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

1053

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PHEFFER, GLICK, GOTTFRIED, MARKEY, TITUS, BING, DINOWITZ, HOOPER -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, COOK, FARRELL, HIKIND, LANCMAN, LAVINE, MILLMAN, ROBINSON, TOWNS, WEISENBERG -- 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 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:

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

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR RENEWAL, WHERE IT IS PRESENTLY LOCATED, NOT LESS THAN SIXTY DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICI-

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

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PALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH LICENSE.

S 2. Section 54-a of the alcoholic beverage control law is amended by adding a new subdivision 1-a to read as follows:

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR RENEWAL, WHERE IT IS PRESENTLY LOCATED, NOT LESS THAN SIXTY DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH LICENSE.

S 3. Subdivision 2-a of section 55 of the alcoholic beverage control law, as added by chapter 213 of the laws of 2010, is amended to read as follows:

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

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

S 4. Section 63 of the alcoholic beverage control law is amended by adding a new subdivision 2-a to read as follows:

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

S 5. Subdivision 2-a of section 64 of the alcoholic beverage control law, as amended by chapter 213 of the laws of 2010, is amended to read as follows:

2-a. Notwithstanding any other provision of this chapter, upon receipt of an application for a license under this section, an application for renewal under section one hundred nine of this chapter, or an application for an alteration to a premises licensed for consumption on the premises under section ninety-nine-d of this chapter, the applicant shall notify the clerk of the village, town or city, as the case may be, by certified mail return receipt requested, overnight delivery service with proof of mailing, or personal service, wherein the prospective licensed premises is to be located or, in the case of an application for renewal[,] or alteration where it is presently located not less than [thirty] SIXTY days prior to the submission of its application for a license under this section [or], for a renewal thereof pursuant to section one hundred nine of this chapter OR AN ALTERATION TO A PREMISES

LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. For the purposes of the preceding sentence notification need only be given to the clerk of a village when such premises is to be located within the boundaries of the village. In the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such licensed premises IS OR is to be located shall be considered the appropriate public body to which notification shall be given. SUCH NOTIFICATION SHALL BE MADE IN SUCH FORM AS SHALL BE PRESCRIBED BY THE RULES OF THE LIQUOR AUTHORITY. Such municipality or community board, as the case may be, may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor board makes its determination to grant or deny such license.

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

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

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

2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICATION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO

THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH LICENSE.

S 8. Subdivision 3 of section 64-c of the alcoholic beverage control law, as added by chapter 213 of the laws of 2010, is amended to read as follows:

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

S 9. Subdivision 3 of section 64-d of the alcoholic beverage control law, as added by chapter 213 of the laws of 2010, is amended to read as follows:

3. Upon receipt of an original [or a renewal] application for a license under this section, AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICATION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, the applicant shall notify the clerk of the village, town or city, as the case may be, by certified mail return receipt requested, overnight delivery service with proof of mailing, or personal service, wherein the prospective licensed premises is to be located or, in the case of an application for renewal OR ALTERATION, where it is presently located, not less than [thirty] SIXTY days prior to the submission of its application for a license under this section [or], for a renewal thereof UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. For the purposes of the preceding sentence, notification need only be given to the clerk

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

S 10. Subdivision 1-a of section 81 of the alcoholic beverage control law, as added by chapter 213 of the laws of 2010, is amended to read as follows:

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

S 11. Section 81-a of the alcoholic beverage control law is amended by adding a new subdivision 1-a to read as follows:

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR

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

S 12. Subdivision 7 of section 100 of the alcoholic beverage control law, as added by chapter 256 of the laws of 1978, is amended to read as follows:

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

S 13. Subdivision 1 of section 110-a of the alcoholic beverage control law, as added by chapter 77 of the laws of 1999, is amended to read as follows:

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

S 14. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that if chapter 213 of the laws of 2010 has not taken effect as of such date then the amendments made to subdivision 2-a of section 55 of the alcoholic beverage control law, subdivision 2-a of section 64 of the alcoholic beverage control law, subdivision 3 of section 64-c of the alcoholic beverage

control law, subdivision 3 of section 64-d of the alcoholic beverage control law, and subdivision 1-a of section 81 of the alcoholic beverage control law by sections three, five, eight, nine and ten, respectively of this act shall take effect on the same date and same manner as such chapter takes effect provided, however, that the state liquor authority is authorized to promulgate any and all rules and regulations and take any other measures necessary for the timely implementation of this act on its effective date on or before such date.