

PROGRAM BILL #15

Legislative Bill Drafting Commission
12046-03-6

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

ALCOBELA
(Relates to the reorganization of
the alcoholic beverage control law;
repealer)

ABC. reorg. ABC law

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:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s31 Espaillat	s27 Hoylman	s25 Montgomery	s56 Robach
s52 Akshar	s49 Farley	s09 Kaminsky	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s63 Kennedy	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s34 Klein	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s28 Krueger	s62 Ortt	s29 Serrano
s04 Boyle	s59 Gallivan	s24 Lanza	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s39 Larkin	s21 Parker	s26 Squadron
s38 Carlucci	s22 Golden	s37 Latimer	s13 Peralta	s16 Stavisky
s14 Comrie	s47 Griffo	s01 LaValle	s30 Perkins	s35 Stewart- Cousins
s03 Croci	s20 Hamilton	s45 Little	s19 Persaud	s53 Valesky
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s61 Ranzenhofer	s08 Venditto
s32 Diaz	s36 Hassell- Thompson	s43 Marchione	s48 Ritchie	s57 Young
s18 Dilan		s07 Martins	s33 Rivera	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a011 Jean-Pierre	a003 Murray	a076 Seawright
a092 Abinanti	a054 Dilan	a135 Johns	a133 Nojaj	a087 Sepulveda
a084 Arroyo	a081 Dinowitz	a077 Joyner	a037 Nolan	a027 Simanowitz
a035 Aubry	a147 DiPietro	a094 Katz	a130 Oaks	a052 Simon
a120 Barclay	a115 Duprey	a074 Kavanagh	a069 O'Donnell	a036 Simotas
a106 Barrett	a004 Englebright	a142 Kearns	a051 Ortiz	a104 Skartados
a060 Barron	a109 Fahy	a040 Kim	a091 Otis	a099 Skoufis
a082 Benedetto	a071 Farrell	a131 Kolb	a132 Palmesano	a022 Solages
a042 Bichotte	a126 Finch	a105 Lalor	a002 Palumbo	a114 Stec
a079 Blake	a008 Fitzpatrick	a013 Lavine	a088 Paulin	a110 Steck
a117 Blankenbush	a124 Friend	a134 Lawrence	a141 Peoples- Stokes	a127 Stirpe
a098 Brabene	a095 Galef	a050 Lentol	a058 Perry	a112 Tedisco
a026 Braunstein	a137 Gantt	a125 Lifton	a086 Pichardo	a101 Tenney
a044 Brennan	a007 Garbarino	a072 Linares	a089 Pretlow	a001 Thiele
a119 Brindisi	a148 Giglio	a102 Lopez	a073 Quart	a061 Titone
a138 Bronson	a080 Gjonaj	a123 Lupardo	a019 Ra	a031 Titus
a093 Buchwald	a066 Glick	a010 Lupinacci	a012 Raia	a055 Walker
a118 Butler	a023 Goldfeder	a121 Magee	a006 Ramos	a146 Walter
a103 Cahill	a150 Goodell	a129 Magnarelli	a043 Richardson	a041 Weinstein
a065 Cancel	a075 Gottfried	a064 Malliotakis	a078 Rivera	a024 Weprin
a062 Castorina	a005 Graf	a030 Markey	a056 Robinson	a059 Williams
a145 Ceretto	a100 Gunther	a090 Mayer	a068 Rodriguez	a113 Woerner
a047 Colton	a046 Harris	a108 McDonald	a067 Rosenthal	a143 Wozniak
a032 Cook	a139 Hawley	a014 McDonough	a025 Rozic	a070 Wright
a144 Corwin	a083 Heastie	a017 McKevitt	a116 Russell	a096 Zebrowski
a085 Crespo	a028 Hevesi	a107 McLaughlin	a149 Ryan	a020
a122 Crouch	a048 Hikind	a038 Miller	a009 Saladino	a033
a021 Curran	a018 Hooper	a015 Montesano	a111 Santabarbara	
a063 Cusick	a128 Hunter	a136 Morelle	a016 Schimel	
a045 Cymbrowitz	a029 Hyndman	a057 Mosley	a039 Schimminger	
a053 Davila	a097 Jaffee	a039 Moya		

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

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

4 § 10. State liquor authority. There shall continue to be in the exec-
5 utive department an alcoholic beverage control division, the head of
6 which shall be the state liquor authority [which] whose members shall
7 consist of [three members, who shall be known as commissioners] a chair-
8 man and two commissioners, all of whom shall be citizens and residents
9 of the state. [The state alcoholic beverage control board created and
10 appointed pursuant to chapter one hundred eighty of the laws of nineteen
11 hundred thirty-three, as presently constituted, shall continue in exist-
12 ence and hereafter shall be known and designated as the state liquor
13 authority.] The terms "state alcoholic beverage control board", "state
14 board", "liquor authority", or "authority", wherever occurring in any of
15 the provisions of this chapter or of any other law, or in any official
16 books, records, instruments, rules or papers, shall hereafter mean and
17 refer to the state liquor authority provided for in this section.

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

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

24 2. In the event of a vacancy caused by the death, resignation,
25 removal, or disability of the chairman, the vacancy shall be filled by
26 the governor by and with the advice and consent of the senate for the
27 unexpired term. Notwithstanding any other provision of law, the governor

1 shall designate one of the commissioners to serve as acting chairman
2 until the appointment and qualification of a successor chairman.

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

6 § 3. Subdivision 3 of section 17 of the alcoholic beverage control
7 law, as amended by section 2 of chapter 355 of the laws of 2013, is
8 amended to read as follows:

9 3. To revoke, cancel or suspend for cause any license or permit issued
10 under this chapter and/or to impose a civil penalty for cause against
11 any holder of a license or permit issued pursuant to this chapter. Any
12 civil penalty so imposed shall not exceed the sum of ten thousand
13 dollars as against the holder of any retail permit issued pursuant to
14 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
15 paragraph f of subdivision one of section ninety-nine-b of this chapter,
16 and as against the holder of any retail license issued pursuant to
17 sections [fifty-two,] fifty-three-a, fifty-four, fifty-four-a, fifty-
18 five, [fifty-five-a,] sixty-three, sixty-four, [sixty-four-a, sixty-
19 four-b, sixty-four-c,] seventy-six-f, seventy-nine, and eighty-one [and
20 eighty-one-a] of this chapter, and the sum of thirty thousand dollars as
21 against the holder of a license issued pursuant to sections fifty-three,
22 sixty-one-a, sixty-one-b, seventy-six, seventy-six-a, and seventy-eight
23 of this chapter, provided that the civil penalty against the holder of a
24 wholesale license issued pursuant to section fifty-three of this chapter
25 shall not exceed the sum of ten thousand dollars where that licensee
26 violates provisions of this chapter during the course of the sale of
27 beer at retail to a person for consumption at home, and the sum of one
28 hundred thousand dollars as against the holder of any license issued

1 pursuant to sections fifty-one, sixty-one, and sixty-two of this chap-
2 ter. Any civil penalty so imposed shall be in addition to and separate
3 and apart from the terms and provisions of the bond required pursuant to
4 section one hundred twelve of this chapter. Provided that no appeal is
5 pending on the imposition of such civil penalty, in the event such civil
6 penalty imposed by the division remains unpaid, in whole or in part,
7 more than forty-five days after written demand for payment has been sent
8 by first class mail to the address of the licensed premises, a notice of
9 impending default judgment shall be sent by first class mail to the
10 licensed premises and by first class mail to the last known home address
11 of the person who signed the most recent license application. The
12 notice of impending default judgment shall advise the licensee: (a) that
13 a civil penalty was imposed on the licensee; (b) the date the penalty
14 was imposed; (c) the amount of the civil penalty; (d) the amount of the
15 civil penalty that remains unpaid as of the date of the notice; (e) the
16 violations for which the civil penalty was imposed; and (f) that a judg-
17 ment by default will be entered in the supreme court of the county in
18 which the licensed premises are located, or other court of civil juris-
19 diction or any other place provided for the entry of civil judgments
20 within the state of New York unless the division receives full payment
21 of all civil penalties due within twenty days of the date of the notice
22 of impending default judgment. If full payment shall not have been
23 received by the division within thirty days of mailing of the notice of
24 impending default judgment, the division shall proceed to enter with
25 such court a statement of the default judgment containing the amount of
26 the penalty or penalties remaining due and unpaid, along with proof of
27 mailing of the notice of impending default judgment. The filing of such
28 judgment shall have the full force and effect of a default judgment duly

1 docketed with such court pursuant to the civil practice law and rules
2 and shall in all respects be governed by that chapter and may be
3 enforced in the same manner and with the same effect as that provided by
4 law in respect to execution issued against property upon judgments of a
5 court of record. A judgment entered pursuant to this subdivision shall
6 remain in full force and effect for eight years notwithstanding any
7 other provision of law.

8 § 4. Subdivision 3 of section 17 of the alcoholic beverage control
9 law, as amended by section 3 of chapter 355 of the laws of 2013, is
10 amended to read as follows:

11 3. To revoke, cancel or suspend for cause any license or permit issued
12 under this chapter and/or to impose a civil penalty for cause against
13 any holder of a license or permit issued pursuant to this chapter. Any
14 civil penalty so imposed shall not exceed the sum of ten thousand
15 dollars as against the holder of any retail permit issued pursuant to
16 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
17 paragraph f of subdivision one of section ninety-nine-b of this chapter,
18 and as against the holder of any retail license issued pursuant to
19 sections [fifty-two,] fifty-three-a, fifty-four, fifty-four-a, fifty-
20 five, [fifty-five-a,] sixty-three, sixty-four, [sixty-four-a,
21 sixty-four-b, sixty-four-c,] seventy-six-f, seventy-nine, and eighty-
22 one, [and eighty-one-a] of this chapter, and the sum of thirty thousand
23 dollars as against the holder of a license issued pursuant to sections
24 fifty-three, sixty-one-a, sixty-one-b, seventy-six, seventy-six-a and
25 seventy-eight of this chapter, provided that the civil penalty against
26 the holder of a wholesale license issued pursuant to section fifty-three
27 of this chapter shall not exceed the sum of ten thousand dollars where
28 that licensee violates provisions of this chapter during the course of

1 the sale of beer at retail to a person for consumption at home, and the
2 sum of one hundred thousand dollars as against the holder of any license
3 issued pursuant to sections fifty-one, sixty-one and sixty-two of this
4 chapter. Any civil penalty so imposed shall be in addition to and sepa-
5 rate and apart from the terms and provisions of the bond required pursu-
6 ant to section one hundred twelve of this chapter. Provided that no
7 appeal is pending on the imposition of such civil penalty, in the event
8 such civil penalty imposed by the division remains unpaid, in whole or
9 in part, more than forty-five days after written demand for payment has
10 been sent by first class mail to the address of the licensed premises, a
11 notice of impending default judgment shall be sent by first class mail
12 to the licensed premises and by first class mail to the last known home
13 address of the person who signed the most recent license application.
14 The notice of impending default judgment shall advise the licensee: (a)
15 that a civil penalty was imposed on the licensee; (b) the date the
16 penalty was imposed; (c) the amount of the civil penalty; (d) the amount
17 of the civil penalty that remains unpaid as of the date of the notice;
18 (e) the violations for which the civil penalty was imposed; and (f) that
19 a judgment by default will be entered in the supreme court of the county
20 in which the licensed premises are located, or other court of civil
21 jurisdiction, or any other place provided for the entry of civil judg-
22 ments within the state of New York unless the division receives full
23 payment of all civil penalties due within twenty days of the date of the
24 notice of impending default judgment. If full payment shall not have
25 been received by the division within thirty days of mailing of the
26 notice of impending default judgment, the division shall proceed to
27 enter with such court a statement of the default judgment containing the
28 amount of the penalty or penalties remaining due and unpaid, along with

1 proof of mailing of the notice of impending default judgment. The filing
2 of such judgment shall have the full force and effect of a default judg-
3 ment duly docketed with such court pursuant to the civil practice law
4 and rules and shall in all respects be governed by that chapter and may
5 be enforced in the same manner and with the same effect as that provided
6 by law in respect to execution issued against property upon judgments of
7 a court of record. A judgment entered pursuant to this subdivision shall
8 remain in full force and effect for eight years notwithstanding any
9 other provision of law.

10 § 5. The section heading of section 55 of the alcoholic beverage
11 control law is amended to read as follows:

12 [License to sell] Retail on-premises beer [at retail for consumption
13 on the premises] license.

14 § 6. Subdivision 3 of section 55 of the alcoholic beverage control
15 law, as amended by chapter 531 of the laws of 1964, is amended to read
16 as follows:

17 3. No such license shall be issued, however, to any person for any
18 premises other than (a) a premises for which a license may be issued
19 under section sixty-four [or sixty-four-a] of this chapter [or a hotel
20 or premises which are kept, used, maintained, advertised or held out to
21 the public to be a place where food is prepared and served for consump-
22 tion on the premises in such quantities as to satisfy the liquor author-
23 ity that the sale of beer intended is incidental to and not the prime
24 source of revenue from the operation of such premises. The foregoing
25 provisions of this subdivision shall not apply to any premises located
26 at, in, or on the area leased by the city of New York to New York
27 World's Fair 1964 Corporation pursuant to the provisions of chapter four
28 hundred twenty-eight of the laws of nineteen hundred sixty, as amended

1 by a chapter of the laws of nineteen hundred sixty-one, during the term
2 or duration of such lease. Such license may also include such suitable
3 space outside of the licensed premises and adjoining it as may be
4 approved by the liquor authority.]; or

5 (b) a baseball park, race track, or other athletic field and stadium
6 where admission fees are charged, other than a park, field or stadium
7 operated and maintained by an educational institution.

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

10 4. (a) The provisions of subdivisions six, seven and eight of section
11 sixty-four of this chapter shall apply to any license issued under this
12 section.

13 (b) A license under this section shall be issued to all applicants
14 except for good cause shown.

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

17 § 61-a. Combined craft manufacturing license. 1. The authority may
18 issue a combined craft manufacturer's license to a person combining the
19 privileges of two or more farm or micro manufacturing licenses for use
20 at one premises.

21 2. The license fee for the combined license shall equal the license
22 fee for each of the licenses included in the combined license. Provided,
23 however, that only one filing fee shall be required for any combined
24 license.

25 3. The license certificate of the combined license shall set forth the
26 licenses that are included under the combined license.

27 4. A combined farm manufacturer's license may combine two or more of
28 the following licenses: farm brewery; micro-brewery; farm cidery; farm

1 winery; micro-distillery; micro-rectifier; and farm distillery.
2 Provided, however, that the licensed premises for a combined farm
3 manufacturer's license that includes a farm winery license must be
4 located on a farm.

5 § 61-b. Importer's license. An importer's license shall authorize the
6 holder thereof to import alcoholic beverages into this state and sell
7 such alcoholic beverages to licensed wholesalers authorized to sell such
8 alcoholic beverages.

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

12 4. No licensee under this section shall be engaged in any other busi-
13 ness on the licensed premises. The sale of lottery tickets, when duly
14 authorized and lawfully conducted, the sale of corkscrews or the sale of
15 ice or the sale of publications, including prerecorded video and/or
16 audio cassette tapes, designed to help educate consumers in their know-
17 ledge and appreciation of wine and wine products, as defined in section
18 three of this chapter, or the sale of non-carbonated, non-flavored
19 mineral waters, spring waters and drinking waters or the sale of glasses
20 designed for the consumption of wine, racks designed for the storage of
21 wine, and devices designed to minimize oxidation in bottles of wine
22 which have been uncorked, or the sale of gift bags, gift boxes, or wrap-
23 ping, for alcoholic beverages purchased at the licensed premises shall
24 not constitute engaging in another business within the meaning of this
25 subdivision.

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

1 § 64. Retail on-premises liquor license. 1. Any person may make an
2 application to the authority for a license to sell liquor at retail to
3 be consumed on the premises where sold, and such licenses shall be
4 issued to all applicants except for good cause shown.

5 2. Such application shall be in such form and shall contain such
6 information as shall be required by the rules of the liquor authority
7 and shall be accompanied by a check or draft in the amount required by
8 this article for such license.

9 3. Section fifty-four of this chapter shall control, so far as appli-
10 cable, the procedure in connection with such application.

11 4. Such license shall in form and in substance be a license to the
12 person specifically licensed to sell liquors at retail, to be consumed
13 upon the premises. Such license shall also be deemed to include a
14 license to sell wine and beer at retail to be consumed under the same
15 terms and conditions, without the payment of any additional fee.

16 5. (a) No license under this section shall be granted except for:

17 (i) such premises as are being operated as a bona fide hotel provided
18 that a restaurant is operated in such premises; a restaurant; a catering
19 establishment; a club; a railroad car; a vessel; an aircraft being oper-
20 ated on regularly scheduled flights by a United States certificated
21 airline; a restaurant-brewery; or an establishment designated and
22 commonly known and operated as a "bed and breakfast" regardless of
23 whether or not a restaurant is operated in such establishment, provided
24 that such license shall only permit the sale of alcoholic beverages to
25 overnight guests of such establishment;

26 (ii) a premises in which the principal business shall be the sale of
27 food or beverages at retail for consumption on the premises or the oper-
28 ation of a legitimate theater or such other lawful adult entertainment

1 or recreational facility as the liquor authority, giving due regard to
2 the convenience of the public and the strict avoidance of sales prohib-
3 ited by this chapter, shall by regulation classify for eligibility;

4 (iii) a bottle club, being a premises operated for profit or pecuniary
5 gain, with a capacity for the assemblage of twenty or more persons to
6 permit a person or persons to come to the place of assembly for the
7 purpose of consuming alcoholic beverages on said premises, which alco-
8 holic beverages are either provided by the operator of the place of
9 assembly, his agents, servants or employees, or are brought onto said
10 premises by the person or persons assembling at such place; or

11 (iv) a cabaret, being a premises in which the principal business shall
12 be the sale of food or beverages at retail for consumption on the prem-
13 ises, other than a restaurant, catering establishment or hotel; upon
14 whose premises musical entertainment, singing, dancing or other forms of
15 entertainment is permitted; with a capacity for the assemblage of six
16 hundred or more persons.

17 (b) Nothing contained in this subdivision shall be deemed to authorize
18 the issuance of a license to a motion picture theatre, except those
19 meeting the definition of restaurant and meals, and where all seating is
20 at tables where meals are served.

21 (c) Nothing contained in this subdivision shall be construed as
22 affecting the definition of place of assembly in this chapter or any
23 other law; nor shall prohibit or restrict the leasing or use of such
24 place of assemblage as defined in this section by any organization or
25 club enumerated in subdivision seven of this section.

26 (d) A license under this section shall not be required for a bottle
27 club operated by any non-profit religious, charitable, or fraternal
28 organization nor to a club as defined in subdivision nine of section

1 three of this chapter, nor to a duly recognized political club, except
2 that it shall be unlawful for any of the above to permit consumption of
3 alcoholic beverages during the hours prohibited by or pursuant to
4 section one hundred six of this chapter.

5 6. Every premises licensed under clause (ii) and (iv) of paragraph (a)
6 of subdivision five of this section shall regularly keep food available
7 for sale to its customers for consumption on the premises.

8 (a) The availability of sandwiches, soups or other foods, whether
9 fresh, processed, pre-cooked or frozen, shall be deemed compliance with
10 this subdivision.

11 (b) The licensed premises shall comply at all times with all the regu-
12 lations of the local department of health.

13 (c) Nothing contained in this subdivision, however, shall be construed
14 to require that any food be sold or purchased with any liquor, nor shall
15 any rule, regulation or standard be promulgated or enforced requiring
16 that the sale of food be substantial or that the receipts of the busi-
17 ness other than from the sale of liquor equal any set percentage of
18 total receipts from sales made therein.

19 7. (a) No retail license for on-premises consumption shall be granted
20 for any premises, unless the applicant shall be the owner thereof, or
21 shall be in possession of said premises under a lease, management agree-
22 ment or other agreement giving the applicant control over the food and
23 beverage at the premises, in writing, for a term not less than the
24 license period except, however, that such license may thereafter be
25 renewed without the requirement of a lease, management agreement or
26 other agreement giving the applicant control over the food and beverage
27 at the premises, as herein provided.

1 (b) This subdivision shall not apply to premises leased from govern-
2 ment agencies, as defined under subdivision twelve-c of section three of
3 this chapter; provided, however, that the appropriate administrator of
4 such government agency provides some form of written documentation
5 regarding the terms of occupancy under which the applicant is leasing
6 said premises from the government agency for presentation to the state
7 liquor authority at the time of the license application.

8 (c) Such documentation shall include the terms of occupancy between
9 the applicant and the government agency, including, but not limited to,
10 any short-term leasing agreements or written occupancy agreements.

11 8. A license issued for a catering establishment shall authorize the
12 holder thereof to sell alcoholic beverages at retail only during such
13 period of time as a function, occasion or event is in progress therein
14 and then only to persons invited to and attending such function, occa-
15 sion or event and only for consumption on the premises where sold.

16 9. Where a license under this section shall be granted to the owner of
17 a hotel situated in a town or village the liquor authority may in its
18 discretion grant to such licensee the right to sell liquor and wine for
19 off-premises consumption under the same terms and conditions as apply to
20 off-premises liquor licenses upon the payment of an additional fee of
21 sixty-two dollars and fifty cents; provided, however, that this permis-
22 sion shall not be granted if an off-premises liquor license has been
23 granted for premises located within eight miles of such hotel.

24 10. (a) No retail license for on-premises consumption shall be granted
25 for any premises which shall be on the same street or avenue and within
26 two hundred feet of a building occupied exclusively as a school, church,
27 synagogue or other place of worship.

1 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
2 sion, the authority, in its discretion, may issue a license under this
3 section for a premises which shall be within two hundred feet of a
4 building occupied exclusively as a school, church, synagogue or other
5 place of worship.

6 (i) In addition to the notice to the municipality required by para-
7 graph (a) of subdivision one of section one hundred ten-b of this chap-
8 ter, an applicant subject to the provisions of this subdivision shall
9 notify, in the same manner as set forth in section one hundred ten-b of
10 this chapter, any school, church, synagogue or other place of worship
11 that is on the same street and within two hundred feet of the proposed
12 licensed premises.

13 (ii) The municipality and the school, church, synagogue or other place
14 of worship so notified may express an opinion for or against the author-
15 ity's exercise of discretion granted pursuant to this paragraph. Any
16 such opinion shall be deemed part of the record upon which the liquor
17 authority makes its determination to grant or deny the application.

18 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-
19 sion:

20 (i) no renewal license shall be denied because of such restriction to
21 any premises so located which were maintained as a bona fide hotel,
22 restaurant, catering establishment or club on or prior to December
23 fifth, nineteen hundred thirty-three;

24 (ii) no license shall be denied to any premises at which a license
25 under this chapter has been in existence continuously from a date prior
26 to the date when a building on the same street or avenue and within two
27 hundred feet of said premises has been occupied exclusively as a school,
28 church, synagogue or other place of worship; and

1 (iii) this subdivision shall not be deemed to restrict the issuance of
2 a hotel liquor license to a building used as a hotel and in which a
3 restaurant liquor license currently exists for premises which serve as a
4 dining room for guests of the hotel and a caterer's license to a person
5 using the permanent catering facilities of a church, synagogue or other
6 place of worship pursuant to a written agreement between such person and
7 the authorities in charge of such facilities.

8 (d) The liquor authority, in its discretion, may authorize the removal
9 of any licensed premises to a different location on the same street or
10 avenue, within two hundred feet of said school, church, synagogue or
11 other place of worship, provided that such new location is not within a
12 closer distance to such school, church, synagogue or other place of
13 worship.

14 (e) Within the context of this subdivision, a building occupied as a
15 place of worship does not cease to be "exclusively" occupied as a place
16 of worship by incidental uses that are not of a nature to detract from
17 the predominant character of the building as a place of worship, such
18 uses which include, but which are not limited to: the conduct of legally
19 authorized games of bingo or other games of chance held as a means of
20 raising funds for the not-for-profit religious organization which
21 conducts services at the place of worship or for other not-for-profit
22 organizations or groups; use of the building for fund-raising perform-
23 ances by or benefitting the not-for-profit religious organization which
24 conducts services at the place of worship or other not-for-profit organ-
25 izations or groups; the use of the building by other religious organiza-
26 tions or groups for religious services or other purposes; the conduct of
27 social activities by or for the benefit of the congregants; the use of
28 the building for meetings held by organizations or groups providing

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

14 (f) Notwithstanding the provisions of this chapter to the contrary,
15 the authority may issue a license to sell liquor at retail to be
16 consumed on-premises to a club as such term is defined in subdivision
17 nine of section three of this chapter whether or not the building in
18 which the premises for which such license is to be issued is used exclu-
19 sively for club purposes and whether or not such premises is within two
20 hundred feet of a building used exclusively as a school, church, syna-
21 gogue or place of worship if such club is affiliated or associated with
22 such school, church, synagogue or place of worship and the governing
23 body of such school, church, synagogue or other place of worship has
24 filed written notice with the authority that it has no objection to the
25 issuance of such license.

26 (g) Notwithstanding paragraph (a) of this subdivision, a license for a
27 premises in which the principal business shall be the operation of a
28 legitimate theater by a corporation organized pursuant to the not-for-

1 profit corporation law may be granted notwithstanding the proximity of
2 such premises to any school, provided that the availability of alcoholic
3 beverages on such premises shall not be advertised in any way at such
4 premises in any manner visible from such street or avenue.

5 11. (a) No license under this section shall be granted for any prem-
6 ises which shall be in a city, town or village having a population of
7 twenty thousand or more within five hundred feet of three or more exist-
8 ing premises licensed and operating pursuant to this section. Provided,
9 however, that no license shall be denied to any premises, which is with-
10 in five hundred feet of three or more existing premises licensed and
11 operating pursuant to this section at which a license under this chapter
12 has been in existence continuously on or prior to November first, nine-
13 teen hundred ninety-three.

14 (b) (i) Notwithstanding the provisions of paragraph (a) of this subdi-
15 vision, the authority may issue a license pursuant to this section for a
16 premises which shall be within five hundred feet of three or more exist-
17 ing premises licensed and operating pursuant to this section if, after
18 consultation with the municipality or community board, it determines
19 that granting such license would be in the public interest.

20 (ii) Before it may issue any such license, the authority shall conduct
21 a hearing, upon notice to the applicant and the municipality or communi-
22 ty board, and shall state and file in its office its reasons therefor.
23 Notice to the municipality or community board shall mean written notice
24 mailed by the authority to such municipality or community board at least
25 fifteen days in advance of any hearing scheduled pursuant to this para-
26 graph. Upon the request of the authority, any municipality or community
27 board may waive the fifteen day notice requirement. The hearing may be
28 rescheduled, adjourned or continued, and the authority shall give notice

1 to the applicant and the municipality or community board of any such
2 rescheduled, adjourned or continued hearing.

3 (iii) Before the authority issues any said license, the authority or
4 one or more of the commissioners thereof may, in addition to the hearing
5 required by this paragraph, also conduct a public meeting regarding said
6 license, upon notice to the applicant and the municipality or community
7 board. The public meeting may be rescheduled, adjourned or continued,
8 and the authority shall give notice to the applicant and the munici-
9 pality or community board of any such rescheduled, adjourned or contin-
10 ued public meeting.

11 (iv) No premises having been granted a license pursuant to this
12 section shall be denied a renewal of such license upon the grounds that
13 such premises are within five hundred feet of a building or buildings
14 wherein three or more premises are licensed and operating pursuant to
15 this section.

16 (c) For purposes of this subdivision, the authority may consider any
17 or all of the following in determining whether the public interest will
18 be promoted by the granting of a license at a particular location:

19 (i) the number, classes and character of licenses in proximity to the
20 location and in the particular municipality or subdivision thereof;

21 (ii) evidence that all necessary licenses and permits have been
22 obtained from the state and all other governing bodies;

23 (iii) the effect of the grant of the license on vehicular traffic and
24 parking in proximity to the location;

25 (iv) the existing noise level at the location and any increase in
26 noise level that would be generated by the proposed premises;

27 (v) the history of liquor violations and reported criminal activity at
28 the proposed premises; and

1 (vi) any other factors specified by law or regulation that are rele-
2 vant to determine the public convenience and advantage and public inter-
3 est of the community.

4 12. For purposes of subdivisions ten and eleven of this section:

5 (a) the measurements are to be taken in straight lines from the center
6 of the nearest entrance of the premises sought to be licensed to the
7 center of the nearest entrance of such school, church, synagogue or
8 other place of worship or to the center of the nearest entrance of each
9 such premises licensed and operating pursuant to this section; and

10 (b) the word "entrance" shall mean a door of a school, of a house of
11 worship, or of premises licensed and operating pursuant to this section
12 or of the premises sought to be licensed under this section, regularly
13 used to give ingress to students of the school, to the general public
14 attending the place of worship, and to patrons or guests of the premises
15 licensed and operating pursuant to this section or of the premises
16 sought to be licensed under this section, except that: where a school or
17 house of worship, or premises licensed and operating pursuant to this
18 section, or the premises sought to be licensed under this section is set
19 back from a public thoroughfare; the walkway or stairs leading to any
20 such door shall be deemed an entrance; and the measurement shall be
21 taken to the center of the walkway or stairs at the point where it meets
22 the building line or public thoroughfare. A door which has no exterior
23 hardware, or which is used solely as an emergency or fire exit, or for
24 maintenance purposes, or which leads directly to a part of a building
25 not regularly used by the general public or patrons, is not deemed an
26 "entrance".

27 13. The holder of a license under this section issued for a restau-
28 rant-brewery license shall operate a restaurant on the premises. Such

1 license shall also be deemed to include a license to sell beer brewed on
2 the premises to another retail licensee, where such other license is
3 held by the same person holding the restaurant-brewer license, or to
4 commonly owned affiliate licenses, provided that such beer is sold
5 through a New York state licensed beer wholesaler.

6 (a) A license for a restaurant-brewery may only be granted to a person
7 who regularly and in a bona fide manner brews beer on the premises.

8 (b) Not more than five licenses for a restaurant-brewery shall be
9 granted to any person under this section.

10 (c) A person holding one or more licenses for a restaurant-brewery may
11 brew, in the aggregate, no more than twenty thousand barrels of beer per
12 year.

13 (d) For purposes of sections one hundred one and one hundred six of
14 this chapter, a person holding a license for a restaurant-brewery shall
15 be deemed a "retailer" as that term is defined within section three of
16 this chapter. Notwithstanding any provision of this chapter to the
17 contrary, a person licensed under this section may also be licensed (or
18 interested directly or indirectly in a license) to sell liquor at retail
19 to be consumed on or off the premises under this section or section
20 fifty-four, fifty-four-a, fifty-five, seventy-nine or eighty-one of this
21 chapter.

22 (e) No manufacturer or wholesaler of alcoholic beverages may be grant-
23 ed a license to operate a restaurant-brewer pursuant to this section.
24 Any person who has an interest in premises eligible for conversion under
25 subdivision nine of this section shall not be issued any license under
26 this section unless and until a conversion application has been filed
27 with and approved by the authority.

1 (f) (i) The liquor authority may in its discretion and upon such terms
2 and conditions as it may prescribe, issue to a licensed restaurant-brew-
3 er upon his application therefor a supplemental license authorizing the
4 restaurant-brewer to sell beer brewed on the licensed premises at retail
5 in bulk by the keg, cask or barrel for consumption and not for resale at
6 a clambake, barbecue, picnic, outing or other similar outdoor gathering
7 at which more than fifty persons are assembled and at wholesale.

8 (ii) Such additional license shall permit the sale of up to two
9 hundred fifty barrels of beer per year. No person, who holds licenses
10 for multiple restaurant-breweries and applies for and receives multiple
11 supplemental licenses, may sell, under those supplemental licenses, in
12 the aggregate more than one thousand barrels of beer per year.

13 (iii) For the exercise of the privilege granted by such supplemental
14 license issued under subdivision twelve of this section there is
15 assessed a fee to be paid by the licensee in the sum of eleven hundred
16 twenty-five dollars per three-year period plus a one hundred dollar
17 filing fee and which fee shall be in addition to the fee provided for in
18 this section for a restaurant-brewer license.

19 (iv) A restaurant-brewery license issued under this section and a
20 supplemental license issued under this paragraph shall run concurrently.

21 (g) (i) A licensee or his or her employee may serve small samples of
22 beer or malt beverages he or she produces at their licensed establish-
23 ments.

24 (ii) Each serving at such tasting shall be served only by the brewer
25 or his or her employee and shall be limited to three ounces or less of a
26 brand of beer or malt beverage produced by the brewer and no consumer of
27 legal age shall be provided or given more than two servings of such
28 brands offered for tasting.

1 (iii) The authority is authorized and directed to promulgate such
2 rules and regulations, as it deems necessary or appropriate to implement
3 the provisions of this subdivision to protect the health, safety and
4 welfare of the people of this state.

5 14. Notwithstanding the provisions of subdivision ten of this section,
6 the authority may issue a retail license for on-premises consumption
7 for:

8 (a) A premises which shall be within two hundred feet of a building
9 occupied exclusively as a church, synagogue or other place of worship,
10 provided such premises constitutes a premises for the sale of food or
11 beverages at retail for consumption on the premises and/or an overnight
12 lodging facility located wholly within the boundaries of the borough of
13 Manhattan in the city and county of New York, bounded and described as
14 follows: BEGINNING at a point on the southerly side of 49th Street,
15 distant 160 feet easterly from the corner formed by the intersection of
16 the southerly side of 49th Street with the easterly side of 8th Avenue;
17 running thence southerly, parallel with 8th Avenue and part of the
18 distance through a party wall, 100 feet 5 inches to the center line of
19 the block between 48th and 49th Streets; thence easterly along the
20 center line of the block, 40 feet; thence northerly, parallel with 8th
21 Avenue and part of the distance through a party wall, 100 feet 5 inches
22 to the southerly side of 49th Street; thence westerly along the souther-
23 ly side of 49th Street, 40 feet to the point or place of beginning.
24 Premises known as 240 and 242 West 49th Street, New York City. Being the
25 same premises described in deed made by Hotel Mayfair Inc. to Harry
26 Etkin and Freda Rubin, dated 1/23/50 and recorded 1/27/50 in liber 4657
27 Cp. 250.

1 (b) A premises which shall be within two hundred feet of a building
2 occupied exclusively as a church, synagogue or other place of worship,
3 provided such premises constitutes a premises for the sale of food or
4 beverages at retail for consumption on the premises located wholly with-
5 in the boundaries of the county of Ulster, bounded and described as
6 follows: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the build-
7 ings and improvements erected thereon, situated in the Village of Ellen-
8 ville, Town of Wawarsing, County of Ulster and State of New York, being
9 further bounded and described as follows: Beginning at a three-quarter
10 inch diameter iron rod found on the southwesterly bounds of Canal
11 Street, marking the northeasterly corner of the lands, now or formerly,
12 John Georges, as described in liber 2645 of deeds at page 278. Thence
13 along the southeasterly bounds of the lands of John Georges, passing
14 1.42 feet northwesterly from the southwesterly corner of the building
15 situated on the premises described herein, South thirty-nine degrees,
16 forty-one minutes, fifty-two seconds West, one hundred fifty and zero
17 hundredths feet (S 39-41-52 W, 150.00') to the northeasterly bounds of
18 the lands, now or formerly, Thomas Powers, as described in liber 1521 of
19 deeds at page 749. Thence along the northeasterly bounds of the lands of
20 Thomas Powers, South fifty degrees, thirty-nine minutes, sixteen seconds
21 East, twenty-eight and zero hundredths feet (S 50-39-16 E, 28.00').
22 Thence passing 1.92 feet southeasterly from the southeasterly corner of
23 the building situated on the premises described herein. North thirty-
24 nine degrees, forty-one minutes, fifty-two seconds East, one hundred
25 fifty and zero hundredths feet (N 39-41-52 E, 150.00') to the southwes-
26 terly bounds of Canal Street. Thence along the southwesterly bounds of
27 Canal Street, North fifty degrees, thirty-nine minutes, sixteen seconds
28 West, twenty-eight and zero hundredths feet (N 50-39-16 W, 28.00') to

1 the point of beginning. Containing 4,199.92 square feet of land or
2 0.0996 of an acre of land. Being the same premises as conveyed by deed
3 dated September 2, 1999 from Chris M. Camio as Executor of the Last Will
4 and Testament of Alice Manzo to Bill Leibach, John Eckert, Jeffrey
5 Schneider, Jack Harris and Alfred S. Dannhauser and recorded in the
6 Ulster County Clerk's Office on September 15, 1999 in Liber 2966 at page
7 291. The undivided interests of John Harris and Alfred S. Dannhauser
8 having been conveyed to Bill Leibach by deed dated August 21, 2001 and
9 recorded in the Ulster County Clerk's Office in Liber 3213 p 65.

10 (c) A premises which shall be within two hundred feet of a building
11 occupied exclusively as a school, provided such premises constitutes a
12 premises for the sale of food or beverages at retail for consumption on
13 the premises and/or an overnight lodging facility located wholly within
14 the boundaries of the borough of Manhattan in the city and county of New
15 York, bounded and described as follows: Beginning at a point on the
16 southerly side of 46th street, distant three hundred fifty (350) feet
17 westerly from the corner formed by the intersection of the westerly side
18 of Sixth Avenue with the said southerly side of 46th street. Running
19 thence southerly parallel with the said westerly side of Sixth Avenue
20 and for part of the distance through a party wall, one hundred (100)
21 feet four (4) inches; thence westerly parallel with the southerly side
22 of 46th street, eighty (80) feet; thence northerly again parallel with
23 the westerly side of Sixth Avenue, one hundred (100) feet four (4) inch-
24 es to the southerly side of 46th street; and thence easterly along the
25 said southerly side of 46th street, eighty (80) feet to the point or
26 place of beginning. Premises known as 130 West 46th Street, New York
27 City. Being the same premises described in deed made by Massachusetts
28 Mutual Life Insurance Company to West 46th Street Hotel, LLC, dated

1 12/22/06 and recorded 2/06/07 in the Office of the City Register, New
2 York County, on February 6, 2007 as CFRN 2007000069808.

3 (d) A premises which shall be located within two hundred feet of a
4 building occupied exclusively as a church, synagogue or other place of
5 worship, provided such premises constitutes a premises for the sale of
6 food or beverages at retail for consumption on the premises located
7 wholly within the boundaries of the county of Ulster, bounded and
8 described as follows: THOSE THREE BUILDING LOTS situate on the
9 northeasterly side of Union Avenue in the city of Kingston, between
10 Thomas and Cornell Streets, known and distinguished upon a map of the
11 property of the estate of said Thomas Cornell made by B.B. Codwise,
12 Civil Engineer, bearing date April 11th, 1888, as lot five (5) six (6)
13 and seven (7) upon said map, and bounded and described as follows:
14 BEGINNING at the west corner of lot seven which is also the corner of
15 Cornell Street, where it intersects with Union Avenue, and runs from
16 thence in the southerly bounds of Cornell Street, N. 48 degrees 10' east
17 the distance of one hundred and thirty-eight (138) feet, to the south
18 bounds of lot (8) eight as laid down upon said map, thence along in the
19 south bounds of lot (8) aforesaid S. 41 degrees 50' east along the rear
20 of lots seven, six and five (7, 6 & 5) as aforesaid the distance of
21 seventy-two (72) feet to a lot of land owned by Max Oppenheimer and
22 known on said map as lot four (4); thence in the division line between
23 lot four and five as laid down upon said map, south 48 degrees 10' W.
24 one hundred and twenty-two (122) feet, and fifty-four hundredths of a
25 foot (122 54/100 feet) to the northeasterly bounds of said Union Avenue;
26 thence along in said northeasterly bounds of said Union Avenue north 53
27 degrees 57' west along the front of said lots five, six and seven (5, 6
28 & 7) the distance of seventy-three feet and sixty-five hundredths of a

1 foot (73 65/100 feet) to the place of beginning; and a part of said
2 premises being a part of the same that was conveyed to Thomas Cornell by
3 Jansen Hasbrouck and wife bearing date March 3, 1877 and recorded in the
4 office of the Clerk of Ulster County in book No. 204 of deeds at page
5 403 March 6th, 1877, the balance of the property hereinbefore described
6 and herein intended to be conveyed was conveyed to Thomas Cornell by
7 James E. Ostrander and wife by deed bearing date February 8th, 1869, and
8 recorded in Ulster County Clerk's Office in book 175 of deeds at page
9 29, February 6th, 1872.

10 (e) A premises which shall be located within two hundred feet of a
11 building occupied exclusively as a school, provided such premises
12 constitute a premises for the sale of food or beverages at retail for
13 consumption on the premises located wholly within the boundaries of the
14 borough of Brooklyn in the county of Kings and the city of New York,
15 bounded and described as follows: Beginning at a point on the westerly
16 side of Washington Avenue distant 636.45 feet southerly from the inter-
17 section of the southerly side of Eastern Parkway and westerly side of
18 Washington Avenue, said point being the point of beginning; Running
19 thence southerly along the westerly side of Washington Avenue, a
20 distance of 345.43 feet; thence westerly along the line forming an inte-
21 rior angle with the previous course of 90 degrees 00 minutes 00 seconds,
22 a distance of 122.68 feet; Thence northerly along the line forming an
23 interior angle with the previous course of 58 degrees 50 minutes 53
24 seconds, a distance of 123.94 feet; Thence northerly along the line
25 forming an exterior angle with the previous course of 159 degrees 18
26 minutes 33 seconds, a distance of 36.59 feet; Thence northerly along the
27 line forming an exterior angle with the previous course of 169 degrees
28 36 minutes 23 seconds, a distance of 26.26 feet; Thence westerly along

1 the line forming an exterior angle with the previous course of 123
2 degrees 49 minutes 33 seconds, a distance of 58.57 feet; Thence south-
3 westerly along the line forming an exterior angle with the previous
4 course of 129 degrees 53 minutes 13 seconds, a distance of 108.38 feet;
5 Thence westerly, a distance of 84.05 feet along a curve to the right,
6 which has a radius of 192.59 feet, and having a central angle of
7 25°00'14"; Thence westerly, a distance of 58.94 feet along a curve to
8 the right, which has a radius of 181.42 feet, and having a central angle
9 of 18°36'54". Thence westerly, a distance of 354.56 feet; Thence north-
10 erly along the line forming an interior angle with the previous course
11 of 90 degrees 14 minutes 09 seconds, a distance of 114.49 feet; Thence
12 easterly along the line forming an exterior angle with the previous
13 course of 286 degrees 53 minutes 22 seconds, a distance of 7.54 feet;
14 Thence easterly along the line forming an interior angle with the previ-
15 ous course of 195 degrees 07 minutes 53 seconds, a distance of 159.88
16 feet; Thence easterly along the line forming an interior angle with the
17 previous course of 193 degrees 52 minutes 57 seconds, a distance of
18 161.51 feet; Thence westerly along the line forming an interior angle
19 with the previous course of 257 degrees 31 minutes 43 seconds, a
20 distance of 116.17 feet; Thence northeasterly, a distance of 7.07 feet
21 along a non-tangent curve to the right, having a radius of 4.50 feet, a
22 central angle of 89°59'10" and a chord of 6.36 feet, which chord makes
23 an interior angle with the previous course of 135 degrees 01 minutes 12
24 seconds; Thence easterly along the line forming an interior angle with
25 the chord of the above-referenced curve of 135 degrees 01 minutes 17
26 seconds, a distance of 135.59 feet; Thence easterly, a distance of 81.93
27 feet along a non-tangent curve to the left, having a radius of 272.93
28 feet, a central angle of 17°11'59" and a chord of 81.63 feet, which

1 chord makes an interior angle with the previous course of 186 degrees 52
2 minutes 37 seconds; Thence easterly along the line forming an interior
3 angle with the chord of the above-referenced curve of 192 degrees 21
4 minutes 11 seconds, a distance of 38.24 feet; Thence easterly along the
5 line forming an interior angle with the previous course of 183 degrees
6 09 minutes 51 seconds, a distance of 21.53 feet to the point of begin-
7 ning.

8 (f) A premises which shall be located within two hundred feet of a
9 building occupied exclusively as a church, synagogue or other place of
10 worship, provided such premises constitutes a premises for the sale of
11 food or beverages at retail for consumption on the premises located
12 wholly within the boundaries of the county of Kings, bounded and
13 described as follows: ALL that certain plot, piece or parcel of land
14 situate lying and being in the Borough of Brooklyn, County of Kings,
15 City and State of New York, bounded and described as follows: BEGINNING
16 at the corner formed by the intersection of the southerly side of Synder
17 Avenue, with the easterly side of Bedford Avenue; THENCE easterly along
18 the southerly side of Synder Avenue, 99 feet 10 inches; THENCE southerly
19 parallel with Medford Avenue, 80 feet 11 1/6 inches to the center line
20 of Union Street, as shown on the Bergen Map; THENCE westerly along the
21 center line of Union Street, as aforesaid, 99 feet 10 inches to the
22 easterly side of Bedford Avenue; THENCE northerly along the easterly
23 side of Bedford Avenue, 81 feet 1/8 inches to the point or place of
24 BEGINNING.

25 (g) A premises which shall be located within two hundred feet of a
26 building occupied as a church, synagogue or other place of worship,
27 provided such premises constitute a premises for the sale of food or
28 beverages at retail for consumption on the premises located wholly with-

1 in the boundaries of the county of Kings, bounded and described as
2 follows: BEGINNING at a point on the northerly side of Grand Street,
3 distant three hundred and nineteen feet and three inches easterly from
4 the corner formed by the intersection of the northerly of Grand Street
5 with the easterly side of Berry (formerly Third) Street, which point of
6 beginning is where a line drawn along the easterly wall of the house now
7 or formerly owned by one Schaefer intersects the northerly side of Grand
8 Street; running thence northerly along the easterly wall of the house
9 now or formerly owned by one Schaefer, seventy one feet and six inches;
10 thence easterly nearly parallel with Grand Street, eighteen feet and
11 five inches; thence southerly, seventy feet and seven inches to the
12 northerly side of Grand Street at a point, sixteen feet easterly from
13 the point of beginning; thence westerly along the northerly side of
14 Grand Street, sixteen feet.

15 (h) A premises provided such premises constitutes a premises for the
16 sale of food or beverages at retail for consumption on the premises
17 located wholly within the boundaries of the borough of Manhattan in the
18 city and county of New York, bounded and described as follows: BEGINNING
19 at the corner formed by the intersection of the southerly side of Fulton
20 Street with the westerly side of Broadway; RUNNING THENCE southerly
21 along the westerly side of Broadway, 78 feet 11 1/2 inches to an angle
22 point, in said westerly side of Broadway; THENCE southerly still along
23 the westerly side of Broadway, 75 feet 3 inches to the corner formed by
24 the intersection of the westerly side of Broadway with the northerly
25 side of Dey Street; THENCE westerly along the northerly side of Dey
26 Street, 275 feet 6 3/4 inches; THENCE northerly along a line which forms
27 an angle on its westerly side with the northerly side of Dey Street of
28 91 degrees 21 minutes 50 seconds, 77 feet 5 1/2 inches; THENCE easterly

1 along a line which forms an angle on its southerly side with the last
2 described course of 91 degrees 21 minutes 50 seconds, 75 feet 4 5/8
3 inches; THENCE northerly along a line which forms an angle on its
4 westerly side with the last described course of 91 degrees 00 minutes 00
5 seconds, 77 feet 5 1/4 inches to the southerly side of Fulton Street;
6 THENCE easterly along the southerly side of Fulton Street, 99 feet 8
7 inches to an angle point on said southerly side of Fulton Street; THENCE
8 easterly still along the southerly side of Fulton Street, 100 feet 2 1/2
9 inches to the point or place of BEGINNING. TOGETHER with benefits and
10 subject to the terms contained in that certain Easement and License
11 Agreement dated as of April 20, 1993 between Kalikow Fulton Church Real-
12 ty Company and 195 Property Company and recorded on May 10, 1993 in Reel
13 1969 page 1310.

14 (i) A premises which shall be located within two hundred feet of a
15 building occupied exclusively as a church, synagogue, or other place of
16 worship, provided such premises constitutes a premises for the sale of
17 food or beverages at retail for the consumption on the premises located
18 wholly within the boundaries of the county of Ulster, bounded and
19 described as follows: All that piece or parcel of land, situate in the
20 City of Kingston, County of Ulster and State of New York described as
21 follows: Beginning at a spike in the concrete sidewalk on the south
22 bounds of Main Street at its intersection with the west bounds of Fair
23 Street; Thence south 8 degrees 10 hours 9 minutes east along the west
24 bounds of Fair Street 105.31 feet to a spike in line with a three story
25 brick building on lands now or formerly Norman G. Lebhar and John W.
26 Krueger (L.1516 P.425); Thence south 83 degrees 26 hours 38 minutes west
27 along said building and lands of Lebhar and Krueger 46.27 feet to a
28 corner of said building; Thence north 8 degrees 4 hours 13 minutes west

1 along lands now or formerly Lawrence A. Quilty and others (L.1422 P.123)
2 and along the brick building on the herein described parcel 102.62 feet
3 to a reinforcement rod set on the south bounds of Main Street; Thence
4 north 80 degrees 6 hours 32 minutes east along said bounds of Main
5 Street 46.10 feet to the point and place of beginning. Being the same
6 premises as conveyed by Bernard R. Herzberg and the Estate of Rosalyn M.
7 Nave, Margaret D. Huff, Executrix to Mark J. Berlanga by deed dated
8 September 15, 1995 and recorded in the Ulster County Clerk's Office on
9 September 20, 1995 in Liber 2525 of Deeds at Page 200.

10 (j) A premises which shall be located within two hundred feet of a
11 building occupied as a church, synagogue or other place of worship,
12 provided such premises constitute a premises for the sale of food or
13 beverages at retail for consumption on the premises located wholly with-
14 in the boundaries of the county of Erie, bounded and described as
15 follows: ALL that certain plot, piece or parcel of land situate in the
16 City of Buffalo, County of Erie and state of New York, being part of Lot
17 No. 77, Township 11, Range 8 of the Holland Land Company's Survey, and
18 further distinguished as parts of subdivision Lots 1 and 2 in Block "D"
19 as shown on a map filed in the Erie County Clerk's Office under Cover
20 No. 781 and more particularly bounded and described as follows: BEGIN-
21 NING at the point of intersection of the northerly line of Hertel Avenue
22 as now laid out 100 feet wide with the easterly line of Saranac Avenue;
23 thence northerly along the easterly line of Saranac Avenue 120 feet;
24 thence easterly parallel with Hertel Avenue 100 feet; thence southerly
25 parallel with Saranac Avenue and along the easterly line of said subdi-
26 vision Lot No. 2, a distance of 120 feet to the northerly line of Hertel
27 Avenue; thence westerly along said line of Hertel Avenue 100 feet to the
28 point of beginning.

1 (k) A premises which shall be within two hundred feet of a building
2 occupied exclusively as a school, church, synagogue or other place of
3 worship, provided such premises constitutes a premises for the sale of
4 food or beverages at retail for consumption on the premises and/or an
5 overnight lodging facility located wholly within the boundaries of the
6 borough of Manhattan in the city and county of New York, bounded and
7 described as follows: BEGINNING at a point on the easterly side of 7th
8 Avenue, distant 25 feet northerly from the northeasterly corner of 7th
9 Avenue and 132nd Street; RUNNING THENCE easterly parallel with the
10 northerly side of 132nd Street and part of the distance of the distance
11 through a party wall, 75 feet; THENCE northerly parallel with 7th
12 Avenue, 49 feet 11 inches; THENCE westerly parallel with 132nd Street 75
13 feet to the easterly side of 7th Avenue; THENCE southerly along the
14 easterly side of 7th Avenue, 49 feet 11 inches to the point or place of
15 BEGINNING, being the same premises located at 2247 Adam Clayton Powell,
16 Jr. Boulevard (Seventh Avenue), block 1917, lot 2 described in deed made
17 by 2247-49 ACP South realty LLC to AIMCO 2247-2253 ACP, LLC, dated June
18 twenty-ninth, two thousand seven and recorded July seventh, two thousand
19 seven in the Office of the City Register, New York County as document
20 number 2007071001657001.

21 (l) A premises which shall be within two hundred feet of a building
22 occupied exclusively as a school, church, synagogue or other place of
23 worship, provided such premises constitutes a premises for the sale of
24 food or beverages at retail for consumption on the premises located
25 wholly within the boundaries of the town of Bainbridge, county of
26 Chenango, bounded and described as follows: BEGINNING at an iron stake
27 at the curb on the north side of North Main Street, which stake is in a
28 line with the edge of the concrete sidewalk in front of the Ireland

1 Hardware Block; thence to the joint corner of said hardware block and
2 the concrete post at the southwest corner of the Central Hotel, twenty-
3 seven (27) feet; thence along the foundation wall of said hotel forty
4 (40) feet to an iron stake under a part of the Ireland Hardware Store
5 Building six (6) feet from the corner of said foundation wall and on a
6 continuation of said line along the Hotel foundation; thence at an
7 approximate right angle in a northeasterly direction along a line paral-
8 lel to and six (6) feet distant from the foundation wall on the "ell" of
9 the Hotel to a point six (6) feet distant from the foundation wall of
10 the main building of the Hotel, fourteen (14) feet; thence again at a
11 right angle in an approximately north-westerly direction on a line
12 parallel to and six (6) feet distant from the foundation wall of said
13 Hotel building forty-three (43) feet to an iron stake; thence in a
14 northeasterly direction on a line from said stake touching the corner of
15 the foundation wall to a point on the line of premises of the Vendor and
16 premises now owned by Edward Danforth, known as the Danforth Block;
17 thence in a southeasterly direction along said boundary line between
18 said premises, which line is believed to be nine (9) feet distant south-
19 westerly from the foundation wall of said Danforth Block, to the curb
20 line; thence along said curb line in a southwesterly direction to the
21 point or place of beginning. Being known and designated on the Chenango
22 County Tax Map for the Village and Town of Bainbridge as parcel
23 265.11-2-15 as said tax map was on the 15th day of June 2010.

24 (m) A premises which shall be within two hundred feet of a building
25 occupied exclusively as a school, church, synagogue or other place of
26 worship, provided such premises constitutes a premises for the sale of
27 food or beverages at retail for consumption on the premises and/or an
28 overnight lodging facility located wholly within the boundaries of the

1 borough of Manhattan in the city and county of New York, bounded and
2 described as follows: BEGINNING at the intersection formed by the east-
3 erly side of Fifth Avenue and the southerly side of East 117th Street;
4 and RUNNING THENCE easterly along the southerly side of East 117th
5 Street, 110 feet 0 inches; THENCE southerly at right angles to the last
6 mentioned course, 100 feet 11 inches; THENCE westerly at right angles to
7 the last mentioned course, 110 feet 0 inches at right angles to the
8 easterly side of Fifth Avenue; THENCE northerly along the easterly side
9 of Fifth Avenue at right angles to the last mentioned course, 100 feet
10 11 inches to the point or place of BEGINNING. Being known and designated
11 on the Tax Map of The City of New York, for the Borough of Manhattan, as
12 Section 6, Block 1622 Lot 73 as said Tax Map was on the 26th day of
13 November 1974.

14 (n) A restaurant-brewery which shall be located wholly within the town
15 of Ulster, county of Ulster, state of New York, bounded and described as
16 follows: ALL that certain plot, piece or parcel of land with the build-
17 ings and improvements thereon erected, situate, lying and being in the
18 Town of Ulster, County of Ulster and the State of New York, bounded and
19 described as follows: BEGINNING at a point on the Northeasterly side of
20 City View Terrace, said point being the Westerly corner of the lands of
21 the State of New York and a Southwesterly corner of the herein described
22 parcel; THENCE from said point of beginning along the Northeasterly side
23 of City View Terrace, North 43 degrees 36 minutes 03 seconds West,
24 109.02 feet to a point on the Southeasterly side of Forest Hill Drive;
25 THENCE along the Southeasterly side of Forest Hill Drive the following
26 course and distances, North 16 degrees 32 minutes 34 seconds West, 92.62
27 feet to a point; THENCE North 10 degrees 38 minutes 26 seconds East,
28 70.45 feet to a point; THENCE North 35 degrees 53 minutes 26 seconds

1 East, 122.45 feet to a point; THENCE North 46 degrees 30 minutes 26
2 seconds East, 203.40 feet to a point; THENCE North 62 degrees 37 minutes
3 26 seconds East; 115.94 feet to a point; THENCE North 79 degrees 39
4 minutes 26 seconds East, 47.82 feet to a point; THENCE North 45 degrees
5 16 minutes 41 seconds East, 63.33 feet to a recovered bar; THENCE along
6 the bounds of lands of now or formerly Skytop Village Associates, L.
7 1916-P. 134, the following courses and distances, South 37 degrees 08
8 minutes 02 seconds East, 196.33 feet to a recovered bar; THENCE South 65
9 degrees 47 minutes 02 seconds East, 90.63 feet to a point; THENCE North
10 77 degrees 23 minutes 58 seconds East, 233.85 feet to a recovered bar;
11 THENCE North 85 degrees 29 minutes 58 seconds East, 297.09 feet to a
12 recovered bar; THENCE South 63 degrees 30 minutes 02 seconds East,
13 108.50 feet to a recovered bar; THENCE along the bounds of lands of now
14 or formerly Robert D. Sabino, L. 1487-P. 397, and along a stone wall,
15 South 32 degrees 24 minutes 04 seconds West, 353.51 feet to a point;
16 THENCE leaving said stone and along the bounds of lands of now or
17 formerly Stanley Amerling, L. 1440-P. 908, South 75 degrees 41 minutes
18 26 seconds West, 264.62 feet to a point; THENCE along the bounds of
19 lands of Summit Properties, LLC, L. 2856-P. 82, the following courses
20 and distances, North 41 degrees 29 minutes 34 seconds West, 50.00 feet
21 to a point; THENCE South 71 degrees 10 minutes 26 seconds West, 89.84
22 feet to a point; THENCE South 59 degrees 51 minutes 26 seconds West,
23 251.72 feet to a point; THENCE South 13 degrees 15 minutes 34 seconds
24 East, 90.20 feet to a point; THENCE along the bounds of lands of said
25 State of New York, the following courses and distances, North 56 degrees
26 41 minutes 34 seconds West, 168.79 feet to a point; THENCE North 75
27 degrees 51 minutes 34 seconds West, 254.10 feet to the point and place
28 of beginning. Being the same premises as conveyed to Skytop Motel, LLC

1 by deed of Stewart Title, as agent of the grantor, Skytop Motel, Inc.,
2 dated April 29, 2003 and recorded in the office of the Ulster County
3 Clerk on June 10, 2003 as document no. 2003-00016207, Receipt no.
4 48178, Bk-D VI-3621, pg-171.

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

7 3-a. The annual fee for an importer's license shall be one hundred
8 twenty-five dollars.

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

11 11. The fee for an original and a renewal restaurant-brewer license
12 shall be fifty-eight hundred fifty dollars in the counties of New York,
13 Kings, Bronx and Queens; forty-three hundred fifty dollars in the county
14 of Richmond and in cities having a population of more than one hundred
15 thousand and less than one million; thirty-six hundred dollars in cities
16 having a population of more than fifty thousand and less than one
17 hundred thousand; and the sum of twenty-eight hundred fifty dollars
18 elsewhere. Said license shall run for a period of three years. In addi-
19 tion to the license fees provided for in this subdivision, there shall
20 be paid to the authority with each initial application a filing fee of
21 two hundred dollars and with each renewal application a filing fee of
22 one hundred dollars.

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

25 1. No individual shall offer for sale or solicit any order in the
26 state for the sale of any alcoholic beverage irrespective of whether
27 such sale is to be made within or without the state, unless such person
28 shall have a solicitor's permit. Provided, however, that no permit

1 under this section shall be required for an individual who is soliciting
2 orders on behalf of a micro-brewery, farm brewery, farm cidery, farm
3 winery, micro-farm winery, micro-distillery, micro-rectifier, or farm
4 distillery licensed under this chapter.

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

9 § 81. [License to sell] Retail on-premises wine [at retail for
10 consumption on the premises] license. 1. [The procedure set forth in
11 section sixty-four hereof shall apply so far as applicable to applica-
12 tions for licenses] A license issued under this section shall authorize
13 the holder thereof to sell wine at retail for consumption on the prem-
14 ises[, except as provided in subdivision two of this section].

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

25 3. Such license shall in form and in substance be a license to the
26 person specifically licensed to sell wine at retail, to be consumed upon
27 the premises. Such license shall also be deemed to include a license to
28 sell beer and soju at retail to be consumed under the same terms and

1 conditions without the payment of any additional fee. For the purposes
2 of this subdivision, "soju" shall mean an imported Korean alcoholic
3 beverage that contains not more than twenty-four per centum alcohol, by
4 volume, and is derived from agricultural products.

5 4. A restaurant licensed [to sell wine] under this section may permit
6 a patron to remove one unsealed bottle of wine for off-premises consump-
7 tion provided that the patron has purchased a full course meal and
8 consumed a portion of the bottle of wine with such meal on the restau-
9 rant premises. For the purposes of this subdivision the term "full
10 course meal" shall mean a diversified selection of food which is ordi-
11 narily consumed with the use of tableware and cannot conveniently be
12 consumed while standing or walking. A partially consumed bottle of wine
13 that is to be removed from the premises pursuant to this subdivision
14 shall be securely sealed by the licensee or an agent of the licensee
15 prior to removal from the premises, in a bag such that it is visibly
16 apparent that such resealed bottle of wine has not been tampered with.
17 Such licensee or agent of the licensee shall provide a dated receipt for
18 the bottle of wine to the patron.

19 5. (a) The provisions of subdivisions six, seven and eight of section
20 sixty-four of this chapter shall apply to any license issued under this
21 section.

22 (b) A license under this section shall be issued to all applicants
23 except for good cause shown.

24 § 15. Subdivision 4 of section 93 of the alcoholic beverage control
25 law, as amended by section 12 of part Z of chapter 85 of the laws of
26 2002, is amended to read as follows:

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

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

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

14 § 99-e. Change in duration of permits. The liquor authority is author-
15 ized to change the periods during which permits authorized by sections
16 ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, nine-
17 ty-three-a, ninety-four, ninety-five, ninety-six, ninety-six-a [and],
18 ninety-nine-b, and ninety-nine-h of this article, shall be effective and
19 to establish the commencement dates, duration and expiration dates ther-
20 eof, provided that no such permit shall be effective for a period in
21 excess of three years. When any change or changes are made in the dura-
22 tion of any such permit, the permit fee shall be equal to the annual
23 permit fee specified in this article multiplied by the number of years
24 for which such permit is issued. Any other provision of any other law to
25 the contrary notwithstanding, an applicant, other than a not-for-profit
26 organization as defined in section one hundred seventy-nine-q of the
27 state finance law, shall not be issued a temporary permit pursuant to
28 section ninety-seven of this article for events to take place upon any

1 premise for which the authority has issued any license, or has issued a
2 permit more than four times within any one year period, provided however
3 that the authority may, in its sole discretion, issue additional single
4 permits if it shall determine upon the issuance of each that (a) the
5 application for such permit is not an attempt to circumvent licensing
6 provisions of this chapter, and (b) the issuance of such permit would
7 not be a detriment to the community or the surrounding neighborhood as
8 such shall be determined by the authority after consultation with munic-
9 ipal authorities and police agencies and community boards for the
10 purpose of reviewing community or neighborhood or police agency
11 complaints, or violations of state or local laws. The liquor authority
12 may make such rules as shall be appropriate to carry out the purpose of
13 this section.

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

16 § 99-h. Sunday on-premises sales permit. 1. A permit issued under
17 this section shall authorize a person licensed to sell alcoholic bever-
18 ages for consumption on the premises pursuant to this chapter to sell
19 alcoholic beverages for on-premises consumption on Sunday between the
20 hours of eight o'clock a.m. and noon.

21 2. A permit under this section shall be issued for one day or for a
22 calendar year.

23 (a) The fee for a permit for one day shall be twenty-five dollars,
24 together with a filing fee of ten dollars.

25 (b) The fee for a permit for a calendar year shall be: (i) two hundred
26 fifty dollars in the counties of New York, Kings, Bronx and Queens; (ii)
27 one hundred fifty dollars in the county of Richmond and in cities having
28 a population of more than one hundred thousand and less than one

1 million; (iii) one hundred dollars in cities having a population of more
2 than fifty thousand and less than one hundred thousand; and (iv) fifty
3 dollars elsewhere, together with a filing fee of twenty-five dollars for
4 the original permit or a renewal thereof.

5 3. An applicant for a permit under this section shall provide notice
6 to the local municipality of such application as provided in section one
7 hundred ten-b of this chapter.

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

10 (d) Notwithstanding the provisions of paragraph (a) of this subdivi-
11 sion, the authority, in its discretion, may issue a license under this
12 section for a premises which shall be within two hundred feet of a
13 building occupied exclusively as a school, church, synagogue or other
14 place of worship.

15 (i) An applicant subject to the provisions of this subdivision shall
16 notify, in the same manner as set forth in section one hundred ten-b of
17 this chapter, any school, church, synagogue or other place of worship
18 that is on the same street and within two hundred feet of the proposed
19 licensed premises.

20 (ii) The municipality and the school, church, synagogue or other place
21 of worship so notified may express an opinion for or against the author-
22 ity's exercise of discretion granted pursuant to this paragraph. Any
23 such opinion shall be deemed part of the record upon which the liquor
24 authority makes its determination to grant or deny the application.

25 § 19. Subdivisions 5 and 11 of section 105 of the alcoholic beverage
26 control law, as amended by chapter 503 of the laws of 1984, subdivision
27 5 as separately amended by chapter 628 of the laws of 1984, are amended
28 to read as follows:

1 5. No retail licensee of liquor and/or wine for off-premises consump-
2 tion shall keep upon the licensed premises any liquors and/or wines in
3 any cask, barrel, keg, hogshead or other container, except in the
4 original sealed package, as received from the manufacturer or whole-
5 saler. Such containers shall have affixed thereto such labels as may be
6 required by the rules of the liquor authority, together with all neces-
7 sary federal revenue and New York state excise tax stamps, as required
8 by law. Such containers shall not be opened nor its contents consumed on
9 the premises where sold, except for the purpose of wine tasting or
10 sampling by any person pursuant to authorization to conduct such a
11 sampling or tasting pursuant to subdivision [two] three of section
12 seventy-six of this chapter except those to whom sales are prohibited in
13 section sixty-five of this chapter. The provisions of this subdivision
14 shall not prohibit a licensed winery or farm winery from selling or
15 delivering wine to a consumer in an unsealed container for off-premises
16 consumption.

17 11. No retail licensee of liquor and/or wine for off-premises consump-
18 tion shall keep or permit to be kept upon the licensed premises, any
19 liquors and/or wines in any unsealed bottle or other unsealed container,
20 except for the purpose of wine tasting or sampling by any person pursu-
21 ant to authorization to conduct such a sampling or tasting pursuant to
22 subdivision [two] three of section seventy-six of this chapter except
23 those to whom sales are prohibited in section sixty-five of this chap-
24 ter. The provisions of this subdivision shall not prohibit a licensed
25 winery or farm winery from selling or delivering wine to a consumer in
26 an unsealed container for off-premises consumption.

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

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

3 3. No retail licensee for on-premises consumption shall sell, deliver
4 or give away, or cause or permit or procure to be sold, delivered or
5 given away any liquors and/or wines for consumption off the premises
6 where sold. The provisions of this subdivision shall not prohibit a
7 licensed winery or farm winery from selling or delivering wine to a
8 consumer in an unsealed container for off-premises consumption.

9 (a) Sunday, from four ante meridiem to twelve noon, except pursuant to
10 a permit issued under section ninety-nine-h of this chapter.

11 § 21. Subdivision 9 of section 106 of the alcoholic beverage control
12 law is REPEALED.

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

15 § 108. Restrictions upon licensees. 1. No licensee except the holder
16 of a [brewer's or distiller's license or a winery] license to manufac-
17 ture alcoholic beverages shall keep or permit to be kept or consumed on
18 the licensed premises any alcoholic beverage except the alcoholic bever-
19 ages which he is permitted to sell under the terms of the license issued
20 to him.

21 2. The provisions of subdivision one of this section shall not prohib-
22 it a person holding a retail on-premises license and a retail off-prem-
23 ises beer or beer and wine products license for an adjacent premises to
24 transport alcoholic beverages through one premises for sale in the other
25 premises.

26 § 23. Section 112 of the alcoholic beverage control law, as amended by
27 chapter 355 of the laws of 1944, and as further amended by section 104

1 of part A of chapter 62 of the laws of 2011, is amended to read as
2 follows:

3 § 112. Bonds of licensees and permittees. The liquor authority may
4 require the licensees and permittees of one or more of the kinds or
5 classes described in this chapter to file with it a bond to the people
6 of the state of New York issued by a surety company, approved by the
7 superintendent of financial services as to solvency and responsibility
8 and authorized to transact business in this state, in such penal sum as
9 the liquor authority may heretofore have prescribed or hereafter shall
10 prescribe, conditioned that such licensee or permittee will not suffer
11 or permit any violation of the provisions of this chapter and that all
12 fines and penalties which shall accrue, during the time the license or
13 permit shall be in effect, will be paid, together with all costs taxed
14 or allowed in any action or proceeding brought or instituted for a
15 violation of any of the provisions of this chapter. A suit to recover on
16 any bond filed pursuant to chapter one hundred eighty of the laws of
17 nineteen hundred thirty-three or this chapter may be brought by the
18 liquor authority or on relation of any party aggrieved, in a court of
19 competent jurisdiction and in the event that the obligor named in such
20 bond has violated any of the conditions of such bond, recovery for the
21 penal sum of such bond may be had in favor of the people of the state.
22 Notwithstanding the provisions of this section, no bond shall be
23 required to be filed by the holder of a solicitor's permit issued under
24 section ninety-three of this chapter.

25 § 24. Subdivisions 1 and 4 of section 126 of the alcoholic beverage
26 control law, as amended by section 50 of subpart B of part C of chapter
27 62 of the laws of 2011, are amended to read as follows:

1 1. Except as provided in subdivision one-a of this section, a person
2 who has been convicted of a felony [or any of the misdemeanors mentioned
3 in section eleven hundred forty-six of the former penal law as in force
4 and effect immediately prior to September first, nineteen hundred
5 sixty-seven, or of an offense defined in section 230.20 or 230.40 of the
6 penal law] within the past five years, unless:

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

15 (b) for a conviction in another state, such person shall have received
16 such state's equivalent of an executive pardon, certificate of good
17 conduct, or certificate of relief from disabilities. In the event such
18 state has no such equivalent form of relief, the person may, for good
19 cause shown to the authority, be found eligible to traffic in alcoholic
20 beverages.

21 4. (a) A copartnership or a corporation, unless each member of the
22 partnership, or each of the principal officers and directors of the
23 corporation[,] ; is a citizen of the United States or an alien lawfully
24 admitted for permanent residence in the United States[,] ; is not less
25 than twenty-one years of age[,] ; and has not been convicted of any
26 felony [or any of the misdemeanors, specified in section eleven hundred
27 forty-six of the former penal law as in force and effect immediately
28 prior to September first, nineteen hundred sixty-seven, or of an offense

1 defined in section 230.20 or 230.40 of the penal law] within the past
2 five years, or if so convicted:

3 (i) has received, subsequent to such conviction, an executive pardon
4 therefor removing this disability a certificate of good conduct granted
5 by the department of corrections and community supervision, or a certifi-
6 cate of relief from disabilities granted by the department of
7 corrections and community supervision or a court of this state pursuant
8 to the provisions of article twenty-three of the correction law to
9 remove the disability under this section because of such conviction;
10 [provided] or

11 (ii) for a conviction in another state, such person shall have
12 received such state's equivalent of an executive pardon, certificate of
13 good conduct, or certificate of relief from disabilities. In the event
14 such state has no such equivalent form of relief, the person may, for
15 good cause shown to the authority, be found eligible to traffic in alco-
16 holic beverages;

17 (b) Provided however that a corporation which otherwise conforms to
18 the requirements of this section and chapter may be licensed if each of
19 its principal officers and more than one-half of its directors are citi-
20 zens of the United States or aliens lawfully admitted for permanent
21 residence in the United States; and provided further that a corporation
22 organized under the not-for-profit corporation law or the education law
23 which otherwise conforms to the requirements of this section and chapter
24 may be licensed if each of its principal officers and more than one-half
25 of its directors are not less than twenty-one years of age and none of
26 its directors are less than eighteen years of age; and provided further
27 that a corporation organized under the not-for-profit corporation law or
28 the education law and located on the premises of a college as defined by

1 section two of the education law which otherwise conforms to the
2 requirements of this section and chapter may be licensed if each of its
3 principal officers and each of its directors are not less than eighteen
4 years of age.

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

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

15 § 26. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage
16 control law, as amended by chapter 384 of the laws of 2013, are amended
17 to read as follows:

18 1. In addition to the annual fees provided for in this chapter, there
19 shall be paid to the authority with each initial application for a
20 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,
21 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-
22 ty-eight of this chapter, a filing fee of four hundred dollars; with
23 each initial application for a license filed pursuant to section sixty-
24 three[,] or sixty-four[, sixty-four-a or sixty-four-b] of this chapter,
25 a filing fee of two hundred dollars; with each initial application for a
26 license filed pursuant to section fifty-three-a, fifty-four, fifty-five,
27 [fifty-five-a,] seventy-nine[,] or eighty-one [or eighty-one-a] of this
28 chapter, a filing fee of one hundred dollars; with each initial applica-

1 tion for a permit filed pursuant to section ninety-one, ninety-one-a,
2 ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit
3 is to be issued on a calendar year basis, ninety-four, ninety-five,
4 ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or j of
5 subdivision one of section ninety-nine-b of this chapter if such permit
6 is to be issued on a calendar year basis, or for an additional bar
7 pursuant to subdivision four of section one hundred of this chapter, a
8 filing fee of twenty dollars; and with each application for a permit
9 under section ninety-three-a of this chapter, other than a permit to be
10 issued on a calendar year basis, section ninety-seven, ninety-eight,
11 ninety-nine, or ninety-nine-b of this chapter, other than a permit to be
12 issued pursuant to paragraph b, c, e or j of subdivision one of section
13 ninety-nine-b of this chapter on a calendar year basis, a filing fee of
14 ten dollars.

15 2. In addition to the annual fees provided for in this chapter, there
16 shall be paid to the authority with each renewal application for a
17 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,
18 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-
19 ty-eight of this chapter, a filing fee of one hundred dollars; with each
20 renewal application for a license filed pursuant to section sixty-
21 three[,] or sixty-four[, sixty-four-a or sixty-four-b] of this chapter,
22 a filing fee of ninety dollars; with each renewal application for a
23 license filed pursuant to section seventy-nine[,] or eighty-one [or
24 eighty-one-a] of this chapter, a filing fee of twenty-five dollars; and
25 with each renewal application for a license or permit filed pursuant to
26 section fifty-three-a, fifty-four, fifty-five, [fifty-five-a,] ninety-
27 one, ninety-one-a, ninety-two, ninety-two-a, ninety-three,
28 ninety-three-a, if such permit is issued on a calendar year basis, nine-

1 ty-four, ninety-five, ninety-six or ninety-six-a of this chapter or
2 pursuant to subdivisions b, c, e or j of section ninety-nine-b, if such
3 permit is issued on a calendar year basis, or with each renewal applica-
4 tion for an additional bar pursuant to subdivision four of section one
5 hundred of this chapter, a filing fee of thirty dollars.

6 § 27. Paragraph f of subdivision 3-a of section 58 of the alcoholic
7 beverage control law, as added by chapter 384 of the laws of 2013, is
8 amended to read as follows:

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

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

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

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

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

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

14 § 67. License fees, duration of licenses; fee for part of year.
15 Effective April first, nineteen hundred eighty-three, licenses issued
16 pursuant to sections sixty-one, sixty-two, sixty-three, sixty-four,
17 sixty-four-a and sixty-four-b of this article shall be effective for
18 three years at three times that annual fee, except that, in implementing
19 the purposes of this section, the liquor authority shall schedule the
20 commencement dates, duration and expiration dates thereof to provide for
21 an equal cycle of license renewals issued under each such section
22 through the course of the fiscal year. Effective December first, nine-
23 teen hundred ninety-eight, licenses issued pursuant to [sections]
24 section sixty-four[, sixty-four-a and sixty-four-b] of this article
25 shall be effective for two years at two times that annual fee, except
26 that, in implementing the purposes of this section, the liquor authority
27 shall schedule the commencement dates, duration and expiration dates
28 thereof to provide for an equal cycle of license renewals issued under

1 each such section through the course of the fiscal year. Notwithstanding
2 the foregoing, commencing on December first, nineteen hundred ninety-
3 eight and concluding on July thirty-first, two thousand two, a licensee
4 issued a license pursuant to section sixty-four, sixty-four-a or sixty-
5 four-b of this article may elect to remit the fee for such license in
6 equal annual installments. Such installments shall be due on dates
7 established by the liquor authority and the failure of a licensee to
8 have remitted such annual installments after a due date shall be a
9 violation of this chapter. For licenses issued for less than the three-
10 year licensing period, the license fee shall be levied on a pro-rated
11 basis. The entire license fee shall be due and payable at the time of
12 application. The liquor authority may make such rules as shall be appro-
13 priate to carry out the purpose of this section.

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

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

27 5. Notwithstanding any provision of this chapter to the contrary, any
28 one or more winery licensees, singly or jointly, may apply to the liquor

1 authority for a license or licenses to sell wine at retail for consump-
2 tion off the premises. For licensees applying singly, the duration of
3 such license shall be coextensive with the duration of such licensee's
4 winery license, and the fee therefor shall be five hundred dollars if
5 such retail premises is located in cities having a population of one
6 million or more; in cities having less than one million population and
7 more than one hundred thousand, two hundred fifty dollars; and else-
8 where, the sum of one hundred twenty-five dollars. Such license shall
9 entitle the holder thereof to sell at retail for consumption off the
10 premises any New York state labelled wine. Such license shall also enti-
11 tle the holder thereof to conduct wine tastings. Such license shall
12 also authorize the sale by the holder thereof of New York state labelled
13 wine, in sealed containers for off-premises consumption, from the
14 specially licensed premises of any person licensed pursuant to section
15 [~~eighty-one-a~~] eighty-one of this article to sell wine at retail for
16 consumption on premises in which the principal business is the operation
17 of a legitimate theater or such other lawful adult entertainment or
18 recreational facility as the liquor authority may classify for eligibil-
19 ity pursuant to subdivision [six] five of section [~~sixty-four-a~~] sixty-
20 four of this chapter. Not more than five such licenses shall be issued,
21 either singly or jointly, to any licensed winery. All other provisions
22 of this chapter relative to licenses to sell wine at retail for consump-
23 tion off the premises shall apply so far as applicable to such applica-
24 tion. The liquor authority is hereby authorized to adopt such rules as
25 it may deem necessary to carry out the purpose of this subdivision,
26 provided that all licenses issued pursuant to this subdivision shall be
27 subject to the same rules and regulations as are applicable to the sale

1 of wine at retail for consumption off the premises of the winery licen-
2 see.

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

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

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

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

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

4 8. Within ten days after filing a new application to sell liquor at
5 retail under section sixty-three[,], or sixty-four[,], sixty-four-a or
6 sixty-four-b] of this chapter, a notice thereof, in the form prescribed
7 by the authority, shall be posted by the applicant in a conspicuous
8 place at the entrance to the proposed premises. The applicant shall make
9 reasonable efforts to insure such notice shall remain posted throughout
10 the pendency of the application. The provisions hereof shall apply only
11 where no retail liquor license has previously been granted for the
12 proposed premise and shall, specifically, not be applicable to a
13 proposed sale of an existing business engaged in the retail sale of
14 liquor. The authority may adopt such rules it may deem necessary to
15 carry out the purpose of this subdivision.

16 § 35. The opening paragraph of subdivision 7 of section 101 of the
17 alcoholic beverage control law, as added by chapter 200 of the laws of
18 2014, is amended to read as follows:

19 Notwithstanding any other provision of law to the contrary, the state
20 liquor authority may issue a retail on-premises liquor license [under
21 paragraph (b) of subdivision five of section sixty-four-c of this chap-
22 ter] for a restaurant-brewery to the Culinary Institute of America, the
23 owner and operator of the parcels described in this subdivision,
24 notwithstanding that such beer brewed on its premises shall be sold to
25 restaurant licensees on its premises by said Culinary Institute of Amer-
26 ica directly and not through a New York state licensed beer wholesaler.
27 The legal descriptions for the parcels identified as the site are as
28 follows:

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

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

7 § 37. Subdivision 1 of section 110-a of the alcoholic beverage control
8 law, as added by chapter 77 of the laws of 1999, is amended to read as
9 follows:

10 1. Every person applying for a license to sell alcoholic beverages
11 pursuant to subdivision four of section fifty-one, [or] section fifty-
12 five, sixty-four[, sixty-four-a, sixty-four-c,] or eighty-one [or eight-
13 y-one-a] of this chapter shall publish notice thereof pursuant to subdi-
14 vision two of this section.

15 § 38. Subdivision 1 of section 110-b of the alcoholic beverage control
16 law, as amended by chapter 560 of the laws of 2011, is amended to read
17 as follows:

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

21 (a) for a license issued pursuant to section fifty-five,
22 [fifty-five-a,] sixty-four[, sixty-four-a, sixty-four-b, sixty-four-c,
23 sixty-four-d,] or eighty-one [or eighty-one-a] of this chapter;

24 (b) for a renewal under section one hundred nine of this chapter of a
25 license issued pursuant to section fifty-five, [fifty-five-a,] sixty-
26 four[, sixty-four-a, sixty-four-c, sixty-four-d,] or eighty-one [or
27 eighty-one-a] of this chapter if the premises is located within the city
28 of New York;

1 (c) for approval of an alteration under section ninety-nine-d of this
2 chapter if the premises is located within the city of New York and
3 licensed pursuant to section fifty-five, [fifty-five-a,] sixty-four[,
4 sixty-four-a, sixty-four-c, sixty-four-d,] or eighty-one [or
5 eighty-one-a] of this chapter; or

6 (d) for approval of a substantial corporate change under section nine-
7 ty-nine-d of this chapter if the premises is located within the city of
8 New York and licensed pursuant to section fifty-five, [fifty-five-a,]
9 sixty-four[, sixty-four-a, sixty-four-c, sixty-four-d,] or eighty-one
10 [or eighty-one-a] of this chapter.

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

14 (a) If any person shall engage or participate or be about to engage or
15 participate in the manufacturing or sale of liquor, wine or beer in this
16 state without obtaining the appropriate license therefor, or shall traf-
17 fic in liquor, wine or beer contrary to any provision of this chapter,
18 or otherwise unlawfully, or shall traffic in illegal liquor, wine or
19 beer, or, operating a place for profit or pecuniary gain, with a capaci-
20 ty for the assemblage of twenty or more persons, shall permit a person
21 or persons to come to such place of assembly for the purpose of consum-
22 ing alcoholic beverages without having the appropriate license therefor
23 for a bottle club pursuant to section [sixty-four-b] sixty-four of this
24 chapter, the liquor authority or any taxpayer residing in the city,
25 village or town in which such activity is or is about to be engaged or
26 participated in or such traffic is being conducted, or the city, town or
27 village, may present a verified petition or complaint to a justice of
28 the supreme court at a special term of the supreme court of the judicial

1 district in which such city, village or town is situated, for an order
2 enjoining such person engaging or participating in such activity or from
3 carrying on such business. Such petition or complaint shall state the
4 facts upon which such application is based. Upon the presentation of the
5 petition or complaint, the justice or court shall grant an order requir-
6 ing such person to appear before such justice or court at or before a
7 special term of the supreme court in such judicial district on the day
8 specified therein, not more than ten days after the granting thereof, to
9 show cause why such person should not be permanently enjoined from
10 engaging or participating in such activity or from carrying on such
11 business, or why such person should not be enjoined from carrying on
12 such business contrary to the provisions of this chapter. A copy of such
13 petition or complaint and order shall be served upon the person, in the
14 manner directed by such order, not less than three days before the
15 return day thereof. On the day specified in such order, the justice or
16 court before whom the same is returnable shall hear the proofs of the
17 parties and may, if deemed necessary or proper, take testimony in
18 relation to the allegations of the petition or complaint. If the justice
19 or court is satisfied that such person is about to engage or participate
20 in the unlawful traffic in alcoholic beverages or has unlawfully manu-
21 factured or sold liquor, wine or beer without having obtained a license
22 or contrary to the provisions of this chapter, or has trafficked in
23 illegal liquor, wine or beer, or, is operating or is about to operate
24 such place for profit or pecuniary gain, with such capacity, and has
25 permitted or is about to permit a person or persons to come to such
26 place of assembly for the purpose of consuming alcoholic beverages with-
27 out having such appropriate license, an order shall be granted enjoining
28 such person from thereafter engaging or participating in or carrying on

1 such activity or business. If, after the entry of such an order in the
2 county clerk's office of the county in which the principal place of
3 business of the corporation or copartnership is located, or in which the
4 individual so enjoined resides or conducts such business, and the
5 service of a copy thereof upon such person, or such substituted service
6 as the court may direct[,], such person, copartnership or corporation
7 shall, in violation of such order, manufacture or sell liquor, wine or
8 beer, or illegal liquor, wine, or beer, or permit a person or persons to
9 come to such place of assembly for the purpose of consuming alcoholic
10 beverages, such activity shall be deemed a contempt of court and be
11 punishable in the manner provided by the judiciary law, and, in addition
12 to any such punishment, the justice or court before whom or which the
13 petition or complaint is heard, may, in his or its discretion, order the
14 seizure and forfeiture of any liquor, wine or beer and any fixtures,
15 equipment and supplies used in the operation or promotion of such ille-
16 gal activity, including any bar, bar or refrigeration equipment, vending
17 machines, gaming machines and jukeboxes, and such property shall be
18 subject to forfeiture pursuant to the provisions of subdivision two of
19 this section. Costs upon the application for such injunction may be
20 awarded in favor of and against the parties thereto in such sums as in
21 the discretion of the justice or court before whom or which the petition
22 or complaint is heard may seem proper.

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

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

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

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

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

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

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

3 § 165. Savings clause on repeal of certain licensing sections. 1. The
4 repeal of section fifty-five-a by the chapter of the laws of two thou-
5 sand sixteen that added this section shall not operate or be construed
6 to invalidate or affect any license previously issued under such
7 section. Upon the effective date of such chapter of the laws of two
8 thousand sixteen, premises licensed under such sections shall be deemed
9 to be licensed pursuant to section fifty-five of this chapter.

10 2. The repeal of sections sixty-four, sixty-four-a, sixty-four-b,
11 sixty-four-c and sixty-four-d by the chapter of the laws of two thousand
12 sixteen that added this section shall not operate or be construed to
13 invalidate or affect any license previously issued under such section.
14 Upon the effective date of such chapter of the laws of two thousand
15 sixteen, premises licensed under such sections shall be deemed to be
16 licensed pursuant to section sixty-four as enacted by this chapter.

17 3. The repeal of section eighty-one-a by the chapter of the laws of
18 two thousand sixteen that added this section shall not operate or be
19 construed to invalidate or affect any license previously issued under
20 such section. Upon the effective date of such chapter of the laws of two
21 thousand sixteen, premises licensed under such sections shall be deemed
22 to be licensed pursuant to section eighty-one of this chapter.

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

26 The head of the alcoholic beverage control division shall be the state
27 liquor authority [which] whose members shall consist of [three members,
28 who shall be known as commissioners] a chairman and two commissioners,

1 who shall be appointed by the governor, by and with the advice and
2 consent of the senate[, and one of whom shall be designated as chairman
3 by the governor].

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

7 § 271. Salaries; expenses. [The] In addition to their respective sala-
8 ry as fixed by law, the chairman and the other [members] commissioners
9 of the authority shall [receive a salary to be fixed by the governor
10 within the amounts appropriated therefor. Each member of the authority
11 shall] also be entitled to [his] their expenses actually and necessarily
12 incurred by [him] them in the performance of [his] their duties.

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

17 (b) In the event of a vacancy caused by the death, resignation,
18 removal or disability of the chairman, the vacancy shall be filled by
19 the governor by and with the advice and consent of the senate for the
20 unexpired term. Notwithstanding any other provision of law, the governor
21 shall designate one of the commissioners to serve as acting chairman
22 until the appointment and qualification of a successor chairman.

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

26 § 49. This act shall take effect on the sixtieth day after it shall
27 have become a law; provided that the amendments to section 17 of the
28 alcoholic beverage control law made by section three of this act shall

1 be subject to the expiration and reversion of such section pursuant to
2 section 4 of chapter 118 of the laws of 2012, as amended, when upon such
3 date the provisions of section four of this act shall take effect.