

5577

2009-2010 Regular Sessions

I N S E N A T E

May 19, 2009

Introduced by Sen. SQUADRON -- 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 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 ASSEMBLY, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 S 5. This act shall take effect immediately.