

S T A T E O F N E W Y O R K

8519--A

2009-2010 Regular Sessions

I N A S S E M B L Y

May 26, 2009

Introduced by M. of A. SCHIMMINGER, SILVER, GLICK -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- committed to the Committee on Economic Development, Job Creation, Commerce and Industry -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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[.];

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

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1 (e) [The] THE history of liquor violations and reported criminal
2 activity at the proposed premises[.];
3 (F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
4 AND/OR OPERATED BY THE APPLICANT;
5 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
6 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
7 THE APPLICANT; AND
8 [(f)] (H) [Any] ANY other factors specified by law or regulation that
9 are relevant to determine the public convenience and advantage [and
10 public interest of the community] AND NECESSARY TO FIND THAT THE GRANT-
11 ING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.
12 S 2. Section 64-a of the alcoholic beverage control law is amended by
13 adding a new subdivision 6-a to read as follows:
14 6-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
15 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
16 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:
17 (A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE
18 LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;
19 (B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND
20 PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;
21 (C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR
22 TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;
23 (D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE
24 LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;
25 (E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT
26 THE PROPOSED PREMISES;
27 (F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
28 AND/OR OPERATED BY THE APPLICANT;
29 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
30 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
31 THE APPLICANT; AND
32 (H) 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 3. Section 64-b of the alcoholic beverage control law is amended by
36 adding a new subdivision 4-a to read as follows:
37 4-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;
50 (F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
51 AND/OR OPERATED BY THE APPLICANT;
52 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
53 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
54 THE APPLICANT; AND

1 (H) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
2 TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND
3 THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

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

6 10-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
7 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
8 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:

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

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

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

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

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

19 (F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
20 AND/OR OPERATED BY THE APPLICANT;

21 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
22 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
23 THE APPLICANT; AND

24 (H) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
25 TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND
26 THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

27 S 5. This act shall take effect immediately.