



# State Liquor Authority

**ANDREW M. CUOMO**  
Governor

**VINCENT G. BRADLEY**  
Chairman

**GREELEY FORD**  
Commissioner

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## DECLARATORY RULING

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Application of the 500 Foot Law on property located at 192 Grand Street, Manhattan  
Agenda #2016-02648  
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Various provisions<sup>1</sup> in the Alcoholic Beverage Control Law prohibit the Authority from issuing a retail license for the sale and/or consumption of liquor (an "on-premises liquor" license) for any premises which is within five hundred feet of three establishments that are currently operating with on-premises liquor licenses. This licensing restriction is commonly referred to as the "500 Foot Law". Notwithstanding the general prohibition created by the 500 Foot Law, there are certain statutory exceptions that allow an on-premises liquor license to be issued. Relevant to this matter is what is commonly referred to as the "grandfather clause" which allows the Authority to continue to renew an on-premises liquor license, or issue a new on-premises liquor license, for a location that has been continuously licensed since before November 1, 1993, even if the location is subject to the 500 Foot Law.

The Members of the Authority are in receipt of a request for a Declaratory Ruling as to whether, under the facts as presented, a premises located at 192 Grand Street in Manhattan is subject to the 500 Foot Law. For the purposes of this request, it is not disputed that the location is within 500' of three or more establishments currently operating with on-premises liquor licenses. A ruling is sought as to whether the location may be deemed to be continuously licensed since before November 1, 1993, and thus "grandfathered-in," so as to be statutorily exempt from the 500 Foot Law.

The facts, as presented in the request, are as follows:

- The proposed licensed establishment is located at 192 Grand Street in Manhattan, New York.
- The location was most recently licensed to Florio's Enterprises, Inc. (New York OP 1025287) from 1971 to 2014.
- The building was sold in 2013, and the new owners have been renovating it since then.

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<sup>1</sup> See Alcoholic Beverage Control Law §§64(7)(b), 64-a(7)(a)(ii), 64-b(5)(a)(ii), 64-c(11)(a)(ii) & 64-d(8)(b).

- The license issued to Florio Enterprises was cancelled by the Authority on March 10, 2014 (the licensee failed to either surrender or place into safekeeping the license certificate when it permanently ceased operations.
- Since the cancellation of the license, the premises has not been used for any other purpose.
- The applicant is ready to apply for a new on-premises liquor license.

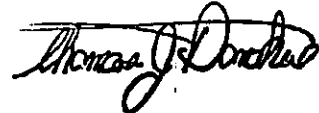
The proposed location was licensed prior to November 1, 1993. The only question remaining is whether, by virtue of the cancellation of the license on March 10, 2014, and the fact that there has been no liquor license at 192 Grand Street since then, the location has been continuously licensed. In the view of the Members of the Authority, given the short period of time that no license has been in effect, that the premises has not been used for any other purpose, and that the premises is being renovated to be used again as a licensed premises, the location is deemed to have been continuously licensed for the purposes of the grandfather provision of the 500' law.

The applicant is thus not subject to the procedural and substantive requirements of the 500' law.

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This matter was heard and determined by the Members of the Authority at a Full Board meeting held on December 6, 2016 before Chairman Vincent Bradley and Commissioner Greeley Ford. The written declaratory ruling was approved by the Members of the Authority at a Full Board meeting held on January 19, 2017 before Chairman Vincent Bradley and Commissioner Greeley Ford.

Dated: 1/24/17



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Thomas J. Donohue  
Secretary to the Authority