

STATE OF NEW YORK: LIQUOR AUTHORITY

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Application of 200 Foot Law to property  
located at 32 King Street, Troy

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DECLARATORY  
RULING  
2011-03102

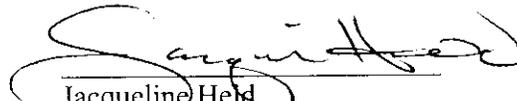
Sections 64 and 64-a of the Alcoholic Beverage Control Law prohibit the Authority from issuing on-premises liquor licenses for any establishments which are on the same street and within two hundred feet of a "building occupied exclusively as" a school or place of worship. This licensing restriction is commonly referred to as the "200 Foot Law". The Members of the Authority are in receipt of a request from Anthony J. Casale, on behalf of a prospective applicant, for a declaratory ruling as to whether, under the facts presented, a location in the City of Troy would be subject to the 200 Foot Law.

Mr. Casale's client proposed licensed premises is located at 32 King Street. The Salvation Army operates a facility at 410 River Street. As shown in the photograph submitted by Mr. Casale, the rear of the Salvation Army building runs along King Street.<sup>1</sup> It would also appear, from the photograph submitted by Mr. Casale, that the entrances to the Salvation Army building and the proposed licensed premises are within 200 feet of each other. Therefore, if the Salvation Army facility is a "building occupied exclusively as" a place of worship, his client cannot obtain an on-premises liquor license for its location.

As noted by Mr. Casale, the Members of the Authority have already addressed the question of whether the Salvation Army site is a "building occupied exclusively as" a place of worship. On September 30, 2009, the Members of the Authority overturned a Licensing Board decision that denied an on-premises license for another premises within 200 feet of the Salvation Army building. Mr. Casale's client seeks confirmation that the proximity of the Salvation Army facility to its proposed premises would not be a bar to the issuance of a license for that premises.

Since it appears that there has been no change of facts with respect to the use of the Salvation Army's building, the Members of the Authority reaffirm their September 30, 2009 finding. The 200 Foot Law, as it relates to the Salvation Army site, would not prohibit Mr. Casale's client from obtaining an on-premises liquor license for its location.

The foregoing Declaratory Ruling was formally approved by the Members of the Authority at a Full Board meeting held on October 19, 2011.

  
Jacqueline Held  
Secretary to the Authority

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<sup>1</sup> The Authority has interpreted the "same street" language in the 200 Foot Law to mean that a school, place of worship or licensed premises which borders two streets, no matter where the entrance is located, to be on both streets. That interpretation has been upheld by the Court of Appeals and it appears that Mr. Casale's client is not disputing that the Salvation Army building is on the same street as the proposed licensed premises.