



KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2022-32

Subject: Municipal (Community Board) notifications

For certain license and permit applications, the applicant is required to send a notice (before filing the application with the Authority) to its municipality to let the municipality know that the application is being filed. This notice is intended to give the municipality an opportunity to let the Authority know its position on the application.

Which applications require municipal notice?

- New, transfer and removal applications statewide for any on-premises license.
- Temporary retail permits for any on-premises license in the City of New York (“NYC”).
- Renewal applications for any on-premises license in NYC.
- Alteration applications for any on-premises license in NYC.
- Corporate Change applications for any on-premises license in NYC.
 - The notice is only required for “substantial corporate changes”, which means 1) a change of 80% or more of the officers/directors (for a corporation) or managing members (for an LLC); 2) a transfer of 80% or more of ownership; or 3) an existing owner with less than 80% ownership obtaining 80% or more ownership.
- Sunday on-premises sales permit.
- “All-night permit” for any on-premises license in NYC.

Who gets notified?

Outside of NYC, the clerk of the village, town or city where the premises is located. For a premises in a village, only the village clerk needs to be notified. There is no need to notify the clerk of the town (or towns) that the village is in.

Within NYC, the community board where the premises is located.

How does the municipality get notified?

Except for an “All-night permit”, the applicant/licensee must use the form approved by the Authority. The form must be sent either by 1) certified mail, return receipt requested; 2) overnight delivery service; 3) email; or 4) personal service on the offices of the clerk of the city/town/village or the community board.

The email option can only be used if the municipality has submitted a written statement to the Authority that it will accept email service of notifications.

There is no required format for the notice sent for an “All-night permit.”

When does the notice have to be sent?

Except for an “All-night permit”, the notice must be sent at least 30 days before the application is filed with the Authority. That is either the date the application is received at the Authority’s offices or the “lockbox.” The notice cannot be sent more than 270 days before the application is filed with the Authority.

For an “All-night permit”, the notice only needs to be sent before the application is filed.

Can one notice be used for the temporary retail permit and on-premises license applications?

An applicant for an on-premises license in NYC can use one form to send notice for both the license application and the permit application. The applicant needs to check the boxes on the form for both the license and permit applications.

What documentation must be submitted to the Authority?

Except for an “All-night permit”:

- If the notice is sent by certified mail return receipt requested, the applicant/licensee must submit either the Post Office receipt for the mailing or the signed return receipt.
- If the notice is sent by overnight delivery, the applicant/licensee must submit the receipt from the delivery service.
- If the notice is sent by email, the municipality must send an email to the Authority acknowledging receipt of the notification.
- If the notice is made by personal service, the applicant/licensee must submit either: 1) an affidavit or service from the individual who served the notice; or 2) written acknowledgement from the municipality that it received the notice.

For an “All-night permit”, the applicant must submit sufficient proof that it sent the notice. That proof can be any of the 4 items listed above, or any other documentation that shows the notice was sent to the Community Board.

Does the Authority have to wait to hear from the municipality?

The only requirement is that the notice be sent. There is no requirement that the Authority delay acting on the application until it hears from the municipality. There is also no requirement that the Authority contact the municipality if nothing is received from the municipality.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on November 22, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on November 22, 2022.

Dated: 12/13/22



Donald Roper
Secretary to the Authority