

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to making the provisions governing the various on-premises liquor licenses consistent with respect to public interest factors that may be considered by the state liquor authority when evaluating the merits of a license application

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

- 1 Section 1. Subdivision 6-a of section 64 of the alcoholic beverage
2 control law, as added by chapter 670 of the laws of 1993, is amended to
3 read as follows:
4 6-a. The authority [may] SHALL consider [any or] all of the following
5 in determining whether public convenience and advantage and the public
6 interest will be promoted by the granting of [licenses and permits for
7 the sale of alcoholic beverages at a particular unlicensed location] A
8 LICENSE PURSUANT TO THIS SECTION:
9 (a) [The] THE number, classes and character of licenses in proximity
10 to the location and in the particular municipality or subdivision there-
11 of[.];
12 (b) [Evidence] EVIDENCE that all necessary licenses and permits have
13 been obtained from the state and all other governing bodies[.];
14 (c) [Effect] EFFECT of the grant of the license on vehicular traffic
15 and parking in proximity to the location[.];
16 (d) [The] THE existing noise level at the location and any increase in
17 noise level that would be generated by the proposed premises[.];
18 (e) [The] THE history of liquor violations and reported criminal
19 activity at the proposed premises[.];

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

LBD00120-01-1

1 (f) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
2 AND/OR OPERATED BY THE APPLICANT;

3 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
4 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
5 THE APPLICANT; AND

6 (H) [Any] ANY other factors specified by law or regulation that are
7 relevant to determine the public convenience and advantage [and public
8 interest of the community] AND NECESSARY TO FIND THAT THE GRANTING OF
9 SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

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

12 6-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
13 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
14 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:

15 (A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE
16 LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;

17 (B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND
18 PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;

19 (C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR
20 TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;

21 (D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE
22 LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;

23 (E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT
24 THE PROPOSED PREMISES;

25 (F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
26 AND/OR OPERATED BY THE APPLICANT;

27 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
28 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
29 THE APPLICANT; AND

30 (H) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
31 TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND
32 THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

33 S 3. Section 64-b of the alcoholic beverage control law is amended by
34 adding a new subdivision 4-a to read as follows:

35 4-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
36 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
37 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:

38 (A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE
39 LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;

40 (B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND
41 PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;

42 (C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR
43 TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;

44 (D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE
45 LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;

46 (E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT
47 THE PROPOSED PREMISES;

48 (F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
49 AND/OR OPERATED BY THE APPLICANT;

50 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
51 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
52 THE APPLICANT; AND

53 (H) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
54 TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND
55 THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.

1 S 4. Section 64-c of the alcoholic beverage control law is amended by
2 adding a new subdivision 10-a to read as follows:
3 10-A. THE AUTHORITY SHALL CONSIDER ALL OF THE FOLLOWING IN DETERMINING
4 WHETHER PUBLIC CONVENIENCE AND ADVANTAGE AND THE PUBLIC INTEREST WILL BE
5 PROMOTED BY THE GRANTING OF A LICENSE PURSUANT TO THIS SECTION:
6 (A) THE NUMBER, CLASSES AND CHARACTER OF LICENSES IN PROXIMITY TO THE
7 LOCATION AND IN THE PARTICULAR MUNICIPALITY OR SUBDIVISION THEREOF;
8 (B) EVIDENCE THAT APPLICANTS HAVE SECURED ALL NECESSARY LICENSES AND
9 PERMITS FROM THE STATE AND ALL OTHER GOVERNING BODIES;
10 (C) THE EFFECT THAT THE GRANTING OF THE LICENSE WILL HAVE ON VEHICULAR
11 TRAFFIC AND PARKING IN THE PROXIMITY OF THE LOCATION;
12 (D) THE EXISTING NOISE LEVEL AT THE LOCATION AND ANY INCREASE IN NOISE
13 LEVEL THAT WOULD BE GENERATED BY THE PROPOSED PREMISES;
14 (E) THE HISTORY OF LIQUOR VIOLATIONS AND REPORTED CRIMINAL ACTIVITY AT
15 THE PROPOSED PREMISES;
16 (F) HISTORY OF BUILDING AND FIRE VIOLATIONS AT ANY BUSINESSES OWNED
17 AND/OR OPERATED BY THE APPLICANT;
18 (G) HISTORY OF CITY OF NEW YORK COMMUNITY BOARD OPINIONS AND DECISIONS
19 MADE PURSUANT TO THIS CHAPTER FOR BUSINESSES OWNED AND/OR OPERATED BY
20 THE APPLICANT; AND
21 (H) ANY OTHER FACTORS SPECIFIED BY LAW OR REGULATION THAT ARE RELEVANT
22 TO DETERMINE THE PUBLIC CONVENIENCE OR ADVANTAGE AND NECESSARY TO FIND
23 THAT THE GRANTING OF SUCH LICENSE SHALL BE IN THE PUBLIC INTEREST.
24 S 5. This act shall take effect immediately.