

6430

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 16, 2011

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Introduced by 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 creating a liaison between the state liquor authority and local community boards and providing a sixty day notification period for community boards before the issuance of a new license, renewal of a license or alteration of a license

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

1     Section 1. The alcoholic beverage control law is amended by adding a  
2     new section 20 to read as follows:  
3     S 20. AUTHORITY COMMUNITY LIAISON. 1. THE AUTHORITY SHALL APPOINT A  
4     COMMUNITY LIAISON FOR EACH COMMUNITY BOARD IN THE CITY OF NEW YORK.  
5     2. THE COMMUNITY LIAISON IS REQUIRED TO ENSURE THAT THE COMMUNITY  
6     BOARD RECEIVES ALL PROPER NOTIFICATIONS OF LICENSE ISSUANCE OR RENEWAL  
7     THAT ARE REQUIRED UNDER THE PROVISIONS OF THIS CHAPTER.  
8     3. THE COMMUNITY LIAISON IS RESPONSIBLE FOR:  
9     A. REGULARLY ATTENDING THE MEETINGS OF THE COMMUNITY BOARD FOR WHICH  
10    HE OR SHE IS ACTING AS THE LIAISON;  
11    B. SUBMITTING REPORTS TO THE AUTHORITY WITH RESPECT TO ISSUES OF  
12    CONCERN OF THE COMMUNITY BOARD FOR WHICH HE OR SHE IS THE LIAISON;  
13    C. SUBMITTING ANY COMMUNITY BOARD RECOMMENDATIONS TO THE AUTHORITY;  
14    AND  
15    D. INFORMING THE COMMUNITY BOARD OF EVERY REGULARLY SCHEDULED MEETING  
16    OF THE LIQUOR AUTHORITY AND PROVIDING AN AGENDA FOR SUCH MEETING AT  
17    LEAST FIFTEEN DAYS PRIOR TO THE MEETING.  
18    S 2. Subdivision 2-a of section 55 of the alcoholic beverage control  
19    law, as amended by chapter 213 of the laws of 2010, is amended to read  
20    as follows:  
21    2-a. Notwithstanding any other provision of this chapter, upon receipt  
22    in the city of New York of an application for a license under this

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

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1 section, an application for renewal under section one hundred nine of  
2 this chapter, or an application for an alteration to a premises licensed  
3 for consumption on the premises under section ninety-nine-d of this  
4 chapter, the applicant shall notify the community board established  
5 pursuant to section twenty-eight hundred of the New York city charter  
6 with jurisdiction over the area in which such licensed premises is to be  
7 located by certified mail return receipt requested, overnight delivery  
8 service with proof of mailing, or personal service, wherein the prospec-  
9 tive licensed premises is to be located or, in the case of an applica-  
10 tion for A NEW LICENSE, A renewal OF A LICENSE, or alteration OF A  
11 LICENSE where it is presently located [not less than thirty days prior  
12 to the submission of its application for a license under this section or  
13 for a renewal thereof pursuant to section one hundred nine of this chap-  
14 ter]. Such community board may express an opinion for or against the  
15 granting of such license. Any such opinion shall be deemed part of the  
16 record upon which the liquor board makes its determination to grant or  
17 deny such license. NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR  
18 ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD  
19 HAS BEEN NOTIFIED.

20 S 3. Subdivision 2-a of section 64 of the alcoholic beverage control  
21 law, as amended by chapter 213 of the laws of 2010, is amended to read  
22 as follows:

23 2-a. Notwithstanding any other provision of this chapter, upon receipt  
24 of an application for a license under this section, an application for  
25 renewal under section one hundred nine of this chapter, or an applica-  
26 tion for an alteration to a premises licensed for consumption on the  
27 premises under section ninety-nine-d of this chapter, the applicant  
28 shall notify the clerk of the village, town or city, as the case may be,  
29 by certified mail return receipt requested, overnight delivery service  
30 with proof of mailing, or personal service, wherein the prospective  
31 licensed premises is to be located or, in the case of an application for  
32 renewal, or alteration where it is presently located [not less than  
33 thirty days prior to the submission of its application for a license  
34 under this section or for a renewal thereof pursuant to section one  
35 hundred nine of this chapter]. For the purposes of the preceding  
36 sentence notification need only be given to the clerk of a village when  
37 such premises is to be located within the boundaries of the village. In  
38 the city of New York, the community board established pursuant to  
39 section twenty-eight hundred of the New York city charter with jurisdic-  
40 tion over the area in which such licensed premises is to be located  
41 shall be considered the appropriate public body to which notification  
42 shall be given. Such municipality or community board, as the case may  
43 be, may express an opinion for or against the granting of such license.  
44 Any such opinion shall be deemed part of the record upon which the  
45 liquor board makes its determination to grant or deny such license. IN  
46 THE CITY OF NEW YORK, NO SUCH LICENSE SHALL BE ISSUED NEW, RENEWED OR  
47 ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE COMMUNITY BOARD  
48 HAS BEEN NOTIFIED.

49 S 4. Paragraph (f) of subdivision 7 of section 64 of the alcoholic  
50 beverage control law, as amended by chapter 463 of the laws of 2009, is  
51 amended to read as follows:

52 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-  
53 sion, the authority may issue a license pursuant to this section for a  
54 premises which shall be within five hundred feet of three or more exist-  
55 ing premises licensed and operating pursuant to this section and  
56 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d

1 of this article if, after consultation with the municipality or communi-  
2 ty board, it determines that granting such license would be in the  
3 public interest. Before it may issue any such license, the authority  
4 shall conduct a hearing, upon notice to the applicant and the municipi-  
5 pality or community board, and shall state and file in its office its  
6 reasons therefor. Notice to the municipality or community board shall  
7 mean written notice mailed by the authority to such municipality or  
8 community board at least fifteen days in advance of any hearing sched-  
9 uled pursuant to this paragraph. Upon the request of the authority, any  
10 municipality or community board may waive the fifteen day notice  
11 requirement. No premises having been granted a license pursuant to this  
12 section shall be denied a renewal of such license upon the grounds that  
13 such premises are within five hundred feet of a building or buildings  
14 wherein three or more premises are licensed and operating pursuant to  
15 this section and sections sixty-four-a, sixty-four-b, sixty-four-c,  
16 and/or sixty-four-d of this article. NO LICENSE SHALL BE ISSUED PURSU-  
17 ANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE  
18 COMMUNITY BOARD HAS BEEN NOTIFIED.

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

22 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
23 (a) of this subdivision, the authority may issue a license pursuant to  
24 this section for a premises which shall be within five hundred feet of  
25 three or more existing premises licensed and operating pursuant to this  
26 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or  
27 sixty-four-d of this article if, after consultation with the municipi-  
28 pality or community board, it determines that granting such license  
29 would be in the public interest. Before it may issue any such license,  
30 the authority shall conduct a hearing, upon notice to the applicant and  
31 the municipality or community board, and shall state and file in its  
32 office its reasons therefor. Notice to the municipality or community  
33 board shall mean written notice mailed by the authority to such municipi-  
34 pality or community board at least fifteen days in advance of any hear-  
35 ing scheduled pursuant to this paragraph. Upon the request of the  
36 authority, any municipality or community board may waive the fifteen day  
37 notice requirement. No premises having been granted a license pursuant  
38 to this section shall be denied a renewal of such license upon the  
39 grounds that such premises are within five hundred feet of a building or  
40 buildings wherein three or more premises are licensed and operating  
41 pursuant to this section and sections sixty-four, sixty-four-b, sixty-  
42 four-c, and/or sixty-four-d of this article. NO LICENSE SHALL BE ISSUED  
43 PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE  
44 COMMUNITY BOARD HAS BEEN NOTIFIED.

45 S 6. Subdivision 3 of section 64-c of the alcoholic beverage control  
46 law, as amended by chapter 213 of the laws of 2010, is amended to read  
47 as follows:

48 3. Upon receipt of an original or a renewal application for a license  
49 under this section, the applicant shall notify the clerk of the village,  
50 town or city, as the case may be, by certified mail return receipt  
51 requested, overnight delivery service with proof of mailing, or personal  
52 service, wherein the prospective licensed premises is to be located or,  
53 in the case of an application for renewal, where it is presently located  
54 [not less than thirty days prior to the submission of its application  
55 for a license under this section or for a renewal thereof]. 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 located shall be considered the appropriate public  
6 body to which notification shall be given. Such municipality or communi-  
7 ty board, as the case may be, may express an opinion for or against the  
8 granting of such license. Any such opinion shall be deemed part of the  
9 record upon which the liquor authority makes its determination to grant  
10 or deny such license. IN THE CITY OF NEW YORK, NO SUCH LICENSE SHALL BE  
11 ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE  
12 APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

13 S 7. Paragraph (c) of subdivision 11 of section 64-c of the alcoholic  
14 beverage control law, as amended by chapter 463 of the laws of 2009, is  
15 amended to read as follows:

16 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph  
17 (a) of this subdivision, the authority may issue a license pursuant to  
18 this section for a premises which shall be within five hundred feet of  
19 three or more existing premises licensed and operating pursuant to this  
20 section and sections sixty-four, sixty-four-a, sixty-four-b and/or  
21 sixty-four-d of this article if, after consultation with the munici-  
22 pality or community board, it determines that granting such license  
23 would be in the public interest. Before it may issue any such license,  
24 the authority shall conduct a hearing, upon notice to the applicant and  
25 the municipality or community board, and shall state and file in its  
26 office its reasons therefor. Notice to the municipality or community  
27 board shall mean written notice mailed by the authority to such munici-  
28 pality or community board at least fifteen days in advance of any hear-  
29 ing scheduled pursuant to this paragraph. Upon the request of the  
30 authority, any municipality or community board may waive the fifteen day  
31 notice requirement. No premises having been granted a license pursuant  
32 to this section shall be denied a renewal of such license upon the  
33 grounds that such premises are within five hundred feet of a building or  
34 buildings wherein three or more premises are operating and licensed  
35 pursuant to this section or sections sixty-four, sixty-four-a, sixty-  
36 four-b and/or sixty-four-d of this article. NO LICENSE SHALL BE ISSUED  
37 PURSUANT TO THIS SECTION UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE  
38 COMMUNITY BOARD HAS BEEN NOTIFIED.

39 S 8. Subdivision 3 of section 64-d of the alcoholic beverage control  
40 law, as amended by chapter 213 of the laws of 2010, is amended to read  
41 as follows:

42 3. Upon receipt of an original or a renewal application for a license  
43 under this section, the applicant shall notify the clerk of the village,  
44 town or city, as the case may be, by certified mail return receipt  
45 requested, overnight delivery service with proof of mailing, or personal  
46 service, wherein the prospective licensed premises is to be located or,  
47 in the case of an application for renewal, where it is presently  
48 located[, not less than thirty days prior to the submission of its  
49 application for a license under this section or for a renewal thereof].  
50 For the purposes of the preceding sentence notification need only be  
51 given to the clerk of a village when such premises is to be located  
52 within the boundaries of the village. In the city of New York, the  
53 community board established pursuant to section twenty-eight hundred of  
54 the New York city charter with jurisdiction over the area in which such  
55 licensed premises is to be located shall be considered the appropriate  
56 public body to which notification shall be given. Such municipality or

1 community board, as the case may be, may express an opinion for or  
2 against the granting of such license. Any such opinion shall be deemed  
3 part of the record upon which the liquor authority makes its determi-  
4 nation to grant or deny such license. NO SUCH LICENSE SHALL BE ISSUED  
5 NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE APPROPRIATE  
6 COMMUNITY BOARD HAS BEEN NOTIFIED.

7 S 9. Subdivision 1-a of section 81 of the alcoholic beverage control  
8 law, as amended by chapter 213 of the laws of 2010, is amended to read  
9 as follows:

10 1-a. Notwithstanding any other provision of this chapter, upon receipt  
11 in the city of New York of an application for a license under this  
12 section, an application for renewal under section one hundred nine of  
13 this chapter, or an application for an alteration to a premises licensed  
14 for consumption on the premises under section ninety-nine-d of this  
15 chapter, the applicant shall notify the community board established  
16 pursuant to section twenty-eight hundred of the New York city charter  
17 with jurisdiction over the area in which such licensed premises is to be  
18 located by certified mail return receipt requested, overnight delivery  
19 service with proof of mailing, or personal service, wherein the prospec-  
20 tive licensed premises is to be located or, in the case of an applica-  
21 tion for renewal, or alteration where it is presently located [not less  
22 than thirty days prior to the submission of its application for a  
23 license under this section or for a renewal thereof pursuant to section  
24 one hundred nine of this chapter]. Such community board may express an  
25 opinion for or against the granting of such license. Any such opinion  
26 shall be deemed part of the record upon which the liquor board makes its  
27 determination to grant or deny such license. NO SUCH LICENSE SHALL BE  
28 ISSUED NEW, RENEWED OR ALTERED UNTIL AT LEAST SIXTY DAYS AFTER THE  
29 APPROPRIATE COMMUNITY BOARD HAS BEEN NOTIFIED.

30 S 10. This act shall take effect immediately.