

3282

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. PHEFFER, CHRISTENSEN, GLICK, GOTTFRIED, MARKEY, TITUS, ESPAILLAT, BING, DINOWITZ, HOOPER -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BOYLAND, BRENNAN, COOK, FARRELL, HIKIND, LANCMAN, LAVINE, MILLMAN, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to the time and form for the furnishing of certain information to municipalities and community boards by applicants for certain original, renewal, or alteration alcoholic beverage licenses and the applicability of certain public notice requirements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 5 of section 51 of the alcoholic beverage
2 control law, as amended by chapter 100 of the laws of 1940, is amended
3 to read as follows:
4 5. Except as otherwise provided in subdivisions three and four of this
5 section, and except as provided in section fifty-two OF THIS ARTICLE, no
6 brewer shall sell any beer, wine, or liquor at retail. IN THE EVENT
7 THAT ANY RETAIL SALE AUTHORIZED BY SUBDIVISION THREE OR FOUR OF THIS
8 SECTION OR SECTION FIFTY-TWO OF THIS ARTICLE IS TO BE MADE BY ANY BREW-
9 ER, SUCH BREWER SHALL BE SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO-A
10 OF SECTION FIFTY-FIVE OF THIS ARTICLE.
11 S 2. Section 54 of the alcoholic beverage control law is amended by
12 adding a new subdivision 1-a to read as follows:
13 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
14 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR
15 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT
16 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
17 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
18 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR

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

LBD06906-01-9

1 RENEWAL, WHERE IT IS PRESENTLY LOCATED, NOT LESS THAN SIXTY DAYS PRIOR
2 TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR
3 FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAP-
4 TER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY
5 BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED
6 WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE
7 COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF
8 THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH
9 LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPRO-
10 PRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICI-
11 PALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION
12 FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE
13 DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMI-
14 NATION TO GRANT OR DENY SUCH LICENSE.

15 S 3. Section 54-a of the alcoholic beverage control law is amended by
16 adding a new subdivision 1-a to read as follows:

17 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
18 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR
19 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT
20 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
21 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
22 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
23 RENEWAL, WHERE IT IS PRESENTLY LOCATED, NOT LESS THAN SIXTY DAYS PRIOR
24 TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR
25 FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAP-
26 TER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY
27 BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED
28 WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE
29 COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF
30 THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH
31 LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPRO-
32 PRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICI-
33 PALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION
34 FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE
35 DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMI-
36 NATION TO GRANT OR DENY SUCH LICENSE.

37 S 4. Subdivision 2-a of section 55 of the alcoholic beverage control
38 law, as added by chapter 582 of the laws of 1999, is amended to read as
39 follows:

40 2-a. Notwithstanding any other provision of this chapter, upon receipt
41 [in the city of New York] of an application for a license under this
42 section, an application for renewal under section one hundred nine of
43 this chapter, or an application for an alteration to a premises licensed
44 for consumption on the premises under section ninety-nine-d of this
45 chapter, the applicant shall notify the [community board established
46 pursuant to section twenty-eight hundred of the New York city charter
47 with jurisdiction over the area in which such licensed premises is to be
48 located by certified mail, return receipt requested, wherein the
49 prospective licensed premises is to be located or, in the case of an
50 application for renewal, or alteration where it is presently located not
51 less than thirty days prior to the submission of its application for a
52 license under this section or for a renewal thereof pursuant to section
53 one hundred nine of this chapter. Such community board may express an
54 opinion for or against the granting of such license. Any such opinion
55 shall be deemed part of the record upon which the liquor board makes its
56 determination to grant or deny such license] CLERK OF THE VILLAGE, TOWN,

1 OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT
2 REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED
3 OR, IN THE CASE OF AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED
4 NINE OF THIS CHAPTER OR AN ALTERATION TO A PREMISES LICENSED FOR
5 CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER,
6 WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY DAYS PRIOR TO THE
7 SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION, FOR A
8 RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR
9 AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES
10 UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE PURPOSES OF THE
11 PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A
12 VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE
13 VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSU-
14 ANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH
15 JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE OR
16 IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH
17 NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR COMMUNITY BOARD, AS
18 THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF
19 SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON
20 WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH
21 LICENSE.

22 S 5. Section 63 of the alcoholic beverage control law is amended by
23 adding a new subdivision 2-a to read as follows:

24 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
25 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
26 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
27 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
28 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
29 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
30 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
31 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
32 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER OR AN ALTERATION
33 TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION
34 NINETY-NINE-D OF THIS CHAPTER, WHERE IT IS PRESENTLY LOCATED NOT LESS
35 THAN SIXTY DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE
36 UNDER THIS SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE
37 HUNDRED NINE OF THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED
38 FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS
39 CHAPTER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED
40 ONLY BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE
41 LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK,
42 THE COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED
43 OF THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH
44 SUCH LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE
45 APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH
46 MUNICIPALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN
47 OPINION FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION
48 SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS
49 DETERMINATION TO GRANT OR DENY SUCH LICENSE.

50 S 6. Subdivision 2-a of section 64 of the alcoholic beverage control
51 law, as amended by chapter 83 of the laws of 1995, is amended to read as
52 follows:

53 2-a. Notwithstanding any other provision of this chapter, upon receipt
54 of an application for a license under this section, an application for
55 renewal under section one hundred nine of this chapter, or an applica-
56 tion for an alteration to a premises licensed for consumption on the

1 premises under section ninety-nine-d of this chapter, the applicant
2 shall notify the clerk of the village, town, or city, as the case may
3 be, by certified mail, return receipt requested, wherein the prospective
4 licensed premises is to be located or, in the case of an application for
5 renewal[,] or alteration, where it is presently located not less than
6 [thirty] SIXTY days prior to the submission of its application for a
7 license under this section [or], for a renewal thereof pursuant to
8 section one hundred nine of this chapter, OR AN ALTERATION TO A PREMISES
9 LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF
10 THIS CHAPTER. For the purposes of the preceding sentence, notification
11 need only be given to the clerk of a village when such premises is to be
12 located within the boundaries of the village. In the city of New York,
13 the community board established pursuant to section twenty-eight hundred
14 of the New York city charter with jurisdiction over the area in which
15 such licensed premises is to be OR IS located shall be considered the
16 appropriate public body to which notification shall be given. SUCH
17 NOTIFICATION SHALL BE MADE IN SUCH FORM AS SHALL BE PRESCRIBED BY THE
18 RULES OF THE LIQUOR AUTHORITY. Such municipality or community board, as
19 the case may be, may express an opinion for or against the granting of
20 such license. Any such opinion shall be deemed part of the record upon
21 which the liquor board makes its determination to grant or deny such
22 license.

23 S 7. Section 64-a of the alcoholic beverage control law is amended by
24 adding a new subdivision 2-a to read as follows:

25 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
26 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
27 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
28 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
29 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
30 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
31 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
32 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
33 RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY
34 DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS
35 SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF
36 THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON
37 THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE
38 PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO
39 THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE
40 BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD
41 ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK
42 CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED
43 PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE
44 PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR
45 COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR
46 AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED
47 PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION
48 TO GRANT OR DENY SUCH LICENSE.

49 S 8. Section 64-b of the alcoholic beverage control law is amended by
50 adding a new subdivision 2-a to read as follows:

51 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
52 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
53 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
54 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
55 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
56 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY

1 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
2 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
3 RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY
4 DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS
5 SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF
6 THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON
7 THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE
8 PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO
9 THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE
10 BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD
11 ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK
12 CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED
13 PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE
14 PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR
15 COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR
16 AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED
17 PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION
18 TO GRANT OR DENY SUCH LICENSE.

19 S 9. Subdivision 3 of section 64-c of the alcoholic beverage control
20 law, as added by chapter 538 of the laws of 1997, is amended to read as
21 follows:

22 3. Upon receipt of an original [or a renewal] application for a
23 license under this section, AN APPLICATION FOR RENEWAL UNDER SECTION ONE
24 HUNDRED NINE OF THIS CHAPTER, OR AN APPLICATION FOR AN ALTERATION TO A
25 PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-
26 NINE-D OF THIS CHAPTER, the applicant shall notify the clerk of the
27 village, town or city, as the case may be, by certified mail, return
28 receipt requested, wherein the prospective licensed premises is to be
29 located or, in the case of an application for renewal OR ALTERATION,
30 where it is presently located not less than [thirty] SIXTY days prior to
31 the submission of its application for a license under this section [or],
32 for a renewal thereof UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER,
33 OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES
34 UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. For the purposes of the
35 preceding sentence, notification need only be given to the clerk of a
36 village when such premises is to be located within the boundaries of the
37 village. In the city of New York, the community board established
38 pursuant to section twenty-eight hundred of the New York city charter
39 with jurisdiction over the area in which such licensed premises is to be
40 OR IS located shall be considered the appropriate public body to which
41 notification shall be given. Such municipality or community board, as
42 the case may be, may express an opinion for or against the granting of
43 such license. Any such opinion shall be deemed part of the record upon
44 which the liquor authority makes its determination to grant or deny
45 such license.

46 S 10. Subdivision 3 of section 64-d of the alcoholic beverage control
47 law, as added by chapter 602 of the laws of 1999, is amended to read as
48 follows:

49 3. Upon receipt of an original [or a renewal] application for a
50 license under this section, AN APPLICATION FOR RENEWAL UNDER SECTION ONE
51 HUNDRED NINE OF THIS CHAPTER, OR AN APPLICATION FOR AN ALTERATION TO A
52 PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-
53 NINE-D OF THIS CHAPTER, the applicant shall notify the clerk of the
54 village, town, or city, as the case may be, by certified mail, return
55 receipt requested, wherein the prospective licensed premises is to be
56 located or, in the case of an application for renewal OR ALTERATION,

1 where it is presently located[,] not less than [thirty] SIXTY days prior
2 to the submission of its application for a license under this section
3 [or], for a renewal thereof UNDER SECTION ONE HUNDRED NINE OF THIS CHAP-
4 TER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
5 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. For the purposes
6 of the preceding sentence, notification need only be given to the clerk
7 of a village when such premises is to be located within the boundaries
8 of the village. In the city of New York, the community board established
9 pursuant to section twenty-eight hundred of the New York city charter
10 with jurisdiction over the area in which such licensed premises is to be
11 OR IS located shall be considered the appropriate public body to which
12 notification shall be given. Such municipality or community board, as
13 the case may be, may express an opinion for or against the granting of
14 such license. Any such opinion shall be deemed part of the record upon
15 which the liquor authority makes its determination to grant or deny such
16 license.

17 S 11. Subdivision 1-a of section 81 of the alcoholic beverage control
18 law, as added by chapter 582 of the laws of 1999, is amended to read as
19 follows:

20 1-a. Notwithstanding any other provision of this chapter, upon receipt
21 [in the city of New York] of an application for a license under this
22 section, an application for renewal under section one hundred nine of
23 this chapter, or an application for an alteration to a premises licensed
24 for consumption on the premises under section ninety-nine-d of this
25 chapter, the applicant shall notify the [community board established
26 pursuant to section twenty-eight hundred of the New York city charter
27 with jurisdiction over the area in which such licensed premises is to be
28 located by certified mail, return receipt requested, wherein the
29 prospective licensed premises is to be located or, in the case of an
30 application for renewal, or alteration where it is presently located not
31 less than thirty days prior to the submission of its application for a
32 license under this section or for a renewal thereof pursuant to section
33 one hundred nine of this chapter. Such community board may express an
34 opinion for or against the granting of such license. Any such opinion
35 shall be deemed part of the record upon which the liquor board makes its
36 determination to grant or deny such license] CLERK OF THE VILLAGE, TOWN,
37 OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT
38 REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED
39 OR, IN THE CASE OF AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED
40 NINE OF THIS CHAPTER OR AN ALTERATION TO A PREMISES LICENSED FOR
41 CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER,
42 WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY DAYS PRIOR TO THE
43 SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION, FOR A
44 RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR
45 AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES
46 UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE PURPOSES OF THE
47 PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A
48 VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE
49 VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSU-
50 ANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH
51 JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE OR
52 IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH
53 NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR COMMUNITY BOARD, AS
54 THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF
55 SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON

1 WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH
2 LICENSE.

3 S 12. Section 81-a of the alcoholic beverage control law is amended by
4 adding a new subdivision 1-a to read as follows:

5 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
6 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
7 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
8 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
9 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
10 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
11 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
12 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
13 RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY
14 DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS
15 SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF
16 THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON
17 THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE
18 PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO
19 THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE
20 BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD
21 ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK
22 CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED
23 PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE
24 PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR
25 COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR
26 AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED
27 PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION
28 TO GRANT OR DENY SUCH LICENSE.

29 S 13. Subdivision 7 of section 100 of the alcoholic beverage control
30 law, as added by chapter 256 of the laws of 1978, is amended to read as
31 follows:

32 7. Within ten days after filing a new application to sell BEER AT
33 RETAIL UNDER SUBDIVISION THREE OR FOUR OF SECTION FIFTY-ONE, OR SECTION
34 FIFTY-TWO, FIFTY-FOUR, FIFTY-FOUR-A, OR FIFTY-FIVE OF THIS CHAPTER,
35 liquor at retail under section sixty-three, sixty-four, sixty-four-a
36 [or], sixty-four-b, SIXTY-FOUR-C, OR SIXTY-FOUR-D of this chapter, OR
37 WINE AT RETAIL UNDER SECTION EIGHTY-ONE OR EIGHTY-ONE-A OF THIS CHAPTER,
38 a notice thereof, in the form prescribed by the authority, shall be
39 posted by the applicant in a conspicuous place at the entrance to the
40 proposed premises. The applicant shall make reasonable efforts to insure
41 such notice shall remain posted throughout the pendency of the applica-
42 tion. The provisions hereof shall apply only where no retail [liquor]
43 ALCOHOLIC BEVERAGE license has previously been granted for the proposed
44 [premise] PREMISES and shall, specifically, not be applicable to a
45 proposed sale of an existing business engaged in the retail sale of
46 liquor. The authority may adopt such rules it may deem necessary to
47 carry out the purpose of this subdivision.

48 S 14. Subdivision 1 of section 110-a of the alcoholic beverage control
49 law, as added by chapter 77 of the laws of 1999, is amended to read as
50 follows:

51 1. Every person applying for a license to sell alcoholic beverages
52 pursuant to subdivision THREE OR four of section fifty-one, or section
53 FIFTY-TWO, FIFTY-FOUR, FIFTY-FOUR-A, fifty-five, SIXTY-THREE, sixty-
54 four, sixty-four-a, SIXTY-FOUR-B, sixty-four-c, SIXTY-FOUR-D,
55 eighty-one, or eighty-one-a of this chapter shall publish notice thereof
56 pursuant to subdivision two of this section.

1 S 15. This act shall take effect on the one hundred twentieth day
2 after it shall have become a law; provided, however, that the state
3 liquor authority is authorized to promulgate any and all rules and regu-
4 lations and take any other measures necessary for the timely implementa-
5 tion of this act on its effective date on or before such date.