

10736

I N A S S E M B L Y

June 18, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Kavanagh) --
read once and referred to the Committee on Economic Development

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[.];
18 (e) [The] THE history of liquor violations and reported criminal
19 activity at the proposed premises[.];
20 (f) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
21 AND/OR OPERATED BY THE APPLICANT;
22 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
23 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
24 THE APPLICANT; AND

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

LBD00120-01-1

1 (H) [Any] ANY other factors specified by law or regulation that are
2 relevant to determine the public convenience and advantage [and public
3 interest of the community] AND NECESSARY TO FIND THAT THE GRANTING OF
4 SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

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

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

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

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

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

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

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

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

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

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

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

30 4-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
31 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
32 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:

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

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

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

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

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

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

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

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

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

53 10-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
54 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
55 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:

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

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

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

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

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

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

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

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

19 S 5. This act shall take effect immediately.