



**KATHY HOCHUL**  
Governor

**LILY M. FAN**  
Commissioner

**VINCENT G. BRADLEY**  
Chairman

**GREELEY FORD**  
Commissioner

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**DECLARATORY RULING**  
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Premises located at 37 W. 47<sup>th</sup> Street, NY, NY

Agenda # 2021- 01468

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, a particular location is subject to the 200 Foot Law. Applicant, identified as Ruaymak, Inc., seeks an OP liquor license at 37 W. 47<sup>th</sup> Street, New York, New York. 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 Radio City Synagogue located at 30 W. 47<sup>th</sup> Street. 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 a church, temple, or the like must be occupied exclusively as a place of worship for the 200 Foot Law to apply. ABCL §64(7)(a).

Based on the information presented by the applicant, Radio City Synagogue occupies only the third floor of an eleven-story building located at 30 W. 47<sup>th</sup> Street. There are businesses located on other floors of the building, including jewelers and a bullion exchange. The applicant also noted that a LAMP search indicated another place of worship within 200 feet called Ben Zion Mayesz, but that is another jeweler, not a place of worship.

From the applicant's evidence, Radio City Synagogue does not exclusively occupy the building at 30 W. 47<sup>th</sup> Street, and Ben Zion Mayesz is a jeweler, not a place of worship.

Accordingly, the Authority determines that since Radio City Synagogue does not occupy the building at 30W. 47<sup>th</sup> Street exclusively as a place of worship, the Synagogue does not prevent the applicant from applying for a full on-premises liquor license at 37 W. 47<sup>th</sup> Street in Manhattan.

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This matter was heard and determined by the Members of the Authority at a Full Board meeting held on May 26, 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 December 20, 2021.  
Dated: 12/29/21

Thomas Donohue  
Secretary to the Authority