

STATE OF NEW YORK

4217

2017-2018 Regular Sessions

IN SENATE

February 6, 2017

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to procedures associated with issuing retail and special retail licenses to sell liquor for on-premises consumption regarding premises located within five hundred feet of three or more existing premises in cities, towns and villages having a population of twenty thousand or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (f) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 185 of the laws of 2012, is amended to read as follows:

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3
4 (f) Notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a 5 premises which shall be within five hundred feet of three or more existing 6 premises licensed and operating pursuant to this section and 7 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d 8 of this article if, after consultation with the municipality or community 9 board, it determines that granting such license would be in the 10 public interest. Before it may issue any such license, the authority 11 shall conduct a hearing, upon notice to the applicant and the municipality 12 or community board, and shall state and file in its office its 13 reasons therefor. The hearing may be rescheduled, adjourned or continued, 14 and the authority shall give notice to the applicant and the municipality 15 or community board of any such rescheduled, adjourned or 16 continued hearing. Before the authority issues any said license, the 17 authority or one or more of the commissioners thereof may, in addition 18 to the hearing required by this paragraph, also conduct a public meeting 19 regarding said license, upon notice to the applicant and the municipality 20 or community board. The public meeting may be rescheduled, 21 adjourned or continued, and the authority shall give notice to the 22 applicant and the municipality or community board of any such rescheduled, 23 adjourned or continued public meeting. Notice to the municipality 24

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 or community board shall mean written notice mailed by the authority to
2 such municipality or community board at least [~~fifteen~~ **thirty**] days in
3 advance of any hearing scheduled pursuant to this paragraph. Upon the
4 request of the authority, any municipality or community board may waive
5 the [~~fifteen~~ **thirty**] day notice requirement. No premises having been
6 granted a license pursuant to this section shall be denied a renewal of
7 such license upon the grounds that such premises are within five hundred
8 feet of a building or buildings wherein three or more premises are
9 licensed and operating pursuant to this section and sections
10 sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this
11 article.

12 § 2. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic
13 beverage control law, as amended by chapter 185 of the laws of 2012, is
14 amended to read as follows:

15 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
16 (a) of this subdivision, the authority may issue a license pursuant to
17 this section for a premises which shall be within five hundred feet of
18 three or more existing premises licensed and operating pursuant to this
19 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
20 sixty-four-d of this article if, after consultation with the munici-
21 pality or community board, it determines that granting such license
22 would be in the public interest. Before it may issue any such license,
23 the authority shall conduct a hearing, upon notice to the applicant and
24 the municipality or community board, and shall state and file in its
25 office its reasons therefor. Notice to the municipality or community
26 board shall mean written notice mailed by the authority to such munici-
27 pality or community board at least [~~fifteen~~ **thirty**] days in advance of
28 any hearing scheduled pursuant to this paragraph. Upon the request of
29 the authority, any municipality or community board may waive the
30 [~~fifteen~~ **thirty**] day notice requirement. The hearing may be rescheduled,
31 adjourned or continued, and the authority shall give notice to the
32 applicant and the municipality or community board of any such resched-
33 uled, adjourned or continued hearing. Before the authority issues any
34 said license, the authority or one or more of the commissioners thereof
35 may, in addition to the hearing required by this paragraph, also conduct
36 a public meeting regarding said license, upon notice to the applicant
37 and the municipality or community board. The public meeting may be
38 rescheduled, adjourned or continued, and the authority shall give notice
39 to the applicant and the municipality or community board of any such
40 rescheduled, adjourned or continued public meeting. No premises having
41 been granted a license pursuant to this section shall be denied a
42 renewal of such license upon the grounds that such premises are within
43 five hundred feet of a building or buildings wherein three or more prem-
44 ises are licensed and operating pursuant to this section and sections
45 sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this
46 article.

47 § 3. This act shall take effect on the ninetieth day after it shall
48 have become a law and shall apply to all applications for a retail
49 license, or special retail license, for on-premises consumption for
50 premises within five hundred feet of existing licensed premises that are
51 pending before or filed with the state liquor authority on or after such
52 effective date. Effective immediately any rules or regulations necessary
53 or convenient to implement the provisions of this act are authorized to
54 be promulgated on or before such effective date.