

675

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. LENTOL, V. LOPEZ -- 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 ASSEM-  
BLY, 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] THIRTY days in advance of any hearing  
17    scheduled pursuant to this paragraph. Upon the request of the authority,  
18    any municipality or community board may waive the [fifteen] THIRTY day  
19    notice requirement. No premises having been granted a license pursuant  
20    to this section shall be denied a renewal of such license upon the  
21    grounds that such premises are within five hundred feet of a building or

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

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1 buildings wherein three or more premises are licensed and operating  
2 pursuant to this section and sections sixty-four-a, sixty-four-b,  
3 sixty-four-c, and/or sixty-four-d of this article.

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

7 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
8 (a) of this subdivision, the authority may issue a license pursuant to  
9 this section for a premises which shall be within five hundred feet of  
10 three or more existing premises licensed and operating pursuant to this  
11 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or  
12 sixty-four-d of this article if, after consultation with the municipi-  
13 pality or community board, it determines that granting such license  
14 would be in the public interest. Before it may issue any such license,  
15 the authority shall conduct a hearing, upon notice to the applicant and  
16 the municipality or community board, and shall state and file in its  
17 office its reasons therefor. Notice to the municipality or community  
18 board shall mean written notice mailed by the authority to such municipi-  
19 pality or community board at least [fifteen] THIRTY days in advance of  
20 any hearing scheduled pursuant to this paragraph. Upon the request of  
21 the authority, any municipality or community board may waive the  
22 [fifteen] THIRTY day notice requirement. No premises having been granted  
23 a license pursuant to this section shall be denied a renewal of such  
24 license upon the grounds that such premises are within five hundred feet  
25 of a building or buildings wherein three or more premises are licensed  
26 and operating pursuant to this section and sections sixty-four, sixty-  
27 four-b, sixty-four-c, and/or sixty-four-d of this article.

28 S 3. This act shall take effect on the ninetieth day after it shall  
29 have become a law and shall apply to all applications for a retail  
30 license, or special retail license, for on-premises consumption for  
31 premises within five hundred feet of existing licensed premises that are  
32 pending before or filed with the state liquor authority on or after such  
33 effective date. Effective immediately any rules or regulations necessary  
34 or convenient to implement the provisions of this act are authorized to  
35 be promulgated on or before such effective date.