

2761

2009-2010 Regular Sessions

I N S E N A T E

March 2, 2009

Introduced by Sen. PADAVAN -- 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 the time and form for the furnishing of certain information to municipalities and community boards by applicants for certain original, renewal, or alteration alcoholic beverage licenses and the applicability of certain public notice requirements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 5 of section 51 of the alcoholic beverage
2 control law, as amended by chapter 100 of the laws of 1940, is amended
3 to read as follows:
4 5. Except as otherwise provided in subdivisions three and four of this
5 section, and except as provided in section fifty-two OF THIS ARTICLE, no
6 brewer shall sell any beer, wine, or liquor at retail. IN THE EVENT
7 THAT ANY RETAIL SALE AUTHORIZED BY SUBDIVISION THREE OR FOUR OF THIS
8 SECTION OR SECTION FIFTY-TWO OF THIS ARTICLE IS TO BE MADE BY ANY BREW-
9 ER, SUCH BREWER SHALL BE SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO-A
10 OF SECTION FIFTY-FIVE OF THIS ARTICLE.
11 S 2. Section 54 of the alcoholic beverage control law is amended by
12 adding a new subdivision 1-a to read as follows:
13 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
14 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR
15 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT
16 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
17 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
18 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
19 RENEWAL, WHERE IT IS PRESENTLY LOCATED, NOT LESS THAN SIXTY DAYS PRIOR
20 TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR
21 FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAP-
22 TER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY
23 BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED
24 WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE

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

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1 COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF
2 THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH
3 LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPRO-
4 PRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICI-
5 PALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION
6 FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE
7 DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMI-
8 NATION TO GRANT OR DENY SUCH LICENSE.

9 S 3. Section 54-a of the alcoholic beverage control law is amended by
10 adding a new subdivision 1-a to read as follows:

11 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
12 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR
13 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT
14 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
15 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
16 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
17 RENEWAL, WHERE IT IS PRESENTLY LOCATED, NOT LESS THAN SIXTY DAYS PRIOR
18 TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR
19 FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAP-
20 TER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY
21 BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED
22 WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE
23 COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF
24 THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH
25 LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPRO-
26 PRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICI-
27 PALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION
28 FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE
29 DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMI-
30 NATION TO GRANT OR DENY SUCH LICENSE.

31 S 4. Subdivision 2-a of section 55 of the alcoholic beverage control
32 law, as added by chapter 582 of the laws of 1999, is amended to read as
33 follows:

34 2-a. Notwithstanding any other provision of this chapter, upon receipt
35 [in the city of New York] of an application for a license under this
36 section, an application for renewal under section one hundred nine of
37 this chapter, or an application for an alteration to a premises licensed
38 for consumption on the premises under section ninety-nine-d of this
39 chapter, the applicant shall notify the [community board established
40 pursuant to section twenty-eight hundred of the New York city charter
41 with jurisdiction over the area in which such licensed premises is to be
42 located by certified mail, return receipt requested, wherein the
43 prospective licensed premises is to be located or, in the case of an
44 application for renewal, or alteration where it is presently located not
45 less than thirty days prior to the submission of its application for a
46 license under this section or for a renewal thereof pursuant to section
47 one hundred nine of this chapter. Such community board may express an
48 opinion for or against the granting of such license. Any such opinion
49 shall be deemed part of the record upon which the liquor board makes its
50 determination to grant or deny such license] CLERK OF THE VILLAGE, TOWN,
51 OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT
52 REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED
53 OR, IN THE CASE OF AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED
54 NINE OF THIS CHAPTER OR AN ALTERATION TO A PREMISES LICENSED FOR
55 CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER,
56 WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY DAYS PRIOR TO THE

1 SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION, FOR A
2 RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR
3 AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES
4 UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE PURPOSES OF THE
5 PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A
6 VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE
7 VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSU-
8 ANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH
9 JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE OR
10 IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH
11 NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR COMMUNITY BOARD, AS
12 THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF
13 SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON
14 WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH
15 LICENSE.

16 S 5. Section 63 of the alcoholic beverage control law is amended by
17 adding a new subdivision 2-a to read as follows:

18 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
19 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
20 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
21 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
22 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
23 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
24 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
25 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
26 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER OR AN ALTERATION
27 TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION
28 NINETY-NINE-D OF THIS CHAPTER, WHERE IT IS PRESENTLY LOCATED NOT LESS
29 THAN SIXTY DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE
30 UNDER THIS SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE
31 HUNDRED NINE OF THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED
32 FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS
33 CHAPTER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED
34 ONLY BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE
35 LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK,
36 THE COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED
37 OF THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH
38 SUCH LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE
39 APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH
40 MUNICIPALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN
41 OPINION FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION
42 SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS
43 DETERMINATION TO GRANT OR DENY SUCH LICENSE.

44 S 6. Subdivision 2-a of section 64 of the alcoholic beverage control
45 law, as amended by chapter 83 of the laws of 1995, is amended to read as
46 follows:

47 2-a. Notwithstanding any other provision of this chapter, upon receipt
48 of an application for a license under this section, an application for
49 renewal under section one hundred nine of this chapter, or an applica-
50 tion for an alteration to a premises licensed for consumption on the
51 premises under section ninety-nine-d of this chapter, the applicant
52 shall notify the clerk of the village, town, or city, as the case may
53 be, by certified mail, return receipt requested, wherein the prospective
54 licensed premises is to be located or, in the case of an application for
55 renewal[,] or alteration, where it is presently located not less than
56 [thirty] SIXTY days prior to the submission of its application for a

1 license under this section [or], for a renewal thereof pursuant to
2 section one hundred nine of this chapter, OR AN ALTERATION TO A PREMISES
3 LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF
4 THIS CHAPTER. For the purposes of the preceding sentence, notification
5 need only be given to the clerk of a village when such premises is to be
6 located within the boundaries of the village. In the city of New York,
7 the community board established pursuant to section twenty-eight hundred
8 of the New York city charter with jurisdiction over the area in which
9 such licensed premises is to be OR IS located shall be considered the
10 appropriate public body to which notification shall be given. SUCH
11 NOTIFICATION SHALL BE MADE IN SUCH FORM AS SHALL BE PRESCRIBED BY THE
12 RULES OF THE LIQUOR AUTHORITY. Such municipality or community board, as
13 the case may be, may express an opinion for or against the granting of
14 such license. Any such opinion shall be deemed part of the record upon
15 which the liquor board makes its determination to grant or deny such
16 license.

17 S 7. Section 64-a of the alcoholic beverage control law is amended by
18 adding a new subdivision 2-a to read as follows:

19 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
20 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
21 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
22 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
23 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
24 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
25 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
26 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
27 RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY
28 DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS
29 SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF
30 THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON
31 THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE
32 PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO
33 THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE
34 BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD
35 ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK
36 CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED
37 PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE
38 PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR
39 COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR
40 AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED
41 PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION
42 TO GRANT OR DENY SUCH LICENSE.

43 S 8. Section 64-b of the alcoholic beverage control law is amended by
44 adding a new subdivision 2-a to read as follows:

45 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
46 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
47 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
48 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
49 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
50 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
51 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
52 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
53 RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY
54 DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS
55 SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF
56 THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON

1 THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE
2 PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO
3 THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE
4 BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD
5 ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK
6 CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED
7 PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE
8 PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR
9 COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR
10 AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED
11 PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION
12 TO GRANT OR DENY SUCH LICENSE.

13 S 9. Subdivision 3 of section 64-c of the alcoholic beverage control
14 law, as added by chapter 538 of the laws of 1997, is amended to read as
15 follows:

16 3. Upon receipt of an original [or a renewal] application for a
17 license under this section, AN APPLICATION FOR RENEWAL UNDER SECTION ONE
18 HUNDRED NINE OF THIS CHAPTER, OR AN APPLICATION FOR AN ALTERATION TO A
19 PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-
20 NINE-D OF THIS CHAPTER, the applicant shall notify the clerk of the
21 village, town or city, as the case may be, by certified mail, return
22 receipt requested, wherein the prospective licensed premises is to be
23 located or, in the case of an application for renewal OR ALTERATION,
24 where it is presently located not less than [thirty] SIXTY days prior to
25 the submission of its application for a license under this section [or],
26 for a renewal thereof UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER,
27 OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES
28 UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. For the purposes of the
29 preceding sentence, notification need only be given to the clerk of a
30 village when such premises is to be located within the boundaries of the
31 village. In the city of New York, the community board established
32 pursuant to section twenty-eight hundred of the New York city charter
33 with jurisdiction over the area in which such licensed premises is to be
34 OR IS located shall be considered the appropriate public body to which
35 notification shall be given. Such municipality or community board, as
36 the case may be, may express an opinion for or against the granting of
37 such license. Any such opinion shall be deemed part of the record upon
38 which the liquor authority makes its determination to grant or deny
39 such license.

40 S 10. Subdivision 3 of section 64-d of the alcoholic beverage control
41 law, as added by chapter 602 of the laws of 1999, is amended to read as
42 follows:

43 3. Upon receipt of an original [or a renewal] application for a
44 license under this section, AN APPLICATION FOR RENEWAL UNDER SECTION ONE
45 HUNDRED NINE OF THIS CHAPTER, OR AN APPLICATION FOR AN ALTERATION TO A
46 PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-
47 NINE-D OF THIS CHAPTER, the applicant shall notify the clerk of the
48 village, town, or city, as the case may be, by certified mail, return
49 receipt requested, wherein the prospective licensed premises is to be
50 located or, in the case of an application for renewal OR ALTERATION,
51 where it is presently located[,], not less than [thirty] SIXTY days prior
52 to the submission of its application for a license under this section
53 [or], for a renewal thereof UNDER SECTION ONE HUNDRED NINE OF THIS CHAP-
54 TER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
55 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. For the purposes
56 of the preceding sentence, notification need only be given to the clerk

1 of a village when such premises is to be located within the boundaries
2 of the village. In the city of New York, the community board established
3 pursuant to section twenty-eight hundred of the New York city charter
4 with jurisdiction over the area in which such licensed premises is to be
5 OR IS located shall be considered the appropriate public body to which
6 notification shall be given. Such municipality or community board, as
7 the case may be, may express an opinion for or against the granting of
8 such license. Any such opinion shall be deemed part of the record upon
9 which the liquor authority makes its determination to grant or deny such
10 license.

11 S 11. Subdivision 1-a of section 81 of the alcoholic beverage control
12 law, as added by chapter 582 of the laws of 1999, is amended to read as
13 follows:

14 1-a. Notwithstanding any other provision of this chapter, upon receipt
15 [in the city of New York] of an application for a license under this
16 section, an application for renewal under section one hundred nine of
17 this chapter, or an application for an alteration to a premises licensed
18 for consumption on the premises under section ninety-nine-d of this
19 chapter, the applicant shall notify the [community board established
20 pursuant to section twenty-eight hundred of the New York city charter
21 with jurisdiction over the area in which such licensed premises is to be
22 located by certified mail, return receipt requested, wherein the
23 prospective licensed premises is to be located or, in the case of an
24 application for renewal, or alteration where it is presently located not
25 less than thirty days prior to the submission of its application for a
26 license under this section or for a renewal thereof pursuant to section
27 one hundred nine of this chapter. Such community board may express an
28 opinion for or against the granting of such license. Any such opinion
29 shall be deemed part of the record upon which the liquor board makes its
30 determination to grant or deny such license] CLERK OF THE VILLAGE, TOWN,
31 OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT
32 REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED
33 OR, IN THE CASE OF AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED
34 NINE OF THIS CHAPTER OR AN ALTERATION TO A PREMISES LICENSED FOR
35 CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER,
36 WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY DAYS PRIOR TO THE
37 SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION, FOR A
38 RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR
39 AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES
40 UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE PURPOSES OF THE
41 PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A
42 VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE
43 VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSU-
44 ANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH
45 JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE OR
46 IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH
47 NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR COMMUNITY BOARD, AS
48 THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF
49 SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON
50 WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH
51 LICENSE.

52 S 12. Section 81-a of the alcoholic beverage control law is amended by
53 adding a new subdivision 1-a to read as follows:

54 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
55 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
56 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-

1 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
2 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
3 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
4 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
5 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
6 RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY
7 DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS
8 SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF
9 THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON
10 THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE
11 PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO
12 THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE
13 BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD
14 ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK
15 CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED
16 PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE
17 PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR
18 COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR
19 AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED
20 PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION
21 TO GRANT OR DENY SUCH LICENSE.

22 S 13. Subdivision 7 of section 100 of the alcoholic beverage control
23 law, as added by chapter 256 of the laws of 1978, is amended to read as
24 follows:

25 7. Within ten days after filing a new application to sell BEER AT
26 RETAIL UNDER SUBDIVISION THREE OR FOUR OF SECTION FIFTY-ONE, OR SECTION
27 FIFTY-TWO, FIFTY-FOUR, FIFTY-FOUR-A, OR FIFTY-FIVE OF THIS CHAPTER,
28 liquor at retail under section sixty-three, sixty-four, sixty-four-a
29 [or], sixty-four-b, SIXTY-FOUR-C, OR SIXTY-FOUR-D of this chapter, OR
30 WINE AT RETAIL UNDER SECTION EIGHTY-ONE OR EIGHTY-ONE-A OF THIS CHAPTER,
31 a notice thereof, in the form prescribed by the authority, shall be
32 posted by the applicant in a conspicuous place at the entrance to the
33 proposed premises. The applicant shall make reasonable efforts to insure
34 such notice shall remain posted throughout the pendency of the applica-
35 tion. The provisions hereof shall apply only where no retail [liquor]
36 ALCOHOLIC BEVERAGE license has previously been granted for the proposed
37 [premise] PREMISES and shall, specifically, not be applicable to a
38 proposed sale of an existing business engaged in the retail sale of
39 liquor. The authority may adopt such rules it may deem necessary to
40 carry out the purpose of this subdivision.

41 S 14. Subdivision 1 of section 110-a of the alcoholic beverage control
42 law, as added by chapter 77 of the laws of 1999, is amended to read as
43 follows:

44 1. Every person applying for a license to sell alcoholic beverages
45 pursuant to subdivision THREE OR four of section fifty-one, or section
46 FIFTY-TWO, FIFTY-FOUR, FIFTY-FOUR-A, fifty-five, SIXTY-THREE, sixty-
47 four, sixty-four-a, SIXTY-FOUR-B, sixty-four-c, SIXTY-FOUR-D,
48 eighty-one, or eighty-one-a of this chapter shall publish notice thereof
49 pursuant to subdivision two of this section.

50 S 15. This act shall take effect on the one hundred twentieth day
51 after it shall have become a law; provided, however, that the state
52 liquor authority is authorized to promulgate any and all rules and regu-
53 lations and take any other measures necessary for the timely implementa-
54 tion of this act on its effective date on or before such date.