

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:

1 Section 1. Section 54 of the alcoholic beverage control law is amended
2 by adding a new subdivision 1-a to read as follows:
3 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
4 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR
5 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT
6 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
7 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
8 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
9 RENEWAL, WHERE IT IS PRESENTLY LOCATED, NOT LESS THAN SIXTY DAYS PRIOR
10 TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR
11 FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAP-
12 TER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY
13 BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED
14 WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE
15 COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF
16 THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH
17 LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPRO-
18 PRIATE 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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1 PALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION
2 FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE
3 DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMI-
4 NATION TO GRANT OR DENY SUCH LICENSE.

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

7 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
8 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR
9 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT
10 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
11 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
12 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
13 RENEWAL, WHERE IT IS PRESENTLY LOCATED, NOT LESS THAN SIXTY DAYS PRIOR
14 TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR
15 FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAP-
16 TER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY
17 BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED
18 WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE
19 COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF
20 THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH
21 LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPRO-
22 PRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICI-
23 PALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION
24 FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE
25 DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMI-
26 NATION TO GRANT OR DENY SUCH LICENSE.

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

30 2-a. Notwithstanding any other provision of this chapter, upon receipt
31 [in the city of New York] of an application for a license under this
32 section, an application for renewal under section one hundred nine of
33 this chapter, or an application for an alteration to a premises licensed
34 for consumption on the premises under section ninety-nine-d of this
35 chapter, the applicant shall notify the [community board established
36 pursuant to section twenty-eight hundred of the New York city charter
37 with jurisdiction over the area in which such licensed premises is to be
38 located by certified mail return receipt requested, overnight delivery
39 service with proof of mailing, or personal service, wherein the prospec-
40 tive licensed premises is to be located or, in the case of an applica-
41 tion for renewal, or alteration where it is presently located not less
42 than thirty days prior to the submission of its application for a
43 license under this section or for a renewal thereof pursuant to section
44 one hundred nine of this chapter. Such community board may express an
45 opinion for or against the granting of such license. Any such opinion
46 shall be deemed part of the record upon which the liquor board makes its
47 determination to grant or deny such license] CLERK OF THE VILLAGE, TOWN,
48 OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT
49 REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED
50 OR, IN THE CASE OF AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED
51 NINE OF THIS CHAPTER OR AN ALTERATION TO A PREMISES LICENSED FOR
52 CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER,
53 WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY DAYS PRIOR TO THE
54 SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION, FOR A
55 RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR
56 AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES

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

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

15 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
16 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
17 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
18 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
19 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
20 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
21 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
22 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
23 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER OR AN ALTERATION
24 TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES UNDER SECTION
25 NINETY-NINE-D OF THIS CHAPTER, WHERE IT IS PRESENTLY LOCATED NOT LESS
26 THAN SIXTY DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE
27 UNDER THIS SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE
28 HUNDRED NINE OF THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED
29 FOR CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS
30 CHAPTER. FOR THE PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED
31 ONLY BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE
32 LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK,
33 THE COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED
34 OF THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH
35 SUCH LICENSED PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE
36 APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH
37 MUNICIPALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN
38 OPINION FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION
39 SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS
40 DETERMINATION TO GRANT OR DENY SUCH LICENSE.

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

44 2-a. Notwithstanding any other provision of this chapter, upon receipt
45 of an application for a license under this section, an application for
46 renewal under section one hundred nine of this chapter, or an applica-
47 tion for an alteration to a premises licensed for consumption on the
48 premises under section ninety-nine-d of this chapter, the applicant
49 shall notify the clerk of the village, town or city, as the case may be,
50 by certified mail return receipt requested, overnight delivery service
51 with proof of mailing, or personal service, wherein the prospective
52 licensed premises is to be located or, in the case of an application for
53 renewal[,] or alteration where it is presently located not less than
54 [thirty] SIXTY days prior to the submission of its application for a
55 license under this section [or], for a renewal thereof pursuant to
56 section one hundred nine of this chapter OR AN ALTERATION TO A PREMISES

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

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

17 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
18 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
19 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
20 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
21 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
22 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
23 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
24 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
25 RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY
26 DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS
27 SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF
28 THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON
29 THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE
30 PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO
31 THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE
32 BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD
33 ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK
34 CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED
35 PREMISES IS TO BE OR IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE
36 PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR
37 COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR
38 AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED
39 PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION
40 TO GRANT OR DENY SUCH LICENSE.

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

43 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
44 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR
45 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR AN APPLICA-
46 TION FOR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE
47 PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER, THE APPLICANT
48 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN, OR CITY, AS THE CASE MAY
49 BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
50 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
51 RENEWAL OR ALTERATION, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY
52 DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS
53 SECTION, FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF
54 THIS CHAPTER, OR AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON
55 THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE
56 PURPOSES OF THE PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO

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

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

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

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

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

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

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

14 1-a. Notwithstanding any other provision of this chapter, upon receipt
15 [in the city of New York] of an application for a license under this
16 section, an application for renewal under section one hundred nine of
17 this chapter, or an application for an alteration to a premises licensed
18 for consumption on the premises under section ninety-nine-d of this
19 chapter, the applicant shall notify the [community board established
20 pursuant to section twenty-eight hundred of the New York city charter
21 with jurisdiction over the area in which such licensed premises is to be
22 located by certified mail return receipt requested, overnight delivery
23 service with proof of mailing, or personal service, wherein the prospec-
24 tive licensed premises is to be located or, in the case of an applica-
25 tion for renewal, or alteration where it is presently located not less
26 than thirty days prior to the submission of its application for a
27 license under this section or for a renewal thereof pursuant to section
28 one hundred nine of this chapter. Such community board may express an
29 opinion for or against the granting of such license. Any such opinion
30 shall be deemed part of the record upon which the liquor board makes its
31 determination to grant or deny such license] CLERK OF THE VILLAGE, TOWN,
32 OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT
33 REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED
34 OR, IN THE CASE OF AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED
35 NINE OF THIS CHAPTER OR AN ALTERATION TO A PREMISES LICENSED FOR
36 CONSUMPTION ON THE PREMISES UNDER SECTION NINETY-NINE-D OF THIS CHAPTER,
37 WHERE IT IS PRESENTLY LOCATED NOT LESS THAN SIXTY DAYS PRIOR TO THE
38 SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION, FOR A
39 RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER, OR
40 AN ALTERATION TO A PREMISES LICENSED FOR CONSUMPTION ON THE PREMISES
41 UNDER SECTION NINETY-NINE-D OF THIS CHAPTER. FOR THE PURPOSES OF THE
42 PRECEDING SENTENCE, NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A
43 VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE
44 VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSU-
45 ANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH
46 JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE OR
47 IS LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH
48 NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR COMMUNITY BOARD, AS
49 THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF
50 SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON
51 WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH
52 LICENSE.

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

55 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
56 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, AN APPLICATION FOR

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

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

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

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

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

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

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