

1380

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. LENTOL -- read once and referred to the Committee
on Economic Development

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

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

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

3 20-F. "MOTION PICTURE THEATRE" SHALL MEAN A BUILDING OR FACILITY WHICH
4 IS REGULARLY USED AND KEPT OPEN PRIMARILY FOR THE EXHIBITION OF MOTION
5 PICTURES ON A DAILY BASIS TO THE GENERAL PUBLIC WHERE ALL AUDITORIUM
6 SEATING IS PERMANENTLY AFFIXED TO THE FLOOR AND AT LEAST SIXTY-FIVE
7 PERCENT OF THE MOTION PICTURE THEATRE'S ANNUAL GROSS REVENUES IS THE
8 COMBINED RESULT OF ADMISSION REVENUE FOR THE SHOWING OF MOTION PICTURES
9 AND THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES.

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

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

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

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

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

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

LBD01194-01-5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if
2 such permit is issued on a calendar year basis, ninety-four, ninety-
3 five, ninety-six or ninety-six-a of this chapter or pursuant to subdivi-
4 sions b, c, e or j of section ninety-nine-b, if such permit is issued on
5 a calendar year basis, or with each renewal application for an addi-
6 tional bar pursuant to subdivision four of section one hundred of this
7 chapter, a filing fee of thirty dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (b) Within the context of this subdivision, the word "entrance" shall
42 mean a door of a school, of a house of worship, or of premises licensed
43 and operating pursuant to this section and sections sixty-four, sixty-
44 four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this
45 article or of the premises sought to be licensed, regularly used to give
46 ingress to students of the school, to the general public attending the
47 place of worship, and to patrons or guests of the premises licensed and
48 operating pursuant to this section and sections sixty-four,
49 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
50 of this article or of the premises sought to be licensed, except that
51 where a school or house of worship or premises licensed and operating
52 pursuant to this section and sections sixty-four, sixty-four-b, sixty-
53 four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or
54 the premises sought to be licensed is set back from a public thorough-
55 fare, the walkway or stairs leading to any such door shall be deemed an
56 entrance; and the measurement shall be taken to the center of the walk-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 1. Not less than thirty days before filing any of the following appli-
10 cations, an applicant shall notify the municipality in which the prem-
11 ises is located of such applicant's intent to file such an application:

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

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

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

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

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