

# STATE OF NEW YORK

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1902

2019-2020 Regular Sessions

## IN ASSEMBLY

January 17, 2019

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Introduced by M. of A. LENTOL, GOTTFRIED -- 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 days in advance of  
5 any hearing scheduled pursuant to this paragraph and shall include the  
6 date, time and place thereof. In addition, such notice to the munici-  
7 pality or community board of a hearing scheduled pursuant to this para-  
8 graph shall include a copy of the application for said license.  
9 Provided, however, that the copy of said application included with said  
10 notice shall not include the home address, home telephone number or  
11 social security number of any individual; and provided further that the  
12 authority, in its discretion, may redact any other personal information  
13 contained in such application in order to prevent an unwarranted inva-  
14 sion of an individual's privacy. Upon the request of the authority, any  
15 municipality or community board may waive the fifteen day notice  
16 requirement. No premises having been granted a license pursuant to this  
17 section shall be denied a renewal of such license upon the grounds that  
18 such premises are within five hundred feet of a building or buildings  
19 wherein three or more premises are licensed and operating pursuant to  
20 this section and sections sixty-four-a, sixty-four-b, sixty-four-c,  
21 and/or sixty-four-d of this article.

22 § 2. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic  
23 beverage control law, as amended by chapter 185 of the laws of 2012, is  
24 amended to read as follows:

25 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
26 (a) of this subdivision, the authority may issue a license pursuant to  
27 this section for a premises which shall be within five hundred feet of  
28 three or more existing premises licensed and operating pursuant to this  
29 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or  
30 sixty-four-d of this article if, after consultation with the munici-  
31 pality or community board, it determines that granting such license  
32 would be in the public interest. Before it may issue any such license,  
33 the authority shall conduct a hearing, upon notice to the applicant and  
34 the municipality or community board, and shall state and file in its  
35 office its reasons therefor. Notice to the municipality or community  
36 board shall mean written notice mailed by the authority to such munici-  
37 pality or community board at least fifteen days in advance of any hear-  
38 ing scheduled pursuant to this paragraph and shall include the date,  
39 time and place thereof. Upon the request of the authority, any munici-  
40 pality or community board may waive the fifteen day notice requirement.  
41 In addition, such notice to the municipality or community board of a  
42 hearing scheduled pursuant to this paragraph shall include a copy of the  
43 application for said license. Provided, however, that the copy of said  
44 application included with said notice shall not include the home  
45 address, home telephone number or social security number of any individ-  
46 ual; and provided further that the authority, in its discretion, may  
47 redact any other personal information contained in such application in  
48 order to prevent an unwarranted invasion of an individual's privacy. The  
49 hearing may be rescheduled, adjourned or continued, and the authority  
50 shall give notice to the applicant and the municipality or community  
51 board of any such rescheduled, adjourned or continued hearing. Before  
52 the authority issues any said license, the authority or one or more of  
53 the commissioners thereof may, in addition to the hearing required by  
54 this paragraph, also conduct a public meeting regarding said license,  
55 upon notice to the applicant and the municipality or community board.  
56 The public meeting may be rescheduled, adjourned or continued, and the

1 authority shall give notice to the applicant and the municipality or  
2 community board of any such rescheduled, adjourned or continued public  
3 meeting. No premises having been granted a license pursuant to this  
4 section shall be denied a renewal of such license upon the grounds that  
5 such premises are within five hundred feet of a building or buildings  
6 wherein three or more premises are licensed and operating pursuant to  
7 this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or  
8 sixty-four-d of this article.

9 § 3. This act shall take effect on the ninetieth day after it shall  
10 have become a law and shall apply to all applications for a retail  
11 license, or special retail license, for on-premises consumption for  
12 premises within five hundred feet of existing licensed premises that are  
13 pending before or filed with the state liquor authority on or after such  
14 effective date. Effective immediately any rules or regulations neces-  
15 sary or convenient to implement the provisions of this act are author-  
16 ized to be promulgated on or before such effective date.