



**ANDREW M. CUOMO**  
Governor

**VINCENT G. BRADLEY**  
Chairman

**LILY M. FAN**  
Commissioner

**GREELEY FORD**  
Commissioner

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**DECLARATORY RULING**

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Application of 200 Foot Law on property located at 16-18 Allen Street, Manhattan

Agenda # 2019-01592F

The Alcoholic Beverage Control Law [ABCL] prohibits the Authority from issuing a retail license for the sale or consumption of liquor for any premises which is on the same street and within 200 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 for a declaratory ruling as to whether, under the facts presented, the location is subject to the 200 Foot Law. For the purposes of this request, it is not disputed that the location would be on the same street as and within two hundred feet of the Cheng Chio Buddhist Temple. A ruling is sought that the building is not occupied exclusively as a place of worship.

Notwithstanding the general prohibition created by the 200 Foot Law, the building housing the temple must be occupied exclusively as a place of worship, ABCL §64(7)(a). The Buddhist Temple occupies the second and third floors of the three-story building, but the first floor is for commercial retail stores. This effectively renders the use and occupation of the building by the Buddhist Temple as nonexclusive. Accordingly, any business that will occupy a space within 200' of the Cheng Chio Buddhist Temple at the above location, will not be barred by the 200' Law from applying for a full liquor license.

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This matter was heard and determined by the Members of the Authority at a Full Board meeting held on July 31, 2019 before Chairman Vincent Bradley, Commissioner Lily Fan and Commissioner Greeley Ford. The above written ruling was approved by Chairman Bradley on behalf of the Members of the Authority on August 23, 2019.

Dated: 8/26/19

Thomas J. Donohue  
Secretary to the Authority