STATE OF NEW YORK

8913--A

Cal. No. 1436

IN SENATE

March 27, 2024

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged and said bill committed to the Committee on Commerce, Economic Development and Small Business -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the 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:

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

(e-16) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption 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, 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, county of New York, city and 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 Borough of Manhattan, County, City and State of New York, bounded and described as follows:

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

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

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Southerly parallel with said Avenue, Twenty-Four Feet and Four and One-Quarter (4-1/4) inches to Twenty-Ninth Street and thence Westerly along Twenty-Ninth Street, Fifty-Nine feet to the point of place of Beginning.

SAID PREMISES being known as and located at 415 Third Avenue, New York, New York and designated as Block 910 Lot 1 as shown on the Tax Map of the City of New York, County of New York.

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

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