

# STATE OF NEW YORK

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2375

2017-2018 Regular Sessions

## IN ASSEMBLY

January 18, 2017

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Introduced by M. of A. LENTOL -- read once and referred to the Committee on Economic Development

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 Assembly, 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 185 of the laws of  
3 2012, 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,  
22 adjourned or continued, and the authority shall give notice to the

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

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1 applicant and the municipality or community board of any such resched-  
2 uled, adjourned or continued public meeting. Notice to the municipality  
3 or community board shall mean written notice mailed by the authority to  
4 such municipality or community board at least [~~fifteen~~] ~~thirty~~ days in  
5 advance of any hearing scheduled pursuant to this paragraph. Upon the  
6 request of the authority, any municipality or community board may waive  
7 the [~~fifteen~~] ~~thirty~~ day notice requirement. No premises having been  
8 granted a license pursuant to this section shall be denied a renewal of  
9 such license upon the grounds that such premises are within five hundred  
10 feet of a building or buildings wherein three or more premises are  
11 licensed and operating pursuant to this section and sections  
12 sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this  
13 article.

14 § 2. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic  
15 beverage control law, as amended by chapter 185 of the laws of 2012, 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~~] ~~thirty~~ days in advance of  
30 any hearing scheduled pursuant to this paragraph. Upon the request of  
31 the authority, any municipality or community board may waive the  
32 [~~fifteen~~] ~~thirty~~ day notice requirement. The hearing may be rescheduled,  
33 adjourned or continued, and the authority shall give notice to the  
34 applicant and the municipality or community board of any such resched-  
35 uled, adjourned or continued hearing. Before the authority issues any  
36 said license, the authority or one or more of the commissioners thereof  
37 may, in addition to the hearing required by this paragraph, also conduct  
38 a public meeting regarding said license, upon notice to the applicant  
39 and the municipality or community board. The public meeting may be  
40 rescheduled, adjourned or continued, and the authority shall give notice  
41 to the applicant and the municipality or community board of any such  
42 rescheduled, adjourned or continued public meeting. No premises having  
43 been granted a license pursuant to this section shall be denied a  
44 renewal of such license upon the grounds that such premises are within  
45 five hundred feet of a building or buildings wherein three or more prem-  
46 ises are licensed and operating pursuant to this section and sections  
47 sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this  
48 article.

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