

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF 04/25/2024  
REFERRED FROM: SECRETARY'S OFFICE

04/25/2024-061E

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

REQUEST FROM NASSAU COUNTY  
TO CHANGE HOURS FOR OFF-  
PREMISES SALE OF WINE AND  
LIQUOR

The Members of the Authority at their regular meeting held at the Zone 1 New York City Office on 04/25/2024 determined:



# State Liquor Authority

**KATHY HOCHUL**  
Governor

**LILY M. FAN**  
Chair

**EDGAR DE LEON**  
Commissioner

To: Members of the Authority  
From: Administrative Law Judge Nina G. Keller  
Subject: Public Hearing on Nassau County's Request to Extend the Hours of Sale of Alcoholic Beverages by Wine and Liquor Stores.  
Date: March 20, 2024

## Procedure for Change in Hours of Sale:

The hours of sale for alcoholic beverages in this state are set forth in Alcoholic Beverage Control Law (ABCL) Section 105(14) [off premises sales of liquor and wine], Section 105-a [off-premises sales of beer], and Section 106(5) [on-premises sales of all alcoholic beverages].

ABCL 17(11) allows a county, through a resolution of its board of supervisors or legislative body, to set further restrictions on the sale of alcoholic beverages or to request a modification of an existing restriction in the hours of sale of alcoholic beverages. The required procedures are:

- \*the adoption of a resolution by a county board of supervisors or a county legislative body requesting a restriction or a modification in the hours of sale of alcoholic beverages within the county,
- \*upon such notice the holding of a hearing within the county regarding the proposed change in hours of sale of alcoholic beverages, and
- \*a determination by the New York State Liquor Authority (SLA) approving or disapproving the proposed change.

## Current Nassau County Hours

In Nassau County, by virtue of a Resolution Restricting Hours of Sale adopted on June 25, 1971 by the former Nassau County Alcoholic Beverage Control Board, establishments licensed to sell liquor and wine at retail off-premises are prohibited from selling alcoholic beverages during the following hours:

- Monday, Tuesday and Wednesday, between the hours of 8:00 pm and 8:00 am of the following day, except if any such day is followed by a legal holiday, and the business days of the month of December, then the hours of such days will be from 10:00 pm until 8:00 am of the following day, and

-Thursday, Friday and Saturday between the hours of 10:00 pm and 8:00 am the following day.

In other words, the current legal hours for the sale of liquor and wine at retail for off-premises consumption in Nassau County are:

Monday, Tuesday, and Wednesday from 8:00 am to 8:00 pm.

Thursday, Friday, and Saturday from 8:00 am to 10:00 pm.

Sundays from 10:00 am to 10:00 pm.

### Nassau County Resolution and Proposed Changes

On December 19, 2023, the Nassau County Legislature adopted Resolution No. 234-2023 which proposed changes in the hours that currently exist in Nassau County for off-premises sales of liquor and wine. The Resolution stated, in part, that Nassau County deemed it desirable to extend the hours for “public convenience and accommodation and to help local small businesses to succeed.” The Resolution was received by the SLA on January 4, 2024 and proposed the following changes:

Monday through Saturday 8:00 am to 10:00 pm.

Sundays from 10:00 am to 10:00 pm.

Essentially the Nassau County Resolution seeks to extend the Monday, Tuesday and Wednesday closing hours by two hours from 8:00 pm to 10:00 pm. There was no request to change Thursday, Friday and Saturday hours (8:00 am to 10:00 pm) nor was there a request to change the Sunday hours (10:00 am to 10:00 pm).

### Full Board Directive to Conduct a Hearing

On January 31, 2024, the Members of the Authority approved a Directive to hold a public hearing on the changes proposed in the Nassau County Resolution. The hearing was scheduled for Friday, March 1, 2024 at the Theodore Roosevelt Executive and Legislative Building in Mineola, Long Island.

### Public Notice of Hearing

On February 5, 2024, a Notice of Public Hearing was posted on the SLA’s website and set forth the hearing date, time and location, and informed the public that the SLA would accept written statements on the proposed changes from any person unable to attend the hearing. The Notice advised the public that to become part of the record, the written statements had to be emailed to [Secretarys.Office@sla.ny.gov](mailto:Secretarys.Office@sla.ny.gov) or postmarked to the SLA by no later than 5:00 pm on March 1, 2024.

The Notice was also provided to the following media organizations: Newsday, Great Neck News, Long Island Business News, The New York Times, Anton News, Times Review, CBS, ABC,

WSHU, News 12, The Beyond Radio Network, Innovate Long Island, Fios1News, and Bloomberg Industry.

### The Public Hearing

On March 1, 2024, the Authority's designee conducted a public hearing to take comments on the record regarding the Nassau County proposed changes. The meeting was recorded.

Three people spoke at the Public Hearing: one person spoke in support of the proposal and two people spoke in opposition.

**Eric Brewer**, owner of Total Wine stores based in Bethesda, Maryland, operates several stores in Maryland and one store on Old Country Road, Westbury, NY in Nassau County. He supported the proposal and stated that customers find it convenient to have consistent closing hours each night of the week. Mr. Brewer presented copies of an in-store petition with 1,840 signatures supporting the new hours as well as an on-line petition which had been on the company's website, which garnered 1,056 signatures, for a total of 2,896 signatures in support of the proposed hours.

**Adam Birkenstock**, Director of Programming for the Long Island Council on Alcoholism and Drug Dependence (LICAAD), Westbury, NY, opposed the proposed changes and noted that Nassau County's binge drinking rate of 16% is higher than the state's average of 14.75%. While acknowledging that alcohol is available 24 hours a day from convenience stores, he stated that extending hours at liquor and wine stores sent the "wrong message" to at-risk constituents. He noted that while the proposed longer hours might result in more profit for the stores, it could result in an increased cost to the public in lost productivity, healthcare and car accidents. He proposed more funding for organizations which provide services to those with alcohol or drug dependence.

**Gary Farkash**, a former liquor store owner in Baldwin, NY, opposed the change of hours and said that the increased hours would not benefit the smaller "mom and pop" stores, which he said comprises "99% of the stores in Nassau County," but would instead benefit the larger "Tier 1 and Tier 2" stores. He said that the increased staffing and costs for the smaller stores would outweigh any minimal profits from the extra hours.

### Written submissions received by the SLA.

One individual wrote in support and two people wrote in opposition to the proposed changes.

**Mohinder Singh**, President, Liquor Warehouse NY Inc (License 1333084), 794-796 Elmont Road, Elmont, NY 11003. Mohinder Singh supported the proposed changes because both customers and retailers find the current hours challenging due to their "diverse lifestyle and work schedules."

**Kelly Mayberry**, no address given. Ms. Mayberry, a Credentialed Alcoholism and Substance Abuse Counselor, opposed the extended hours on the grounds that increased access to alcohol contributes to a likelihood of increased drunk-driving accidents, noting a 14% increase in crash deaths in 2021 involving alcohol-impaired drivers as compared to 2020. She stated that many essential businesses such as banks and post offices are open until 5:00 pm and closed on Sundays and that liquor stores should have similar hours.

**John Volpi**, The Wine Guy, Inc., 220 West Main St, Smithtown, NY (Suffolk County) opposed the proposed changes. He contended that the extended hours would make it more difficult for the smaller “mom and pop” stores to find staff and that the request probably came from the “larger out of state retailers” who were seeking profit at the expense of smaller stores. He also stated that because the area relies on car transportation, there could be an increase in drunk driving if later hours were permitted.

Attachments:

1. 1971 Nassau County Alcoholic Beverage Control Board Resolution.
2. 2023 Nassau County Legislature Resolution.
3. January 29, 2024 Request for Direction to Members of Authority.
4. January 31, 2024 SLA Full Board Directive.
5. February 5, 2024 Notice of Public Hearing (SLA website).
6. March 1, 2024 Public Hearing Attendance List.
7. Memo and Petitions from Total Wine.
8. March 1, 2024 LICAAD Statement in Opposition.
9. March 1, 2024 Letter in Support of Mohinder Singh.
10. March 1, 2024 Letter in Opposition of Kelly Mayberry.
11. March 4, 2024 Letter in Opposition of John Volpi.