

5508

2009-2010 Regular Sessions

I N S E N A T E

May 13, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

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

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

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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 operating and licensed
11 pursuant to this section.

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

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

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