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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LENTOL, V. LOPEZ, GOTTFRIED -- 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 procedures associated with issuing retail and special retail licenses to sell liquor for on-premises consumption regarding premises located within five hundred feet of three or more existing premises in cities, towns and villages having a population of twenty thousand or more

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

1 Section 1. Paragraph (f) of subdivision 7 of section 64 of the alco-
2 holic beverage control law, as amended by chapter 463 of the laws of
3 2009, is amended to read as follows:
4 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
5 sion, the authority may issue a license pursuant to this section for a
6 premises which shall be within five hundred feet of three or more exist-
7 ing premises licensed and operating pursuant to this section and
8 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d
9 of this article if, after consultation with the municipality or communi-
10 ty board, it determines that granting such license would be in the
11 public interest. Before it may issue any such license, the authority
12 shall conduct a hearing, upon notice to the applicant and the munici-
13 pality or community board, and shall state and file in its office its
14 reasons therefor. Notice to the municipality or community board shall
15 mean written notice mailed by the authority to such municipality or
16 community board at least fifteen days in advance of any hearing sched-
17 uled pursuant to this paragraph AND SHALL INCLUDE THE DATE, TIME AND
18 PLACE THEREOF. IN ADDITION, SUCH NOTICE TO THE MUNICIPALITY OR COMMUNI-
19 TY BOARD OF A HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH SHALL INCLUDE
20 A COPY OF THE APPLICATION FOR SAID LICENSE. PROVIDED, HOWEVER, THAT THE

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

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1 COPY OF SAID APPLICATION INCLUDED WITH SAID NOTICE SHALL NOT INCLUDE THE
2 HOME ADDRESS, HOME TELEPHONE NUMBER OR SOCIAL SECURITY NUMBER OF ANY
3 INDIVIDUAL; AND PROVIDED FURTHER THAT THE AUTHORITY, IN ITS DISCRETION,
4 MAY REDACT ANY OTHER PERSONAL INFORMATION CONTAINED IN SUCH APPLICATION
5 IN ORDER TO PREVENT AN UNWARRANTED INVASION OF AN INDIVIDUAL'S PRIVACY.
6 Upon the request of the authority, any municipality or community board
7 may waive the fifteen day notice requirement. No premises having been
8 granted a license pursuant to this section shall be denied a renewal of
9 such license upon the grounds that such premises are within five hundred
10 feet of a building or buildings wherein three or more premises are
11 licensed and operating pursuant to this section and sections
12 sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this
13 article.

14 S 2. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic
15 beverage control law, as amended by chapter 463 of the laws of 2009, is
16 amended to read as follows:

17 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
18 (a) of this subdivision, the authority may issue a license pursuant to
19 this section for a premises which shall be within five hundred feet of
20 three or more existing premises licensed and operating pursuant to this
21 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
22 sixty-four-d of this article if, after consultation with the munici-
23 pality or community board, it determines that granting such license
24 would be in the public interest. Before it may issue any such license,
25 the authority shall conduct a hearing, upon notice to the applicant and
26 the municipality or community board, and shall state and file in its
27 office its reasons therefor. Notice to the municipality or community
28 board shall mean written notice mailed by the authority to such munici-
29 pality or community board at least fifteen days in advance of any hear-
30 ing scheduled pursuant to this paragraph AND SHALL INCLUDE THE DATE,
31 TIME AND PLACE THEREOF. Upon the request of the authority, any munici-
32 pality or community board may waive the fifteen day notice requirement.
33 IN ADDITION, SUCH NOTICE TO THE MUNICIPALITY OR COMMUNITY BOARD OF A
34 HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH SHALL INCLUDE A COPY OF THE
35 APPLICATION FOR SAID LICENSE. PROVIDED, HOWEVER, THAT THE COPY OF SAID
36 APPLICATION INCLUDED WITH SAID NOTICE SHALL NOT INCLUDE THE HOME
37 ADDRESS, HOME TELEPHONE NUMBER OR SOCIAL SECURITY NUMBER OF ANY INDIVID-
38 UAL; AND PROVIDED FURTHER THAT THE AUTHORITY, IN ITS DISCRETION, MAY
39 REDACT ANY OTHER PERSONAL INFORMATION CONTAINED IN SUCH APPLICATION IN
40 ORDER TO PREVENT AN UNWARRANTED INVASION OF AN INDIVIDUAL'S PRIVACY. No
41 premises having been granted a license pursuant to this section shall be
42 denied a renewal of such license upon the grounds that such premises are
43 within five hundred feet of a building or buildings wherein three or
44 more premises are licensed and operating pursuant to this section and
45 sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of
46 this article.

47 S 3. This act shall take effect on the ninetieth day after it shall
48 have become a law and shall apply to all applications for a retail
49 license, or special retail license, for on-premises consumption for
50 premises within five hundred feet of existing licensed premises that are
51 pending before or filed with the state liquor authority on or after such
52 effective date. Effective immediately any rules or regulations neces-
53 sary or convenient to implement the provisions of this act are author-
54 ized to be promulgated on or before such effective date.