

S T A T E   O F   N E W   Y O R K

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3743--A

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 28, 2009

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Introduced by M. of A. LENTOL, V. LOPEZ, GOTTFRIED -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry - committed to Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 alco-  
2     holic beverage control law, as amended by chapter 463 of the laws of  
3     2009, is amended to read as follows:  
4     (f) Notwithstanding the provisions of paragraph (b) of this subdivi-  
5     sion, the authority may issue a license pursuant to this section for a  
6     premises which shall be within five hundred feet of three or more exist-  
7     ing premises licensed and operating pursuant to this section and  
8     sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d  
9     of this article if, after consultation with the municipality or communi-  
10    ty board, it determines that granting such license would be in the  
11    public interest. Before it may issue any such license, the authority  
12    shall conduct a hearing, upon notice to the applicant and the munici-  
13    pality or community board, and shall state and file in its office its  
14    reasons therefor. Notice to the municipality or community board shall  
15    mean written notice mailed by the authority to such municipality or  
16    community board at least fifteen days in advance of any hearing sched-  
17    uled pursuant to this paragraph AND SHALL INCLUDE THE DATE, TIME AND  
18    PLACE THEREOF. IN ADDITION, SUCH NOTICE TO THE MUNICIPALITY OR COMMUNI-  
19    TY BOARD OF A HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH SHALL INCLUDE

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

LBD05923-02-0

1 A COPY OF THE APPLICATION FOR SAID LICENSE. PROVIDED, HOWEVER, THAT THE  
2 COPY OF SAID APPLICATION INCLUDED WITH SAID NOTICE SHALL NOT INCLUDE THE  
3 HOME ADDRESS, HOME TELEPHONE NUMBER OR SOCIAL SECURITY NUMBER OF ANY  
4 INDIVIDUAL; AND PROVIDED FURTHER THAT THE AUTHORITY, IN ITS DISCRETION,  
5 MAY REDACT ANY OTHER PERSONAL INFORMATION CONTAINED IN SUCH APPLICATION  
6 IN ORDER TO PREVENT AN UNWARRANTED INVASION OF AN INDIVIDUAL'S PRIVACY.  
7 Upon the request of the authority, any municipality or community board  
8 may waive the fifteen day notice requirement. No premises having been  
9 granted a license pursuant to this section shall be denied a renewal of  
10 such license upon the grounds that such premises are within five hundred  
11 feet of a building or buildings wherein three or more premises are  
12 licensed and operating pursuant to this section and sections  
13 sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this  
14 article.

15 S 2. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic  
16 beverage control law, as amended by chapter 463 of the laws of 2009, is  
17 amended to read as follows:

18 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
19 (a) of this subdivision, the authority may issue a license pursuant to  
20 this section for a premises which shall be within five hundred feet of  
21 three or more existing premises licensed and operating pursuant to this  
22 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or  
23 sixty-four-d of this article if, after consultation with the municipi-  
24 pality or community board, it determines that granting such license  
25 would be in the public interest. Before it may issue any such license,  
26 the authority shall conduct a hearing, upon notice to the applicant and  
27 the municipality or community board, and shall state and file in its  
28 office its reasons therefor. Notice to the municipality or community  
29 board shall mean written notice mailed by the authority to such municipi-  
30 pality or community board at least fifteen days in advance of any hear-  
31 ing scheduled pursuant to this paragraph AND SHALL INCLUDE THE DATE,  
32 TIME AND PLACE THEREOF. Upon the request of the authority, any municipi-  
33 pality or community board may waive the fifteen day notice requirement.  
34 IN ADDITION, SUCH NOTICE TO THE MUNICIPALITY OR COMMUNITY BOARD OF A  
35 HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH SHALL INCLUDE A COPY OF THE  
36 APPLICATION FOR SAID LICENSE. PROVIDED, HOWEVER, THAT THE COPY OF SAID  
37 APPLICATION INCLUDED WITH SAID NOTICE SHALL NOT INCLUDE THE HOME  
38 ADDRESS, HOME TELEPHONE NUMBER OR SOCIAL SECURITY NUMBER OF ANY INDIVID-  
39 UAL; AND PROVIDED FURTHER THAT THE AUTHORITY, IN ITS DISCRETION, MAY  
40 REDACT ANY OTHER PERSONAL INFORMATION CONTAINED IN SUCH APPLICATION IN  
41 ORDER TO PREVENT AN UNWARRANTED INVASION OF AN INDIVIDUAL'S PRIVACY. No  
42 premises having been granted a license pursuant to this section shall be  
43 denied a renewal of such license upon the grounds that such premises are  
44 within five hundred feet of a building or buildings wherein three or  
45 more premises are licensed and operating pursuant to this section and  
46 sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of  
47 this article.

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