

3743

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:

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. Notice to the municipality or community board shall  
14 mean written notice mailed by the authority to such municipality or  
15 community board at least fifteen days in advance of any hearing sched-  
16 uled pursuant to this paragraph AND SHALL INCLUDE THE DATE, TIME AND  
17 PLACE THEREOF. IN ADDITION, SUCH NOTICE TO THE MUNICIPALITY OR COMMUNI-  
18 TY BOARD OF A HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH SHALL INCLUDE  
19 A COPY OF THE APPLICATION FOR SAID LICENSE. PROVIDED, HOWEVER, THAT THE  
20 COPY OF SAID APPLICATION INCLUDED WITH SAID NOTICE SHALL NOT INCLUDE THE  
21 HOME ADDRESS, HOME TELEPHONE NUMBER OR SOCIAL SECURITY NUMBER OF ANY  
22 INDIVIDUAL; AND PROVIDED FURTHER THAT THE AUTHORITY, IN ITS DISCRETION,

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

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1 MAY REDACT ANY OTHER PERSONAL INFORMATION CONTAINED IN SUCH APPLICATION  
2 IN ORDER TO PREVENT AN UNWARRANTED INVASION OF AN INDIVIDUAL'S PRIVACY.  
3 Upon the request of the authority, any municipality or community board  
4 may waive the fifteen day notice requirement. No premises having been  
5 granted a license pursuant to this section shall be denied a renewal of  
6 such license upon the grounds that such premises are within five hundred  
7 feet of a building or buildings wherein three or more premises are oper-  
8 ating and licensed pursuant to this section.

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

12 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
13 (a) of this subdivision, the authority may issue a retail license for  
14 on-premises consumption for a premises which shall be within five  
15 hundred feet of three or more existing premises licensed and operating  
16 pursuant to the provisions of this section if, after consultation with  
17 the municipality or community board, it determines that granting such  
18 license would be in the public interest. Before it may issue any such  
19 license, the authority shall conduct a hearing, upon notice to the  
20 applicant and the municipality or community board, and shall state and  
21 file in its office its reasons therefor. NOTICE TO THE MUNICIPALITY OR  
22 COMMUNITY BOARD SHALL MEAN WRITTEN NOTICE AND SHALL INCLUDE THE DATE,  
23 TIME AND PLACE THEREOF. IN ADDITION, SUCH NOTICE TO THE MUNICIPALITY OR  
24 COMMUNITY BOARD OF A HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH SHALL  
25 INCLUDE A COPY OF THE APPLICATION FOR SAID LICENSE. PROVIDED, HOWEVER,  
26 THAT THE COPY OF SAID APPLICATION INCLUDED WITH SAID NOTICE SHALL NOT  
27 INCLUDE THE HOME ADDRESS, HOME TELEPHONE NUMBER OR SOCIAL SECURITY  
28 NUMBER OF ANY INDIVIDUAL; AND PROVIDED FURTHER THAT THE AUTHORITY, IN  
29 ITS DISCRETION, MAY REDACT ANY OTHER PERSONAL INFORMATION CONTAINED IN  
30 SUCH APPLICATION IN ORDER TO PREVENT AN UNWARRANTED INVASION OF AN INDI-  
31 VIDUAL'S PRIVACY. No premises having been granted a license pursuant to  
32 this section shall be denied a renewal of such license upon the grounds  
33 that such premises are within five hundred feet of a building or build-  
34 ings wherein three or more premises are operating and licensed pursuant  
35 to this section.

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