



**SHELDON SILVER
SPEAKER OF THE ASSEMBLY**

**ASSEMBLY STANDING COMMITTEE ON ECONOMIC DEVELOPMENT,
JOB CREATION, COMMERCE AND INDUSTRY**

ASSEMBLY STANDING COMMITTEE ON CODES

NOTICE OF PUBLIC HEARING

SUBJECT: To examine the impact of the continued operation of problem on-premises establishments and the over saturation of licensed on-premise establishments on host communities.

PURPOSE: To gather testimony on how the State may better protect the interests of community residents in the licensing and continued operation of on-premises establishments.

New York City

**Friday, May 5, 2006
10:30 A.M.**

**Assembly Hearing Room
250 Broadway
Room 1923, 19th Floor**

The over saturation of licensed on-premises establishments and the operation of problem on-premise establishments have caused hardship and adversely effected the quality of life in some of our communities. These conditions are attributable to the licensing and enforcement practices of the State Liquor Authority (SLA). In 1993, the Legislature amended the Alcoholic Beverage Control Law in order to limit the number of on-premises establishments within a given area. A change to the law was enacted to allow for exceptions to this new limitation when, after a public hearing, it was determined that such an exception was in the "public interest." The limitation to the number of on-premises establishments, known as the 500 ft. rule, was intended to limit the negative impact on communities. The exception was to be used sparingly and only when a community voiced no objections. Over time, however, the SLA's approval of exceptions to the 500 ft. rule became the rule rather than the exception. As a result many communities have had to tolerate excessive noise and rowdiness at all hours of the night. The SLA's lack of enforcement of alcoholic beverage control laws has exacerbated this unfortunate situation in many communities.

In response to the issue of problem premises and oversaturation of establishments the Committee is seeking testimony from interested parties on what can be done to protect the interests of community residents in the licensing and continued operation of on-premises establishments.

Please see the reverse side for a list of subjects to which witnesses may direct their testimony, and for a description of the bills which will be discussed at the hearing.

Persons wishing to present pertinent testimony to the Committee at the above hearing should complete and return the enclosed reply form as soon as possible. It is important that the reply form be fully completed and returned so that persons may be notified in the event of emergency postponement or cancellation.

PUBLIC HEARING REPLY FORM

Persons wishing to present testimony at the public hearing on Problem Premises are requested to complete this reply form as soon as possible and mail it to:

Benita Leigh-Lewis
Committee Assistant
Assembly Committee on Economic Development
Room 520 - Capitol
Albany, New York 12248
Email: Leighb@assembly.state.ny.us
Phone: (518) 455-4928
Fax: (518) 455-5182

- I plan to attend the following public hearing on Problem Premises to be conducted by the Assembly Committee on Economic Development on May 5, 2006.
- I plan to make a public statement at the hearing. My statement will be limited to 10 minutes, and I will answer any questions which may arise. I will provide 10 copies of my prepared statement.
- I will address my remarks to the following subjects:

- I do not plan to attend the above hearing.
- I would like to be added to the Committee mailing list for notices and reports.
- I would like to be removed from the Committee mailing list.
- I will require assistance and/or handicapped accessibility information. Please specify the type of assistance required: _____

NAME: _____

TITLE: _____

ORGANIZATION: _____

ADDRESS: _____

E-MAIL: _____

TELEPHONE: _____

FAX: _____

Oral testimony will be limited to 10 minutes' duration. In preparing the order of witnesses, the Committee will attempt to accommodate individual requests to speak at particular times in view of special circumstances. These requests should be made on the attached reply form or communicated to Committee staff as early as possible. In the absence of a request, witnesses will be scheduled in the order in which reply forms are postmarked.

Ten copies of any prepared testimony should be submitted at the hearing registration desk. The Committee would appreciate advance receipt of prepared statements.

In order to further publicize these hearings, please inform interested parties and organizations of the Committee's interest in hearing testimony from all sources.

In order to meet the needs of those who may have a disability, the Assembly, in accordance with its policy of non-discrimination on the basis of disability, as well as the 1990 Americans with Disabilities Act (ADA), has made its facilities and services available to all individuals with disabilities. For individuals with disabilities, accommodations will be provided, upon reasonable request, to afford such individuals access and admission to Assembly facilities and activities.

Sheldon Silver
Speaker of the Assembly

Robin Schimminger
Member of Assembly
Chairman
Committee on Economic Development

Joseph R. Lentol
Member of Assembly
Chairman
Committee on Codes

SELECTED ISSUES TO WHICH WITNESSES MAY DIRECT THEIR TESTIMONY:

- 1) Bill A. 10191 repeals the exception to the 500 ft. rule. What are the positives and negatives to this legislation?
- 2) What are some of the problems that communities face with an oversaturation of on-premise establishments? What are some methods of addressing these problems?
- 3) How can the on-premise licensing process be restructured in order to better control problem establishments, while allowing good licensees to operate?
- 4) Is a separate hotel license needed to acknowledge the economic impact that such a business has on the surrounding community?
- 5) If the exceptions to the 500 ft. rule were to be maintained what are some amendments that could be made to ensure that communities are protected?
- 6) What role can and should local governments play in limiting the number of licensed establishments and addressing problem premises?