

3827

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. LENTOL, V. LOPEZ -- 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 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 602 of the laws of  
3 1999, is amended to read as follows:  
4 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-  
5 sion, the authority may issue a retail license for on-premises consump-  
6 tion for a premises which shall be within five hundred feet of three or  
7 more existing premises licensed and operating pursuant to the provisions  
8 of this section if, after consultation with the municipality or communi-  
9 ty 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 munici-  
12 pality or community board, and shall state and file in its office its  
13 reasons therefor. THE HEARING MAY BE RESCHEDULED, ADJOURNED OR CONTIN-  
14 UED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNI-  
15 CIPALITY 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 MUNICI-  
20 PALITY 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 RESCHED-

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

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1 ULED, ADJOURNED OR CONTINUED PUBLIC MEETING. Notice to the municipality  
2 or community board shall mean written notice mailed by the authority to  
3 such municipality or community board at least fifteen days in advance of  
4 any hearing scheduled pursuant to this paragraph. Upon the request of  
5 the authority, any municipality or community board may waive the fifteen  
6 day notice requirement. No premises having been granted a license pursu-  
7 ant to this section shall be denied a renewal of such license upon the  
8 grounds that such premises are within five hundred feet of a building or  
9 buildings wherein three or more premises are operating and licensed  
10 pursuant to this section.

11 S 2. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic  
12 beverage control law, as amended by chapter 177 of the laws of 1996, is  
13 amended to read as follows:

14 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
15 (a) of this subdivision, the authority may issue a retail license for  
16 on-premises consumption for a premises which shall be within five  
17 hundred feet of three or more existing premises licensed and operating  
18 pursuant to the provisions of this section if, after consultation with  
19 the municipality or community board, it determines that granting such  
20 license would be in the public interest. Before it may issue any such  
21 license, the authority shall conduct a hearing, upon notice to the  
22 applicant and the municipality or community board, and shall state and  
23 file in its office its reasons therefor. THE HEARING MAY BE RESCHED-  
24 ULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE  
25 APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHED-  
26 ULED, ADJOURNED OR CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY  
27 SAID LICENSE, THE AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF  
28 MAY, IN ADDITION TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT  
29 A PUBLIC MEETING REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT  
30 AND THE MUNICIPALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE  
31 RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE  
32 TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH  
33 RESCHEDULED, ADJOURNED OR CONTINUED PUBLIC MEETING. No premises having  
34 been granted a license pursuant to this section shall be denied a  
35 renewal of such license upon the grounds that such premises are within  
36 five hundred feet of a building or buildings wherein three or more prem-  
37 ises are operating and licensed pursuant to this section.

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