

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. THE HEARING MAY BE RESCHEDULED, ADJOURNED OR CONTIN-  
15    UED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNI-  
16    CIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR  
17    CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY SAID LICENSE, THE  
18    AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF MAY, IN ADDITION  
19    TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT A PUBLIC MEETING  
20    REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT AND THE MUNICI-  
21    PALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE RESCHEDULED,

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

LBD03488-01-1

1 ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE  
2 APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHED-  
3 ULED, ADJOURNED OR CONTINUED PUBLIC MEETING. Notice to the municipality  
4 or community board shall mean written notice mailed by the authority to  
5 such municipality or community board at least fifteen days in advance of  
6 any hearing scheduled pursuant to this paragraph. Upon the request of  
7 the authority, any municipality or community board may waive the fifteen  
8 day notice requirement. No premises having been granted a license pursu-  
9 ant to this section shall be denied a renewal of such license upon the  
10 grounds that such premises are within five hundred feet of a building or  
11 buildings wherein three or more premises are licensed and operating  
12 pursuant to this section and sections sixty-four-a, sixty-four-b,  
13 sixty-four-c, and/or sixty-four-d of this 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. Upon the request of the  
31 authority, any municipality or community board may waive the fifteen day  
32 notice requirement. THE HEARING MAY BE RESCHEDULED, ADJOURNED OR  
33 CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE  
34 MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR  
35 CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY SAID LICENSE, THE  
36 AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF MAY, IN ADDITION  
37 TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT A PUBLIC MEETING  
38 REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT AND THE MUNICI-  
39 PALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE RESCHEDULED,  
40 ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE  
41 APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHED-  
42 ULED, ADJOURNED OR CONTINUED PUBLIC MEETING. No premises having been  
43 granted a license pursuant to this section shall be denied a renewal of  
44 such license upon the grounds that such premises are within five hundred  
45 feet of a building or buildings wherein three or more premises are  
46 licensed and operating pursuant to this section and sections sixty-four,  
47 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

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