANT TO SECTION ONE HUNDRED SIX OF THIS CHAPTER.

6. EVERY PREMISES LICENSED UNDER CLAUSE (II) AND (IV) OF PARAGRAPH (A) OF SUBDIVISION FIVE OF THIS SECTION SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE TO ITS CUSTOMERS FOR CONSUMPTION ON THE PREMISES.

(A) THE AVAILABILITY OF SANDWICHES, SOUPS OR OTHER FOODS, WHETHER FRESH, PROCESSED, PRE-COOKED OR FROZEN, SHALL BE DEEMED COMPLIANCE WITH THIS SUBDIVISION.

(B) THE LICENSED PREMISES SHALL COMPLY AT ALL TIMES WITH ALL THE REGULATIONS OF THE LOCAL DEPARTMENT OF HEALTH.

(C) NOTHING CONTAINED IN THIS SUBDIVISION, HOWEVER, SHALL BE CONSTRUED TO REQUIRE THAT ANY FOOD BE SOLD OR PURCHASED WITH ANY LIQUOR, NOR SHALL ANY RULE, REGULATION OR STANDARD BE PROMULGATED OR ENFORCED REQUIRING THAT THE SALE OF FOOD BE SUBSTANTIAL OR THAT THE RECEIPTS OF THE BUSINESS OTHER THAN FROM THE SALE OF LIQUOR EQUAL ANY SET PERCENTAGE OF TOTAL RECEIPTS FROM SALES MADE THEREIN.

7. (A) NO RETAIL LICENSE FOR ON-PREMISES CONSUMPTION SHALL BE GRANTED FOR ANY PREMISES, UNLESS THE APPLICANT SHALL BE THE OWNER THEREOF, OR SHALL BE IN POSSESSION OF SAID PREMISES UNDER A LEASE, MANAGEMENT AGREEMENT OR OTHER AGREEMENT GIVING THE APPLICANT CONTROL OVER THE FOOD AND BEVERAGE AT THE PREMISES, IN WRITING, FOR A TERM NOT LESS THAN THE LICENSE PERIOD EXCEPT, HOWEVER, THAT SUCH LICENSE MAY THEREAFTER BE RENEWED WITHOUT THE REQUIREMENT OF A LEASE, MANAGEMENT AGREEMENT OR OTHER AGREEMENT GIVING THE APPLICANT CONTROL OVER THE FOOD AND BEVERAGE AT THE PREMISES, AS HEREIN PROVIDED.

(B) THIS SUBDIVISION SHALL NOT APPLY TO PREMISES LEASED FROM GOVERNMENT AGENCIES, AS DEFINED UNDER SUBDIVISION TWELVE-C OF SECTION THREE OF THIS CHAPTER; PROVIDED, HOWEVER, THAT THE APPROPRIATE ADMINISTRATOR OF SUCH GOVERNMENT AGENCY PROVIDES SOME FORM OF WRITTEN DOCUMENTATION REGARDING THE TERMS OF OCCUPANCY UNDER WHICH THE APPLICANT IS LEASING SAID PREMISES FROM THE GOVERNMENT AGENCY FOR PRESENTATION TO THE STATE LIQUOR AUTHORITY AT THE TIME OF THE LICENSE APPLICATION.

(C) SUCH DOCUMENTATION SHALL INCLUDE THE TERMS OF OCCUPANCY BETWEEN THE APPLICANT AND THE GOVERNMENT AGENCY, INCLUDING, BUT NOT LIMITED TO, ANY SHORT-TERM LEASING AGREEMENTS OR WRITTEN OCCUPANCY AGREEMENTS.

8. A LICENSE ISSUED FOR A CATERING ESTABLISHMENT SHALL AUTHORIZE THE HOLDER THEREOF TO SELL ALCOHOLIC BEVERAGES AT RETAIL ONLY DURING SUCH PERIOD OF TIME AS A FUNCTION, OCCASION OR EVENT IS IN PROGRESS THEREIN AND THEN ONLY TO PERSONS INVITED TO AND ATTENDING SUCH FUNCTION, OCCASION OR EVENT AND ONLY FOR CONSUMPTION ON THE PREMISES WHERE SOLD.

9. WHERE A LICENSE UNDER THIS SECTION SHALL BE GRANTED TO THE OWNER OF A HOTEL SITUATED IN A TOWN OR VILLAGE THE LIQUOR AUTHORITY MAY IN ITS DISCRETION GRANT TO SUCH LICENSEE THE RIGHT TO SELL LIQUOR AND WINE FOR OFF-PREMISES CONSUMPTION UNDER THE SAME TERMS AND CONDITIONS AS APPLY TO OFF-PREMISES LIQUOR LICENSES UPON THE PAYMENT OF AN ADDITIONAL FEE OF SIXTY-TWO DOLLARS AND FIFTY CENTS; PROVIDED, HOWEVER, THAT THIS PERMISSION SHALL NOT BE GRANTED IF AN OFF-PREMISES LIQUOR LICENSE HAS BEEN GRANTED FOR PREMISES LOCATED WITHIN EIGHT MILES OF SUCH HOTEL.

10. (A) NO RETAIL LICENSE FOR ON-PREMISES CONSUMPTION SHALL BE GRANTED FOR ANY PREMISES WHICH SHALL BE 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.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY, IN ITS DISCRETION, MAY ISSUE A LICENSE UNDER THIS SECTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP.

(I) IN ADDITION TO THE NOTICE TO THE MUNICIPALITY REQUIRED BY PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION ONE HUNDRED TEN-B OF THIS CHAPTER, AN APPLICANT SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION SHALL NOTIFY, IN THE SAME MANNER AS SET FORTH IN SECTION ONE HUNDRED TEN-B OF THIS CHAPTER, ANY SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP THAT IS ON THE SAME STREET AND WITHIN TWO HUNDRED FEET OF THE PROPOSED LICENSED PREMISES.

(II) THE MUNICIPALITY AND THE SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP SO NOTIFIED MAY EXPRESS AN OPINION FOR OR AGAINST THE AUTHORITY'S EXERCISE OF DISCRETION GRANTED PURSUANT TO THIS PARAGRAPH. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR AUTHORITY MAKES ITS DETERMINATION TO GRANT OR DENY THE APPLICATION.

(C) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION:

(I) 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;

(II) 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

(III) 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.

(D) THE LIQUOR AUTHORITY, IN ITS DISCRETION, MAY AUTHORIZE THE REMOVAL OF ANY 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.

(E) 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 PERFORMANCES 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.

(F) NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER TO THE CONTRARY, THE AUTHORITY MAY ISSUE A LICENSE TO SELL LIQUOR AT RETAIL TO BE CONSUMED ON-PREMISES TO A CLUB AS SUCH TERM IS DEFINED IN SUBDIVISION NINE OF SECTION THREE OF THIS CHAPTER WHETHER OR NOT THE BUILDING IN WHICH THE PREMISES FOR WHICH SUCH LICENSE IS TO BE ISSUED IS USED EXCLUSIVELY FOR CLUB PURPOSES AND WHETHER OR NOT SUCH PREMISES IS WITHIN TWO HUNDRED FEET OF A BUILDING USED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR PLACE OF WORSHIP IF SUCH CLUB IS AFFILIATED OR ASSOCIATED WITH SUCH SCHOOL, CHURCH, SYNAGOGUE OR PLACE OF WORSHIP AND THE GOVERNING BODY OF SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP HAS FILED WRITTEN NOTICE WITH THE AUTHORITY THAT IT HAS NO OBJECTION TO THE ISSUANCE OF SUCH LICENSE.

(G) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, A LICENSE FOR A PREMISES IN WHICH THE PRINCIPAL BUSINESS SHALL BE THE OPERATION OF A LEGITIMATE THEATER BY A CORPORATION ORGANIZED PURSUANT TO THE

NOT-FOR-PROFIT CORPORATION LAW MAY BE GRANTED NOTWITHSTANDING THE PROXIMITY OF SUCH PREMISES TO ANY SCHOOL, PROVIDED THAT THE AVAILABILITY OF ALCOHOLIC BEVERAGES ON SUCH PREMISES SHALL NOT BE ADVERTISED IN ANY WAY AT SUCH PREMISES IN ANY MANNER VISIBLE FROM SUCH STREET OR AVENUE.

11. (A) NO LICENSE UNDER THIS SECTION SHALL BE GRANTED FOR ANY PREMISES WHICH SHALL BE 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. PROVIDED, HOWEVER, 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 AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY ON OR PRIOR TO NOVEMBER FIRST, NINETEEN HUNDRED NINETY-THREE.

(B)(I) NOTWITHSTANDING THE PROVISIONS 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 IF, AFTER CONSULTATION WITH THE MUNICIPALITY OR COMMUNITY BOARD, IT DETERMINES THAT GRANTING SUCH LICENSE WOULD BE IN THE PUBLIC INTEREST.

(II) 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.

(III) 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.

(IV) 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.

(C) FOR PURPOSES OF THIS SUBDIVISION, THE AUTHORITY MAY CONSIDER ANY OR ALL OF THE FOLLOWING IN DETERMINING WHETHER THE PUBLIC INTEREST WILL BE PROMOTED BY THE GRANTING OF A LICENSE AT A PARTICULAR LOCATION:

(I) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;

(II) EVIDENCE THAT ALL NECESSARY LICENSES AND PERMITS HAVE BEEN OBTAINED FROM THE STATE AND ALL OTHER GOVERNING BODIES;

(III) THE EFFECT OF THE GRANT OF THE LICENSE ON VEHICULAR TRAFFIC AND PARKING IN PROXIMITY TO THE LOCATION;

(IV) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;

(V) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT THE PROPOSED PREMISES; AND

(VI) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT TO DETERMINE THE PUBLIC CONVENIENCE AND ADVANTAGE AND PUBLIC INTEREST OF THE COMMUNITY.

12. FOR PURPOSES OF SUBDIVISIONS TEN AND ELEVEN OF THIS SECTION:

(A) THE MEASUREMENTS 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

(B) 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 OR OF THE PREMISES SOUGHT TO BE LICENSED UNDER THIS SECTION, 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 OR OF THE PREMISES SOUGHT TO BE LICENSED UNDER THIS SECTION, EXCEPT THAT: WHERE A SCHOOL OR HOUSE OF WORSHIP, OR PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION, OR THE PREMISES SOUGHT TO BE LICENSED UNDER THIS SECTION 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".

13. THE HOLDER OF A LICENSE UNDER THIS SECTION ISSUED FOR A RESTAURANT-BREWERY LICENSE SHALL OPERATE A RESTAURANT ON THE PREMISES. SUCH LICENSE SHALL ALSO BE DEEMED TO INCLUDE A LICENSE TO SELL BEER BREWED ON THE PREMISES TO ANOTHER RETAIL LICENSEE, WHERE SUCH OTHER LICENSE IS HELD BY THE SAME PERSON HOLDING THE RESTAURANT-BREWER LICENSE, OR TO COMMONLY OWNED AFFILIATE LICENSES, PROVIDED THAT SUCH BEER IS SOLD THROUGH A NEW YORK STATE LICENSED BEER WHOLESALER.

(A) A LICENSE FOR A RESTAURANT-BREWERY MAY ONLY BE GRANTED TO A PERSON WHO REGULARLY AND IN A BONA FIDE MANNER BREWS BEER ON THE PREMISES.

(B) NOT MORE THAN FIVE LICENSES FOR A RESTAURANT-BREWERY SHALL BE GRANTED TO ANY PERSON UNDER THIS SECTION.

(C) A PERSON HOLDING ONE OR MORE LICENSES FOR A RESTAURANT-BREWERY MAY BREW, IN THE AGGREGATE, NO MORE THAN TWENTY THOUSAND BARRELS OF BEER PER YEAR.

(D) FOR PURPOSES OF SECTIONS ONE HUNDRED ONE AND ONE HUNDRED SIX OF THIS CHAPTER, A PERSON HOLDING A LICENSE FOR A RESTAURANT-BREWERY 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 THIS SECTION OR SECTION FIFTY-FOUR, FIFTY-FOUR-A, FIFTY-FIVE, SEVENTY-NINE OR EIGHTY-ONE OF THIS CHAPTER.

(E) NO MANUFACTURER OR WHOLESALER OF ALCOHOLIC BEVERAGES MAY BE GRANTED A LICENSE TO OPERATE A RESTAURANT-BREWER PURSUANT TO THIS SECTION. ANY PERSON WHO HAS AN INTEREST IN PREMISES ELIGIBLE FOR CONVERSION UNDER SUBDIVISION NINE OF THIS SECTION SHALL NOT BE ISSUED ANY LICENSE UNDER THIS SECTION UNLESS AND UNTIL A CONVERSION APPLICATION HAS BEEN FILED WITH AND APPROVED BY THE AUTHORITY.

(F) (I) THE LIQUOR AUTHORITY MAY IN ITS DISCRETION AND UPON SUCH TERMS AND CONDITIONS AS IT MAY PRESCRIBE, ISSUE TO A LICENSED RESTAURANT-BREWER UPON HIS APPLICATION THEREFOR A SUPPLEMENTAL LICENSE AUTHORIZING THE RESTAURANT-BREWER TO SELL BEER BREWED ON THE LICENSED PREMISES AT RETAIL IN BULK BY THE KEG, CASK OR BARREL FOR CONSUMPTION AND NOT FOR RESALE AT A CLAMBAKE, BARBECUE, PICNIC, OUTING OR OTHER SIMILAR OUTDOOR GATHERING AT WHICH MORE THAN FIFTY PERSONS ARE ASSEMBLED AND AT WHOLESALE.

(II) SUCH ADDITIONAL LICENSE SHALL PERMIT THE SALE OF UP TO TWO HUNDRED FIFTY BARRELS OF BEER PER YEAR. NO PERSON, WHO HOLDS LICENSES FOR MULTIPLE RESTAURANT-BREWERIES AND APPLIES FOR AND RECEIVES MULTIPLE SUPPLEMENTAL LICENSES, MAY SELL, UNDER THOSE SUPPLEMENTAL LICENSES, IN THE AGGREGATE MORE THAN ONE THOUSAND BARRELS OF BEER PER YEAR.

(III) FOR THE EXERCISE OF THE PRIVILEGE GRANTED BY SUCH SUPPLEMENTAL LICENSE ISSUED UNDER SUBDIVISION TWELVE OF THIS SECTION THERE IS ASSESSED A FEE TO BE PAID BY THE LICENSEE IN THE SUM OF ELEVEN HUNDRED TWENTY-FIVE DOLLARS PER THREE-YEAR PERIOD PLUS A ONE HUNDRED DOLLAR FILING FEE AND WHICH FEE SHALL BE IN ADDITION TO THE FEE PROVIDED FOR IN THIS SECTION FOR A RESTAURANT-BREWER LICENSE.

(IV) A RESTAURANT-BREWERY LICENSE ISSUED UNDER THIS SECTION AND A SUPPLEMENTAL LICENSE ISSUED UNDER THIS PARAGRAPH SHALL RUN CONCURRENTLY.

(G) (I) A LICENSEE OR HIS OR HER EMPLOYEE MAY SERVE SMALL SAMPLES OF BEER OR MALT BEVERAGES HE OR SHE PRODUCES AT THEIR LICENSED ESTABLISHMENTS.

(II) EACH SERVING AT SUCH TASTING SHALL BE SERVED ONLY BY THE BREWER OR HIS OR HER EMPLOYEE AND SHALL BE LIMITED TO THREE OUNCES OR LESS OF A BRAND OF BEER OR MALT BEVERAGE PRODUCED BY THE BREWER AND NO CONSUMER OF LEGAL AGE SHALL BE PROVIDED OR GIVEN MORE THAN TWO SERVINGS OF SUCH BRANDS OFFERED FOR TASTING.

(III) THE AUTHORITY IS AUTHORIZED AND DIRECTED TO PROMULGATE SUCH RULES AND REGULATIONS, AS IT DEEMS NECESSARY OR APPROPRIATE TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THIS STATE.

14. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TEN OF THIS SECTION, THE AUTHORITY MAY ISSUE A RETAIL LICENSE FOR ON-PREMISES CONSUMPTION FOR:

(A) A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE BOROUGH OF MANHATTAN IN THE CITY AND COUNTY OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF 49TH STREET, DISTANT 160 FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF 49TH STREET WITH THE EASTERLY SIDE OF 8TH AVENUE; RUNNING THENCE SOUTHERLY, PARALLEL WITH 8TH AVENUE AND PART OF THE DISTANCE THROUGH A PARTY WALL, 100 FEET 5 INCHES TO THE CENTER LINE OF THE BLOCK BETWEEN 48TH AND 49TH STREETS; THENCE EASTERLY ALONG THE CENTER LINE OF THE BLOCK, 40 FEET; THENCE NORTHERLY, PARALLEL WITH 8TH AVENUE AND PART OF THE DISTANCE THROUGH A PARTY WALL, 100 FEET 5 INCHES TO THE SOUTHERLY SIDE OF 49TH STREET; THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF 49TH STREET, 40 FEET TO THE POINT OR PLACE OF BEGINNING. PREMISES KNOWN AS 240 AND 242 WEST 49TH STREET, NEW YORK CITY. BEING THE SAME PREMISES DESCRIBED IN DEED MADE BY HOTEL MAYFAIR INC. TO HARRY ETKIN AND FREDA RUBIN, DATED 1/23/50 AND RECORDED 1/27/50 IN LIBER 4657 CP. 250.

(B) A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE COUNTY OF ULSTER, BOUNDED AND DESCRIBED AS FOLLOWS: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS ERECTED THEREON, SITUATED IN THE VILLAGE OF ELLENVILLE, TOWN OF WAWARSING, COUNTY OF ULSTER AND STATE OF NEW YORK, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A THREE-QUARTER INCH DIAMETER IRON ROD FOUND ON THE SOUTHWESTERLY BOUNDS OF CANAL STREET, MARKING THE NORTHEASTERLY CORNER OF THE LANDS, NOW OR FORMERLY, JOHN GEORGES, AS DESCRIBED IN LIBER 2645 OF DEEDS AT PAGE 278. THENCE ALONG THE SOUTHEASTERLY BOUNDS OF THE LANDS OF JOHN GEORGES, PASSING 1.42 FEET NORTHWESTERLY FROM THE SOUTHWESTERLY CORNER OF THE BUILDING SITUATED ON THE PREMISES DESCRIBED HEREIN, SOUTH THIRTY-NINE DEGREES, FORTY-ONE MINUTES, FIFTY-TWO SECONDS WEST, ONE HUNDRED FIFTY AND ZERO HUNDREDTHS FEET (S 39-41-52 W, 150.00') TO THE NORTHEASTERLY BOUNDS OF THE LANDS, NOW OR FORMERLY, THOMAS POWERS, AS DESCRIBED IN LIBER 1521 OF DEEDS AT PAGE 749. THENCE ALONG THE NORTHEASTERLY BOUNDS OF THE LANDS OF THOMAS POWERS, SOUTH FIFTY DEGREES, THIRTY-NINE MINUTES, SIXTEEN SECONDS EAST, TWENTY-EIGHT AND ZERO HUNDREDTHS FEET (S 50-39-16 E, 28.00'). THENCE PASSING 1.92 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY CORNER OF THE BUILDING SITUATED ON THE PREMISES DESCRIBED HEREIN. NORTH THIRTY-NINE DEGREES, FORTY-ONE MINUTES, FIFTY-TWO SECONDS EAST, ONE HUNDRED FIFTY AND ZERO HUNDREDTHS FEET (N 39-41-52 E, 150.00') TO THE SOUTHWESTERLY BOUNDS OF CANAL STREET. THENCE ALONG THE SOUTHWESTERLY BOUNDS OF CANAL STREET, NORTH FIFTY DEGREES, THIRTY-NINE MINUTES, SIXTEEN SECONDS WEST, TWENTY-EIGHT AND ZERO HUNDREDTHS FEET (N 50-39-16 W, 28.00') TO THE POINT OF BEGINNING. CONTAINING 4,199.92 SQUARE FEET OF LAND OR 0.0996 OF AN ACRE OF LAND. BEING THE SAME PREMISES AS CONVEYED BY DEED DATED SEPTEMBER 2, 1999 FROM CHRIS M. CAMIO AS EXECUTOR OF THE LAST WILL AND TESTAMENT OF ALICE MANZO TO BILL LELBACH, JOHN ECKERT, JEFFREY SCHNEIDER, JACK HARRIS AND ALFRED S. DANNHAUSER AND RECORDED IN THE ULSTER COUNTY CLERK'S OFFICE ON SEPTEMBER 15, 1999 IN LIBER 2966 AT PAGE 291. THE UNDIVIDED INTERESTS OF JOHN HARRIS AND ALFRED S. DANNHAUSER HAVING BEEN CONVEYED TO BILL LELBACH BY DEED DATED AUGUST 21, 2001 AND RECORDED IN THE ULSTER COUNTY CLERK'S OFFICE IN LIBER 3213 P 65.

(C) A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE BOROUGH OF MANHATTAN IN THE CITY AND COUNTY OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF 46TH STREET, DISTANT THREE HUNDRED FIFTY (350) FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF SIXTH AVENUE WITH THE SAID SOUTHERLY SIDE OF 46TH STREET. RUNNING THENCE SOUTHERLY PARALLEL WITH THE SAID WESTERLY SIDE OF SIXTH AVENUE AND FOR PART OF THE DISTANCE THROUGH A PARTY WALL, ONE HUNDRED (100) FEET FOUR (4) INCHES; THENCE WESTERLY PARALLEL WITH THE SOUTHERLY SIDE OF 46TH STREET, EIGHTY (80) FEET; THENCE NORTHERLY AGAIN PARALLEL WITH THE WESTERLY SIDE OF SIXTH AVENUE, ONE HUNDRED (100) FEET FOUR (4) INCHES TO THE SOUTHERLY SIDE OF 46TH STREET; AND THENCE EASTERLY ALONG THE SAID SOUTHERLY SIDE OF 46TH STREET, EIGHTY (80) FEET TO THE POINT OR PLACE OF BEGINNING. PREMISES KNOWN AS 130 WEST 46TH STREET, NEW YORK CITY. BEING THE SAME PREMISES DESCRIBED IN DEED MADE BY MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY TO WEST 46TH STREET HOTEL, LLC, DATED

12/22/06 AND RECORDED 2/06/07 IN THE OFFICE OF THE CITY REGISTER, NEW YORK COUNTY, ON FEBRUARY 6, 2007 AS CFRN 2007000069808.

(D) A PREMISES WHICH SHALL BE LOCATED WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE COUNTY OF ULSTER, BOUNDED AND DESCRIBED AS FOLLOWS: THOSE THREE BUILDING LOTS SITUATE ON THE NORTHEASTERLY SIDE OF UNION AVENUE IN THE CITY OF KINGSTON, BETWEEN THOMAS AND CORNELL STREETS, KNOWN AND DISTINGUISHED UPON A MAP OF THE PROPERTY OF THE ESTATE OF SAID THOMAS CORNELL MADE BY B.B. CODWISE, CIVIL ENGINEER, BEARING DATE APRIL 11TH, 1888, AS LOT FIVE (5) SIX (6) AND SEVEN (7) UPON SAID MAP, AND BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST CORNER OF LOT SEVEN WHICH IS ALSO THE CORNER OF CORNELL STREET, WHERE IT INTERSECTS WITH UNION AVENUE, AND RUNS FROM THENCE IN THE SOUTHERLY BOUNDS OF CORNELL STREET, N. 48 DEGREES 10' EAST THE DISTANCE OF ONE HUNDRED AND THIRTY-EIGHT (138) FEET, TO THE SOUTH BOUNDS OF LOT (8) EIGHT AS LAID DOWN UPON SAID MAP, THENCE ALONG IN THE SOUTH BOUNDS OF LOT (8) AFORESAID S. 41 DEGREES 50' EAST ALONG THE REAR OF LOTS SEVEN, SIX AND FIVE (7, 6 & 5) AS AFORESAID THE DISTANCE OF SEVENTY-TWO (72) FEET TO A LOT OF LAND OWNED BY MAX OPPENHEIMER AND KNOWN ON SAID MAP AS LOT FOUR (4); THENCE IN THE DIVISION LINE BETWEEN LOT FOUR AND FIVE AS LAID DOWN UPON SAID MAP, SOUTH 48 DEGREES 10' W. ONE HUNDRED AND TWENTY-TWO (122) FEET, AND FIFTY-FOUR HUNDREDTHS OF A FOOT (122 54/100 FEET) TO THE NORTHEASTERLY BOUNDS OF SAID UNION AVENUE; THENCE ALONG IN SAID NORTHEASTERLY BOUNDS OF SAID UNION AVENUE NORTH 53 DEGREES 57' WEST ALONG THE FRONT OF SAID LOTS FIVE, SIX AND SEVEN (5, 6 & 7) THE DISTANCE OF SEVENTY-THREE FEET AND SIXTY-FIVE HUNDREDTHS OF A FOOT (73 65/100 FEET) TO THE PLACE OF BEGINNING; AND A PART OF SAID PREMISES BEING A PART OF THE SAME THAT WAS CONVEYED TO THOMAS CORNELL BY JANSEN HASBROUCK AND WIFE BEARING DATE MARCH 3, 1877 AND RECORDED IN THE OFFICE OF THE CLERK OF ULSTER COUNTY IN BOOK NO. 204 OF DEEDS AT PAGE 403 MARCH 6TH, 1877, THE BALANCE OF THE PROPERTY HEREINBEFORE DESCRIBED AND HEREIN INTENDED TO BE CONVEYED WAS CONVEYED TO THOMAS CORNELL BY JAMES E. OSTRANDER AND WIFE BY DEED BEARING DATE FEBRUARY 8TH, 1869, AND RECORDED IN ULSTER COUNTY CLERK'S OFFICE IN BOOK 175 OF DEEDS AT PAGE 29, FEBRUARY 6TH, 1872.

(E) A PREMISES WHICH SHALL BE LOCATED WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, PROVIDED SUCH PREMISES CONSTITUTE A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE BOROUGH OF BROOKLYN IN THE COUNTY OF KINGS AND THE CITY OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY SIDE OF WASHINGTON AVENUE DISTANT 636.45 FEET SOUTHERLY FROM THE INTER-SECTION OF THE SOUTHERLY SIDE OF EASTERN PARKWAY AND WESTERLY SIDE OF WASHINGTON AVENUE, SAID POINT BEING THE POINT OF BEGINNING; RUNNING THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF WASHINGTON AVENUE, A DISTANCE OF 345.43 FEET; THENCE WESTERLY ALONG THE LINE FORMING AN INTE-RIOR ANGLE WITH THE PREVIOUS COURSE OF 90 DEGREES 00 MINUTES 00 SECONDS, A DISTANCE OF 122.68 FEET; THENCE NORTHERLY ALONG THE LINE FORMING AN INTERIOR ANGLE WITH THE PREVIOUS COURSE OF 58 DEGREES 50 MINUTES 53 SECONDS, A DISTANCE OF 123.94 FEET; THENCE NORTHERLY ALONG THE LINE FORMING AN EXTERIOR ANGLE WITH THE PREVIOUS COURSE OF 159 DEGREES 18 MINUTES 33 SECONDS, A DISTANCE OF 36.59 FEET; THENCE NORTHERLY ALONG THE LINE FORMING AN EXTERIOR ANGLE WITH THE PREVIOUS COURSE OF 169 DEGREES 36 MINUTES 23 SECONDS, A DISTANCE OF 26.26 FEET; THENCE WESTERLY ALONG

THE LINE FORMING AN EXTERIOR ANGLE WITH THE PREVIOUS COURSE OF 123 DEGREES 49 MINUTES 33 SECONDS, A DISTANCE OF 58.57 FEET; THENCE SOUTHWESTERLY ALONG THE LINE FORMING AN EXTERIOR ANGLE WITH THE PREVIOUS COURSE OF 129 DEGREES 53 MINUTES 13 SECONDS, A DISTANCE OF 108.38 FEET; THENCE WESTERLY, A DISTANCE OF 84.05 FEET ALONG A CURVE TO THE RIGHT, WHICH HAS A RADIUS OF 192.59 FEET, AND HAVING A CENTRAL ANGLE OF 25°00'14"; THENCE WESTERLY, A DISTANCE OF 58.94 FEET ALONG A CURVE TO THE RIGHT, WHICH HAS A RADIUS OF 181.42 FEET, AND HAVING A CENTRAL ANGLE OF 18°36'54". THENCE WESTERLY, A DISTANCE OF 354.56 FEET; THENCE NORTHERLY ALONG THE LINE FORMING AN INTERIOR ANGLE WITH THE PREVIOUS COURSE OF 90 DEGREES 14 MINUTES 09 SECONDS, A DISTANCE OF 114.49 FEET; THENCE EASTERLY ALONG THE LINE FORMING AN EXTERIOR ANGLE WITH THE PREVIOUS COURSE OF 286 DEGREES 53 MINUTES 22 SECONDS, A DISTANCE OF 7.54 FEET; THENCE EASTERLY ALONG THE LINE FORMING AN INTERIOR ANGLE WITH THE PREVIOUS COURSE OF 195 DEGREES 07 MINUTES 53 SECONDS, A DISTANCE OF 159.88 FEET; THENCE EASTERLY ALONG THE LINE FORMING AN INTERIOR ANGLE WITH THE PREVIOUS COURSE OF 193 DEGREES 52 MINUTES 57 SECONDS, A DISTANCE OF 161.51 FEET; THENCE WESTERLY ALONG THE LINE FORMING AN INTERIOR ANGLE WITH THE PREVIOUS COURSE OF 257 DEGREES 31 MINUTES 43 SECONDS, A DISTANCE OF 116.17 FEET; THENCE NORTHEASTERLY, A DISTANCE OF 7.07 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 4.50 FEET, A CENTRAL ANGLE OF 89°59'10" AND A CHORD OF 6.36 FEET, WHICH CHORD MAKES AN INTERIOR ANGLE WITH THE PREVIOUS COURSE OF 135 DEGREES 01 MINUTES 12 SECONDS; THENCE EASTERLY ALONG THE LINE FORMING AN INTERIOR ANGLE WITH THE CHORD OF THE ABOVE-REFERENCED CURVE OF 135 DEGREES 01 MINUTES 17 SECONDS, A DISTANCE OF 135.59 FEET; THENCE EASTERLY, A DISTANCE OF 81.93 FEET ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 272.93 FEET, A CENTRAL ANGLE OF 17°11'59" AND A CHORD OF 81.63 FEET, WHICH CHORD MAKES AN INTERIOR ANGLE WITH THE PREVIOUS COURSE OF 186 DEGREES 52 MINUTES 37 SECONDS; THENCE EASTERLY ALONG THE LINE FORMING AN INTERIOR ANGLE WITH THE CHORD OF THE ABOVE-REFERENCED CURVE OF 192 DEGREES 21 MINUTES 11 SECONDS, A DISTANCE OF 38.24 FEET; THENCE EASTERLY ALONG THE LINE FORMING AN INTERIOR ANGLE WITH THE PREVIOUS COURSE OF 183 DEGREES 09 MINUTES 51 SECONDS, A DISTANCE OF 21.53 FEET TO THE POINT OF BEGINNING.

(F) A PREMISES WHICH SHALL BE LOCATED WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE COUNTY OF KINGS, BOUNDED AND DESCRIBED AS FOLLOWS: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF SYNDER AVENUE, WITH THE EASTERLY SIDE OF BEDFORD AVENUE; THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF SYNDER AVENUE, 99 FEET 10 INCHES; THENCE SOUTHERLY PARALLEL WITH MEDFORD AVENUE, 80 FEET 11 1/6 INCHES TO THE CENTER LINE OF UNION STREET, AS SHOWN ON THE BERGEN MAP; THENCE WESTERLY ALONG THE CENTER LINE OF UNION STREET, AS AFORESAID, 99 FEET 10 INCHES TO THE EASTERLY SIDE OF BEDFORD AVENUE; THENCE NORTHERLY ALONG THE EASTERLY SIDE OF BEDFORD AVENUE, 81 FEET 1/8 INCHES TO THE POINT OR PLACE OF BEGINNING.

(G) A PREMISES WHICH SHALL BE LOCATED WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED AS A CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTE A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITH-

IN THE BOUNDARIES OF THE COUNTY OF KINGS, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY SIDE OF GRAND STREET, DISTANT THREE HUNDRED AND NINETEEN FEET AND THREE INCHES EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY OF GRAND STREET WITH THE EASTERLY SIDE OF BERRY (FORMERLY THIRD) STREET, WHICH POINT OF BEGINNING IS WHERE A LINE DRAWN ALONG THE EASTERLY WALL OF THE HOUSE NOW OR FORMERLY OWNED BY ONE SCHAEFER INTERSECTS THE NORTHERLY SIDE OF GRAND STREET; RUNNING THENCE NORTHERLY ALONG THE EASTERLY WALL OF THE HOUSE NOW OR FORMERLY OWNED BY ONE SCHAEFER, SEVENTY ONE FEET AND SIX INCHES; THENCE EASTERLY NEARLY PARALLEL WITH GRAND STREET, EIGHTEEN FEET AND FIVE INCHES; THENCE SOUTHERLY, SEVENTY FEET AND SEVEN INCHES TO THE NORTHERLY SIDE OF GRAND STREET AT A POINT, SIXTEEN FEET EASTERLY FROM THE POINT OF BEGINNING; THENCE WESTERLY ALONG THE NORTHERLY SIDE OF GRAND STREET, SIXTEEN FEET.

(H) A PREMISES PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE BOROUGH OF MANHATTAN IN THE CITY AND COUNTY OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF FULTON STREET WITH THE WESTERLY SIDE OF BROADWAY; RUNNING THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF BROADWAY, 78 FEET 11 1/2 INCHES TO AN ANGLE POINT, IN SAID WESTERLY SIDE OF BROADWAY; THENCE SOUTHERLY STILL ALONG THE WESTERLY SIDE OF BROADWAY, 75 FEET 3 INCHES TO THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF BROADWAY WITH THE NORTHERLY SIDE OF DEY STREET; THENCE WESTERLY ALONG THE NORTHERLY SIDE OF DEY STREET, 275 FEET 6 3/4 INCHES; THENCE NORTHERLY ALONG A LINE WHICH FORMS AN ANGLE ON ITS WESTERLY SIDE WITH THE NORTHERLY SIDE OF DEY STREET OF 91 DEGREES 21 MINUTES 50 SECONDS, 77 FEET 5 1/2 INCHES; THENCE EASTERLY ALONG A LINE WHICH FORMS AN ANGLE ON ITS SOUTHERLY SIDE WITH THE LAST DESCRIBED COURSE OF 91 DEGREES 21 MINUTES 50 SECONDS, 75 FEET 4 5/8 INCHES; THENCE NORTHERLY ALONG A LINE WHICH FORMS AN ANGLE ON ITS WESTERLY SIDE WITH THE LAST DESCRIBED COURSE OF 91 DEGREES 00 MINUTES 00 SECONDS, 77 FEET 5 1/4 INCHES TO THE SOUTHERLY SIDE OF FULTON STREET; THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF FULTON STREET, 99 FEET 8 INCHES TO AN ANGLE POINT ON SAID SOUTHERLY SIDE OF FULTON STREET; THENCE EASTERLY STILL ALONG THE SOUTHERLY SIDE OF FULTON STREET, 100 FEET 2 1/2 INCHES TO THE POINT OR PLACE OF BEGINNING. TOGETHER WITH BENEFITS AND SUBJECT TO THE TERMS CONTAINED IN THAT CERTAIN EASEMENT AND LICENSE AGREEMENT DATED AS OF APRIL 20, 1993 BETWEEN KALIKOW FULTON CHURCH REALTY COMPANY AND 195 PROPERTY COMPANY AND RECORDED ON MAY 10, 1993 IN REEL 1969 PAGE 1310.

(I) A PREMISES WHICH SHALL BE LOCATED WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A CHURCH, SYNAGOGUE, OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR THE CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE COUNTY OF ULSTER, BOUNDED AND DESCRIBED AS FOLLOWS: ALL THAT PIECE OR PARCEL OF LAND, SITUATE IN THE CITY OF KINGSTON, COUNTY OF ULSTER AND STATE OF NEW YORK DESCRIBED AS FOLLOWS: BEGINNING AT A SPIKE IN THE CONCRETE SIDEWALK ON THE SOUTH BOUNDS OF MAIN STREET AT ITS INTERSECTION WITH THE WEST BOUNDS OF FAIR STREET; THENCE SOUTH 8 DEGREES 10 HOURS 9 MINUTES EAST ALONG THE WEST BOUNDS OF FAIR STREET 105.31 FEET TO A SPIKE IN LINE WITH A THREE STORY BRICK BUILDING ON LANDS NOW OR FORMERLY NORMAN G. LEBHAR AND JOHN W. KRUEGER (L.1516 P.425); THENCE SOUTH 83 DEGREES 26 HOURS 38 MINUTES WEST ALONG SAID BUILDING AND LANDS OF LEBHAR AND KRUEGER 46.27 FEET TO A CORNER OF SAID BUILDING; THENCE NORTH 8 DEGREES 4 HOURS 13 MINUTES WEST

ALONG LANDS NOW OR FORMERLY LAWRENCE A. QUILTY AND OTHERS (L.1422 P.123) AND ALONG THE BRICK BUILDING ON THE HEREIN DESCRIBED PARCEL 102.62 FEET TO A REINFORCEMENT ROD SET ON THE SOUTH BOUNDS OF MAIN STREET; THENCE NORTH 80 DEGREES 6 HOURS 32 MINUTES EAST ALONG SAID BOUNDS OF MAIN STREET 46.10 FEET TO THE POINT AND PLACE OF BEGINNING. BEING THE SAME PREMISES AS CONVEYED BY BERNARD R. HERZBERG AND THE ESTATE OF ROSALYN M. NAVE, MARGARET D. HUFF, EXECUTRIX TO MARK J. BERLANGA BY DEED DATED SEPTEMBER 15, 1995 AND RECORDED IN THE ULSTER COUNTY CLERK'S OFFICE ON SEPTEMBER 20, 1995 IN LIBER 2525 OF DEEDS AT PAGE 200.

(J) A PREMISES WHICH SHALL BE LOCATED WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED AS A CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTE A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE COUNTY OF ERIE, BOUNDED AND DESCRIBED AS FOLLOWS: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT NO. 77, TOWNSHIP 11, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, AND FURTHER DISTINGUISHED AS PARTS OF SUBDIVISION LOTS 1 AND 2 IN BLOCK "D" AS SHOWN ON A MAP FILED IN THE ERIE COUNTY CLERK'S OFFICE UNDER COVER NO. 781 AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF HERTEL AVENUE AS NOW LAID OUT 100 FEET WIDE WITH THE EASTERLY LINE OF SARANAC AVENUE; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SARANAC AVENUE 120 FEET; THENCE EASTERLY PARALLEL WITH HERTEL AVENUE 100 FEET; THENCE SOUTHERLY PARALLEL WITH SARANAC AVENUE AND ALONG THE EASTERLY LINE OF SAID SUBDIVISION LOT NO. 2, A DISTANCE OF 120 FEET TO THE NORTHERLY LINE OF HERTEL AVENUE; THENCE WESTERLY ALONG SAID LINE OF HERTEL AVENUE 100 FEET TO THE POINT OF BEGINNING.

(K) A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE BOROUGH OF MANHATTAN IN THE CITY AND COUNTY OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY SIDE OF 7TH AVENUE, DISTANT 25 FEET NORTHERLY FROM THE NORTHEASTERLY CORNER OF 7TH AVENUE AND 132ND STREET; RUNNING THENCE EASTERLY PARALLEL WITH THE NORTHERLY SIDE OF 132ND STREET AND PART OF THE DISTANCE OF THE DISTANCE THROUGH A PARTY WALL, 75 FEET; THENCE NORTHERLY PARALLEL WITH 7TH AVENUE, 49 FEET 11 INCHES; THENCE WESTERLY PARALLEL WITH 132ND STREET 75 FEET TO THE EASTERLY SIDE OF 7TH AVENUE; THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF 7TH AVENUE, 49 FEET 11 INCHES TO THE POINT OR PLACE OF BEGINNING, BEING THE SAME PREMISES LOCATED AT 2247 ADAM CLAYTON POWELL, JR. BOULEVARD (SEVENTH AVENUE), BLOCK 1917, LOT 2 DESCRIBED IN DEED MADE BY 2247-49 ACP SOUTH REALTY LLC TO AIMCO 2247-2253 ACP, LLC, DATED JUNE TWENTY-NINTH, TWO THOUSAND SEVEN AND RECORDED JULY SEVENTH, TWO THOUSAND SEVEN IN THE OFFICE OF THE CITY REGISTER, NEW YORK COUNTY AS DOCUMENT NUMBER 2007071001657001.

(L) A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE TOWN OF BAINBRIDGE, COUNTY OF CHENANGO, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON STAKE AT THE CURB ON THE NORTH SIDE OF NORTH MAIN STREET, WHICH STAKE IS IN A LINE WITH THE EDGE OF THE CONCRETE SIDEWALK IN FRONT OF THE IRELAND

HARDWARE BLOCK; THENCE TO THE JOINT CORNER OF SAID HARDWARE BLOCK AND THE CONCRETE POST AT THE SOUTHWEST CORNER OF THE CENTRAL HOTEL, TWENTY-SEVEN (27) FEET; THENCE ALONG THE FOUNDATION WALL OF SAID HOTEL FORTY (40) FEET TO AN IRON STAKE UNDER A PART OF THE IRELAND HARDWARE STORE BUILDING SIX (6) FEET FROM THE CORNER OF SAID FOUNDATION WALL AND ON A CONTINUATION OF SAID LINE ALONG THE HOTEL FOUNDATION; THENCE AT AN APPROXIMATE RIGHT ANGLE IN A NORTHEASTERLY DIRECTION ALONG A LINE PARALLEL TO AND SIX (6) FEET DISTANT FROM THE FOUNDATION WALL ON THE "ELL" OF THE HOTEL TO A POINT SIX (6) FEET DISTANT FROM THE FOUNDATION WALL OF THE MAIN BUILDING OF THE HOTEL, FOURTEEN (14) FEET; THENCE AGAIN AT A RIGHT ANGLE IN AN APPROXIMATELY NORTH-WESTERLY DIRECTION ON A LINE PARALLEL TO AND SIX (6) FEET DISTANT FROM THE FOUNDATION WALL OF SAID HOTEL BUILDING FORTY-THREE (43) FEET TO AN IRON STAKE; THENCE IN A NORTHEASTERLY DIRECTION ON A LINE FROM SAID STAKE TOUCHING THE CORNER OF THE FOUNDATION WALL TO A POINT ON THE LINE OF PREMISES OF THE VENDOR AND PREMISES NOW OWNED BY EDWARD DANFORTH, KNOWN AS THE DANFORTH BLOCK; THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID BOUNDARY LINE BETWEEN SAID PREMISES, WHICH LINE IS BELIEVED TO BE NINE (9) FEET DISTANT SOUTH-WESTERLY FROM THE FOUNDATION WALL OF SAID DANFORTH BLOCK, TO THE CURB LINE; THENCE ALONG SAID CURB LINE IN A SOUTHWESTERLY DIRECTION TO THE POINT OR PLACE OF BEGINNING. BEING KNOWN AND DESIGNATED ON THE CHENANGO COUNTY TAX MAP FOR THE VILLAGE AND TOWN OF BAINBRIDGE AS PARCEL 265.11-2-15 AS SAID TAX MAP WAS ON THE 15TH DAY OF JUNE 2010.

(M) A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE BOROUGH OF MANHATTAN IN THE CITY AND COUNTY OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION FORMED BY THE EASTERLY SIDE OF FIFTH AVENUE AND THE SOUTHERLY SIDE OF EAST 117TH STREET; AND RUNNING THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 117TH STREET, 110 FEET 0 INCHES; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, 100 FEET 11 INCHES; THENCE WESTERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, 110 FEET 0 INCHES AT RIGHT ANGLES TO THE EASTERLY SIDE OF FIFTH AVENUE; THENCE NORTHERLY ALONG THE EASTERLY SIDE OF FIFTH AVENUE AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, 100 FEET 11 INCHES TO THE POINT OR PLACE OF BEGINNING. BEING KNOWN AND DESIGNATED ON THE TAX MAP OF THE CITY OF NEW YORK, FOR THE BOROUGH OF MANHATTAN, AS SECTION 6, BLOCK 1622 LOT 73 AS SAID TAX MAP WAS ON THE 26TH DAY OF NOVEMBER 1974.

(N) A RESTAURANT-BREWERY WHICH SHALL BE LOCATED WHOLLY WITHIN THE TOWN OF ULSTER, COUNTY OF ULSTER, STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE TOWN OF ULSTER, COUNTY OF ULSTER AND THE STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHEASTERLY SIDE OF CITY VIEW TERRACE, SAID POINT BEING THE WESTERLY CORNER OF THE LANDS OF THE STATE OF NEW YORK AND A SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE FROM SAID POINT OF BEGINNING ALONG THE NORTHEASTERLY SIDE OF CITY VIEW TERRACE, NORTH 43 DEGREES 36 MINUTES 03 SECONDS WEST, 109.02 FEET TO A POINT ON THE SOUTHEASTERLY SIDE OF FOREST HILL DRIVE; THENCE ALONG THE SOUTHEASTERLY SIDE OF FOREST HILL DRIVE THE FOLLOWING COURSE AND DISTANCES, NORTH 16 DEGREES 32 MINUTES 34 SECONDS WEST, 92.62 FEET TO A POINT; THENCE NORTH 10 DEGREES 38 MINUTES 26 SECONDS EAST, 70.45 FEET TO A POINT; THENCE NORTH 35 DEGREES 53 MINUTES 26 SECONDS

EAST, 122.45 FEET TO A POINT; THENCE NORTH 46 DEGREES 30 MINUTES 26 SECONDS EAST, 203.40 FEET TO A POINT; THENCE NORTH 62 DEGREES 37 MINUTES 26 SECONDS EAST; 115.94 FEET TO A POINT; THENCE NORTH 79 DEGREES 39 MINUTES 26 SECONDS EAST, 47.82 FEET TO A POINT; THENCE NORTH 45 DEGREES 16 MINUTES 41 SECONDS EAST, 63.33 FEET TO A RECOVERED BAR; THENCE ALONG THE BOUNDS OF LANDS OF NOW OR FORMERLY SKYTOP VILLAGE ASSOCIATES, L. 1916-P. 134, THE FOLLOWING COURSES AND DISTANCES, SOUTH 37 DEGREES 08 MINUTES 02 SECONDS EAST, 196.33 FEET TO A RECOVERED BAR; THENCE SOUTH 65 DEGREES 47 MINUTES 02 SECONDS EAST, 90.63 FEET TO A POINT; THENCE NORTH 77 DEGREES 23 MINUTES 58 SECONDS EAST, 233.85 FEET TO A RECOVERED BAR; THENCE NORTH 85 DEGREES 29 MINUTES 58 SECONDS EAST, 297.09 FEET TO A RECOVERED BAR; THENCE SOUTH 63 DEGREES 30 MINUTES 02 SECONDS EAST, 108.50 FEET TO A RECOVERED BAR; THENCE ALONG THE BOUNDS OF LANDS OF NOW OR FORMERLY ROBERT D. SABINO, L. 1487-P. 397, AND ALONG A STONE WALL, SOUTH 32 DEGREES 24 MINUTES 04 SECONDS WEST, 353.51 FEET TO A POINT; THENCE LEAVING SAID STONE AND ALONG THE BOUNDS OF LANDS OF NOW OR FORMERLY STANLEY AMERLING, L. 1440-P. 908, SOUTH 75 DEGREES 41 MINUTES 26 SECONDS WEST, 264.62 FEET TO A POINT; THENCE ALONG THE BOUNDS OF LANDS OF SUMMIT PROPERTIES, LLC, L. 2856-P. 82, THE FOLLOWING COURSES AND DISTANCES, NORTH 41 DEGREES 29 MINUTES 34 SECONDS WEST, 50.00 FEET TO A POINT; THENCE SOUTH 71 DEGREES 10 MINUTES 26 SECONDS WEST, 89.84 FEET TO A POINT; THENCE SOUTH 59 DEGREES 51 MINUTES 26 SECONDS WEST, 251.72 FEET TO A POINT; THENCE SOUTH 13 DEGREES 15 MINUTES 34 SECONDS EAST, 90.20 FEET TO A POINT; THENCE ALONG THE BOUNDS OF LANDS OF SAID STATE OF NEW YORK, THE FOLLOWING COURSES AND DISTANCES, NORTH 56 DEGREES 41 MINUTES 34 SECONDS WEST, 168.79 FEET TO A POINT; THENCE NORTH 75 DEGREES 51 MINUTES 34 SECONDS WEST, 254.10 FEET TO THE POINT AND PLACE OF BEGINNING. BEING THE SAME PREMISES AS CONVEYED TO SKYTOP MOTEL, LLC BY DEED OF STEWART TITLE, AS AGENT OF THE GRANTOR, SKYTOP MOTEL, INC., DATED APRIL 29, 2003 AND RECORDED IN THE OFFICE OF THE ULSTER COUNTY CLERK ON JUNE 10, 2003 AS DOCUMENT NO. 2003-00016207, RECEIPT NO. 48178, BK-D VI-3621, PG-171.

S 11. Section 66 of the alcoholic beverage control law is amended by adding a new subdivision 3-a to read as follows:

3-A. THE ANNUAL FEE FOR AN IMPORTER'S LICENSE SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS.

S 12. Section 66 of the alcoholic beverage control law is amended by adding a new subdivision 11 to read as follows:

11. THE FEE FOR AN ORIGINAL AND A RENEWAL RESTAURANT-BREWER LICENSE SHALL BE FIFTY-EIGHT HUNDRED FIFTY DOLLARS IN THE COUNTIES OF NEW YORK, KINGS, BRONX AND QUEENS; FORTY-THREE HUNDRED FIFTY DOLLARS IN THE COUNTY OF RICHMOND AND IN CITIES HAVING A POPULATION OF MORE THAN ONE HUNDRED THOUSAND AND LESS THAN ONE MILLION; THIRTY-SIX HUNDRED DOLLARS IN CITIES HAVING A POPULATION OF MORE THAN FIFTY THOUSAND AND LESS THAN ONE HUNDRED THOUSAND; AND THE SUM OF TWENTY-EIGHT HUNDRED FIFTY DOLLARS ELSEWHERE. SAID LICENSE SHALL RUN FOR A PERIOD OF THREE YEARS. IN ADDITION TO THE LICENSE FEES PROVIDED FOR IN THIS SUBDIVISION, THERE SHALL BE PAID TO THE AUTHORITY WITH EACH INITIAL APPLICATION A FILING FEE OF TWO HUNDRED DOLLARS AND WITH EACH RENEWAL APPLICATION A FILING FEE OF ONE HUNDRED DOLLARS.

S 13. Subdivision 1 of section 93 of the alcoholic beverage control law is amended to read as follows:

1. No individual shall offer for sale or solicit any order in the state for the sale of any alcoholic beverage irrespective of whether such sale is to be made within or without the state, unless such person shall have a solicitor's permit. PROVIDED, HOWEVER, THAT NO PERMIT

UNDER THIS SECTION SHALL BE REQUIRED FOR AN INDIVIDUAL WHO IS SOLICITING ORDERS ON BEHALF OF A MICRO-BREWERY, FARM BREWERY, FARM CIDERY, FARM WINERY, MICRO-FARM WINERY, MICRO-DISTILLERY, MICRO-RECTIFIER, OR FARM DISTILLERY LICENSED UNDER THIS CHAPTER.

S 14. Section 81 of the alcoholic beverage control law, as amended by chapter 666 of the laws of 1987, subdivision 3 as amended by chapter 627 of the laws of 2002 and subdivision 4 as amended by section 1 of part F of chapter 60 of the laws of 2005, is amended to read as follows:

S 81. [License to sell] RETAIL ON-PREMISES wine [at retail for consumption on the premises] LICENSE. 1. [The procedure set forth in section sixty-four hereof shall apply so far as applicable to applications for licenses] A LICENSE ISSUED UNDER THIS SECTION SHALL AUTHORIZE THE HOLDER THEREOF to sell wine at retail for consumption on the premises[, except as provided in subdivision two of this section].

2. 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 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].

3. Such license shall in form and in substance be a license to the person specifically licensed to sell wine at retail, to be consumed upon the premises. Such license shall also be deemed to include a license to sell beer and soju at retail to be consumed under the same terms and conditions without the payment of any additional fee. For the purposes of this subdivision, "soju" shall mean an imported Korean alcoholic beverage that contains not more than twenty-four per centum alcohol, by volume, and is derived from agricultural products.

4. A restaurant licensed [to sell wine] under this section may permit a patron to remove one unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with such meal on the restaurant premises. For the purposes of this subdivision the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subdivision shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises, in a bag such that it is visibly apparent that such resealed bottle of wine has not been tampered with. Such licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

5.(A) THE PROVISIONS OF SUBDIVISIONS SIX, SEVEN AND EIGHT OF SECTION SIXTY-FOUR OF THIS CHAPTER SHALL APPLY TO ANY LICENSE ISSUED UNDER THIS SECTION.

(B) A LICENSE UNDER THIS SECTION SHALL BE ISSUED TO ALL APPLICANTS EXCEPT FOR GOOD CAUSE SHOWN.

S 15. Subdivision 4 of section 93 of the alcoholic beverage control law, as amended by section 12 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

4. Notwithstanding the foregoing provisions of this section, any duly licensed manufacturer or wholesaler may apply to the liquor authority

for an annual temporary solicitor's employment permit. Such permit shall authorize such manufacturer or wholesaler to employ one or more persons as a solicitor for a period of not exceeding [sixty consecutive working days] SIX MONTHS provided that within [thirty] SIXTY days after such employee has been employed as a solicitor such employee shall file his application for a solicitor's permit with the liquor authority. The license fee for such permit shall be thirty-eight dollars per year, or for any part thereof, and the permit shall be issued for the calendar year. Such permit and the exercise of the privileges hereby granted thereunder, shall be subject to such terms and conditions as may be prescribed by the liquor authority.

S 16. Section 99-e of the alcoholic beverage control law, as amended by chapter 114 of the laws of 2000, is amended to read as follows:

S 99-e. Change in duration of permits. The liquor authority is authorized to change the periods during which permits authorized by sections ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, ninety-four, ninety-five, ninety-six, ninety-six-a [and], ninety-nine-b, AND NINETY-NINE-H of this article, shall be effective and to establish the commencement dates, duration and expiration dates thereof, provided that no such permit shall be effective for a period in excess of three years. When any change or changes are made in the duration of any such permit, the permit fee shall be equal to the annual permit fee specified in this article multiplied by the number of years for which such permit is issued. Any other provision of any other law to the contrary notwithstanding, an applicant, other than a not-for-profit organization as defined in section one hundred seventy-nine-q of the state finance law, shall not be issued a temporary permit pursuant to section ninety-seven of this article for events to take place upon any premise for which the authority has issued any license, or has issued a permit more than four times within any one year period, provided however that the authority may, in its sole discretion, issue additional single permits if it shall determine upon the issuance of each that (a) the application for such permit is not an attempt to circumvent licensing provisions of this chapter, and (b) the issuance of such permit would not be a detriment to the community or the surrounding neighborhood as such shall be determined by the authority after consultation with municipal authorities and police agencies and community boards for the purpose of reviewing community or neighborhood or police agency complaints, or violations of state or local laws. The liquor authority may make such rules as shall be appropriate to carry out the purpose of this section.

S 17. The alcoholic beverage control law is amended by adding a new section 99-h to read as follows:

S 99-H. SUNDAY ON-PREMISES SALES PERMIT. 1. A PERMIT ISSUED UNDER THIS SECTION SHALL AUTHORIZE A PERSON LICENSED TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES PURSUANT TO THIS CHAPTER TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON SUNDAY BETWEEN THE HOURS OF EIGHT O'CLOCK A.M. AND NOON.

2. A PERMIT UNDER THIS SECTION SHALL BE ISSUED FOR ONE DAY OR FOR A CALENDAR YEAR.

(A) THE FEE FOR A PERMIT FOR ONE DAY SHALL BE TWENTY-FIVE DOLLARS, TOGETHER WITH A FILING FEE OF TEN DOLLARS.

(B) THE FEE FOR A PERMIT FOR A CALENDAR YEAR SHALL BE: (I) TWO HUNDRED FIFTY DOLLARS IN THE COUNTIES OF NEW YORK, KINGS, BRONX AND QUEENS; (II) ONE HUNDRED FIFTY DOLLARS IN THE COUNTY OF RICHMOND AND IN CITIES HAVING A POPULATION OF MORE THAN ONE HUNDRED THOUSAND AND LESS THAN ONE

MILLION; (III) ONE HUNDRED DOLLARS IN CITIES HAVING A POPULATION OF MORE THAN FIFTY THOUSAND AND LESS THAN ONE HUNDRED THOUSAND; AND (IV) FIFTY DOLLARS ELSEWHERE, TOGETHER WITH A FILING FEE OF TWENTY-FIVE DOLLARS FOR THE ORIGINAL PERMIT OR A RENEWAL THEREOF.

3. AN APPLICANT FOR A PERMIT UNDER THIS SECTION SHALL PROVIDE NOTICE TO THE LOCAL MUNICIPALITY OF SUCH APPLICATION AS PROVIDED IN SECTION ONE HUNDRED TEN-B OF THIS CHAPTER.

S 18. Subdivision 3 of section 105 of the alcoholic beverage control law is amended by adding a new paragraph (d) to read as follows:

(D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY, IN ITS DISCRETION, MAY ISSUE A LICENSE UNDER THIS SECTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP.

(I) AN APPLICANT SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION SHALL NOTIFY, IN THE SAME MANNER AS SET FORTH IN SECTION ONE HUNDRED TEN-B OF THIS CHAPTER, ANY SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP THAT IS ON THE SAME STREET AND WITHIN TWO HUNDRED FEET OF THE PROPOSED LICENSED PREMISES.

(II) THE MUNICIPALITY AND THE SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP SO NOTIFIED MAY EXPRESS AN OPINION FOR OR AGAINST THE AUTHORITY'S EXERCISE OF DISCRETION GRANTED PURSUANT TO THIS PARAGRAPH. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR AUTHORITY MAKES ITS DETERMINATION TO GRANT OR DENY THE APPLICATION.

S 19. Subdivisions 5 and 11 of section 105 of the alcoholic beverage control law, as amended by chapter 503 of the laws of 1984, subdivision 5 as separately amended by chapter 628 of the laws of 1984, are amended to read as follows:

5. No retail licensee of liquor and/or wine for off-premises consumption shall keep upon the licensed premises any liquors and/or wines in any cask, barrel, keg, hogshead or other container, except in the original sealed package, as received from the manufacturer or wholesaler. Such containers shall have affixed thereto such labels as may be required by the rules of the liquor authority, together with all necessary federal revenue and New York state excise tax stamps, as required by law. Such containers shall not be opened nor its contents consumed on the premises where sold, except for the purpose of wine tasting or sampling by any person pursuant to authorization to conduct such a sampling or tasting pursuant to subdivision [two] THREE of section seventy-six of this chapter except those to whom sales are prohibited in section sixty-five of this chapter. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT PROHIBIT A LICENSED WINERY OR FARM WINERY FROM SELLING OR DELIVERING WINE TO A CONSUMER IN AN UNSEALED CONTAINER FOR OFF-PREMISES CONSUMPTION.

11. No retail licensee of liquor and/or wine for off-premises consumption shall keep or permit to be kept upon the licensed premises, any liquors and/or wines in any unsealed bottle or other unsealed container, except for the purpose of wine tasting or sampling by any person pursuant to authorization to conduct such a sampling or tasting pursuant to subdivision [two] THREE of section seventy-six of this chapter except those to whom sales are prohibited in section sixty-five of this chapter. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT PROHIBIT A LICENSED WINERY OR FARM WINERY FROM SELLING OR DELIVERING WINE TO A CONSUMER IN AN UNSEALED CONTAINER FOR OFF-PREMISES CONSUMPTION.

S 20. Subdivision 3 and paragraph (a) of subdivision 5 of section 106 of the alcoholic beverage control law, paragraph (a) of subdivision 5 as

amended by chapter 83 of the laws of 1995, are amended to read as follows:

3. No retail licensee for on-premises consumption shall sell, deliver or give away, or cause or permit or procure to be sold, delivered or given away any liquors and/or wines for consumption off the premises where sold. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT PROHIBIT A LICENSED WINERY OR FARM WINERY FROM SELLING OR DELIVERING WINE TO A CONSUMER IN AN UNSEALED CONTAINER FOR OFF-PREMISES CONSUMPTION.

(a) Sunday, from four ante meridiem to twelve noon, EXCEPT PURSUANT TO A PERMIT ISSUED UNDER SECTION NINETY-NINE-H OF THIS CHAPTER.

S 21. Subdivision 9 of section 106 of the alcoholic beverage control law is REPEALED.

S 22. Section 108 of the alcoholic beverage control law, as amended by chapter 419 of the laws of 1950, is amended to read as follows:

S 108. Restrictions upon licensees. 1. No licensee except the holder of a [brewer's or distiller's license or a winery] license TO MANUFACTURE ALCOHOLIC BEVERAGES shall keep or permit to be kept or consumed on the licensed premises any alcoholic beverage except the alcoholic beverages which he is permitted to sell under the terms of the license issued to him.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT PROHIBIT A PERSON HOLDING A RETAIL ON-PREMISES LICENSE AND A RETAIL OFF-PREMISES BEER OR BEER AND WINE PRODUCTS LICENSE FOR AN ADJACENT PREMISES TO TRANSPORT ALCOHOLIC BEVERAGES THROUGH ONE PREMISES FOR SALE IN THE OTHER PREMISES.

S 23. Section 112 of the alcoholic beverage control law, as amended by chapter 355 of the laws of 1944, and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

S 112. Bonds of licensees and permittees. The liquor authority may require the licensees and permittees of one or more of the kinds or classes described in this chapter to file with it a bond to the people of the state of New York issued by a surety company, approved by the superintendent of financial services as to solvency and responsibility and authorized to transact business in this state, in such penal sum as the liquor authority may heretofore have prescribed or hereafter shall prescribe, conditioned that such licensee or permittee will not suffer or permit any violation of the provisions of this chapter and that all fines and penalties which shall accrue, during the time the license or permit shall be in effect, will be paid, together with all costs taxed or allowed in any action or proceeding brought or instituted for a violation of any of the provisions of this chapter. A suit to recover on any bond filed pursuant to chapter one hundred eighty of the laws of nineteen hundred thirty-three or this chapter may be brought by the liquor authority or on relation of any party aggrieved, in a court of competent jurisdiction and in the event that the obligor named in such bond has violated any of the conditions of such bond, recovery for the penal sum of such bond may be had in favor of the people of the state. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO BOND SHALL BE REQUIRED TO BE FILED BY THE HOLDER OF A SOLICITOR'S PERMIT ISSUED UNDER SECTION NINETY-THREE OF THIS CHAPTER.

S 24. Subdivisions 1 and 4 of section 126 of the alcoholic beverage control law, as amended by section 50 of subpart B of part C of chapter 62 of the laws of 2011, are amended to read as follows:

1. Except as provided in subdivision one-a of this section, a person who has been convicted of a felony [or any of the misdemeanors mentioned

in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law] WITHIN THE PAST FIVE YEARS, unless:

(A) subsequent to such conviction such person shall have received an executive pardon therefor removing this disability, a certificate of good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three of the correction law to remove the disability under this section because of such conviction; OR

(B) FOR A CONVICTION IN ANOTHER STATE, SUCH PERSON SHALL HAVE RECEIVED SUCH STATE'S EQUIVALENT OF AN EXECUTIVE PARDON, CERTIFICATE OF GOOD CONDUCT, OR CERTIFICATE OF RELIEF FROM DISABILITIES. IN THE EVENT SUCH STATE HAS NO SUCH EQUIVALENT FORM OF RELIEF, THE PERSON MAY, FOR GOOD CAUSE SHOWN TO THE AUTHORITY, BE FOUND ELIGIBLE TO TRAFFIC IN ALCOHOLIC BEVERAGES.

4. (A) A copartnership or a corporation, unless each member of the partnership, or each of the principal officers and directors of the corporation[,] : is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States[,] ; IS not less than twenty-one years of age[,] ; and has not been convicted of any felony [or any of the misdemeanors, specified in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law] WITHIN THE PAST FIVE YEARS, or if so convicted:

(I) has received, subsequent to such conviction, an executive pardon therefor removing this disability a certificate of good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three of the correction law to remove the disability under this section because of such conviction; [provided] OR

(II) FOR A CONVICTION IN ANOTHER STATE, SUCH PERSON SHALL HAVE RECEIVED SUCH STATE'S EQUIVALENT OF AN EXECUTIVE PARDON, CERTIFICATE OF GOOD CONDUCT, OR CERTIFICATE OF RELIEF FROM DISABILITIES. IN THE EVENT SUCH STATE HAS NO SUCH EQUIVALENT FORM OF RELIEF, THE PERSON MAY, FOR GOOD CAUSE SHOWN TO THE AUTHORITY, BE FOUND ELIGIBLE TO TRAFFIC IN ALCOHOLIC BEVERAGES;

(B) PROVIDED however that a corporation which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; and provided further that a corporation organized under the not-for-profit corporation law or the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are not less than twenty-one years of age and none of its directors are less than eighteen years of age; and provided further that a corporation organized under the not-for-profit corporation law or the education law and located on the premises of a college as defined by section two of the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its

principal officers and each of its directors are not less than eighteen years of age.

S 25. Paragraph f of subdivision 6-a of section 51 of the alcoholic beverage control law, as added by chapter 108 of the laws of 2012, is amended to read as follows:

(f) if it holds a tasting permit issued pursuant to paragraph (e) of this subdivision, apply to the authority for a permit to sell such beer, for consumption off the premises, during such tastings in premises licensed under sections sixty-four[, sixty-four-a,] AND eighty-one [and eighty-one-a] of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

S 26. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage control law, as amended by chapter 384 of the laws of 2013, are 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[,] OR sixty-four[, sixty-four-a or sixty-four-b] 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[,] OR 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[,] OR sixty-four[, sixty-four-a or sixty-four-b] of this chapter, a filing fee of ninety dollars; with each renewal application for a license filed pursuant to section seventy-nine[,] OR 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 27. Paragraph f of subdivision 3-a of section 58 of the alcoholic beverage control law, as added by chapter 384 of the laws of 2013, is amended to read as follows:

(f) if it holds a tasting permit issued pursuant to paragraph (e) of this subdivision, apply to the authority for a permit to sell such cider, for consumption off the premises, during such tastings in premises licensed under sections sixty-four[, sixty-four-a,] AND eighty-one [and eighty-one-a] of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

S 28. Subdivision 4 of section 58-c of the alcoholic beverage control law, as added by chapter 384 of the laws of 2013, is amended to read as follows:

4. A licensed farm cidery holding a tasting permit issued pursuant to subdivision three of this section may apply to the authority for a permit to sell cider produced by such farm cidery, by the bottle, during such tastings in premises licensed under sections sixty-four[, sixty-four-a,] AND eighty-one [and eighty-one-a] of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

S 29. Subdivision 10 of section 66 of the alcoholic beverage control law, as added by chapter 331 of the laws of 2004, is amended to read as follows:

10. Notwithstanding any provision to the contrary, the annual fee for a license for an establishment defined as an owner-occupied residence providing at least three but no more than five rooms for temporary transient lodgers with sleeping accommodations and a meal in the forenoon of the day, known as a "bed and breakfast dwelling" as authorized by subdivision [five-a] FIVE of section sixty-four of this article, shall be two hundred dollars plus fifteen dollars per each available bedroom.

S 30. Section 67 of the alcoholic beverage control law, as amended by section 4 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

S 67. License fees, duration of licenses; fee for part of year. Effective April first, nineteen hundred eighty-three, licenses issued pursuant to sections sixty-one, sixty-two, sixty-three, sixty-four, sixty-four-a and sixty-four-b of this article shall be effective for three years at three times that annual fee, except that, in implementing the purposes of this section, the liquor authority shall schedule the commencement dates, duration and expiration dates thereof to provide for an equal cycle of license renewals issued under each such section through the course of the fiscal year. Effective December first, nineteen hundred ninety-eight, licenses issued pursuant to [sections] SECTION sixty-four[, sixty-four-a and sixty-four-b] of this article shall be effective for two years at two times that annual fee, except that, in implementing the purposes of this section, the liquor authority shall schedule the commencement dates, duration and expiration dates thereof to provide for an equal cycle of license renewals issued under each such section through the course of the fiscal year. Notwithstanding the foregoing, commencing on December first, nineteen hundred ninety-eight and concluding on July thirty-first, two thousand two, a licensee issued a license pursuant to section sixty-four, sixty-four-a or sixty-

four-b of this article may elect to remit the fee for such license in equal annual installments. Such installments shall be due on dates established by the liquor authority and the failure of a licensee to have remitted such annual installments after a due date shall be a violation of this chapter. For licenses issued for less than the three-year licensing period, the license fee shall be levied on a pro-rated basis. The entire license fee shall be due and payable at the time of application. The liquor authority may make such rules as shall be appropriate to carry out the purpose of this section.

S 31. Paragraph a-1 of subdivision 3 and subdivision 5 of section 76 of the alcoholic beverage control law, as amended by chapter 221 of the laws of 2011, are amended to read as follows:

(a-1) Any person having applied for and received a license as a winery under this section may conduct wine tastings of New York state labelled wines and apply to the liquor authority for a permit to sell wine produced by such winery by the bottle, during such tastings in establishments licensed under section sixty-four[, section sixty-four-a,] OR section eighty-one [or section eighty-one-a] of this chapter to sell wine for consumption on the premises. Such winery may charge a fee of no more than twenty-five cents for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

5. Notwithstanding any provision of this chapter to the contrary, any one or more winery licensees, singly or jointly, may apply to the liquor authority for a license or licenses to sell wine at retail for consumption off the premises. For licensees applying singly, the duration of such license shall be coextensive with the duration of such licensee's winery license, and the fee therefor shall be five hundred dollars if such retail premises is located in cities having a population of one million or more; in cities having less than one million population and more than one hundred thousand, two hundred fifty dollars; and elsewhere, the sum of one hundred twenty-five dollars. Such license shall entitle the holder thereof to sell at retail for consumption off the premises any New York state labelled wine. Such license shall also entitle the holder thereof to conduct wine tastings. Such license shall also authorize the sale by the holder thereof of New York state labelled wine, in sealed containers for off-premises consumption, from the specially licensed premises of any person licensed pursuant to section [eighty-one-a] EIGHTY-ONE of this article to sell wine at retail for consumption on premises in which the principal business is the operation of a legitimate theater or such other lawful adult entertainment or recreational facility as the liquor authority may classify for eligibility pursuant to subdivision [six] FIVE of section [sixty-four-a] SIXTY-FOUR of this chapter. Not more than five such licenses shall be issued, either singly or jointly, to any licensed winery. All other provisions of this chapter relative to licenses to sell wine at retail for consumption off the premises shall apply so far as applicable to such application. The liquor authority is hereby authorized to adopt such rules as it may deem necessary to carry out the purpose of this subdivision, provided that all licenses issued pursuant to this subdivision shall be subject to the same rules and regulations as are applicable to the sale of wine at retail for consumption off the premises of the winery licensee.

S 32. Paragraph b of subdivision 3 of section 76-a of the alcoholic beverage control law, as added by chapter 221 of the laws of 2011, is amended to read as follows:

(b) Any person having applied for and received a license as a farm winery under this section may conduct wine tastings of New York state labelled wines and apply to the liquor authority for a permit to sell wine produced by such farm winery, by the bottle, during such tastings in establishments licensed under [sections] SECTION sixty-four [and sixty-four-a] of this chapter and section eighty-one [or section eighty-one-a] of this article to sell wine for consumption on the premises. Such farm winery may charge a fee of no more than twenty-five cents for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

S 33. Subdivision 3 of section 97-a of the alcoholic beverage control law, as added by chapter 396 of the laws of 2010, is amended to read as follows:

3. A temporary retail permit under paragraph (b) of subdivision one of this section may not be issued for any premises that is subject to the provisions of section sixty-three[, paragraph (b)] OR of subdivision [seven] ELEVEN of section sixty-four[, subparagraph (ii) of paragraph (a) of subdivision seven of section sixty-four-a, subparagraph (ii) of paragraph (a) of subdivision eleven of section sixty-four-c, paragraph (b) of subdivision eight of section sixty-four-d,] or section seventy-nine of this chapter.

S 34. Subdivision 8 of section 100 of the alcoholic beverage control law, as added by chapter 256 of the laws of 1978, and as renumbered by chapter 466 of the laws of 2015, is amended to read as follows:

8. Within ten days after filing a new application to sell liquor at retail under section sixty-three[,] OR sixty-four[, sixty-four-a or sixty-four-b] 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 35. The opening paragraph of subdivision 7 of section 101 of the alcoholic beverage control law, as added by chapter 200 of the laws of 2014, is amended to read as follows:

Notwithstanding any other provision of law to the contrary, the state liquor authority may issue a RETAIL ON-PREMISES LIQUOR license [under paragraph (b) of subdivision five of section sixty-four-c of this chapter] FOR A RESTAURANT-BREWERY to the Culinary Institute of America, the owner and operator of the parcels described in this subdivision, notwithstanding that such beer brewed on its premises shall be sold to restaurant licensees on its premises by said Culinary Institute of America directly and not through a New York state licensed beer wholesaler. The legal descriptions for the parcels identified as the site are as follows:

S 36. Subdivision 2 of section 109 of the alcoholic beverage control law, as amended by chapter 83 of the laws of 1995 and as renumbered by chapter 560 of the laws of 2011, is amended to read as follows:

2. The authority shall provide an application for renewal of a license issued under section sixty-four [or sixty-four-a] of this chapter not less than sixty days prior to the expiration of the current license.

S 37. 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,] OR eighty-one [or eighty-one-a] of this chapter shall publish notice thereof pursuant to subdivision two of this section.

S 38. 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,] OR 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,] OR 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,] OR 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,] OR eighty-one [or eighty-one-a] of this chapter.

S 39. Paragraph (a) of subdivision 1 of section 123 of the alcoholic beverage control law, as amended by chapter 637 of the laws of 1980, is amended to read as follows:

(a) If any person shall engage or participate or be about to engage or participate in the manufacturing or sale of liquor, wine or beer in this state without obtaining the appropriate license therefor, or shall traffic in liquor, wine or beer contrary to any provision of this chapter, or otherwise unlawfully, or shall traffic in illegal liquor, wine or beer, or, operating a place for profit or pecuniary gain, with a capacity for the assemblage of twenty or more persons, shall permit a person or persons to come to such place of assembly for the purpose of consuming alcoholic beverages without having the appropriate license therefor FOR A BOTTLE CLUB pursuant to section [sixty-four-b] SIXTY-FOUR of this chapter, the liquor authority or any taxpayer residing in the city, village or town in which such activity is or is about to be engaged or participated in or such traffic is being conducted, or the city, town or village, may present a verified petition or complaint to a justice of the supreme court at a special term of the supreme court of the judicial district in which such city, village or town is situated, for an order enjoining such person engaging or participating in such activity or from carrying on such business. Such petition or complaint shall state the facts upon which such application is based. Upon the presentation of the petition or complaint, the justice or court shall grant an order requiring such person to appear before such justice or court at or before a

special term of the supreme court in such judicial district on the day specified therein, not more than ten days after the granting thereof, to show cause why such person should not be permanently enjoined from engaging or participating in such activity or from carrying on such business, or why such person should not be enjoined from carrying on such business contrary to the provisions of this chapter. A copy of such petition or complaint and order shall be served upon the person, in the manner directed by such order, not less than three days before the return day thereof. On the day specified in such order, the justice or court before whom the same is returnable shall hear the proofs of the parties and may, if deemed necessary or proper, take testimony in relation to the allegations of the petition or complaint. If the justice or court is satisfied that such person is about to engage or participate in the unlawful traffic in alcoholic beverages or has unlawfully manufactured or sold liquor, wine or beer without having obtained a license or contrary to the provisions of this chapter, or has trafficked in illegal liquor, wine or beer, or, is operating or is about to operate such place for profit or pecuniary gain, with such capacity, and has permitted or is about to permit a person or persons to come to such place of assembly for the purpose of consuming alcoholic beverages without having such appropriate license, an order shall be granted enjoining such person from thereafter engaging or participating in or carrying on such activity or business. If, after the entry of such an order in the county clerk's office of the county in which the principal place of business of the corporation or copartnership is located, or in which the individual so enjoined resides or conducts such business, and the service of a copy thereof upon such person, or such substituted service as the court may direct[,]; such person, copartnership or corporation shall, in violation of such order, manufacture or sell liquor, wine or beer, or illegal liquor, wine, or beer, or permit a person or persons to come to such place of assembly for the purpose of consuming alcoholic beverages, such activity shall be deemed a contempt of court and be punishable in the manner provided by the judiciary law, and, in addition to any such punishment, the justice or court before whom or which the petition or complaint is heard, may, in his or its discretion, order the seizure and forfeiture of any liquor, wine or beer and any fixtures, equipment and supplies used in the operation or promotion of such illegal activity, including any bar, bar or refrigeration equipment, vending machines, gaming machines and jukeboxes, and such property shall be subject to forfeiture pursuant to the provisions of subdivision two of this section. Costs upon the application for such injunction may be awarded in favor of and against the parties thereto in such sums as in the discretion of the justice or court before whom or which the petition or complaint is heard may seem proper.

S 40. Section 55-a of the alcoholic beverage control law is REPEALED.

S 41. Section 64-a of the alcoholic beverage control law is REPEALED.

S 42. Section 64-b of the alcoholic beverage control law is REPEALED.

S 43. Section 64-c of the alcoholic beverage control law is REPEALED.

S 44. Section 64-d of the alcoholic beverage control law is REPEALED.

S 45. Section 81-a of the alcoholic beverage control law is REPEALED.

S 46. The alcoholic beverage control law is amended by adding a new section 165 to read as follows:

S 165. SAVINGS CLAUSE ON REPEAL OF CERTAIN LICENSING SECTIONS. 1. THE REPEAL OF SECTION FIFTY-FIVE-A BY THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION SHALL NOT OPERATE OR BE CONSTRUED TO INVALIDATE OR AFFECT ANY LICENSE PREVIOUSLY ISSUED UNDER SUCH

SECTION. UPON THE EFFECTIVE DATE OF SUCH CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN, PREMISES LICENSED UNDER SUCH SECTIONS SHALL BE DEEMED TO BE LICENSED PURSUANT TO SECTION FIFTY-FIVE OF THIS CHAPTER.

2. THE REPEAL OF SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C AND SIXTY-FOUR-D BY THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION SHALL NOT OPERATE OR BE CONSTRUED TO INVALIDATE OR AFFECT ANY LICENSE PREVIOUSLY ISSUED UNDER SUCH SECTION. UPON THE EFFECTIVE DATE OF SUCH CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN, PREMISES LICENSED UNDER SUCH SECTIONS SHALL BE DEEMED TO BE LICENSED PURSUANT TO SECTION SIXTY-FOUR AS ENACTED BY THIS CHAPTER.

3. THE REPEAL OF SECTION EIGHTY-ONE-A BY THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION SHALL NOT OPERATE OR BE CONSTRUED TO INVALIDATE OR AFFECT ANY LICENSE PREVIOUSLY ISSUED UNDER SUCH SECTION. UPON THE EFFECTIVE DATE OF SUCH CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN, PREMISES LICENSED UNDER SUCH SECTIONS SHALL BE DEEMED TO BE LICENSED PURSUANT TO SECTION EIGHTY-ONE OF THIS CHAPTER.

S 47. The opening paragraph of section 270 of the executive law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

The head of the alcoholic beverage control division shall be the state liquor authority [which] WHOSE MEMBERS shall consist of [three members, who shall be known as commissioners] A CHAIRMAN AND TWO COMMISSIONERS, who shall be appointed by the governor, by and with the advice and consent of the senate[, and one of whom shall be designated as chairman by the governor].

S 48. Sections 271 and 273 of the executive law, section 273 as amended by chapter 83 of the laws of 1995, are amended to read as follows:

S 271. Salaries; expenses. [The] IN ADDITION TO THEIR RESPECTIVE SALARY AS FIXED BY LAW, THE chairman and the other [members] COMMISSIONERS of the authority shall [receive a salary to be fixed by the governor within the amounts appropriated therefor. Each member of the authority shall] also be entitled to [his] THEIR expenses actually and necessarily incurred by [him] THEM in the performance of [his] THEIR duties.

S 273. Vacancies; quorum. (A) In the event of a vacancy caused by death, resignation, removal or disability of [any member] A COMMISSIONER, the vacancy shall be filled by the governor by and with the advice and consent of the senate for the unexpired term.

(B) IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION, REMOVAL OR DISABILITY OF THE CHAIRMAN, THE VACANCY SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR THE UNEXPIRED TERM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL DESIGNATE ONE OF THE COMMISSIONERS TO SERVE AS ACTING CHAIRMAN UNTIL THE APPOINTMENT AND QUALIFICATION OF A SUCCESSOR CHAIRMAN.

(C) A majority of the members of the authority shall constitute a quorum for the purpose of conducting the business thereof and a majority vote of all the members in office shall be necessary for action.

S 49. This act shall take effect on the sixtieth day after it shall have become a law; provided that the amendments to section 17 of the alcoholic beverage control law made by section three of this act shall be subject to the expiration and reversion of such section pursuant to section 4 of chapter 118 of the laws of 2012, as amended, when upon such date the provisions of section four of this act shall take effect.