

4812

2013-2014 Regular Sessions

I N S E N A T E

April 24, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Investigations and
Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to
manufacturers and wholesalers of alcohol and retail interest and
licenses

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

1 Section 1. The opening paragraph of paragraph (a) of subdivision 1 of
2 section 101 of the alcoholic beverage control law, as amended by chapter
3 22 of the laws of 2011, is amended to read as follows:
4 Be interested directly or indirectly in any premises where any alco-
5 holic beverage is sold at retail EXCEPT THAT IT SHALL NOT BE UNLAWFUL
6 FOR A MANUFACTURER OR WHOLESALER LICENSED UNDER THIS CHAPTER TO BE
7 INTERESTED DIRECTLY OR INDIRECTLY IN ANY PREMISES WHERE ALCOHOLIC BEVER-
8 AGES ARE SOLD SO LONG AS THE WHOLESALER'S OR MANUFACTURER'S ALCOHOLIC
9 BEVERAGE IS NOT SOLD AT SAID PREMISES; or in any business devoted wholly
10 or partially to the sale of any alcoholic beverage at retail by stock
11 ownership, interlocking directors, mortgage or lien or any personal or
12 real property, or by any other means. The provisions of this paragraph
13 shall not apply to
14 S 2. Section 103 of the alcoholic beverage control law is amended by
15 adding a new subdivision 10 to read as follows:
16 10. ANY MANUFACTURER SHALL BE PERMITTED A RETAIL LICENSE FOR ON-PREM-
17 ISES CONSUMPTION IN ANY PREMISES WHERE LIQUORS, WINES OR BEER ARE SOLD
18 AT WHOLESALE, BY STOCK OWNERSHIP, INTERLOCKING DIRECTORS, MORTGAGE OR
19 LIEN ON ANY PERSONAL OR REAL PROPERTY OR BY ANY OTHER MEANS, EXCEPT THAT
20 LIQUORS, WINES OR BEER MAY BE SOLD BY THE PERSON LICENSED AS SAID
21 MANUFACTURER THEREOF SO LONG AS THE ALCOHOLIC BEVERAGE OR BEVERAGE OF
22 SAID RETAIL LICENSEE SHALL NOT BE SOLD FOR ON-SITE CONSUMPTION.

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

LBD09981-01-3

1 S 3. Section 104 of the alcoholic beverage control law is amended by
2 adding a new subdivision 12 to read as follows:

3 12. ANY WHOLESALER SHALL BE PERMITTED A RETAIL LICENSE FOR ON-PREMISES
4 CONSUMPTION IN ANY PREMISES WHERE LIQUORS, WINES OR BEER ARE SOLD AT
5 WHOLESALE, BY STOCK OWNERSHIP, INTERLOCKING DIRECTORS, MORTGAGE OR LIEN
6 ON ANY PERSONAL OR REAL PROPERTY OR BY ANY OTHER MEANS, EXCEPT THAT
7 LIQUORS, WINES OR BEER MAY BE SOLD WHOLESALE BY THE PERSON LICENSED AS
8 WHOLESALER THEREOF SO LONG AS THE ALCOHOLIC BEVERAGE OR BEVERAGE OF SAID
9 RETAIL LICENSEE SHALL NOT BE SOLD FOR ON-SITE CONSUMPTION.

10 S 4. The opening paragraph of subdivision 13 of section 106 of the
11 alcoholic beverage control law, as amended by chapter 22 of the laws of
12 2011, is amended to read as follows:

13 No retail licensee for on-premises consumption shall be interested,
14 directly or indirectly, in any premises where liquors, wines or beer are
15 manufactured or sold at wholesale, by stock ownership, interlocking
16 directors, mortgage or lien on any personal or real property or by any
17 other means, except that liquors, wines or beer may be manufactured or
18 sold wholesale by the person licensed as a manufacturer or wholesaler
19 thereof, EXCEPT THAT A RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION SHALL
20 BE PERMITTED TO BE INTERESTED, DIRECTLY OR INDIRECTLY, IN ANY PREMISES
21 WHERE LIQUORS, WINES OR BEER ARE MANUFACTURED OR SOLD AT WHOLESALE, BY
22 STOCK OWNERSHIP, INTERLOCKING DIRECTORS, MORTGAGE OR LIEN ON ANY
23 PERSONAL OR REAL PROPERTY BY ANY MEANS, EXCEPT THAT LIQUORS, WINES OR
24 BEER MAY BE MANUFACTURED OR SOLD WHOLESALE BY THE PERSON LICENSED AS A
25 MANUFACTURER OR WHOLESALER THEREOF SO LONG AS THE ALCOHOLIC BEVERAGE OR
26 BEVERAGE OF SAID RETAIL LICENSEE SHALL NOT BE SOLD FOR ON-SITE CONSUMP-
27 TION, on real property owned by an interstate railroad corporation or a
28 United States certificated airline with a retail license for on-premises
29 consumption, or on premises or with respect to a business constituting
30 an overnight lodging and resort facility located wholly within the boun-
31 daries of the town of North Elba, county of Essex, township eleven,
32 Richard's survey, great lot numbers two hundred seventy-eight, two
33 hundred seventy-nine, two hundred eight, two hundred ninety-eight, two
34 hundred ninety-nine, three hundred, three hundred eighteen, three
35 hundred nineteen, three hundred twenty, three hundred thirty-five and
36 three hundred thirty-six, and township twelve, Thorn's survey, great lot
37 numbers one hundred six and one hundred thirteen, as shown on the
38 Adirondack map, compiled by the conservation department of the state of
39 New York - nineteen hundred sixty-four edition, in the Essex county
40 atlas at page twenty-seven in the Essex county clerk's office, Eliza-
41 bethtown, New York, provided that such facility maintains not less than
42 two hundred fifty rooms and suites for overnight lodging, or on premises
43 or with respect to the operation of a restaurant in an office building
44 located in a city having a population of five hundred thousand or more
45 and in which is located the licensed premises of such manufacturer or
46 wholesaler, provided that the building, the interior of the retail prem-
47 ise and the rental therefor fully comply with the criteria set forth in
48 paragraph two of subdivision three of section one hundred one of this
49 article, any such premises or business located on that tract or parcel
50 of land, or any subdivision thereof, situate in the Village of Lake
51 Placid, Town of North Elba, Essex County, New York; it being also a part
52 of Lot No. 279, Township No. 11, Old Military Tract, Richard's Survey;
53 it being also all of Lot No. 23 and part of Lot No. 22 as shown and
54 designated on a certain map entitled "Map of Building Sites for Sale by
55 B.R. Brewster" made by G.T. Chellis C.E. in 1892; also being PARCEL No.
56 1 on a certain map of lands of Robert J. Mahoney and wife made by G.C.

1 Sylvester, P.E. & L.S. # 21300, dated August 4, 1964, and filed in the
2 Essex County Clerk's Office on August 27, 1964, and more particularly
3 bounded and described as follows; BEGINNING at the intersection of the
4 northerly bounds of Shore Drive (formerly Mirror Street) with the
5 westerly bounds of Park Place (formerly Rider Street) which point is
6 also the northeast corner of Lot No. 23, from thence South $21^{\circ}50'$ East
7 in the westerly bounds of Park Place a distance of 119 feet, more or
8 less, to a lead plug in the edge of the sidewalk marking the southeast
9 corner of Lot No. 23 and the northeast corner of Lot No. 24; from thence
10 South $68^{\circ}00'50''$ West a distance of 50.05 feet to an iron pipe set in
11 concrete at the corner of Lots 23 and 22; from thence South $65^{\circ}10'50''$
12 West a distance of 7.94 feet along the south line of Lot No. 22 to an
13 iron pipe for a corner; from thence North $23^{\circ}21'40''$ West and at 17.84
14 feet along said line passing over a drill hole in a concrete sidewalk,
15 and at 68.04 feet further along said line passing over an iron pipe at
16 the southerly edge of another sidewalk, and at 1.22 feet further along
17 said line passing over another drill hole in a sidewalk, a total
18 distance of 119 feet, more or less, to the northerly line of Lot No. 22;
19 from thence easterly in the northerly line of Lot 22 and 23 to the
20 northeast corner of Lot No. 23 and the point of beginning. Also includ-
21 ing the lands to the center of Shore Drive included between the norther-
22 ly straight line continuation of the side lines of the above described
23 parcel, and to the center of Park Place, where they abut the above
24 described premises SUBJECT to the use thereof for street purposes. Being
25 the same premises conveyed by Morestuff, Inc. to Madeline Sellers by
26 deed dated June 30, 1992, recorded in the Essex County Clerk's Office on
27 July 10, 1992 in Book 1017 of Deeds at Page 318, or any such premises or
28 business located on that certain piece or parcel of land, or any subdi-
29 vision thereof, situate, lying and being in the Town of Plattsburgh,
30 County of Clinton, State of New York and being more particularly bounded
31 and described as follows: Starting at an iron pipe found in the easterly
32 bounds of the highway known as the Old Military Turnpike, said iron pipe
33 being located 910.39 feet southeasterly, as measured along the easterly
34 bounds of said highway, from the southerly bounds of the roadway known
35 as Industrial Parkway West, THENCE running $S 31^{\circ} 54' 33'' E$ along the
36 easterly bounds of said Old Military Turnpike Extension, 239.88 feet to
37 a point marking the beginning of a curve concave to the west; thence
38 southerly along said curve, having a radius of 987.99 feet, 248.12 feet
39 to an iron pipe found marking the point of beginning for the parcel
40 herein being described, said point also marked the southerly corner of
41 lands of Larry Garrow, et al, as described in Book 938 of Deeds at page
42 224; thence $N 07^{\circ} 45' 4'' E$ along the easterly bounds of said Garrow,
43 748.16 feet to a 3"x4" concrete monument marking the northeasterly
44 corner of said Garrow, the northwesterly corner of the parcel herein
45 being described and said monument also marking the southerly bounds of
46 lands of Salerno Plastic Corp. as described in Book 926 of Deeds at Page
47 186; thence $S 81^{\circ} 45' 28'' E$ along a portion of the southerly bounds of
48 said Salerno Plastic Corp., 441.32 feet to an iron pin found marking the
49 northeasterly corner of the parcel herein being described and also mark-
50 ing the northwest corner of the remaining lands now or formerly owned by
51 said Marx and Delaura; thence $S 07^{\circ} 45' 40'' W$ along the Westerly bounds
52 of lands now of formerly of said Marx and DeLaura and along the easterly
53 bounds of the parcel herein being described, 560.49 feet to an iron pin;
54 thence $N 83^{\circ} 43' 21'' W$ along a portion of the remaining lands of said
55 Marx and DeLaura, 41.51 feet to an iron pin; thence $S 08^{\circ} 31' 30'' W$,
56 along a portion of the remaining lands of said Marx and Delaura, 75.01

1 feet to an iron pin marking northeasterly corner of lands currently
2 owned by the Joint Council for Economic Opportunity of Plattsburgh and
3 Clinton County, Inc. as described in Book 963 of Deeds at Page 313;
4 thence N 82° 20' 32" W along a portion of the northerly bounds of said
5 J.C.E.O., 173.50 feet to an iron pin; thence 61° 21' 12" W, continuing
6 along a portion of the northerly bounds of said J.C.E.O., 134.14 feet to
7 an iron pin; thence S 07° 45' 42" W along the westerly bounds of said
8 J.C.E.O., 50 feet to an iron pin; thence S 66° 48' 56" W along a portion
9 of the northerly bounds of remaining lands of said Marx and DeLaura,
10 100.00 feet to an iron pipe found on the easterly bounds of the afore-
11 said highway, said from pipe also being located on a curve concave to
12 the west; thence running and running northerly along the easterly bounds
13 of the aforesaid highway and being along said curve, with the curve
14 having a radius of 987.93 feet, 60.00 feet to the point of beginning and
15 containing 6.905 acres of land. Being the same premises as conveyed to
16 Ronald Marx and Alice Marx by deed of CIT Small Business Lending Corp.,
17 as agent of the administrator, U.S. Small Business Administration, an
18 agency of the United States Government dated September 10, 2001 and
19 recorded in the office of the Clinton County Clerk on September 21, 2001
20 as Instrument #135020, or any such premises or businesses located on
21 that certain plot, piece or parcel of land, situate, lying and being in
22 the Second Ward of the City of Schenectady, on the Northerly side of
23 Union Street, bounded and described as follows: to wit; Beginning at the
24 Southeasterly corner of the lands lately owned by Elisha L. Freeman and
25 now by Albert Shear; and running from thence Easterly along the line of
26 Union Street, 44 feet to the lands now owned by or in the possession of
27 James G. Van Vorst; thence Northerly in a straight line along the last
28 mentioned lands and the lands of the late John Lake, 102 feet to the
29 lands of one Miss Rodgers; thence Westerly along the line of the last
30 mentioned lands of said Rodgers to the lands of the said Shear; and
31 thence Southerly along the lands of said Shear 101 feet, 6 inches to
32 Union Street, the place of beginning.

33 S 5. This act shall take effect immediately.