

8519

2009-2010 Regular Sessions

I N A S S E M B L Y

May 26, 2009

Introduced by M. of A. SCHIMMINGER -- 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
making the provisions governing the various on-premises liquor
licenses consistent with respect to public interest factors that may
be considered by the state liquor authority when evaluating the merits
of a license application

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

1 Section 1. Subdivision 6-a of section 64 of the alcoholic beverage
2 control law, as added by chapter 670 of the laws of 1993, is amended to
3 read as follows:

4 6-a. The authority [may] SHALL consider [any or] all of the following
5 in determining whether public convenience and advantage and the public
6 interest will be promoted by the granting of [licenses and permits for
7 the sale of alcoholic beverages at a particular unlicensed location] A
8 LICENSE PURSUANT TO THIS SECTION:

9 (a) [The] THE number, classes and character of licenses in proximity
10 to the location and in the particular municipality or subdivision there-
11 of[.];

12 (b) [Evidence] EVIDENCE that all necessary licenses and permits have
13 been obtained from the state and all other governing bodies[.];

14 (c) [Effect] EFFECT of the grant of the license on vehicular traffic
15 and parking in proximity to the location[.];

16 (d) [The] THE existing noise level at the location and any increase in
17 noise level that would be generated by the proposed premises[.];

18 (e) [The] THE history of liquor violations and reported criminal
19 activity at the proposed premises[.]; AND

20 (f) [Any] ANY other factors specified by law or regulation that are
21 relevant to determine the public convenience and advantage [and public
22 interest of the community] AND NECESSARY TO FIND THAT THE GRANTING OF
23 SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

24 S 2. Section 64-a of the alcoholic beverage control law is amended by
25 adding a new subdivision 6-a to read as follows:

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

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1 6-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
2 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
3 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:

4 (A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE
5 LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;

6 (B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND
7 PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;

8 (C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR
9 TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;

10 (D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE
11 LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;

12 (E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT
13 THE PROPOSED PREMISES; AND

14 (F) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
15 TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND
16 THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

17 S 3. Section 64-b of the alcoholic beverage control law is amended by
18 adding a new subdivision 4-a to read as follows:

19 4-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
20 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
21 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:

22 (A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE
23 LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;

24 (B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND
25 PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;

26 (C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR
27 TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;

28 (D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE
29 LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;

30 (E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT
31 THE PROPOSED PREMISES; AND

32 (F) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
33 TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND
34 THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

35 S 4. Section 64-c of the alcoholic beverage control law is amended by
36 adding a new subdivision 10-a to read as follows:

37 10-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
38 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
39 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:

40 (A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE
41 LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;

42 (B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND
43 PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;

44 (C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR
45 TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;

46 (D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE
47 LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;

48 (E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT
49 THE PROPOSED PREMISES; AND

50 (F) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
51 TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND
52 THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

53 S 5. This act shall take effect immediately.