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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 -- 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.