



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**Delores Rubin**  
Chair

**Jesse R. Bodine**  
District Manager

June 2, 2016

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Vincent G. Bradley  
Chairman  
New York State Liquor Authority  
80 South Swan Street, Suite 900  
Albany, New York 12210-8002

**Re: Alcoholic Beverage Control reorganization law and Repeal of  
certain provisions  
Draft 12046 -03-6**

Dear Governor Cuomo and Chairman Bradley,

On April 13 the New York State Liquor Authority (SLA) Alcoholic Beverage Control Law (ABCL) Working Group issued a report on a proposed reorganization and revisions the ABCL. The working group was composed of 19 members; most from the various parts of the industry, present and former SLA commissioners and one representative of a downstate community - the district manager of Manhattan Community board 12. We understand it is your intention to amend the ABC law to incorporate these recommendations before the end of this session in mid June 2016.

Manhattan Community Board 4 joins with other Community Boards to request that the proposed bill to amend the ABC law be tabled until such time community boards and local elected officials have the time to fully evaluate the impacts of the proposed changes on communities. Another working group should be convened with a proper community representation from upstate and downstate to ensure the proposed changes do not adversely affect the delicate balance between the industry and community needs.

With over 700 establishments in 1.8 Square miles, Manhattan Community District 4 (MCD4) is home to a vibrant hospitality industry of which 99% of players are good neighbors and a resource to this community. This successful coexistence has been achieved through intense work and great vigilance, and in large part by the delicate balance the ABCL strikes. It would be shortsighted to take hasty steps that could potentially alter that balance with negative consequences without a full review by both the industry and the community.

Many aspects of the report and the revised language of the bill are not relevant to our community. However, some of the recommendations have potentially far-reaching implications for the public whose representation on the working group was severely limited in numbers. Before being adopted as laws, they merit public hearings and full scrutiny from elected officials to prevent unintended consequences: (the numbers below refer to the recommendations in the report)

- (10) Subject the 200 ft. law to the same flexibility as the 500ft law
- (12) Remove the application of the ABCL location restrictions for any retail business that also wants to open a restaurant within its retail space
- (14) Allow grocery stores with off-premises beer licenses to serve on-premise liquor in the back of the store without being subject to the 200ft or 500 ft. rules
- (11) Create permits to start service at 8 AM on Sunday instead of 12 noon.
- (7) Relax criteria to grant license to owners (but not their employees) who were charged with felonies more than 5 years ago and/or charged with misdemeanor (including prostitution charges). Let the SLA decide if applicants coming from other states or abroad where “certificate of good conduct” are not issued should get a license.
- (15) Let the Governor appoint one of the Commissioner as acting Chairman - instead of the Senate confirming such person –
- (2) Allow SLA to make rules concerning sales of alcohol in drugstores.

The proposed bill also contains new provisions and other changes not enumerated in the report:

- Limits the amount of Civil penalties for Distillers (Section 17, Subdivision 3)
- Combine filing fees for multiple craft manufacturing license
- Authorize the SLA to issue regulation to add new type of premises and add restaurant brewery in the premises permitted to sell Liquor

Finally, the proposed “overhaul” bill does not address long-standing transparency, home rule and oversaturation issues that have been raised and does not incorporate bills previously proposed:

- Clarify and improve the implementation of the 500ft rule: Give Community Boards authority to consent, rather than consult, Assembly member Wright's Bill
- Establish an SLA Community Board Liaison and give Community Boards 60 day notice, Assembly Member Moya's bill
- Terms and Conditions: codification of community board/applicant agreed stipulations- Assembly Member Gottfried's bill
- Make the method of operation public and available to the NYPD by publishing them on the Web
- Improve the tracking of complaints to the SLA Website
- Allow New York City to establish criteria for over saturation and for context Sensitive hours of operations in various neighborhoods
  - Establish Quality of life criteria for revoking or not renewing a license

We ask that the bill be tabled and that another working group be convened with a proper community representation from upstate and downstate to review these and other recommendations and insure we continue to successfully balance industry and community needs.

Sincerely,



Delores Rubin  
MCB4 Chair

Cc: New York State Liquor Authority Kerri O'Brien, Chief Executive Officer  
 New York State Senator Brad Hoylman  
 New York State Senator Liz Krueger  
 New York State Senator Adriano Espaillat  
 New York State Assembly Member Deborah Glick  
 New York State Assembly Member Richard Gottfried  
 New York State Assembly Member Linda Rosenthal  
 Manhattan Borough President Gale Brewer  
 New York City Council Member Corey Johnson  
 New York City Council Member Helen Rosenthal  
 New York Assembly Member Robin Schimminger, chairs the Economic Development Committee  
 Assembly member Joseph Lentol, Chair of Codes,  
 Assembly member James Brennan, Chair of Corporation, Authorities, Commissions