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

3828

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:

Section 1. Paragraph (f) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 602 of the laws of 1999, is amended to read as follows:

(f) Notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least [fifteen] THIRTY days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the [fifteen] THIRTY day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are operating and licensed pursuant to this section.

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

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

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. NOTICE TO THE MUNICIPALITY OR COMMUNITY BOARD SHALL MEAN WRITTEN NOTICE MAILED BY THE AUTHORITY TO SUCH MUNICIPALITY OR COMMUNITY BOARD AT LEAST THIRTY DAYS IN ADVANCE OF ANY HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are operating and licensed pursuant to this section.

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