



KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

DECLARATORY RULING

Premises located at 225-231 West 4th Street, New York, NY

Agenda # 2022-00109

The Alcoholic Beverage Control Law [ABCL] §64(7)(b) prohibits the Authority from issuing a retail license for the sale or consumption of liquor for on-premises consumption where there are three or more such liquor licenses within 500 feet of the proposed location, *i.e.* the “500 Foot Law.” There are two exceptions: (i) where issuance of the license would be in the public interest after a hearing and in consultation with the community board [ABCL §64(7)(f)], and (ii) where there has been a full liquor license continuously in existence at the location since on or before November 1, 1993 [ABCL §64(7)(c), the “grandfather” exception].

The Members of the Authority are in receipt of a request for a declaratory ruling as to whether, under the facts presented, the above location is subject to the 500 Foot Law. For the purposes of this request, it is not disputed that the location is within 500 feet of three or more full (OP) liquor licenses. A ruling is sought as to whether the location may be deemed to be continuously licensed since before 1993 and thus “grandfathered-in” so as to be exempt from the 500 Foot Law.

The issue before the Members of the Authority is thus whether this particular location should be deemed to have been continuously licensed since November 1, 1993 based upon the facts presented.

The applicant describes the facts as follows:

- The proposed licensed establishment is located at 225-231 West 4th Street in New York, New York.
- The location was licensed to Zonor Restaurant Corp. (New York RL 1028427) from 1971 to September 1, 2017 (date of surrender).
- The building owner states that the premises was vacant and no other business occupied the premises since the prior license was surrendered until it was rented to the new tenant and presumed applicant-to-be Ruby’s West Village LLC on June 1, 2021.

Also material to this request is the Covid 19 pandemic, which has had an uncontrollable impact on the restaurant/tavern industry since February/March 2020.

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Given the absence of an intervening use for the premises in the pre-Covid period and the impact on the industry during the Covid 19 pandemic, the Members of the Authority find that the location should be deemed to have been continuously licensed since before 1993. An applicant at this location for an OP license thus would not be subject to the procedural and substantive requirements of the 500 Foot law.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January 4, 2022 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 January 26, 2022.

Dated: 1/26/22



Donald Roper
Secretary to the Authority