

S T A T E O F N E W Y O R K

3827--A

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 - 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 municipa-
13 lity or community board, and shall state and file in its office its
14 reasons therefor. THE HEARING MAY BE RESCHEDULED, ADJOURNED OR CONTIN-
15 UED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNI-
16 CIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR
17 CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY SAID LICENSE, THE
18 AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF MAY, IN ADDITION
19 TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT A PUBLIC MEETING
20 REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT AND THE MUNICI-
21 PALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE RESCHEDULED,
22 ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE

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

LBD05926-02-0

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

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

16 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
17 (a) of this subdivision, the authority may issue a license pursuant to
18 this section for a premises which shall be within five hundred feet of
19 three or more existing premises licensed and operating pursuant to this
20 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
21 sixty-four-d of this article if, after consultation with the munici-
22 pality or community board, it determines that granting such license
23 would be in the public interest. Before it may issue any such license,
24 the authority shall conduct a hearing, upon notice to the applicant and
25 the municipality or community board, and shall state and file in its
26 office its reasons therefor. Notice to the municipality or community
27 board shall mean written notice mailed by the authority to such munici-
28 pality or community board at least fifteen days in advance of any hear-
29 ing scheduled pursuant to this paragraph. Upon the request of the
30 authority, any municipality or community board may waive the fifteen day
31 notice requirement. THE HEARING MAY BE RESCHEDULED, ADJOURNED OR
32 CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE
33 MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR
34 CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY SAID LICENSE, THE
35 AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF MAY, IN ADDITION
36 TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT A PUBLIC MEETING
37 REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT AND THE MUNICI-
38 PALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE RESCHEDULED,
39 ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE
40 APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHED-
41 ULED, ADJOURNED OR CONTINUED PUBLIC MEETING. No premises having been
42 granted a license pursuant to this section shall be denied a renewal of
43 such license upon the grounds that such premises are within five hundred
44 feet of a building or buildings wherein three or more premises are
45 licensed and operating pursuant to this section and sections sixty-four,
46 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

47 S 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 neces-
53 sary or convenient to implement the provisions of this act are author-
54 ized to be promulgated on or before such effective date.