

NEW YORK STATE LIQUOR AUTHORITY
FULL BOARD AGENDA
MEETING OF 09/06/2023
REFERRED FROM: SECRETARY'S OFFICE

2023- 01097

REASON FOR REFERRAL
REQUEST FOR DIRECTION

REQUEST FROM ALBANY COUNTY
TO CHANGE HOURS FOR OFF-
PREMISES SALE OF WINE AND
LIQUOR

The Members of the Authority at their regular meeting held at the Zone 1 New York City Office on 09/06/2023 determined:



State Liquor Authority

KATHY HOCHUL
Governor

LILY M. FAN
Chair

EDGAR DE LEON
Commissioner

To: Members of the Authority

From: ALJ Nancy Butler

Subject: Public Hearing on Albany County's Request to Extend the Hours of Sale of Alcoholic Beverages by Wine and Liquor Stores Between November 15th through January 7th.

Date: August 3, 2023

Procedure for Change in Hours of Sale:

In New York State, the Alcoholic Beverage Control Law (ABCL) sets forth the hours during which alcoholic beverages are permitted to be sold. ABCL Section 105(14)(a) specifies the hours of sale for off-premises sales of liquor and wine. Pursuant to ABCL Section 105(14)(a), liquor and wine stores in the State of New York are permitted to be open between the hours of 8:00 AM and midnight every day of the week except Sunday. Sunday hours are limited to 12:00 PM to 9:00 PM. The ABCL permits counties to set further restrictions on the sale of alcoholic beverages in each county pursuant to a process embodied in ABCL Section 17(11). This provision of the law provides that a restriction in the hours of sale of alcoholic beverages, or the modification of an existing restriction in the hours of sale of alcoholic beverages require:

- * the adoption of a resolution by a county board of supervisors or a county legislative body requesting a restriction or modification in the hours of sale of alcoholic beverages within the county,
- * upon notice the holding of a hearing within such county regarding the proposed change in hours of sales of alcoholic beverages, and
- * a determination by the New York State Liquor Authority (SLA) approving or disapproving the proposed change.

Current Albany County Hours for Off-Premises Sales of Liquor and Wine:

Currently, liquor and wine stores in Albany County are permitted to conduct sales of liquor and wine for off-premises consumption from 9:00 AM to 9:00 PM on weekdays and Saturdays, and

from 12:00 PM to 9:00 PM on Sundays. This restriction, that extends beyond what is required by state law, has been in effect since at least 1970. Until 2008, additional restrictions were in effect that also prohibited liquor and wine stores from selling liquor and wine on certain holidays for off-premises consumption.

Proposed Albany County Hours:

On April 10, 2023, Albany County Legislature adopted Resolution No. 113. The Albany County Legislature requests in Resolution No. 113 that the SLA change the restriction that currently exists in Albany County on sales of liquor and wine for off-premises consumption. The Resolution proposes to extend the hours that stores are allowed to sell liquor and wine for off-premises consumption from the current hours to 8:00 AM to 11:00 PM on weekdays and Saturdays during the period from November 15th through January 7th. Sunday hours would remain the same. Albany County maintains in the Resolution that the proposed change will allow liquor and wine store owners in the county more freedom in setting their store hours and provide consumers more flexibility to shop at liquor and wine stores in the county.

Full Board Directive to Conduct Hearing:

On May 3, 2023, the SLA received Resolution No. 113 from the Albany County Legislature. At their regular meeting held on June 23, 2023, the Members of the Authority directed that a public hearing be held by the SLA in Albany County to receive comment from interested persons regarding the proposed modification. The hearing was then scheduled to be held on July 19, 2023, at 10:30 AM in the Alfred E. Smith State Office Building, Room 111, at 80 South Swan Street in Albany, New York.

Public Notice of Hearing:

After the Full Board directive, a *Notice of Public Hearing* was posted on the SLA's website. The *Notice of Public Hearing* was provided to the following media organizations in the area, Times Union, The Gloversville Leader Herald, AP News, The Albany Business Review, The Saratogian, The Daily Gazette, Troy Record, WAMC Northeast Public Radio, WGY News Radio, WGDJ Talk 1300, News 10 ABC, WRGB CBS 6, WNYT News Channel 13, WROW News, WXXI Newsroom, Hudson Valley 360 and Spectrum News. The *Notice of Public Hearing* set forth the hearing date, time and location. The *Notice of Public Hearing* also informed the public that the SLA would accept written statements on the proposed change from any person unable to attend the hearing. The *Notice of Public Hearing* advised the public that to become part of the record, the written statements had to be emailed to Secretarys.Office@sla.ny.gov or postmarked to the SLA by no later than 5:00 PM on July 19, 2023.

Public Comment Submitted:

On July 19, 2023, at 10:30 AM, in the Alfred E. Smith State Office Building, Room 111, at 80 South Swan Street in Albany, New York, the SLA's designee conducted a public hearing to receive comment on the record regarding the specific proposal as outlined in Albany County Legislature's Resolution No. 113. The public did not provide any comments either in support of or in opposition to the proposed modification. There were no members from the public in attendance at the public hearing. The public did not submit any written comments to the SLA's Secretary's Office regarding the proposed change in hours of sale.