

3828

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 28, 2009

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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 ASSEM-  
BLY, 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] THIRTY days in advance of any hearing  
16    scheduled pursuant to this paragraph. Upon the request of the authority,  
17    any municipality or community board may waive the [fifteen] THIRTY day  
18    notice requirement. No premises having been granted a license pursuant  
19    to this section shall be denied a renewal of such license upon the  
20    grounds that such premises are within five hundred feet of a building or  
21    buildings wherein three or more premises are operating and licensed  
22    pursuant to this section.

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

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

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

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