

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF JUNE 20, 2014
REFERRED FROM: LICENSING BUREAU

2014-01487

REASON FOR REFERRAL
REQUEST FOR DIRECTION

APPLICATION OF 200' LAW
ON PROPERTY LOCATED AT:

1501 SECOND AVENUE, MANHATTAN

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City office on JUNE 20, 2014 determined:

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VIA TELECOPIER

May 16, 2014

Jacqueline Flug, Counsel
State Liquor Authority
317 Lenox Avenue
New York, NY 10027

Re: 1501 Second Avenue, New York, NY 10021
Request for Declaratory Ruling

Dear Ms. Flug:

This is a petition for a declaratory ruling pursuant to Authority Rule 64 (9 NYCRR 98).

Ruling Requested

The Authority is requested to issue a declaratory ruling that an on-premises (OP) liquor license may be issued for restaurant premises located at 1501 Second Avenue, New York, NY 10021 (the "Premises"), which my client plans to lease, notwithstanding the provisions of §64(7)(a) of the Alcoholic Beverage Control Law, because the Premises are "grandfathered" within the meaning of §64(7)(c).

Facts

The Premises are in a corner building at the northwest corner of Second Avenue and East 78th Street. Temple Shaaray Tefila ("Temple"), a building apparently exclusively occupied as a house of worship, is located on the same block, at the Southwest corner of Second Avenue and East 79th Street. There are Temple entrances (within the meaning of §64(7)(d) of the ABC Law) on both East 79th Street and Second Avenue. The Premises are more than 200 feet from the 79th Street Temple entrance, but less than 200 feet from the Second Avenue Temple entrance. For the purposes of this request, it is conceded that no new on-premises liquor license could be issued unless the Premises are "grandfathered" as being continuously licensed within the meaning of §64(7)(c) of the ABC Law.

License History

From 2007 to January 31, 2014, when the license expired and was not renewed, there was an OP license at the Premises held by JRC Group Inc.. The landlord has been actively seeking to re-let the Premises as a restaurant, and there has been no intervening use during the last several months. From 1995 and apparently continuously until 2007, there was an OP license held by 1501 Corporation (the business was apparently transferred to JRC Group Inc. in or about 2007). The landlord advises that it leased the Premises to 1501 Caterers Inc. from 1990 to 1995, and believes that there was also an OP license in effect during such period, but has no documentation of that license. We have no information regarding possible liquor licenses prior to 1990, but it does appear that OP licenses have been continuously in effect at the Premises for at least the last 24 years.

Jacqueline Flug, Counsel

May 16, 2014

In view of this license history, and the current relatively short break in licensing while the landlord has been seeking another tenant, we believe that it would be consistent with its usual policy for the Authority to treat the Premises as having been continuously licensed since 1990 within the meaning of §64(7)(c) of the ABC Law.

Conclusion

Under the circumstances, the Authority is requested to issue a declaratory ruling that the Premises are "grandfathered," and that the issuance of an on-premises liquor license at 1501 Second Avenue, New York, NY 10021, should be permitted by virtue of the provisions of §64(7)(c) of the ABC Law.

Respectfully submitted,

VERINI & GARDNER

By: 
Alan J. Gardner
enc.