

5186

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and
when printed to be committed to the Committee on Investigations and
Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to
creating a liaison between the state liquor authority and local commu-
nity boards and providing a sixty day notification period for communi-
ty boards before the issuance of a new license, renewal of a license
or alteration of a license

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

1 Section 1. The alcoholic beverage control law is amended by adding a
2 new section 20 to read as follows:
3 S 20. AUTHORITY COMMUNITY LIAISON. 1. THE AUTHORITY SHALL APPOINT A
4 COMMUNITY LIAISON FOR EACH COMMUNITY BOARD IN THE CITY OF NEW YORK.
5 2. THE COMMUNITY LIAISON IS REQUIRED TO ENSURE THAT THE COMMUNITY
6 BOARD RECEIVES ALL PROPER NOTIFICATIONS OF LICENSE ISSUANCE OR RENEWAL
7 THAT ARE REQUIRED UNDER THE PROVISIONS OF THIS CHAPTER.
8 3. THE COMMUNITY LIAISON IS RESPONSIBLE FOR:
9 A. REGULARLY ATTENDING THE MEETINGS OF THE COMMUNITY BOARD FOR WHICH
10 HE OR SHE IS ACTING AS THE LIAISON;
11 B. SUBMITTING REPORTS TO THE AUTHORITY WITH RESPECT TO ISSUES OF
12 CONCERN OF THE COMMUNITY BOARD FOR WHICH HE OR SHE IS THE LIAISON;
13 C. SUBMITTING ANY COMMUNITY BOARD RECOMMENDATIONS TO THE AUTHORITY;
14 AND
15 D. INFORMING THE COMMUNITY BOARD OF EVERY REGULARLY SCHEDULED MEETING
16 OF THE LIQUOR AUTHORITY AND PROVIDING AN AGENDA FOR SUCH MEETING AT
17 LEAST FIFTEEN DAYS PRIOR TO THE MEETING.
18 S 2. Subdivision 2-a of section 55 of the alcoholic beverage control
19 law, as added by chapter 582 of the laws of 1999, is amended to read as
20 follows:

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

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1 2-a. Notwithstanding any other provision of this chapter, upon receipt
2 in the city of New York of an application for a license under this
3 section, an application for renewal under section one hundred nine of
4 this chapter, or an application for an alteration to a premises licensed
5 for consumption on the premises under section ninety-nine-d of this
6 chapter, the applicant shall notify the community board established
7 pursuant to section twenty-eight hundred of the New York city charter
8 with jurisdiction over the area in which such licensed premises is to be
9 located by certified mail, return receipt requested, wherein the
10 prospective licensed premises is to be located or, in the case of an
11 application for A NEW LICENSE, A renewal OF A LICENSE, or alteration OF
12 A LICENSE where it is presently located [not less than thirty days prior
13 to the submission of its application for a license under this section or
14 for a renewal thereof pursuant to section one hundred nine of this chap-
15 ter]. Such community board may express an opinion for or against the
16 granting of such license. Any such opinion shall be deemed part of the
17 record upon which the liquor board makes its determination to grant or
18 deny such license. NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR
19 ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD
20 HAS BEEN NOTIFIED.

21 S 3. Subdivision 2-a of section 64 of the alcoholic beverage control
22 law, as amended by chapter 83 of the laws of 1995, is amended to read as
23 follows:

24 2-a. Notwithstanding any other provision of this chapter, upon receipt
25 of an application for a license under this section, an application for
26 renewal under section one hundred nine of this chapter, or an applica-
27 tion for an alteration to a premises licensed for consumption on the
28 premises under section ninety-nine-d of this chapter, the applicant
29 shall notify the clerk of the village, town or city, as the case may be,
30 by certified mail, return receipt requested, wherein the prospective
31 licensed premises is to be located or, in the case of an application for
32 renewal, or alteration where it is presently located [not less than
33 thirty days prior to the submission of its application for a license
34 under this section or for a renewal thereof pursuant to section one
35 hundred nine of this chapter]. For the purposes of the preceding
36 sentence notification need only be given to the clerk of a village when
37 such premises is to be located within the boundaries of the village. In
38 the city of New York, the community board established pursuant to
39 section twenty-eight hundred of the New York city charter with jurisdic-
40 tion over the area in which such licensed premises is to be located
41 shall be considered the appropriate public body to which notification
42 shall be given. Such municipality or community board, as the case may
43 be, may express an opinion for or against the granting of such license.
44 Any such opinion shall be deemed part of the record upon which the
45 liquor board makes its determination to grant or deny such license. IN
46 THE CITY OF NEW YORK, NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR
47 ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD
48 HAS BEEN NOTIFIED.

49 S 4. Paragraph (f) of subdivision 7 of section 64 of the alcoholic
50 beverage control law, as amended by chapter 602 of the laws of 1999, is
51 amended to read as follows:

52 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
53 sion, the authority may issue a retail license for on-premises consump-
54 tion for a premises which shall be within five hundred feet of three or
55 more existing premises licensed and operating pursuant to the provisions
56 of this section if, after consultation with the municipality or communi-

1 ty board, it determines that granting such license would be in the
2 public interest. Before it may issue any such license, the authority
3 shall conduct a hearing, upon notice to the applicant and the municipi-
4 pality or community board, and shall state and file in its office its
5 reasons therefor. Notice to the municipality or community board shall
6 mean written notice mailed by the authority to such municipality or
7 community board at least fifteen days in advance of any hearing sched-
8 uled pursuant to this paragraph. Upon the request of the authority, any
9 municipality or community board may waive the fifteen day notice
10 requirement. No premises having been granted a license pursuant to this
11 section shall be denied a renewal of such license upon the grounds that
12 such premises are within five hundred feet of a building or buildings
13 wherein three or more premises are operating and licensed pursuant to
14 this section. NO LICENSE SHALL BE ISSUED PURSUANT TO THIS SECTION UNTIL
15 AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTI-
16 FIED.

17 S 5. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic
18 beverage control law, as amended by chapter 177 of the laws of 1996, is
19 amended to read as follows:

20 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
21 (a) of this subdivision, the authority may issue a retail license for
22 on-premises consumption for a premises which shall be within five
23 hundred feet of three or more existing premises licensed and operating
24 pursuant to the provisions of this section if, after consultation with
25 the municipality or community board, it determines that granting such
26 license would be in the public interest. Before it may issue any such
27 license, the authority shall conduct a hearing, upon notice to the
28 applicant and the municipality or community board, and shall state and
29 file in its office its reasons therefor. No premises having been granted
30 a license pursuant to this section shall be denied a renewal of such
31 license upon the grounds that such premises are within five hundred feet
32 of a building or buildings wherein three or more premises are operating
33 and licensed pursuant to this section. NO LICENSE SHALL BE ISSUED
34 PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE
35 COMMUNITY BOARD HAS BEEN NOTIFIED.

36 S 6. Subdivision 3 of section 64-c of the alcoholic beverage control
37 law, as added by chapter 538 of the laws of 1997, is amended to read as
38 follows:

39 3. Upon receipt of an original or a renewal application for a license
40 under this section, the applicant shall notify the clerk of the village,
41 town or city, as the case may be, by certified mail, return receipt
42 requested, wherein the prospective licensed premises is to be located
43 or, in the case of an application for renewal, where it is presently
44 located [not less than thirty days prior to the submission of its appli-
45 cation for a license under this section or for a renewal thereof]. For
46 the purposes of the preceding sentence notification need only be given
47 to the clerk of a village when such premises is to be located within the
48 boundaries of the village. In the city of New York, the community board
49 established pursuant to section twenty-eight hundred of the New York
50 city charter with jurisdiction over the area in which such licensed
51 premises is to be located shall be considered the appropriate public
52 body to which notification shall be given. Such municipality or commu-
53 nity board, as the case may be, may express an opinion for or against
54 the granting of such license. Any such opinion shall be deemed part of
55 the record upon which the liquor authority makes its determination to
56 grant or deny such license. IN THE CITY OF NEW YORK, NO SUCH LICENSE

1 SHALL BE ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER
2 THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

3 S 7. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic
4 beverage control law, as added by chapter 538 of the laws of 1997, is
5 amended to read as follows:

6 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
7 (a) of this subdivision, the authority may issue a license pursuant to
8 this section which shall be within five hundred feet of three or more
9 existing premises licensed and operating pursuant to the provisions of
10 this section or section sixty-four or sixty-four-a of this article if,
11 after consultation with the municipality or community board, it deter-
12 mines that granting such license would be in the public interest.
13 Before it may issue any such license, the authority shall conduct a
14 hearing, upon notice to the applicant and the municipality or community
15 board, and shall state and file in its office its reasons therefor. No
16 premises having been granted a license pursuant to this section shall be
17 denied a renewal of such license upon the grounds that such premises are
18 within five hundred feet of a building or buildings where three or more
19 premises are operating and licensed pursuant to this section or section
20 sixty-four or sixty-four-a of this article. NO LICENSE SHALL BE ISSUED
21 PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE
22 COMMUNITY BOARD HAS BEEN NOTIFIED.

23 S 8. Subdivision 3 of section 64-d of the alcoholic beverage control
24 law, as added by chapter 602 of the laws of 1999, is amended to read as
25 follows:

26 3. Upon receipt of an original or a renewal application for a license
27 under this section, the applicant shall notify the clerk of the village,
28 town or city, as the case may be, by certified mail, return receipt
29 requested, wherein the prospective licensed premises is to be located
30 or, in the case of an application for renewal, where it is presently
31 located[, not less than thirty days prior to the submission of its
32 application for a license under this section or for a renewal thereof].
33 For the purposes of the preceding sentence notification need only be
34 given to the clerk of a village when such premises is to be located
35 within the boundaries of the village. In the city of New York, the
36 community board established pursuant to section twenty-eight hundred of
37 the New York city charter with jurisdiction over the area in which such
38 licensed premises is to be located shall be considered the appropriate
39 public body to which notification shall be given. Such municipality or
40 community board, as the case may be, may express an opinion for or
41 against the granting of such license. Any such opinion shall be deemed
42 part of the record upon which the liquor authority makes its determi-
43 nation to grant or deny such license. NO SUCH LICENSE SHALL BE ISSUED
44 NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE
45 COMMUNITY BOARD HAS BEEN NOTIFIED.

46 S 9. Subdivision 1-a of section 81 of the alcoholic beverage control
47 law, as added by chapter 582 of the laws of 1999, is amended to read as
48 follows:

49 1-a. Notwithstanding any other provision of this chapter, upon receipt
50 in the city of New York of an application for a license under this
51 section, an application for renewal under section one hundred nine of
52 this chapter, or an application for an alteration to a premises licensed
53 for consumption on the premises under section ninety-nine-d of this
54 chapter, the applicant shall notify the community board established
55 pursuant to section twenty-eight hundred of the New York city charter
56 with jurisdiction over the area in which such licensed premises is to be

1 located by certified mail, return receipt requested, wherein the
2 prospective licensed premises is to be located or, in the case of an
3 application for renewal, or alteration where it is presently located
4 [not less than thirty days prior to the submission of its application
5 for a license under this section or for a renewal thereof pursuant to
6 section one hundred nine of this chapter]. Such community board may
7 express an opinion for or against the granting of such license. Any such
8 opinion shall be deemed part of the record upon which the liquor board
9 makes its determination to grant or deny such license. NO SUCH LICENSE
10 SHALL BE ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER
11 THE APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.
12 S 10. This act shall take effect immediately.