

STATE OF NEW YORK

9755--A

R. R. 354

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Economic Development -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- ordered to a third reading -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the alcoholic beverage control law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a school; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 7 of section 64 of the alcoholic beverage
2 control law is amended by adding a new paragraph (e-16) to read as
3 follows:

4 (e-16) Notwithstanding the provisions of paragraph (a) of this subdi-
5 vision, the authority may issue a retail license for on-premises
6 consumption for a premises which shall be within two hundred feet of a
7 building occupied exclusively as a school, church, synagogue or other
8 place of worship, provided such premises constitutes a premises for the
9 sale of food or beverages at retail for consumption on the premises
10 located wholly within the boundaries of the borough of Manhattan, county
11 of New York, city and state of New York, bounded and described as
12 follows:

13 ALL that certain plot, piece or parcel of land, with the buildings and
14 improvements thereon erected, situate, lying and being in the Borough of
15 Manhattan, County, City and State of New York, bounded and described as
16 follows:

17 BEGINNING at the corner formed by intersection of the Northerly side
18 of Twenty-Ninth Street with the Easterly side of Third Avenue and
19 running thence Northerly along the Easterly Side of said Avenue Twenty-
20 Four (24) feet and Four and One-Quarter (4-1/4) inches, thence Easterly
21 and parallel with Twenty-Ninth Street and Fifty-Nine (59) Feet, thence
22 Southerly parallel with said Avenue, Twenty-Four Feet and Four and One-

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

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1 Quarter (4-1/4) inches to Twenty-Ninth Street and thence Westerly along
2 Twenty-Ninth Street, Fifty-Nine feet to the point of place of Beginning.
3 SAID PREMISES being known as and located at 415 Third Avenue, New
4 York, New York and designated as Block 910 Lot 1 as shown on the Tax Map
5 of the City of New York, County of New York.

6 SAID PREMISES being and intended to be the same premises conveyed to
7 the party of the first part by deed dated 8/23/2013 and recorded on
8 11/15/2013 in the New York City Register's Office as CRFN 2013000471055.

9 § 2. This act shall take effect immediately; provided, however, that
10 upon the sale or transfer of the parcel detailed in paragraph (e-16) of
11 subdivision 7 of section 64 of the alcoholic beverage control law as
12 added by section one of this act, such paragraph shall expire and be
13 deemed repealed unless the licensee immediately obtains a leasehold upon
14 such sale or transfer of such parcel as part of the sale or transfer. If
15 the licensee obtains such a leasehold, such paragraph (e-16) pertaining
16 to such parcel shall expire and be deemed repealed upon the end or
17 termination of such lease; and provided, further, that the chair of the
18 state liquor authority shall notify the legislative bill drafting
19 commission upon the occurrence of such sale, transfer or termination of
20 the leasehold in order that the commission may maintain an accurate and
21 timely effective data base of the official text of the laws of the state
22 of New York in furtherance of effectuating the provisions of section 44
23 of the legislative law and section 70-b of the public officers law.