

5182--A

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to the exemption of certain parcels of land

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

1     Section 1. Paragraph (a) of subdivision 1 of section 101 of the alco-  
2     holic beverage control law, as separately amended by chapters 105 and  
3     407 of the laws of 2002, is amended to read as follows:  
4     (a) Be interested directly or indirectly in any premises where any  
5     alcoholic beverage is sold at retail; or in any business devoted wholly  
6     or partially to the sale of any alcoholic beverage at retail by stock  
7     ownership, interlocking directors, mortgage or lien or any personal or  
8     real property, or by any other means. The provisions of this paragraph  
9     shall not apply to (i) any such premises or business constituting the  
10    overnight lodging and resort facility located wholly within the bounda-  
11    ries of the town of North Elba, county of Essex, township eleven,  
12    Richard's survey, great lot numbers two hundred seventy-eight, two  
13    hundred seventy-nine, two hundred eighty, two hundred ninety-eight, two  
14    hundred ninety-nine, three hundred, three hundred eighteen, three  
15    hundred nineteen, three hundred twenty, three hundred thirty-five and  
16    three hundred thirty-six, and township twelve, Thorn's survey, great lot  
17    numbers one hundred six and one hundred thirteen, as shown on the  
18    Adirondack map, compiled by the conservation department of the state of  
19    New York - nineteen hundred sixty-four edition, in the Essex county  
20    atlas at page twenty-seven in the Essex county clerk's office, Eliza-  
21    bethtown, New York, provided that such facility maintains not less than  
22    two hundred fifty rooms and suites for overnight lodging, (ii) any such  
23    premises or business constituting the overnight lodging and resort

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

LBD11575-03-9

1 facility located wholly within the boundaries of that tract or parcel of  
2 land situate in the city of Canandaigua, county of Ontario, beginning at  
3 a point in the northerly line of village lot nine where it meets with  
4 South Main Street, thence south sixty-nine degrees fifty-four minutes  
5 west a distance of nine hundred sixteen and twenty-three hundredths feet  
6 to an iron pin; thence in the same course a distance of fourteen feet to  
7 an iron pin; thence in the same course a distance of fourteen and four-  
8 tenths feet to a point; thence south fifteen degrees thirty-eight  
9 minutes and forty seconds east a distance of four hundred forty-six and  
10 eighty-seven hundredths feet to a point; thence south twenty-eight  
11 degrees thirty-seven minutes and fifty seconds east a distance of one  
12 hundred thirteen and eighty-four hundredths feet to a point; thence  
13 south eighty-five degrees and forty-seven minutes east a distance of  
14 forty-seven and sixty-one hundredths feet to an iron pin; thence on the  
15 same course a distance of three hundred and sixty-five feet to an iron  
16 pin; thence north seventeen degrees twenty-one minutes and ten seconds  
17 east a distance of four hundred fifty-seven and thirty-two hundredths  
18 feet to an iron pin; thence north nineteen degrees and thirty minutes  
19 west a distance of two hundred and forty-eight feet to a point; thence  
20 north sixty-nine degrees and fifty-four minutes east a distance of two  
21 hundred eighty-four and twenty-six hundredths feet to a point; thence  
22 north nineteen degrees and thirty minutes west a distance of sixty feet  
23 to the point and place of beginning, provided that such facility main-  
24 tains not less than one hundred twenty rooms and suites for overnight  
25 lodging, (iii) any such premises or business constituting the overnight  
26 lodging facility located wholly within the boundaries of that tract or  
27 parcel of land situated in the borough of Manhattan, city and county of  
28 New York, beginning at a point on the northerly side of west fifty-  
29 fourth street at a point one hundred feet easterly from the intersection  
30 of the said northerly side of west fifty-fourth street and the easterly  
31 side of seventh avenue; running thence northerly and parallel with the  
32 easterly side of seventh avenue one hundred feet five inches to the  
33 center line of the block; running thence easterly and parallel with the  
34 northerly side of west fifty-fourth street and along the center line of  
35 the block fifty feet to a point; running thence northerly and parallel  
36 with the easterly side of seventh avenue one hundred feet five inches to  
37 the southerly side of west fifty-fifth street at a point distant one  
38 hundred fifty feet easterly from the intersection of the said southerly  
39 side of west fifty-fifth street and the easterly side of seventh avenue;  
40 running thence easterly along the southerly side of west fifty-fifth  
41 street thirty-one feet three inches to a point; running thence southerly  
42 and parallel with the easterly side of the seventh avenue one hundred  
43 feet five inches to the center line of the block; running thence easter-  
44 ly along the center line of the block and parallel with the southerly  
45 side of west fifty-fifth street, one hundred feet; running thence north-  
46 erly and parallel with the easterly side of seventh avenue one hundred  
47 feet five inches to the southerly side of west fifty-fifth street;  
48 running thence easterly along the southerly side of west fifty-fifth  
49 street twenty-one feet ten and one-half inches to a point; running  
50 thence southerly and parallel with the easterly side of seventh avenue  
51 one hundred feet five inches to the center line of the block; running  
52 thence westerly along the center line of the block and parallel with the  
53 northerly side of west fifty-fourth street three feet one and one-half  
54 inches; running thence southerly and parallel with the easterly side of  
55 seventh avenue one hundred feet five inches to the northerly side of  
56 west fifty-fourth street at a point distant three hundred feet easterly

1 from the intersection of the said northerly side of west fifty-fourth  
2 street and the easterly side of seventh avenue; running thence westerly  
3 and along the northerly side of west fifty-fourth street two hundred  
4 feet to the point or place of beginning, provided that such facility  
5 maintains not less than four hundred guest rooms and suites for over-  
6 night lodging, (iv) any such premises or business located on that tract  
7 or parcel of land, or any subdivision thereof, situate in the Village of  
8 Lake Placid, Town of North Elba, Essex County, New York; it being also a  
9 part of Lot No. 279, Township No. 11, Old Military Tract, Richard's  
10 Survey; it being also all of Lot No. 23 and part of Lot No. 22 as shown  
11 and designated on a certain map entitled "Map of Building Sites for Sale  
12 by B.R. Brewster" made by G.T. Chellis C.E. in 1892; also being PARCEL  
13 No. 1 on a certain map of lands of Robert J. Mahoney and wife made by  
14 G.C. Sylvester, P.E. & L.S. # 21300, dated August 4, 1964, and filed  
15 in the Essex County Clerk's Office on August 27, 1964, and more partic-  
16 ularly bounded and described as follows; BEGINNING at the intersection  
17 of the northerly bounds of Shore Drive (formerly Mirror Street) with the  
18 westerly bounds of Park Place (formerly Rider Street) which point is  
19 also the northeast corner of Lot No. 23, from thence South 21°50' East  
20 in the westerly bounds of Park Place a distance of 119 feet, more or  
21 less, to a lead plug in the edge of the sidewalk marking the southeast  
22 corner of Lot No. 23 and the northeast corner of Lot No. 24; from thence  
23 South 68°00'50" West a distance of 50.05 feet to an iron pipe set in  
24 concrete at the corner of Lots 23 and 22; from thence South 65°10'50"  
25 West a distance of 7.94 feet along the south line of Lot No. 22 to an  
26 iron pipe for a corner; from thence North 23°21'40" West and at 17.84  
27 feet along said line passing over a drill hole in a concrete sidewalk,  
28 and at 68.04 feet further along said line passing over an iron pipe at  
29 the southerly edge of another sidewalk, and at 1.22 feet further along  
30 said line passing over another drill hole in a sidewalk, a total  
31 distance of 119 feet, more or less, to the northerly line of Lot. No.  
32 22; from thence easterly in the northerly line of Lot 22 and 23 to the  
33 northeast corner of Lot No. 23 and the point of beginning. Also includ-  
34 ing the lands to the center of Shore Drive included between the norther-  
35 ly straight line continuation of the side lines of the above described  
36 parcel, and to the center of Park Place, where they abut the above  
37 described premises SUBJECT to the use thereof for street purposes. Being  
38 the same premises conveyed by Morestuff, Inc. to Madeline Sellers by  
39 deed dated June 30, 1992, recorded in the Essex County Clerk's Office on  
40 July 10, 1992 in Book 1017 of Deeds at Page 318; (v) any such premises  
41 or business located on that certain piece or parcel of land, or any  
42 subdivision thereof, situate, lying and being in the Town of Platts-  
43 burgh, County of Clinton, State of New York and being more particularly  
44 bounded and described as follows: Starting at an iron pipe found in the  
45 easterly bounds of the highway known as the Old Military Turnpike, said  
46 iron pipe being located 910.39 feet southeasterly, as measured along the  
47 easterly bounds of said highway, from the southerly bounds of the road-  
48 way known as Industrial Parkway West, THENCE running S 31 ° 54' 33" E  
49 along the easterly bounds of said Old Military Turnpike Extension,  
50 239.88 feet to a point marking the beginning of a curve concave to the  
51 west; thence southerly along said curve, having a radius of 987.99 feet,  
52 248.12 feet to an iron pipe found marking the point of beginning for the  
53 parcel herein being described, said point also marked the southerly  
54 corner of lands of Larry Garrow, et al, as described in Book 938 of  
55 Deeds at page 224; thence N 07° 45' 4" E along the easterly bounds of  
56 said Garrow, 748.16 feet to a 3"x4" concrete monument marking the

1 northeasterly corner of said Garrow, the northwesterly corner of the  
2 parcel herein being described and said monument also marking the south-  
3 erly bounds of lands of Salerno Plastic Corp. as described in Book 926  
4 of Deeds at Page 186; thence S 81° 45' 28" E along a portion of the  
5 southerly bounds of said Salerno Plastic Corp., 441.32 feet to an iron  
6 pin found marking the northeasterly corner of the parcel herein being  
7 described and also marking the northwest corner of the remaining lands  
8 now or formerly owned by said Marx and DeLaura; thence S 07° 45' 40" W  
9 along the Westerly bounds of lands now of formerly of said Marx and  
10 DeLaura and along the easterly bounds of the parcel herein being  
11 described, 560.49 feet to an iron pin; thence N 83° 43' 21" W along a  
12 portion of the remaining lands of said Marx and DeLaura, 41.51 feet to  
13 an iron pin; thence S 08° 31' 30" W, along a portion of the remaining  
14 lands of said Marx and DeLaura, 75.01 feet to an iron pin marking  
15 northeasterly corner of lands currently owned by the Joint Council for  
16 Economic Opportunity of Plattsburgh and Clinton County, Inc. as  
17 described in Book 963 of Deeds at Page 313; thence N 82° 20' 32" W along  
18 a portion of the northerly bounds of said J.C.E.O., 173.50 feet to an  
19 iron pin; thence 61° 21' 12" W, continuing along a portion of the north-  
20 erly bounds of said J.C.E.O., 134.14 feet to an iron pin; thence S 07°  
21 45' 42" W along the westerly bounds of said J.C.E.O., 50 feet to an iron  
22 pin; thence S 66° 48' 56" W along a portion of the northerly bounds of  
23 remaining lands of said Marx and DeLaura, 100.00 feet to an iron pipe  
24 found on the easterly bounds of the aforesaid highway, said from pipe  
25 also being located on a curve concave to the west; thence running and  
26 running northerly along the easterly bounds of the aforesaid highway and  
27 being along said curve, with the curve having a radius of 987.93 feet,  
28 60.00 feet to the point of beginning and containing 6.905 acres of land.  
29 Being the same premises as conveyed to Ronald Marx and Alice Marx by  
30 deed of CIT Small Business Lending Corp., as agent of the administrator,  
31 U.S. Small Business Administration, an agency of the United States  
32 Government dated September 10, 2001 and recorded in the office of the  
33 Clinton County Clerk on September 21, 2001 as Instrument #135020; or  
34 (vi) any such premises or business located on the west side of New York  
35 state route 414 in military lots 64 and 75 located wholly within the  
36 boundaries of that tract or parcel of land situated in the town of Lodi,  
37 county of Seneca beginning at an iron pin on the assumed west line of  
38 New York State Route 414 on the apparent north line of lands reputedly  
39 of White (lib. 420, page 155); said iron pin also being northerly a  
40 distance of 1200 feet more or less from the centerline of South Miller  
41 Road; Thence leaving the point of beginning north 85-17'-44" west along  
42 said lands of White a distance of 2915.90 feet to an iron pin Thence  
43 north 03-52'-48" east along said lands of White, passing through an iron  
44 pin 338.36 feet distant, and continuing further along that same course a  
45 distance of 13.64 feet farther, the total distance being 352.00 feet to  
46 a point in the assumed centerline of Nellie Neal Creek; Thence in gener-  
47 ally a north westerly direction the following courses and distances  
48 along the assumed centerline of Nellie Neal Creek; north 69-25'-11" west  
49 a distance of 189.56 feet to a point; north 63-40'-00" west a distance  
50 of 156.00 feet to a point; north 49-25'-00" west a distance of 80.00  
51 feet to a point; south 80-21'-00" west a distance of 90.00 feet to a  
52 point; north 72-03'-00" west a distance of 566.00 feet to a point; north  
53 68-15'-00" west a distance of 506.00 feet to a point; north 55-16'-00"  
54 west a distance of 135.00 feet to a point; south 69-18'-00" west a  
55 distance of 200.00 feet to a point; south 88-00'-00" west a distance of  
56 170.00 feet to a point on a tie line at or near the high water line of

1 Seneca Lake; Thence north 25-17'-00" east along said tie line a distance  
2 of 238.00 feet to an iron pipe; Thence south 82-04'-15" east along lands  
3 reputedly of M. Wagner (lib. 464, page 133) a distance of 100.00 feet to  
4 an iron pin; Thence north 06-56'-47" east along said lands of M. Wagner  
5 a distance of 100.00 feet to an iron pipe; Thence north 09-34'-28" east  
6 along lands reputedly of Schneider (lib. 429, page 37) a distance of  
7 50.10 feet to an iron pipe; Thence north 07-49'-11" east along lands  
8 reputedly of Oney (lib. 484, page 24) a distance of 50.00 feet to an  
9 iron pipe; Thence north 82-29'-40" west along said lands of Oney a  
10 distance of 95.30 feet to an iron pipe on a tie line at or near the  
11 highwater line of Seneca Lake; Thence north 08-15'-22" east along said  
12 tie line a distance of 25.00 feet to an iron pin; Thence south  
13 82-28'-00" east along lands reputedly of Yu (lib. 405, page 420) a  
14 distance of 96.53 feet to an iron pipe; Thence north 34-36'-59" east  
15 along said lands of Yu a distance of 95.00 feet to a point in the  
16 assumed centerline of Van Liew Creek; Thence in generally an easterly  
17 direction the following courses and distances along the assumed center-  
18 line of Van Liew Creek; north 72-46'-37" east a distance of 159.98 feet  
19 to a point; north 87-53'-00" east a distance of 94.00 feet to a point;  
20 south 71-12'-00" east a distance of 52.00 feet to a point; south  
21 84-10'-00" east a distance of 158.00 feet to a point; south 59-51'-00"  
22 east a distance of 160.00 feet to a point; south 83-29'-00" east a  
23 distance of 187.00 feet to a point; Thence north 01-33'-40" east along  
24 lands reputedly of Hansen (lib. 515, page 205) passing through an iron  
25 pipe 32.62 feet distant, and continuing further along that same course  
26 passing through an iron pin 205.38 feet farther, and continuing still  
27 further along that same course a distance of 21.45 feet farther, the  
28 total distance being 259.45 feet to the assumed remains of a White Oak  
29 stump; Thence north 69-16'-11" east along lands reputedly of Schwartz  
30 (lib. 374, page 733) being tie lines along the top of the south bank of  
31 Campbell Creek a distance of 338.00 feet to a point; Thence south  
32 57-17'32" east along said tie line a distance of 136.60 feet to a point;  
33 Thence south 74-45'-00" east along said tie line a distance of 100.00  
34 feet to an iron pin; Thence north 04-46'-00" east along said lands of  
35 Schwartz a distance of 100.00 feet to a point in the assumed centerline  
36 of Campbell Creek; Thence in generally an easterly direction the follow-  
37 ing courses and distances along the assumed centerline of Campbell  
38 Creek; south 71-34'-00" east a distance of 330.00 feet to a point; north  
39 76-53'-00" east a distance of 180.00 feet to a point; north 83-05'00"  
40 east a distance of 230.00 feet to a point; south 66-44'-00" east a  
41 distance of 90.00 feet to a point; south 81-10'-00" east a distance of  
42 240.00 feet to a point; south 45-29'-15" east a distance of 73.18 feet  
43 to a point; Thence south 05-25'-50" west along lands reputedly of Stan-  
44 ley Wagner (lib. 450, page 276) a distance of 135.00 feet to a point on  
45 the assumed north line of Military Lot 75; Thence south 84-34'-10" east  
46 along said lands of Wagner and the assumed north line of Military Lot 75  
47 a distance of 1195.06 feet to an iron pin; Thence south 06-57'52" west  
48 along said lands of M. Wagner (lib. 414, page 267) passing through an  
49 iron pin 215.58 feet distant, and continuing further along that same  
50 course a distance of 20.59 feet farther, the total distance being 236.17  
51 feet to a point in the assumed centerline of Campbell Creek; Thence in  
52 generally a south easterly direction the following course and distances  
53 along the assumed centerline of Campbell Creek; north 78-23'-09" east a  
54 distance of 29.99 feet to a point; south 46-09'-15" east a distance of  
55 65.24 feet to a point; north 85-55'-09" east a distance of 60.10 feet to  
56 a point; south 61-59'-50" east a distance of 206.91 feet to a point;

1 north 63-58'-27" east a distance of 43.12 feet to a point; south  
2 28-51'-21" east a distance of 47.72 feet to a point; south 15-14'-08"  
3 west a distance of 33.42 feet to a point; south 79-16'-32" east a  
4 distance of 255.15 feet to a point; south 62-19'-46" east a distance of  
5 75.82 feet to a point; north 76-10'-42" east a distance of 99.60 feet to  
6 a point; north 82-12'55" east a distance of 86.00 feet to a point; south  
7 44-13'53" east a distance of 64.08 feet to a point; north 67-52'-46"  
8 east a distance of 73.98 feet to a point; north 88-13'-13" east a  
9 distance of 34.64 feet to a point on the assumed west line of New York  
10 State Route 414; Thence south 20-13'-30" east along the assumed west  
11 line of New York State Route 414 a distance of 248.04 feet to a concrete  
12 monument; Thence south 02-10'-30" west along said road line a distance  
13 of 322.90 feet to an iron pin; Thence 13-14'-50" west along said road  
14 line a distance of 487.41 feet to an iron pin, said iron pin being the  
15 point and place of beginning;

16 Comprising an area of 126.807 acres of land according to a survey  
17 completed by Michael D. Karlsen entitled "Plan Owned by Stanley A.  
18 Wagner" known as Parcel A of Job number 98-505.

19 This survey is subject to all utility easements and easements and  
20 right-of-ways of record which may affect the parcel of land.

21 This survey is also subject to the rights of the public in and to  
22 lands herein referred to as New York State Route 414.

23 This survey intends to describe a portion of the premises as conveyed  
24 by Ruth V. Wagner to Stanley A. Wagner by deed recorded February 10,  
25 1989 in Liber 450 of deeds, at Page 286.

26 This survey also intends to describe a portion of the premises as  
27 conveyed by Stanley W. VanVleet to Stanley A. Wagner by deed recorded  
28 April 30, 1980 in Liber 385 of Deeds, at Page 203.

29 ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND SITUATE on the east side of  
30 New York State Route 414 in Military Lot 75 in the Town of Lodi, County  
31 of Seneca, State of New York bounded and described as follows:

32 Beginning at an iron pin on the assumed east line of New York State  
33 Route 414, said iron pin being north 50-44'-57" east a distance of  
34 274.92 feet from the south east corner of the parcel of land herein  
35 above described; Thence leaving the point of beginning north 00-26'01"  
36 east along a mathematical tie line a distance of 504.91 feet to an iron  
37 pin; Thence south 37-00'-20" east along lands reputedly of Tomberelli  
38 (lib. 419, page 243) passing through an iron pin 176.00 feet distant,  
39 and continuing further along that same course a distance of 2.01 feet  
40 farther, the total distance being 178.01 feet to a point; Thence south  
41 09-03'-55" west along lands reputedly of M. Wagner (lib. 491, page 181)  
42 a distance of 68.19 feet to an iron pipe; Thence south 15-36'-04" west  
43 along said lands of M. Wagner a distance of 300.15 feet to an iron pipe;  
44 Thence south 72-04'-59" west along said lands of M. Wagner a distance of  
45 20.49 feet to an iron pin, said iron pin being the point and place of  
46 beginning.

47 Comprising an area of 0.727 acre of lands according to a survey  
48 completed by Michael D. Karlsen entitled "Plan of Land Owned by Stanley  
49 A. Wagner" known as Parcel B of job number 98-505.

50 This survey is subject to all utility easements and easements and  
51 right-of-ways of record which may affect this parcel of land.

52 This survey is also subject to the rights of the public in and to  
53 lands herein referred to as New York State Route 414.

54 This survey intends to describe the same premises as conveyed by Henry  
55 W. Eighmey as executor of the Last Will and Testament of Mary C. Eighmey

1 to Stanley A. Wagner by deed recorded July 2, 1996 in liber 542, page  
2 92.

3 This survey also intends to describe a portion of the premises as  
4 conveyed by Ruth V. Wagner to Stanley A. Wagner by deed recorded Febru-  
5 ary 10, 1989 in Liber 450 of deeds, at Page 286. The provisions of this  
6 paragraph shall not apply to any premises or business located wholly  
7 within the following described parcel: ALL THAT TRACT OR PARCEL OF LAND  
8 situate in the City of Corning, County of Steuben and State of New York  
9 bounded and described as follows: Beginning at an iron pin situate at  
10 the terminus of the westerly line of Townley Avenue at its intersection  
11 with the southwesterly line of New York State Route 17; thence S 00° 45'  
12 18" E along the westerly line of Townley Avenue, a distance of 256.09  
13 feet to a point; thence S 89° 02' 07" W through an iron pin placed at a  
14 distance of 200.00 feet, a total distance of 300.00 feet to an iron pin;  
15 thence N 00° 59' 17" W a distance of 47.13 feet to an iron pin; thence S  
16 89° 02' 07" W a distance of 114.56 feet to a point situate in the south-  
17 east corner of Parcel A-2 as set forth on a survey map hereinafter  
18 described; thence N 14° 18' 49" E a distance of 124.40 feet to an iron  
19 pin situate at the southeast corner of lands now or formerly of Cicci  
20 (Liber 923, Page 771); thence N 14° 18' 49" E a distance of 76.46 feet  
21 to an iron pin; thence N 00° 57' 53" W a distance of 26.25 feet to an  
22 iron pin marking the southeast corner of parcel A-1 as set forth on the  
23 hereinafter described survey map; thence N 00° 58' 01" W a distance of  
24 166.00 to an iron pin situate at the northeast corner of said Parcel  
25 A-1, which pin also marks the southeast corner of lands now or formerly  
26 of Becraft (Liber 1048, Page 1086); thence N 00° 57' 53" W a distance of  
27 106.00 feet to an iron pin situate in the southerly line of lands now or  
28 formerly of the United States Postal Service; thence N 89° 02' 07" E  
29 along the southerly line of said United States Postal Service a distance  
30 of 81.47 feet to a point; thence N 14° 18' 49" E along the easterly line  
31 of said United States Postal Service a distance of 114.29 feet to an  
32 iron pin situate in the southwesterly line of New York State Route 17;  
33 thence S 32° 00' 31" E along the southwesterly line of New York State  
34 Route 17, a distance of 358.93 feet to an iron pin; thence continuing  
35 along the southwesterly line of New York state Route 17, S 38° 30' 04" E  
36 a distance of 108.18 feet to the iron pin marking the place of begin-  
37 ning. Said premises are set forth and shown as approximately 4.026 acres  
38 of land designated as Parcel A (excluding Parcels A-1 and A-2) on a  
39 survey map entitled "As-Built Survey of Lands of New York Inn, LLC, City  
40 of Corning, Steuben County, New York" by Weiler Associates, dated Decem-  
41 ber 27, 2001, designated Job No. 12462[.]; OR (VII) ANY SUCH PREMISES OR  
42 BUSINESSES LOCATED ON THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITU-  
43 ATE, LYING AND BEING IN THE SECOND WARD OF THE CITY OF SCHENECTADY, ON  
44 THE NORTHERLY SIDE OF UNION STREET, BOUNDED AND DESCRIBED AS FOLLOWS: TO  
45 WIT; BEGINNING AT THE SOUTHEASTERLY CORNER OF THE LANDS LATELY OWNED BY  
46 ELISHA L. FREEMAN AND NOW BY ALBERT SHEAR; AND RUNNING FROM THENCE EAST-  
47 ERLY ALONG THE LINE OF UNION STREET, 44 FEET TO THE LANDS NOW OWNED BY  
48 OR IN THE POSSESSION OF JAMES G. VAN VORST; THENCE NORTHERLY IN A  
49 STRAIGHT LINE ALONG THE LAST MENTIONED LANDS AND THE LANDS OF THE LATE  
50 JOHN LAKE, 102 FEET TO THE LANDS OF ONE MISS RODGERS; THENCE WESTERLY  
51 ALONG THE LINE OF THE LAST MENTIONED LANDS OF SAID RODGERS TO THE LANDS  
52 OF THE SAID SHEAR; AND THENCE SOUTHERLY ALONG THE LANDS OF SAID SHEAR  
53 101 FEET, 6 INCHES TO UNION STREET, THE PLACE OF BEGINNING.

54 ALSO ALL THAT TRACT OR PARCEL OF LAND, WITH THE BUILDINGS THEREON,  
55 SITUATE IN THE CITY OF SCHENECTADY, COUNTY OF SCHENECTADY, AND STATE OF  
56 NEW YORK, SITUATE IN THE FIRST, FORMERLY THE SECOND WARD OF THE SAID

1 CITY, ON THE NORTHERLY SIDE OF UNION STREET, WHICH WAS CONVEYED BY  
2 WILLIAM MEEKER AND WIFE TO ELISHA L. FREEMAN BY DEED DATED THE SECOND  
3 DAY OF DECEMBER 1843, AND RECORDED IN THE CLERK'S OFFICE OF SCHENECTADY  
4 COUNTY ON DECEMBER 5, 1843, IN BOOK V OF DEEDS AT PAGE 392, WHICH LOT IN  
5 SAID DEED IS BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN  
6 THE NORTHERLY LINE OF UNION STREET WHERE IT IS INTERSECTED BY THE EAST-  
7 ERLY LINE OF PROPERTY NUMBERED 235 UNION STREET, WHICH IS HEREBY  
8 CONVEYED, AND RUNNING THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID  
9 PROPERTY, ONE HUNDRED FORTY AND FIVE-TENTHS (140.5) FEET TO A POINT  
10 SIXTEEN (16) FEET SOUTHERLY FROM THE SOUTHERLY LINE OF THE NEW GARAGE  
11 BUILT UPON LAND ADJOINING ON THE NORTH; THENCE WESTERLY PARALLEL WITH  
12 SAID GARAGE, FORTY-SIX AND SEVEN-TENTHS (46.7) FEET; THENCE SOUTHERLY  
13 ONE HUNDRED FORTY AND EIGHT-TENTHS (140.8) FEET TO THE NORTHERLY MARGIN  
14 OF UNION STREET; THENCE EASTERLY ALONG THE NORTHERLY MARGIN OF UNION  
15 STREET, ABOUT FORTY-EIGHT AND THREE-TENTHS (48.3) FEET TO THE POINT OR  
16 PLACE OF BEGINNING.

17 THE TWO ABOVE PARCELS ARE TOGETHER MORE PARTICULARLY DESCRIBED AS  
18 FOLLOWS:

19 ALL THAT PARCEL OF LAND IN THE CITY OF SCHENECTADY BEGINNING AT A  
20 POINT IN THE NORTHERLY MARGIN OF UNION STREET AT THE SOUTHWESTERLY  
21 CORNER OF LANDS NOW OR FORMERLY OF FRIEDMAN (DEED BOOK 636 AT PAGE 423)  
22 WHICH POINT IS ABOUT 60 FEET WESTERLY OF THE WESTERLY LINE OF NORTH  
23 COLLEGE STREET AND RUNS THENCE N. 86 DEG. 42' 20" W. 92.30 FEET TO THE  
24 SOUTHEASTERLY CORNER OF OTHER LANDS NOW OR FORMERLY OF FRIEDMAN (DEED  
25 BOOK 798 AT PAGE 498); THENCE N. 04 DEG. 06' 48" E. 140.50 FEET TO THE  
26 SOUTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF STOCKADE ASSOCIATES  
27 (DEED BOOK 1038 AT PAGE 521); THENCE S. 87 DEG. 05' 27" E. 46.70 FEET TO  
28 LANDS NOW OR FORMERLY OF MCCARTHY (DEED BOOK 1129 AT PAGE 281); THENCE  
29 ALONG MCCARTHY S. 00 DEG. 52' 02" E. 3.69 FEET TO THE NORTHWESTERLY  
30 CORNER OF LANDS NOW OR FORMERLY OF SONYMA (DEED BOOK 1502 AT PAGE 621);  
31 THENCE ALONG LANDS OF SONYMA S. 02 DEG 24' 56" W. 34.75 FEET TO A CORNER;  
32 THENCE STILL ALONG LANDS OF SONYMA AND LANDS NOW OR FORMERLY OF MAGEE  
33 (DEED BOOK 399 AT PAGE 165) S. 86 DEG. 11' 52" E. 42.57 FEET TO A  
34 CORNER; THENCE STILL ALONG LANDS OF MAGEE AND LANDS OF FRIEDMAN FIRST  
35 ABOVE MENTIONED S. 03 DEG. 10' 08" W. 102.00 FEET TO THE POINT OF BEGIN-  
36 NING.

37 EXCEPTING AND RESERVING ALL THAT PORTION OF THE ABOVE PARCEL LYING  
38 EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

39 ALL THAT TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF SCHENECTADY  
40 AND COUNTY OF SCHENECTADY AND STATE OF NEW YORK, ON THE NORTHERLY SIDE  
41 OF UNION STREET BOUNDED AND DESCRIBED AS FOLLOWS:

42 BEGINNING AT A POINT IN THE NORTHERLY LINE OF UNION STREET, SAID POINT  
43 BEING IN THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF ELECTRIC  
44 BREW PUBS, INC. (1506 OF DEEDS AT PAGE 763) ON THE WEST AND LANDS NOW OR  
45 FORMERLY OF MARGARET WEXLER AND DONNA LEE WEXLER PAVLOVIC, AS TRUSTEES  
46 UNDER WILL OF RUTH F. WEXLER (STREET NUMBER 241 UNION STREET) ON THE  
47 EAST; THENCE NORTH 03 DEG. 04' 10" EAST, ALONG THE BUILDING KNOWN AS  
48 STREET NO. 241 UNION STREET, A DISTANCE OF 30.50 FEET TO A POINT; THENCE  
49 NORTH 88 DEG. 45' 45" WEST, ALONG SAID BUILDING AND BUILDING EVE, A  
50 DISTANCE OF 5.62 FEET TO A POINT; THENCE NORTH 03 DEG. 03' 30" EAST,  
51 ALONG SAID BUILDING EVE OF STREET NO. 241 UNION STREET, A DISTANCE OF  
52 32.74 FEET; THENCE SOUTH 88 DEG. 45' 45" EAST, ALONG SAID BUILDING EVE,  
53 A DISTANCE OF 1.2 FEET TO AN INTERSECTION OF BUILDING CORNER OF STREET  
54 NO. 241 UNION STREET AND A BRICK WALL; THENCE NORTH 03 DEG. 37' 30"  
55 EAST, ALONG SAID BRICK WALL, A DISTANCE OF 14.47 FEET TO A POINT IN THE  
56 CORNER OF THE BRICK WALL, THENCE SOUTH 86 DEG. 46' 45" EAST ALONG SAID



1 BRICK WALL A DISTANCE OF 4.42 FEET TO THE INTERSECTION OF BRICK WALL  
2 WITH THE BOUNDARY LINE BETWEEN THE ELECTRIC BREW PUBS, INC. (AFORESAID)  
3 ON THE WEST AND LANDS OF MARGARET WEXLER AND DONNA LEE WEXLER PAVLOVIC,  
4 (AFORESAID) ON THE EAST; THENCE NORTH 03 DEG 10' 08" EAST A DISTANCE OF  
5 0.62 FEET TO THE NORTHEAST CORNER OF LANDS BELONGING TO MARGARET WEXLER  
6 AND DONNA LEE WEXLER PAVLOVIC.

7 ALSO ALL THAT TRACT OR PARCEL OF LAND COMMONLY KNOWN AS THE UNION  
8 STREET SCHOOL, LOCATED ON THE NORTHEASTERLY CORNER OF UNION AND NORTH  
9 COLLEGE STREETS IN THE FIRST WARD OF THE CITY AND COUNTY OF SCHENECTADY  
10 AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS  
11 FOLLOWS: BEGINNING AT A POINT IN THE NORTHERLY STREET LINE OF UNION  
12 STREET WHERE IT IS INTERSECTED BY THE EASTERLY STREET LINE OF NORTH  
13 COLLEGE STREET, AND RUNS THENCE NORTHERLY ALONG THE EASTERLY STREET LINE  
14 OF NORTH COLLEGE STREET, ONE HUNDRED SEVEN AND FIVE-TENTHS (107.5) FEET  
15 TO A POINT, THENCE EASTERLY AT AN ANGLE OF NINETY (90) DEGREES, ONE  
16 HUNDRED NINETY-ONE AND SEVENTY-FIVE HUNDREDTHS (191.75) FEET TO A POINT  
17 IN THE NORTHWESTERLY STREET LINE OF ERIE BOULEVARD THENCE SOUTHWESTERLY  
18 ALONG THE NORTHWESTERLY STREET LINE OF ERIE BOULEVARD, ONE HUNDRED TWEN-  
19 TY-THREE AND EIGHT-TENTHS (123.8) FEET TO ITS INTERSECTION WITH THE  
20 NORTHERLY STREET LINE OF UNION STREET; THENCE WESTERLY ALONG THE NORTH-  
21 ERLY STREET LINE OF UNION STREET, ONE HUNDRED TWENTY-FOUR AND FIFTY-FIVE  
22 HUNDREDTHS (124.55) FEET TO THE POINT OR PLACE OF BEGINNING.

23 THE ABOVE DESCRIBED PARCEL OF PROPERTY INCLUDES THE BLUE LINE PARCEL  
24 OF LAND, WHICH IS A PORTION OF THE ABANDONED ERIE CANAL LANDS, LOCATED  
25 IN THE FIRST WARD OF THE CITY OF SCHENECTADY, NEW YORK, AND WHICH BLUE  
26 LINE PARCEL LIES BETWEEN THE NORTHWESTERLY LINE OF ERIE BOULEVARD AS SET  
27 FORTH IN THE ABOVE DESCRIBED PREMISES AND THE NORTHEASTERLY LOT LINE OF  
28 THE OLD UNION STREET SCHOOL AS IT RUNS PARALLEL WITH THE NORTHWESTERLY  
29 LINE OF ERIE BOULEVARD AS AFORESAID.

30 THE TWO ABOVE PARCELS ARE TOGETHER MORE PARTICULARLY DESCRIBED AS  
31 FOLLOWS: ALL THAT PARCEL OF LAND IN THE CITY OF SCHENECTADY BEGINNING AT  
32 A POINT IN THE NORTHERLY MARGIN OF UNION STREET AND THE NORTHWESTERLY  
33 MARGIN OF ERIE BOULEVARD AND RUNS THENCE ALONG UNION STREET N. 86 DEG.  
34 42' 20" W. 124.55 FEET TO THE EASTERLY MARGIN OF NORTH COLLEGE STREET;  
35 THENCE ALONG NORTH COLLEGE STREET N. 05 DEG 04' 40" E. 107.50 FEET TO  
36 THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF MCCARTHY (DEED BOOK  
37 1129 AT PAGE 279); THENCE ALONG MCCARTHY, COTTAGE ALLEY AND LANDS NOW OR  
38 FORMERLY OF MCGREGOR (DEED BOOK 912 AT PAGE 624) S. 84 DEG. 55' 20" E.  
39 191.75 FEET TO THE NORTHWESTERLY MARGIN OF ERIE BOULEVARD; THENCE ALONG  
40 ERIE BOULEVARD S. 38 DEG. 03' 53" W. 123.54 FEET TO THE POINT OF BEGIN-  
41 NING. The provisions of this paragraph shall not apply to any premises  
42 licensed under section sixty-four of this chapter in which a manufactur-  
43 er or wholesaler holds a direct or indirect interest, provided that: (I)  
44 said premises consist of an interactive entertainment facility which  
45 predominantly offers interactive computer and video entertainment  
46 attractions, and other games and also offers themed merchandise and food  
47 and beverages, (II) the sale of alcoholic beverages within the premises  
48 shall be restricted to an area consisting of not more than twenty-five  
49 percent of the total interior floor area of the premises, (III) the  
50 retail licenses shall derive not less than sixty-five percent of the  
51 total revenue generated by the facility from interactive video enter-  
52 tainment activities and other games, including related attractions and  
53 sales of merchandise other than food and alcoholic beverages, (IV) the  
54 interested manufacturer or wholesaler, or its parent company, shall be  
55 listed on a national securities exchange and its direct or indirect  
56 equity interest in the retail licensee shall not exceed twenty-five

1 percent, (V) no more than fifteen percent of said licensee's purchases  
2 of alcoholic beverages for sale in the premises shall be products  
3 produced or distributed by the manufacturer or wholesaler, (VI) neither  
4 the name of the manufacturer or wholesaler nor the name of any brand of  
5 alcoholic beverage produced or distributed by said manufacturer or  
6 wholesaler shall be part of the name of the premises, (VII) the name of  
7 the manufacturer or wholesaler or the name of products sold or distrib-  
8 uted by such manufacturer or wholesaler shall not be identified on  
9 signage affixed to either the interior or the exterior of the premises  
10 in any fashion, (VIII) promotions involving alcoholic beverages produced  
11 or distributed by the manufacturer or wholesaler are not held in such  
12 premises and further, retail and consumer advertising specialties bear-  
13 ing the name of the manufacturer or wholesaler or the name of alcoholic  
14 beverages produced or distributed by the manufacturer or wholesaler are  
15 not utilized in any fashion, given away or sold in said premises, and  
16 (IX) except to the extent provided in this paragraph, the licensing of  
17 each premises covered by this exception is subject to all provisions of  
18 section sixty-four of this chapter, including but not limited to liquor  
19 authority approval of the specific location thereof. The provisions of  
20 this paragraph shall not prohibit (1) a manufacturer or wholesaler, if  
21 an individual, or a partner, of a partnership, or, if a corporation, an  
22 officer or director thereof, from being an officer or director of a duly  
23 licensed charitable organization which is the holder of a license for  
24 on-premises consumption under this chapter, nor (2) a manufacturer from  
25 acquiring any such premises if the liquor authority first consents ther-  
26 eto after determining, upon such proofs as it shall deem sufficient,  
27 that such premises is contiguous to the licensed premises of such  
28 manufacturer, and is reasonably necessary for the expansion of the  
29 facilities of such manufacturer. After any such acquisition, it shall be  
30 illegal for a manufacturer acquiring any such premises to sell or deliver  
31 alcoholic beverages manufactured by him to any licensee occupying  
32 such premises.

33 S 2. Subdivision 13 of section 106 of the alcoholic beverage control  
34 law, as amended by chapter 105 of the laws of 2002, is amended to read  
35 as follows:

36 13. No retail licensee for on-premises consumption shall be inter-  
37 ested, directly or indirectly, in any premises where liquors, wines or  
38 beer are manufactured or sold at wholesale, by stock ownership, inter-  
39 locking directors, mortgage or lien on any personal or real property or  
40 by any other means, except that liquors, wines or beer may be manufac-  
41 tured or sold wholesale by the person licensed as a manufacturer or  
42 wholesaler thereof on real property owned by an interstate railroad  
43 corporation or a United States certificated airline with a retail  
44 license for on-premises consumption, or on premises or with respect to a  
45 business constituting an overnight lodging and resort facility located  
46 wholly within the boundaries of the town of North Elba, county of Essex,  
47 township eleven, Richard's survey, great lot numbers two hundred seven-  
48 ty-eight, two hundred seventy-nine, two hundred eight, two hundred nine-  
49 ty-eight, two hundred ninety-nine, three hundred, three hundred eigh-  
50 teen, three hundred nineteen, three hundred twenty, three hundred  
51 thirty-five and three hundred thirty-six, and township twelve, Thorn's  
52 survey, great lot numbers one hundred six and one hundred thirteen, as  
53 shown on the Adirondack map, compiled by the conservation department of  
54 the state of New York - nineteen hundred sixty-four edition, in the  
55 Essex county atlas at page twenty-seven in the Essex county clerk's  
56 office, Elizabethtown, New York, provided that such facility maintains

1 not less than two hundred fifty rooms and suites for overnight lodging,  
2 or on premises or with respect to the operation of a restaurant in an  
3 office building located in a city having a population of five hundred  
4 thousand or more and in which is located the licensed premises of such  
5 manufacturer or wholesaler, provided that the building, the interior of  
6 the retail premise and the rental therefor fully comply with the criteria  
7 set forth in paragraph two of subdivision three of section one  
8 hundred one of this article, any such premises or business located on  
9 that tract or parcel of land, or any subdivision thereof, situate in the  
10 Village of Lake Placid, Town of North Elba, Essex County, New York; it  
11 being also a part of Lot No. 279, Township No. 11, Old Military Tract,  
12 Richard's Survey; it being also all of Lot No. 23 and part of Lot No. 22  
13 as shown and designated on a certain map entitled "Map of Building Sites  
14 for Sale by B.R. Brewster" made by G.T. Chellis C.E. in 1892; also being  
15 PARCEL No. 1 on a certain map of lands of Robert J. Mahoney and wife  
16 made by G.C. Sylvester, P.E. & L.S. # 21300, dated August 4, 1964, and  
17 filed in the Essex County Clerk's Office on August 27, 1964, and more  
18 particularly bounded and described as follows; BEGINNING at the inter-  
19 section of the northerly bounds of Shore Drive (formerly Mirror Street)  
20 with the westerly bounds of Park Place (formerly Rider Street) which  
21 point is also the northeast corner of Lot No. 23, from thence South  
22 21°50' East in the westerly bounds of Park Place a distance of 119 feet,  
23 more or less, to a lead plug in the edge of the sidewalk marking the  
24 southeast corner of Lot No. 23 and the northeast corner of Lot No. 24;  
25 from thence South 68°00'50" West a distance of 50.05 feet to an iron  
26 pipe set in concrete at the corner of Lots 23 and 22; from thence South  
27 65°10'50" West a distance of 7.94 feet along the south line of Lot No.  
28 22 to an iron pipe for a corner; from thence North 23°21'40" West and at  
29 17.84 feet along said line passing over a drill hole in a concrete side-  
30 walk, and at 68.04 feet further along said line passing over an iron  
31 pipe at the southerly edge of another sidewalk, and at 1.22 feet further  
32 along said line passing over another drill hole in a sidewalk, a total  
33 distance of 119 feet, more or less, to the northerly line of Lot No. 22;  
34 from thence easterly in the northerly line of Lot 22 and 23 to the  
35 northeast corner of Lot No. 23 and the point of beginning. Also includ-  
36 ing the lands to the center of Shore Drive included between the norther-  
37 ly straight line continuation of the side lines of the above described  
38 parcel, and to the center of Park Place, where they abut the above  
39 described premises SUBJECT to the use thereof for street purposes. Being  
40 the same premises conveyed by Morestuff, Inc. to Madeline Sellers by  
41 deed dated June 30, 1992, recorded in the Essex County Clerk's Office on  
42 July 10, 1992 in Book 1017 of Deeds at Page 318, or any such premises or  
43 business located on that certain piece or parcel of land, or any subdi-  
44 vision thereof, situate, lying and being in the Town of Plattsburgh,  
45 County of Clinton, State of New York and being more particularly bounded  
46 and described as follows: Starting at an iron pipe found in the easterly  
47 bounds of the highway known as the Old Military Turnpike, said iron pipe  
48 being located 910.39 feet southeasterly, as measured along the easterly  
49 bounds of said highway, from the southerly bounds of the roadway known  
50 as Industrial Parkway West, THENCE running S 31° 54' 33" E along the  
51 easterly bounds of said Old Military Turnpike Extension, 239.88 feet to  
52 a point marking the beginning of a curve concave to the west; thence  
53 southerly along said curve, having a radius of 987.99 feet, 248.12 feet  
54 to an iron pipe found marking the point of beginning for the parcel  
55 herein being described, said point also marked the southerly corner of  
56 lands of Larry Garrow, et al, as described in Book 938 of Deeds at page

1 224; thence N 07° 45' 4" E along the easterly bounds of said Garrow,  
2 748.16 feet to a 3"x4" concrete monument marking the northeasterly  
3 corner of said Garrow, the northwesterly corner of the parcel herein  
4 being described and said monument also marking the southerly bounds of  
5 lands of Salerno Plastic Corp. as described in Book 926 of Deeds at Page  
6 186; thence S 81° 45' 28" E along a portion of the southerly bounds of  
7 said Salerno Plastic Corp., 441.32 feet to an iron pin found marking the  
8 northeasterly corner of the parcel herein being described and also mark-  
9 ing the northwest corner of the remaining lands now or formerly owned by  
10 said Marx and Delaura; thence S 07° 45' 40" W along the Westerly bounds  
11 of lands now of formerly of said Marx and DeLaura and along the easterly  
12 bounds of the parcel herein being described, 560.49 feet to an iron pin;  
13 thence N 83° 43' 21" W along a portion of the remaining lands of said  
14 Marx and DeLaura, 41.51 feet to an iron pin; thence S 08° 31' 30" W,  
15 along a portion of the remaining lands of said Marx and Delaura, 75.01  
16 feet to an iron pin marking northeasterly corner of lands currently  
17 owned by the Joint Council for Economic Opportunity of Plattsburgh and  
18 Clinton County, Inc. as described in Book 963 of Deeds at Page 313;  
19 thence N 82° 20' 32" W along a portion of the northerly bounds of said  
20 J.C.E.O., 173.50 feet to an iron pin; thence 61° 21' 12" W, continuing  
21 along a portion of the northerly bounds of said J.C.E.O., 134.14 feet to  
22 an iron pin; thence S 07° 45' 42" W along the westerly bounds of said  
23 J.C.E.O., 50 feet to an iron pin; thence S 66° 48' 56" W along a portion  
24 of the northerly bounds of remaining lands of said Marx and DeLaura,  
25 100.00 feet to an iron pipe found on the easterly bounds of the afore-  
26 said highway, said from pipe also being located on a curve concave to  
27 the west; thence running and running northerly along the easterly bounds  
28 of the aforesaid highway and being along said curve, with the curve  
29 having a radius of 987.93 feet, 60.00 feet to the point of beginning and  
30 containing 6.905 acres of land. Being the same premises as conveyed to  
31 Ronald Marx and Alice Marx by deed of CIT Small Business Lending Corp.,  
32 as agent of the administrator, U.S. Small Business Administration, an  
33 agency of the United States Government dated September 10, 2001 and  
34 recorded in the office of the Clinton County Clerk on September 21, 2001  
35 as Instrument #135020, OR ANY SUCH PREMISES OR BUSINESSES LOCATED ON  
36 THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN  
37 THE SECOND WARD OF THE CITY OF SCHENECTADY, ON THE NORTHERLY SIDE OF  
38 UNION STREET, BOUNDED AND DESCRIBED AS FOLLOWS: TO WIT; BEGINNING AT THE  
39 SOUTHEASTERLY CORNER OF THE LANDS LATELY OWNED BY ELISHA L. FREEMAN AND  
40 NOW BY ALBERT SHEAR; AND RUNNING FROM THENCE EASTERLY ALONG THE LINE OF  
41 UNION STREET, 44 FEET TO THE LANDS NOW OWNED BY OR IN THE POSSESSION OF  
42 JAMES G. VAN VORST; THENCE NORTHERLY IN A STRAIGHT LINE ALONG THE LAST  
43 MENTIONED LANDS AND THE LANDS OF THE LATE JOHN LAKE, 102 FEET TO THE  
44 LANDS OF ONE MISS RODGERS; THENCE WESTERLY ALONG THE LINE OF THE LAST  
45 MENTIONED LANDS OF SAID RODGERS TO THE LANDS OF THE SAID SHEAR; AND  
46 THENCE SOUTHERLY ALONG THE LANDS OF SAID SHEAR 101 FEET, 6 INCHES TO  
47 UNION STREET, THE PLACE OF BEGINNING.

48 ALSO ALL THAT TRACT OR PARCEL OF LAND, WITH THE BUILDINGS THEREON,  
49 SITUATE IN THE CITY OF SCHENECTADY, COUNTY OF SCHENECTADY, AND STATE OF  
50 NEW YORK, SITUATE IN THE FIRST, FORMERLY THE SECOND WARD OF THE SAID  
51 CITY, ON THE NORTHERLY SIDE OF UNION STREET, WHICH WAS CONVEYED BY  
52 WILLIAM MEEKER AND WIFE TO ELISHA L. FREEMAN BY DEED DATED THE SECOND  
53 DAY OF DECEMBER 1843, AND RECORDED IN THE CLERK'S OFFICE OF SCHENECTADY  
54 COUNTY ON DECEMBER 5, 1843, IN BOOK V OF DEEDS AT PAGE 392, WHICH LOT IN  
55 SAID DEED IS BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN  
56 THE NORTHERLY LINE OF UNION STREET WHERE IT IS INTERSECTED BY THE EAST-

1 ERLY LINE OF PROPERTY NUMBERED 235 UNION STREET, WHICH IS HEREBY  
2 CONVEYED, AND RUNNING THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID  
3 PROPERTY, ONE HUNDRED FORTY AND FIVE-TENTHS (140.5) FEET TO A POINT  
4 SIXTEEN (16) FEET SOUTHERLY FROM THE SOUTHERLY LINE OF THE NEW GARAGE  
5 BUILT UPON LAND ADJOINING ON THE NORTH; THENCE WESTERLY PARALLEL WITH  
6 SAID GARAGE, FORTY-SIX AND SEVEN-TENTHS (46.7) FEET; THENCE SOUTHERLY  
7 ONE HUNDRED FORTY AND EIGHTY-TENTHS (140.8) FEET TO THE NORTHERLY MARGIN  
8 OF UNION STREET; THENCE EASTERLY ALONG THE NORTHERLY MARGIN OF UNION  
9 STREET, ABOUT FORTY-EIGHT AND THREE-TENTHS (48.3) FEET TO THE POINT OR  
10 PLACE OF BEGINNING.

11 THE TWO ABOVE PARCELS ARE TOGETHER MORE PARTICULARLY DESCRIBED AS  
12 FOLLOWS:

13 ALL THAT PARCEL OF LAND IN THE CITY OF SCHENECTADY BEGINNING AT A  
14 POINT IN THE NORTHERLY MARGIN OF UNION STREET AT THE SOUTHWESTERLY  
15 CORNER OF LANDS NOW OR FORMERLY OF FRIEDMAN (DEED BOOK 636 AT PAGE 423)  
16 WHICH POINT IS ABOUT 60 FEET WESTERLY OF THE WESTERLY LINE OF NORTH  
17 COLLEGE STREET AND RUNS THENCE N. 86 DEG. 42' 20" W. 92.30 FEET TO THE  
18 SOUTHEASTERLY CORNER OF OTHER LANDS NOW OR FORMERLY OF FRIEDMAN (DEED  
19 BOOK 798 AT PAGE 498); THENCE N. 04 DEG. 06' 48" E. 140.50 FEET TO THE  
20 SOUTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF STOCKADE ASSOCIATES  
21 (DEED BOOK 1038 AT PAGE 521); THENCE S. 87 DEG. 05' 27" E. 46.70 FEET TO  
22 LANDS NOW OR FORMERLY AT MCCARTHY (DEED BOOK 1129 AT PAGE 281); THENCE  
23 ALONG MCCARTHY S. 00 DEG. 52' 02" E. 3.69 FEET TO THE NORTHWESTERLY  
24 CORNER OF LANDS NOW OR FORMERLY OF SONYMA (DEED BOOK 1502 AT PAGE 621);  
25 THENCE ALONG LANDS OF SONYMA S. 02' 56" W. 34.75 FEET TO A CORNER; THENCE  
26 STILL ALONG LANDS OF SONYMA AND LANDS NOW OR FORMERLY OF MAGEE (DEED  
27 BOOK 399 AT PAGE 165) S. 86 DEG. 11' 52" E. 42.57 FEET TO A CORNER;  
28 THENCE STILL ALONG LANDS OF MAGEE AND LANDS OF FRIEDMAN FIRST ABOVE  
29 MENTIONED S. 03 DEG. 10' 08" W. 102.00 FEET TO THE POINT OF BEGINNING.

30 EXCEPTING AND RESERVING ALL THAT PORTION OF THE ABOVE PARCEL LYING  
31 EASTERLY OF A LINE DESCRIBED AS FOLLOWS:

32 ALL THAT TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF SCHENECTADY  
33 AND COUNTY OF SCHENECTADY AND STATE OF NEW YORK, ON THE NORTHERLY SIDE  
34 OF UNION STREET BOUNDED AND DESCRIBED AS FOLLOWS:

35 BEGINNING AT A POINT IN THE NORTHERLY LINE OF UNION STREET, SAID POINT  
36 BEING IN THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF ELECTRIC  
37 BREW PUBS, INC. (1506 OF DEEDS AT PAGE 763) ON THE WEST AND LANDS NOW OR  
38 FORMERLY OF MARGARET WEXLER AND DONNA LEE WEXLER PAVLOVIC, AS TRUSTEES  
39 UNDER WILL OF RUTH F. WEXLER (STREET NUMBER 241 UNION STREET) ON THE  
40 EAST; THENCE NORTH 03 DEG. 04' 10" EAST, ALONG THE BUILDING KNOWN AS  
41 STREET NO. 241 UNION STREET, A DISTANCE OF 30.50 FEET TO A POINT; THENCE  
42 NORTH 88 DEG. 45' 45" WEST, ALONG SAID BUILDING AND BUILDING EVE, A  
43 DISTANCE OF 5.62 FEET TO A POINT; THENCE NORTH 03 DEG. 03' 30" EAST,  
44 ALONG SAID BUILDING EVE OF STREET NO. 241 UNION STREET, A DISTANCE OF  
45 32.74 FEET; THENCE SOUTH 88 DEG. 45' 45" EAST, ALONG SAID BUILDING EVE,  
46 A DISTANCE OF 1.2 FEET TO AN INTERSECTION OF BUILDING CORNER OF STREET  
47 NO. 241 UNION STREET AND A BRICK WALL; THENCE NORTH 03 DEG. 37' 30"  
48 EAST, ALONG SAID BRICK WALL, A DISTANCE OF 14.47 FEET TO A POINT IN THE  
49 CORNER OF THE BRICK WALL, THENCE SOUTH 86 DEG. 46' 45" EAST ALONG SAID  
50 BRICK WALL A DISTANCE OF 4.42 FEET TO THE INTERSECTION OF BRICK WALL  
51 WITH THE BOUNDARY LINE BETWEEN THE ELECTRIC BREW PUBS, INC. (AFORESAID)  
52 ON THE WEST AND LANDS OF MARGARET WEXLER AND DONNA LEE WEXLER PAVLOVIC,  
53 (AFORESAID) ON THE EAST; THENCE NORTH 03 DEG 10' 08" EAST A DISTANCE OF  
54 0.62 FEET TO THE NORTHEAST CORNER OF LANDS BELONGING TO MARGARET WEXLER  
55 AND DONNA LEE WEXLER PAVLOVIC.

1 ALSO ALL THAT TRACT OR PARCEL OF LAND COMMONLY KNOWN AS THE UNION  
2 STREET SCHOOL, LOCATED ON THE NORTHEASTERLY CORNER OF UNION AND NORTH  
3 COLLEGE STREETS IN THE FIRST WARD OF THE CITY AND COUNTY OF SCHENECTADY  
4 AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS  
5 FOLLOWS: BEGINNING AT A POINT IN THE NORTHERLY STREET LINE OF UNION  
6 STREET WHERE IT IS INTERSECTED BY THE EASTERLY STREET LINE OF NORTH  
7 COLLEGE STREET, AND RUNS THENCE NORTHERLY ALONG THE EASTERLY STREET LINE  
8 OF NORTH COLLEGE STREET, ONE HUNDRED SEVEN AND FIVE-TENTHS (107.5) FEET  
9 TO A POINT, THENCE EASTERLY AT AN ANGLE OF NINETY (90) DEGREES, ONE  
10 HUNDRED NINETY-ONE AND SEVENTY-FIVE HUNDREDTHS (191.75) FEET TO A POINT  
11 IN THE NORTHWESTERLY STREET LINE OF ERIE BOULEVARD THENCE SOUTHWESTERLY  
12 ALONG THE NORTHWESTERLY STREET LINE OF ERIE BOULEVARD, ONE HUNDRED TWEN-  
13 TY-THREE AND EIGHT-TENTHS (123.8) FEET TO ITS INTERSECTION WITH THE  
14 NORTHERLY STREET LINE OF UNION STREET; THENCE WESTERLY ALONG THE NORTH-  
15 ERLY STREET LINE OF UNION STREET, ONE HUNDRED TWENTY-FOUR AND FIFTY-FIVE  
16 HUNDREDTHS (124.55) FEET TO THE POINT OR PLACE OF BEGINNING.

17 THE ABOVE DESCRIBED PARCEL OF PROPERTY INCLUDES THE BLUE LINE PARCEL  
18 OF LAND, WHICH IS A PORTION OF THE ABANDONED ERIE CANAL LANDS, LOCATED  
19 IN THE FIRST WARD OF THE CITY OF SCHENECTADY, NEW YORK, AND WHICH BLUE  
20 LINE PARCEL LIES BETWEEN THE NORTHWESTERLY LINE OF ERIE BOULEVARD AS SET  
21 FORTH IN THE ABOVE DESCRIBED PREMISES AND THE NORTHEASTERLY LOT LINE OF  
22 THE OLD UNION STREET SCHOOL AS IT RUNS PARALLEL WITH THE NORTHWESTERLY  
23 LINE OF ERIE BOULEVARD AS AFORESAID.

24 THE TWO ABOVE PARCELS ARE TOGETHER MORE PARTICULARLY DESCRIBED AS  
25 FOLLOWS: ALL THAT PARCEL OF LAND IN THE CITY OF SCHENECTADY BEGINNING AT  
26 A POINT IN THE NORTHERLY MARGIN OF UNION STREET AND THE NORTHWESTERLY  
27 MARGIN OF ERIE BOULEVARD AND RUNS THENCE ALONG UNION STREET N. 86 DEG.  
28 42' 20" W. 124.55 FEET TO THE EASTERLY MARGIN OF NORTH COLLEGE STREET;  
29 THENCE ALONG NORTH COLLEGE STREET N. 05 DEG 04' 40" E. 107.50 FEET TO  
30 THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF MCCARTHY (DEED BOOK  
31 1129 AT PAGE 279); THENCE ALONG MCCARTHY, COTTAGE ALLEY AND LANDS NOW OR  
32 FORMERLY OF MCGREGOR (DEED BOOK 912 AT PAGE 624) S. 84 DEG. 55' 20" E.  
33 191.75 FEET TO THE NORTHWESTERLY MARGIN OF ERIE BOULEVARD; THENCE ALONG  
34 ERIE BOULEVARD S. 38 DEG. 03' 53" W. 123.54 FEET TO THE POINT OF BEGIN-  
35 NING, or on premises or with respect to a business constituting the  
36 overnight lodging facility located wholly within the boundaries of that  
37 tract or parcel of land situated in the borough of Manhattan, city and  
38 county of New York, beginning at a point on the northerly side of west  
39 fifty-fourth street at a point one hundred feet easterly from the inter-  
40 section of the said northerly side of west fifty-fourth street and the  
41 easterly side of seventh avenue; running thence northerly and parallel  
42 with the easterly side of seventh avenue one hundred feet five inches to  
43 the center line of the block; running thence easterly and parallel with  
44 the northerly side of west fifty-fourth street and along the center line  
45 of the block fifty feet to a point; running thence northerly and paral-  
46 lel with the easterly side of seventh avenue one hundred feet five inch-  
47 es to the southerly side of west fifty-fifth street at a point distant  
48 one hundred fifty feet easterly from the intersection of the said south-  
49 erly side of west fifty-fifth street and the easterly side of seventh  
50 avenue; running thence easterly along the southerly side of west fifty-  
51 fifth street thirty-one feet three inches to a point; running thence  
52 southerly and parallel with the easterly side of the seventh avenue one  
53 hundred feet five inches to the center line of the block; running thence  
54 easterly along the center line of the block and parallel with the south-  
55 erly side of west fifty-fifth street, one hundred feet; running thence  
56 northerly and parallel with the easterly side of seventh avenue one

1 hundred feet five inches to the southerly side of west fifty-fifth  
2 street; running thence easterly along the southerly side of west fifty-  
3 fifth street twenty-one feet ten and one-half inches to a point; running  
4 thence southerly and parallel with the easterly side of seventh avenue  
5 one hundred feet five inches to the center line of the block; running  
6 thence westerly along the center line of the block and parallel with the  
7 northerly side of west fifty-fourth street three feet one and one-half  
8 inches; running thence southerly and parallel with the easterly side of  
9 seventh avenue one hundred feet five inches to the northerly side of  
10 west fifty-fourth street at a point distant three hundred feet easterly  
11 from the intersection of the said northerly side of west fifty-fourth  
12 street and the easterly side of seventh avenue; running thence westerly  
13 and along the northerly side of west fifty-fourth street two hundred  
14 feet to the point or place of beginning, provided that such facility  
15 maintains not less than four hundred guest rooms and suites for over-  
16 night lodging. Any lien, mortgage or other interest or estate now held  
17 by said retail licensee on or in the personal or real property of such  
18 manufacturer or wholesaler, which mortgage, lien, interest or estate was  
19 acquired on or before December thirty-first, nineteen hundred thirty-  
20 two, shall not be included within the provisions of this subdivision;  
21 provided, however, the burden of establishing the time of the accrual of  
22 the interest, comprehended by this subdivision shall be upon the person  
23 who claims to be entitled to the protection and exemption afforded here-  
24 by.

25 S 3. This act shall take effect immediately.