



ANDREW M. CUOMO
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

DECLARATORY RULING

Application of the 200' Law on premises located at 2230 Frederick Douglass Blvd, Manhattan

Agenda # 2021-00795

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 New Song Church. 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 church must be occupied exclusively as a place of worship, ABCL §64(7)(a).

Based on the information presented by the applicant, the New Song Church appears to occupy, or at one time occupied a portion of the multi-story building, but the zoning permits a store on the ground floor and an accessory food prep area in the basement. The applicant has submitted affidavits from many neighbors stating that they have never seen the building used as a place of worship and that it has been mostly vacant for many years. In addition, an application to demolish, renovate and add two stories to the building have been submitted to the Department of Buildings. The applicant contends, and has provided documentary evidence supporting, that the occupancy of the building will change from church to business

From the applicant's evidence, and from a visit to location by an Authority investigator, it appears that the ground floor of the premises appears to be occupied, or to have been occupied, by "Walls-Ortiz Gallery and Center, affiliated with City Seminary of NY." While this may be, or have been, a business associated with a religious purpose, it does not appear to be a church. The investigation also discovered a sign at the location indicating that the Wallis-Ortiz Gallery and Center is moving. Neighbors interviewed corroborated not seeing the premises operating as a church for over five years.

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Accordingly, any business that will occupy a space within 200' of the building located at 2230 Frederick Douglass Blvd in Manhattan, will not be barred by the 200' law from applying for a full liquor license.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on March 17, 2021 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 on April 8, 2021.

Dated: 4/9/21

A handwritten signature in black ink, appearing to read "Thomas J. Donohue". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Thomas J. Donohue
Secretary to the Authority