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

5577--A

Cal. No. 174

2009-2010 Regular Sessions

I N S E N A T E

May 19, 2009

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- recommitted to the Committee on Commerce, Economic Development and Small Business in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Subdivision 6-a of section 64 of the alcoholic beverage control law, as added by chapter 670 of the laws of 1993, is amended to read as follows:

6-a. The authority [may] SHALL consider [any or] all of the following in determining whether public convenience and advantage and the public interest will be promoted by the granting of [licenses and permits for the sale of alcoholic beverages at a particular unlicensed location] A LICENSE PURSUANT TO THIS SECTION:

(a) [The] THE number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof[.];

(b) [Evidence] EVIDENCE that all necessary licenses and permits have been obtained from the state and all other governing bodies[.];

(c) [Effect] EFFECT of the grant of the license on vehicular traffic and parking in proximity to the location[.];

(d) [The] THE existing noise level at the location and any increase in 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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(e) [The] THE history of liquor violations and reported criminal activity at the proposed premises[.];
(F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED AND/OR OPERATED BY THE APPLICANT;
(G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY THE APPLICANT; AND
[(f)] (H) [Any] ANY other factors specified by law or regulation that are relevant to determine the public convenience and advantage [and public interest of the community] AND NECESSARY TO FIND THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

S 2. Section 64-a of the alcoholic beverage control law is amended by adding a new subdivision 6-a to read as follows:

6-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:
(A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;
(B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;
(C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;
(D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;
(E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT THE PROPOSED PREMISES;
(F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED AND/OR OPERATED BY THE APPLICANT;
(G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY THE APPLICANT; AND
(H) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

S 3. Section 64-b of the alcoholic beverage control law is amended by adding a new subdivision 4-a to read as follows:

4-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:
(A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;
(B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;
(C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;
(D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;
(E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT THE PROPOSED PREMISES;
(F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED AND/OR OPERATED BY THE APPLICANT;
(G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY THE APPLICANT; AND

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

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

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

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

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

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

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

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

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

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

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

S 5. This act shall take effect immediately.