

4812--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 manufacturers of alcohol and retail interest and licenses

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 amended by chapter 22 of the laws of
3 2011, 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:
10 (i) any such premises or business constituting the overnight lodging
11 and resort facility located wholly within the boundaries of the town of
12 North Elba, county of Essex, township eleven, Richard's survey, great
13 lot numbers two hundred seventy-eight, two hundred seventy-nine, two
14 hundred eighty, two hundred ninety-eight, two hundred ninety-nine, three
15 hundred, three hundred eighteen, three hundred nineteen, three hundred
16 twenty, three hundred thirty-five and three hundred thirty-six, and
17 township twelve, Thorn's survey, great lot numbers one hundred six and
18 one hundred thirteen, as shown on the Adirondack map, compiled by the
19 conservation department of the state of New York - nineteen hundred
20 sixty-four edition, in the Essex county atlas at page twenty-seven in
21 the Essex county clerk's office, Elizabethtown, New York, provided that

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

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1 such facility maintains not less than two hundred fifty rooms and suites
2 for overnight lodging[,];

3 (ii) any such premises or business constituting the overnight lodging
4 and resort facility located wholly within the boundaries of that tract
5 or parcel of land situate in the city of Canandaigua, county of Ontario,
6 beginning at a point in the northerly line of village lot nine where it
7 meets with South Main Street, thence south sixty-nine degrees fifty-four
8 minutes west a distance of nine hundred sixteen and twenty-three
9 hundredths feet to an iron pin; thence in the same course a distance of
10 fourteen feet to an iron pin; thence in the same course a distance of
11 fourteen and four-tenths feet to a point; thence south fifteen degrees
12 thirty-eight minutes and forty seconds east a distance of four hundred
13 forty-six and eighty-seven hundredths feet to a point; thence south
14 twenty-eight degrees thirty-seven minutes and fifty seconds east a
15 distance of one hundred thirteen and eighty-four hundredths feet to a
16 point; thence south eighty-five degrees and forty-seven minutes east a
17 distance of forty-seven and sixty-one hundredths feet to an iron pin;
18 thence on the same course a distance of three hundred and sixty-five
19 feet to an iron pin; thence north seventeen degrees twenty-one minutes
20 and ten seconds east a distance of four hundred fifty-seven and thirty-
21 two hundredths feet to an iron pin; thence north nineteen degrees and
22 thirty minutes west a distance of two hundred and forty-eight feet to a
23 point; thence north sixty-nine degrees and fifty-four minutes east a
24 distance of two hundred eighty-four and twenty-six hundredths feet to a
25 point; thence north nineteen degrees and thirty minutes west a distance
26 of sixty feet to the point and place of beginning, provided that such
27 facility maintains not less than one hundred twenty rooms and suites for
28 overnight lodging[,];

29 (iii) any such premises or business constituting the overnight lodging
30 facility located wholly within the boundaries of that tract or parcel of
31 land situated in the borough of Manhattan, city and county of New York,
32 beginning at a point on the northerly side of west fifty-fourth street
33 at a point one hundred feet easterly from the intersection of the said
34 northerly side of west fifty-fourth street and the easterly side of
35 seventh avenue; running thence northerly and parallel with the easterly
36 side of seventh avenue one hundred feet five inches to the center line
37 of the block; running thence easterly and parallel with the northerly
38 side of west fifty-fourth street and along the center line of the block
39 fifty feet to a point; running thence northerly and parallel with the
40 easterly side of seventh avenue one hundred feet five inches to the
41 southerly side of west fifty-fifth street at a point distant one hundred
42 fifty feet easterly from the intersection of the said southerly side of
43 west fifty-fifth street and the easterly side of seventh avenue; running
44 thence easterly along the southerly side of west fifty-fifth street
45 thirty-one feet three inches to a point; running thence southerly and
46 parallel with the easterly side of the seventh avenue one hundred feet
47 five inches to the center line of the block; running thence easterly
48 along the center line of the block and parallel with the southerly side
49 of west fifty-fifth street, one hundred feet; running thence northerly
50 and parallel with the easterly side of seventh avenue one hundred feet
51 five inches to the southerly side of west fifty-fifth street; running
52 thence easterly along the southerly side of west fifty-fifth street
53 twenty-one feet ten and one-half inches to a point; running thence
54 southerly and parallel with the easterly side of seventh avenue one
55 hundred feet five inches to the center line of the block; running thence
56 westerly along the center line of the block and parallel with the north-

1 erly side of west fifty-fourth street three feet one and one-half inch-
2 es; running thence southerly and parallel with the easterly side of
3 seventh avenue one hundred feet five inches to the northerly side of
4 west fifty-fourth street at a point distant three hundred feet easterly
5 from the intersection of the said northerly side of west fifty-fourth
6 street and the easterly side of seventh avenue; running thence westerly
7 and along the northerly side of west fifty-fourth street two hundred
8 feet to the point or place of beginning, provided that such facility
9 maintains not less than four hundred guest rooms and suites for over-
10 night lodging[,];

11 (iv) any such premises or business located on that tract or parcel of
12 land, or any subdivision thereof, situate in the Village of Lake Placid,
13 Town of North Elba, Essex County, New York; it being also a part of Lot
14 No. 279, Township No. 11, Old Military Tract, Richard's Survey; it
15 being also all of Lot No. 23 and part of Lot No. 22 as shown and desig-
16 nated on a certain map entitled "Map of Building Sites for Sale by B.R.
17 Brewster" made by G.T. Chellis C.E. in 1892; also being PARCEL No. 1 on
18 a certain map of lands of Robert J. Mahoney and wife made by G.C.
19 Sylvester, P.E. & L.S. #21300, dated August 4, 1964, and filed in the
20 Essex County Clerk's Office on August 27, 1964, and more particularly
21 bounded and described as follows; BEGINNING at the intersection of the
22 northerly bounds of Shore Drive (formerly Mirror Street) with the
23 westerly bounds of Park Place (formerly Rider Street) which point is
24 also the northeast corner of Lot No. 23, from thence South 21°50' East
25 in the westerly bounds of Park Place a distance of 119 feet, more or
26 less, to a lead plug in the edge of the sidewalk marking the southeast
27 corner of Lot No. 23 and the northeast corner of Lot No. 24; from thence
28 South 68°00'50" West a distance of 50.05 feet to an iron pipe set in
29 concrete at the corner of Lots 23 and 22; from thence South 65°10'50"
30 West a distance of 7.94 feet along the south line of Lot No. 22 to an
31 iron pipe for a corner; from thence North 23°21'40" West and at 17.84
32 feet along said line passing over a drill hole in a concrete sidewalk,
33 and at 68.04 feet further along said line passing over an iron pipe at
34 the southerly edge of another sidewalk, and at 1.22 feet further along
35 said line passing over another drill hole in a sidewalk, a total
36 distance of 119 feet, more or less, to the northerly line of Lot. No.
37 22; from thence easterly in the northerly line of Lot 22 and 23 to the
38 northeast corner of Lot No. 23 and the point of beginning. Also includ-
39 ing the lands to the center of Shore Drive included between the norther-
40 ly straight line continuation of the side lines of the above described
41 parcel, and to the center of Park Place, where they abut the above
42 described premises SUBJECT to the use thereof for street purposes. Being
43 the same premises conveyed by Morestuff, Inc. to Madeline Sellers by
44 deed dated June 30, 1992, recorded in the Essex County Clerk's Office on
45 July 10, 1992 in Book 1017 of Deeds at Page 318;

46 (v) any such premises or business located on that certain piece or
47 parcel of land, or any subdivision thereof, situate, lying and being in
48 the Town of Plattsburgh, County of Clinton, State of New York and being
49 more particularly bounded and described as follows: Starting at an iron
50 pipe found in the easterly bounds of the highway known as the Old Mili-
51 tary Turnpike, said iron pipe being located 910.39 feet southeasterly,
52 as measured along the easterly bounds of said highway, from the souther-
53 ly bounds of the roadway known as Industrial Parkway West, THENCE
54 running S 31 ° 54' 33" E along the easterly bounds of said Old Military
55 Turnpike Extension, 239.88 feet to a point marking the beginning of a
56 curve concave to the west; thence southerly along said curve, having a

1 radius of 987.99 feet, 248.12 feet to an iron pipe found marking the
2 point of beginning for the parcel herein being described, said point
3 also marked the southerly corner of lands of Larry Garrow, et al, as
4 described in Book 938 of Deeds at page 224; thence N 07° 45' 4" E along
5 the easterly bounds of said Garrow, 748.16 feet to a 3"x4" concrete
6 monument marking the northeasterly corner of said Garrow, the northwes-
7 terly corner of the parcel herein being described and said monument also
8 marking the southerly bounds of lands of Salerno Plastic Corp. as
9 described in Book 926 of Deeds at Page 186; thence S 81° 45' 28" E along
10 a portion of the southerly bounds of said Salerno Plastic Corp., 441.32
11 feet to an iron pin found marking the northeasterly corner of the parcel
12 herein being described and also marking the northwest corner of the
13 remaining lands now or formerly owned by said Marx and DeLaura; thence S
14 07° 45' 40" W along the Westerly bounds of lands now of formerly of said
15 Marx and DeLaura and along the easterly bounds of the parcel herein
16 being described, 560.49 feet to an iron pin; thence N 83° 43' 21" W
17 along a portion of the remaining lands of said Marx and DeLaura, 41.51
18 feet to an iron pin; thence S 08° 31' 30" W, along a portion of the
19 remaining lands of said Marx and DeLaura, 75.01 feet to an iron pin
20 marking northeasterly corner of lands currently owned by the Joint Coun-
21 cil for Economic Opportunity of Plattsburgh and Clinton County, Inc. as
22 described in Book 963 of Deeds at Page 313; thence N 82° 20' 32" W along
23 a portion of the northerly bounds of said J.C.E.O., 173.50 feet to an
24 iron pin; thence 61° 21' 12" W, continuing along a portion of the north-
25 erly bounds of said J.C.E.O., 134.14 feet to an iron pin; thence S 07°
26 45' 42" W along the westerly bounds of said J.C.E.O., 50 feet to an iron
27 pin; thence S 66° 48' 56" W along a portion of the northerly bounds of
28 remaining lands of said Marx and DeLaura, 100.00 feet to an iron pipe
29 found on the easterly bounds of the aforesaid highway, said from pipe
30 also being located on a curve concave to the west; thence running and
31 running northerly along the easterly bounds of the aforesaid highway and
32 being along said curve, with the curve having a radius of 987.93 feet,
33 60.00 feet to the point of beginning and containing 6.905 acres of land.
34 Being the same premises as conveyed to Ronald Marx and Alice Marx by
35 deed of CIT Small Business Lending Corp., as agent of the administrator,
36 U.S. Small Business Administration, an agency of the United States
37 Government dated September 10, 2001 and recorded in the office of the
38 Clinton County Clerk on September 21, 2001 as Instrument #135020; [or]
39 (vi) any such premises or business located on the west side of New
40 York state route 414 in military lots 64 and 75 located wholly within
41 the boundaries of that tract or parcel of land situated in the town of
42 Lodi, county of Seneca beginning at an iron pin on the assumed west line
43 of New York State Route 414 on the apparent north line of lands reputed-
44 ly of White (lib. 420, page 155); said iron pin also being northerly a
45 distance of 1200 feet more or less from the centerline of South Miller
46 Road; Thence leaving the point of beginning north 85-17'-44" west along
47 said lands of White a distance of 2915.90 feet to an iron pin Thence
48 north 03-52'-48" east along said lands of White, passing through an iron
49 pin 338.36 feet distant, and continuing further along that same course a
50 distance of 13.64 feet farther, the total distance being 352.00 feet to
51 a point in the assumed centerline of Nellie Neal Creek; Thence in gener-
52 ally a north westerly direction the following courses and distances
53 along the assumed centerline of Nellie Neal Creek; north 69-25'-11" west
54 a distance of 189.56 feet to a point; north 63-40'-00" west a distance
55 of 156.00 feet to a point; north 49-25'-00" west a distance of 80.00
56 feet to a point; south 80-21'-00" west a distance of 90.00 feet to a

1 point; north 72-03'-00" west a distance of 566.00 feet to a point; north
2 68-15'-00" west a distance of 506.00 feet to a point; north 55-16'-00"
3 west a distance of 135.00 feet to a point; south 69-18'-00" west a
4 distance of 200.00 feet to a point; south 88-00'-00" west a distance of
5 170.00 feet to a point on a tie line at or near the high water line of
6 Seneca Lake; Thence north 25-17'-00" east along said tie line a distance
7 of 238.00 feet to an iron pipe; Thence south 82-04'-15" east along lands
8 reputedly of M. Wagner (lib. 464, page 133) a distance of 100.00 feet to
9 an iron pin; Thence north 06-56'-47" east along said lands of M. Wagner
10 a distance of 100.00 feet to an iron pipe; Thence north 09-34'-28" east
11 along lands reputedly of Schneider (lib. 429, page 37) a distance of
12 50.10 feet to an iron pipe; Thence north 07-49'-11" east along lands
13 reputedly of Oney (lib. 484, page 24) a distance of 50.00 feet to an
14 iron pipe; Thence north 82-29'-40" west along said lands of Oney a
15 distance of 95.30 feet to an iron pipe on a tie line at or near the
16 highwater line of Seneca Lake; Thence north 08-15'-22" east along said
17 tie line a distance of 25.00 feet to an iron pin; Thence south
18 82-28'-00" east along lands reputedly of Yu (lib. 405, page 420) a
19 distance of 96.53 feet to an iron pipe; Thence north 34-36'-59" east
20 along said lands of Yu a distance of 95.00 feet to a point in the
21 assumed centerline of Van Liew Creek; Thence in generally an easterly
22 direction the following courses and distances along the assumed center-
23 line of Van Liew Creek; north 72-46'-37" east a distance of 159.98 feet
24 to a point; north 87-53'-00" east a distance of 94.00 feet to a point;
25 south 71-12'-00" east a distance of 52.00 feet to a point; south
26 84-10'-00" east a distance of 158.00 feet to a point; south 59-51'-00"
27 east a distance of 160.00 feet to a point; south 83-29'-00" east a
28 distance of 187.00 feet to a point; Thence north 01-33'-40" east along
29 lands reputedly of Hansen (lib. 515, page 205) passing through an iron
30 pipe 32.62 feet distant, and continuing further along that same course
31 passing through an iron pin 205.38 feet farther, and continuing still
32 further along that same course a distance of 21.45 feet farther, the
33 total distance being 259.45 feet to the assumed remains of a White Oak
34 stump; Thence north 69-16'-11" east along lands reputedly of Schwartz
35 (lib. 374, page 733) being tie lines along the top of the south bank of
36 Campbell Creek a distance of 338.00 feet to a point; Thence south
37 57-17'32" east along said tie line a distance of 136.60 feet to a point;
38 Thence south 74-45'-00" east along said tie line a distance of 100.00
39 feet to an iron pin; Thence north 04-46'-00" east along said lands of
40 Schwartz a distance of 100.00 feet to a point in the assumed centerline
41 of Campbell Creek; Thence in generally an easterly direction the follow-
42 ing courses and distances along the assumed centerline of Campbell
43 Creek; south 71-34'-00" east a distance of 330.00 feet to a point; north
44 76-53'-00" east a distance of 180.00 feet to a point; north 83-05'00"
45 east a distance of 230.00 feet to a point; south 66-44'-00" east a
46 distance of 90.00 feet to a point; south 81-10'-00" east a distance of
47 240.00 feet to a point; south 45-29'-15" east a distance of 73.18 feet
48 to a point; Thence south 05-25'-50" west along lands reputedly of Stan-
49 ley Wagner (lib. 450, page 276) a distance of 135.00 feet to a point on
50 the assumed north line of Military Lot 75; Thence south 84-34'-10" east
51 along said lands of Wagner and the assumed north line of Military Lot 75
52 a distance of 1195.06 feet to an iron pin; Thence south 06-57'52" west
53 along said lands of M. Wagner (lib. 414, page 267) passing through an
54 iron pin 215.58 feet distant, and continuing further along that same
55 course a distance of 20.59 feet farther, the total distance being 236.17
56 feet to a point in the assumed centerline of Campbell Creek; Thence in

1 generally a south easterly direction the following course and distances
2 along the assumed centerline of Campbell Creek; north 78-23'-09" east a
3 distance of 29.99 feet to a point; south 46-09'-15" east a distance of
4 65.24 feet to a point; north 85-55'-09" east a distance of 60.10 feet to
5 a point; south 61-59'-50" east a distance of 206.91 feet to a point;
6 north 63-58'-27" east a distance of 43.12 feet to a point; south
7 28-51'-21" east a distance of 47.72 feet to a point; south 15-14'-08"
8 west a distance of 33.42 feet to a point; south 79-16'-32" east a
9 distance of 255.15 feet to a point; south 62-19'-46" east a distance of
10 75.82 feet to a point; north 76-10'-42" east a distance of 99.60 feet to
11 a point; north 82-12'-55" east a distance of 86.00 feet to a point; south
12 44-13'-53" east a distance of 64.08 feet to a point; north 67-52'-46"
13 east a distance of 73.98 feet to a point; north 88-13'-13" east a
14 distance of 34.64 feet to a point on the assumed west line of New York
15 State Route 414; Thence south 20-13'-30" east along the assumed west
16 line of New York State Route 414 a distance of 248.04 feet to a concrete
17 monument; Thence south 02-10'-30" west along said road line a distance
18 of 322.90 feet to an iron pin; Thence 13-14'-50" west along said road
19 line a distance of 487.41 feet to an iron pin, said iron pin being the
20 point and place of beginning;

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

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

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

28 This survey intends to describe a portion of the premises as conveyed
29 by Ruth V. Wagner to Stanley A. Wagner by deed recorded February 10,
30 1989 in Liber 450 of deeds, at Page 286.

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

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

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

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

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

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

3 This survey intends to describe the same premises as conveyed by Henry
4 W. Eighmey as executor of the Last Will and Testament of Mary C. Eighmey
5 to Stanley A. Wagner by deed recorded July 2, 1996 in liber 542, page
6 92.

7 This survey also intends to describe a portion of the premises as
8 conveyed by Ruth V. Wagner to Stanley A. Wagner by deed recorded Febru-
9 ary 10, 1989 in Liber 450 of deeds, at Page 286. The provisions of this
10 paragraph shall not apply to any premises or business located wholly
11 within the following described parcel: ALL THAT TRACT OR PARCEL OF LAND
12 situate in the City of Corning, County of Steuben and State of New York
13 bounded and described as follows: Beginning at an iron pin situate at
14 the terminus of the westerly line of Townley Avenue at its intersection
15 with the southwesterly line of New York State Route 17; thence S 00° 45'
16 18" E along the westerly line of Townley Avenue, a distance of 256.09
17 feet to a point; thence S 89° 02' 07" W through an iron pin placed at a
18 distance of 200.00 feet, a total distance of 300.00 feet to an iron pin;
19 thence N 00° 59' 17" W a distance of 47.13 feet to an iron pin; thence S
20 89° 02' 07" W a distance of 114.56 feet to a point situate in the south-
21 east corner of Parcel A-2 as set forth on a survey map hereinafter
22 described; thence N 14° 18' 49" E a distance of 124.40 feet to an iron
23 pin situate at the southeast corner of lands now or formerly of Cicci
24 (Liber 923, Page 771); thence N 14° 18' 49" E a distance of 76.46 feet
25 to an iron pin; thence N 00° 57' 53" W a distance of 26.25 feet to an
26 iron pin marking the southeast corner of parcel A-1 as set forth on the
27 hereinafter described survey map; thence N 00° 58' 01" W a distance of
28 166.00 to an iron pin situate at the northeast corner of said Parcel
29 A-1, which pin also marks the southeast corner of lands now or formerly
30 of Becraft (Liber 1048, Page 1086); thence N 00° 57' 53" W a distance of
31 106.00 feet to an iron pin situate in the southerly line of lands now or
32 formerly of the United States Postal Service; thence N 89° 02' 07" E
33 along the southerly line of said United States Postal Service a distance
34 of 81.47 feet to a point; thence N 14° 18' 49" E along the easterly line
35 of said United States Postal Service a distance of 114.29 feet to an
36 iron pin situate in the southwesterly line of New York State Route 17;
37 thence S 32° 00' 31" E along the southwesterly line of New York State
38 Route 17, a distance of 358.93 feet to an iron pin; thence continuing
39 along the southwesterly line of New York state Route 17, S 38° 30' 04" E
40 a distance of 108.18 feet to the iron pin marking the place of begin-
41 ning. Said premises are set forth and shown as approximately 4.026 acres
42 of land designated as Parcel A (excluding Parcels A-1 and A-2) on a
43 survey map entitled "As-Built Survey of Lands of New York Inn, LLC, City
44 of Corning, Steuben County, New York" by Weiler Associates, dated Decem-
45 ber 27, 2001, designated Job No. 12462; [or]

46 (vii) any such premises or businesses located on that certain plot,
47 piece or parcel of land, situate, lying and being in the Second Ward of
48 the City of Schenectady, on the Northerly side of Union Street, bounded
49 and described as follows: to wit; Beginning at the Southeasterly corner
50 of the lands lately owned by Elisha L. Freeman and now by Albert Shear;
51 and running from thence Easterly along the line of Union Street, 44 feet
52 to the lands now owned by or in the possession of James G. Van Vorst;
53 thence Northerly in a straight line along the last mentioned lands and
54 the lands of the late John Lake, 102 feet to the lands of one Miss Rodg-
55 ers; thence Westerly along the line of the last mentioned lands of said
56 Rodgers to the lands of the said Shear; and thence Southerly along the

1 lands of said Shear 101 feet, 6 inches to Union Street, the place of
2 beginning.

3 Also all that tract or parcel of land, with the buildings thereon,
4 situate in the City of Schenectady, County of Schenectady, and State of
5 New York, situate in the First, formerly the Second Ward of the said
6 City, on the Northerly side of Union Street, which was conveyed by
7 William Meeker and wife to Elisha L. Freeman by deed dated the second
8 day of December 1843, and recorded in the Clerk's Office of Schenectady
9 County on December 5, 1843, in Book V of Deeds at page 392, which lot in
10 said deed is bounded and described as follows: Beginning at a point in
11 the Northerly line of Union Street where it is intersected by the East-
12 erly line of property numbered 235 Union Street, which is hereby
13 conveyed, and running thence Northerly along the Easterly line of said
14 property, One Hundred Forty and Five-tenths (140.5) feet to a point
15 sixteen (16) feet Southerly from the Southerly line of the new garage
16 built upon land adjoining on the North; thence Westerly parallel with
17 said garage, Forty-six and Seven-tenths (46.7) feet; thence Southerly
18 One Hundred Forty and Eight-tenths (140.8) feet to the Northerly margin
19 of Union Street; thence Easterly along the Northerly margin of Union
20 Street, about Forty-eight and three-tenths (48.3) feet to the point or
21 place of beginning.

22 The two above parcels are together more particularly described as
23 follows:

24 All that parcel of land in the City of Schenectady beginning at a
25 point in the northerly margin of Union Street at the southwesterly
26 corner of lands now or formerly of Friedman (Deed Book 636 at page 423)
27 which point is about 60 feet westerly of the westerly line of North
28 College Street and runs thence N. 86 deg. 42' 20" W. 92.30 feet to the
29 southeasterly corner of other lands now or formerly of Friedman (Deed
30 Book 798 at page 498); thence N. 04 deg. 06' 48" E. 140.50 feet to the
31 southwesterly corner of lands now or formerly of Stockade Associates
32 (Deed Book 1038 at page 521); thence S. 87 deg. 05' 27" E. 46.70 feet to
33 lands now or formerly of McCarthy (Deed Book 1129 at page 281); thence
34 along McCarthy S. 00 deg. 52' 02" E. 3.69 feet to the northwesterly
35 corner of lands now or formerly of SONYMA (Deed Book 1502 at page 621);
36 thence along lands of SONYMA S. 02 deg 24' 56" W. 34.75 feet to a corner;
37 thence still along lands of SONYMA and lands now or formerly of Magee
38 (Deed Book 399 at page 165) S. 86 deg. 11' 52" E. 42.57 feet to a
39 corner; thence still along lands of Magee and Lands of Friedman first
40 above mentioned S. 03 deg. 10' 08" W. 102.00 feet to the point of begin-
41 ning.

42 Excepting and reserving all that portion of the above parcel lying
43 easterly of a line described as follows:

44 All that tract or parcel of land, situated in the City of Schenectady
45 and County of Schenectady and State of New York, on the Northerly side
46 of Union Street bounded and described as follows:

47 Beginning at a point in the northerly line of Union Street, said point
48 being in the division line between lands now or formerly of Electric
49 Brew Pubs, Inc. (1506 of Deeds at page 763) on the West and lands now or
50 formerly of Margaret Wexler and Donna Lee Wexler Pavlovic, as trustees
51 under Will of Ruth F. Wexler (Street number 241 Union Street) on the
52 East; thence North 03 deg. 04' 10" East, along the building known as
53 Street No. 241 Union Street, a distance of 30.50 feet to a point; thence
54 North 88 deg. 45' 45" West, along said building and building eve, a
55 distance of 5.62 feet to a point; thence North 03 deg. 03' 30" East,
56 along said building eve of Street No. 241 Union Street, a distance of

1 32.74 feet; thence South 88 deg. 45' 45" East, along said building eve,
2 a distance of 1.2 feet to an intersection of building corner of Street
3 No. 241 Union Street and a brick wall; thence north 03 deg. 37' 30"
4 East, along said brick wall, a distance of 14.47 feet to a point in the
5 corner of the brick wall, thence South 86 deg. 46' 45" East along said
6 brick wall a distance of 4.42 feet to the intersection of brick wall
7 with the boundary line between the Electric Brew Pubs, Inc. (aforesaid)
8 on the West and lands of Margaret Wexler and Donna Lee Wexler Pavlovic,
9 (aforesaid) on the East; thence North 03 deg 10' 08" East a distance of
10 0.62 feet to the Northeast corner of lands belonging to Margaret Wexler
11 and Donna Lee Wexler Pavlovic.

12 Also all that tract or parcel of land commonly known as the Union
13 Street School, located on the Northeasterly corner of Union and North
14 College Streets in the First Ward of the City and County of Schenectady
15 and State of New York, more particularly bounded and described as
16 follows: Beginning at a point in the Northerly street line of Union
17 Street where it is intersected by the Easterly street line of North
18 College Street, and runs thence Northerly along the Easterly street line
19 of North College Street, one hundred seven and five-tenths (107.5) feet
20 to a point, thence easterly at an angle of ninety (90) degrees, one
21 hundred ninety-one and seventy-five hundredths (191.75) feet to a point
22 in the Northwesterly street line of Erie Boulevard thence southwesterly
23 along the Northwesterly street line of Erie Boulevard, one hundred twen-
24 ty-three and eight-tenths (123.8) feet to its intersection with the
25 Northerly street line of Union Street; thence Westerly along the North-
26 erly street line of Union Street, one hundred twenty-four and fifty-five
27 hundredths (124.55) feet to the point or place of beginning.

28 The above described parcel of property includes the Blue Line parcel
29 of land, which is a portion of the abandoned Erie Canal Lands, located
30 in the First Ward of the City of Schenectady, New York, and which Blue
31 Line parcel lies between the Northwesterly line of Erie Boulevard as set
32 forth in the above described premises and the Northeasterly lot line of
33 the old Union Street School as it runs parallel with the Northwesterly
34 line of Erie Boulevard as aforesaid.

35 The two above parcels are together more particularly described as
36 follows: All that parcel of land in the City of Schenectady beginning at
37 a point in the northerly margin of Union Street and the northwesterly
38 margin of Erie Boulevard and runs thence along Union Street N. 86 deg.
39 42' 20" W. 124.55 feet to the easterly margin of North College Street;
40 thence along North College Street N. 05 deg 04' 40" E. 107.50 feet to
41 the southeasterly corner of lands now or formerly of McCarthy (Deed Book
42 1129 at page 279); thence along McCarthy, Cottage Alley and lands now or
43 formerly of McGregor (Deed Book 912 at page 624) S. 84 deg. 55' 20" E.
44 191.75 feet to the northwesterly margin of Erie Boulevard; thence along
45 Erie Boulevard S. 38 deg. 03' 53" W. 123.54 feet to the point of begin-
46 ning; [or]

47 (viii) any such premises or businesses located on that tract or parcel
48 of land situate in the Town of Hopewell, Ontario County, State of New
49 York, bounded and described as follows: Commencing at a 5/8" rebar found
50 on the division line between lands now or formerly of Ontario County -
51 Finger Lakes Community College (Liber 698 of Deeds, Page 466) on the
52 north and lands now or formerly of James W. Baird (Liber 768 of Deeds,
53 Page 1109) on the south; thence, North 43°-33'-40" West, on said divi-
54 sion line, a distance of 77.32 feet to the Point of Beginning. Thence,
55 North 43°-33'-40" West, continuing on said division line and through
56 said lands of Ontario County, a distance of 520.45 feet to a point on

1 the southeasterly edge of an existing concrete pad; thence, South
2 74°-19'-53" West, along said edge of concrete and the projection there-
3 of, a distance of 198.78 feet to a point on the easterly edge of pave-
4 ment of an existing campus drive; thence, the following two (2) courses
5 and distances along said edge of pavement: Northeasterly on a curve to
6 the left having a radius of 2221.65 feet, a chord bearing of North
7 30°-16'-39" East, a chord distance of 280.79, a central angle of
8 07°-14'-47", a length of 280.98 feet to a point of reverse curvature;
9 thence, Northeasterly on a curve to the right having a radius of 843.42
10 feet, a chord bearing of North 45°-25'-09" East, a chord distance of
11 534.08, a central angle of 36°-55'-01", a length of 543.43 feet to a
12 point; thence, South 30°-04'-59" East, a distance of 18.28 feet to the
13 corner of the property acquired by Ontario County (Liber 766 of Deeds,
14 Page 1112), as shown on a map recorded in the Ontario County Clerk's
15 Office as Map No. 6313; thence, the following four (4) courses and
16 distances along said property line: South 30°-04'-59" East, a distance
17 of 177.17 feet to a point; thence, South 02°-20'-33" East, a distance of
18 147.53 feet to a point; thence, South 41°-31'-35" East, a distance of
19 200.93 feet to a point; thence, South 23°-48'-53" West, along said prop-
20 erty line, and the projection thereof, through the first said lands of
21 Ontario County - Finger Lakes Community College (Liber 698 of Deeds,
22 Page 466), a distance of 517.96 feet to Point of Beginning. Said parcel
23 containing 7.834 acres, more or less, as shown on a map entitled
24 "Proposed Lease Area - Friends of the Finger Lakes Performing Arts
25 Center, Hopewell, NY", prepared by Bergmann Associates, drawing LM-01,
26 dated June 10, 2005, last revised August 17, 2005. The related PAC Prop-
27 erties are shown on the Map denominated "FLCC Campus Property, FLPAC
28 Ground Lease, Parking, Vehicular & Pedestrian Access", recorded in the
29 Ontario County Clerk's Office on December 10, 2009 in Book 1237 of Deeds
30 at page 9 and are comprised of the areas separately labeled as Parking
31 Lot 'A', Parking Lot 'G', the Ticket Booth area, the Sidewalks, and the
32 Entry Roads; OR

33 (IX) ANY SUCH PREMISES OR BUSINESS CONSTITUTING A RETAIL BAKERY AND
34 RESTAURANT AS DEFINED IN THIS CHAPTER CONTAINED WHOLLY WITHIN THE BOUND-
35 ARIES OF THE COUNTY OF NEW YORK, BEGINNING AT THE CORNER FORMED BY THE
36 INTERSECTION OF THE WESTERLY SIDE OF 3RD AVENUE AND THE NORTHERLY SIDE
37 OF EAST 74TH STREET; RUNNING THENCE NORTHERLY ALONG THE WESTERLY SIDE OF
38 3RD AVENUE, 76 FEET 8 INCHES; THENCE WESTERLY PARALLEL WITH EAST 74TH
39 STREET, 100 FEET; THENCE SOUTHERLY PARALLEL WITH 3RD AVENUE, 76 FEET 8
40 INCHES TO THE NORTHERLY SIDE OF EAST 74TH STREET; AND THENCE EASTERLY
41 ALONG THE NORTHERLY SIDE OF EAST 74TH STREET, 100 FEET TO THE CORNER
42 FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF EAST 74TH STREET AND
43 THE WESTERLY SIDE OF 3RD AVENUE, TO THE POINT OR PLACE OF BEGINNING.

44 AND, BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF 40TH STREET,
45 DISTANT 147 FEET 6 INCHES WESTERLY FROM THE CORNER FORMED BY THE INTER-
46 SECTION OF THE WESTERLY SIDE OF 5TH AVENUE WITH THE SOUTHERLY SIDE OF
47 40TH STREET; AND, RUNNING THENCE SOUTHERLY AND PARALLEL TO 5TH AVENUE
48 AND PART OF THE DISTANCE THROUGH A PARTY WALL, 98 FEET 9 INCHES; THENCE
49 WESTERLY PARALLEL WITH 40TH STREET, 62 FEET 6 INCHES; THENCE NORTHERLY
50 AGAIN PARALLEL WITH 5TH AVENUE AND PART OF THE DISTANCE THROUGH ANOTHER
51 PARTY WALL 98 FEET 9 INCHES TO THE SOUTHERLY SIDE OF 40TH STREET; THENCE
52 EASTERLY ALONG THE SOUTHERLY SIDE OF 40TH STREET 62 FEET 6 INCHES TO THE
53 POINT OR PLACE OF BEGINNING.

54 AND BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHER-
55 LY SIDE OF 21ST STREET WITH THE EASTERLY SIDE OF 5TH AVENUE; RUNNING
56 THENCE NORTHERLY ALONG THE EASTERLY SIDE OF 5TH AVENUE, 62 FEET 3 1/2

1 INCHES; THENCE EASTERLY ALONG A LINE WHICH FORMS AN ANGLE ON ITS EASTER-
2 LY SIDE WITH THE SAID EASTERLY SIDE OF 5TH AVENUE OF 88 DEGREES, 30
3 MINUTES, 81 FEET 1/2 INCH; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN
4 ANGLE 90 DEGREES, 5 MINUTES AND 30 SECONDS ON ITS WESTERLY SIDE WITH THE
5 LAST MENTIONED COURSE 15 FEET 2 INCHES TO THE SOUTHERLY FACE OF THE
6 SOUTHERLY WALL OF THE ONE STORY BRICK BUILDING ON THE PREMISES ADJOURN-
7 ING THE PREMISES HEREBY DESCRIBED ON THE NORTH; THENCE EASTERLY ALONG
8 THE SOUTHERLY FACE OF THE SOUTHERLY WALL OF SAID BUILDING, 10 FEET 1/2
9 INCHES TO THE END THEREOF; THENCE NORTHERLY ALONG THE EASTERLY FACE OF
10 SAID WALL, 1/2 INCH TO THE CENTER LINE OF A PARTY WALL STANDING PARTLY
11 ON THE PREMISES HEREBY DESCRIBED AND PARTLY ON THE PREMISES ADJOURNING
12 ON THE NORTH; THENCE EASTERLY THROUGH THE CENTER OF SAID PARTY WALL, 23
13 FEET 5 1/2 INCHES TO AN ANGLE IN SAID WALL; THENCE NORTHEASTERLY STILL
14 ALONG THE CENTER OF SAID PARTY WALL, 24 FEET 1/2 OF AN INCH TO ANOTHER
15 ANGLE IN SAID WALL; THENCE NORTHEASTERLY STILL ALONG SAID CENTER LINE OF
16 SAID PARTY WALL, 33 FEET 11 7/8 INCHES TO THE WESTERLY SIDE OF BROADWAY;
17 THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF BROADWAY, 65 FEET 4 INCHES
18 TO THE CORNER FORMED BY THE INTERSECTION OF SAID WESTERLY SIDE OF BROAD-
19 WAY WITH THE NORTHERLY SIDE OF 21ST STREET; AND THENCE WESTERLY ALONG
20 THE SOUTHERLY SIDE OF 21ST STREET, 195 FEET TO THE POINT OR PLACE OF
21 BEGINNING.

22 AND, BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF CENTRAL PARK SOUTH,
23 FORMERLY KNOWN AS 59TH STREET, IN THE SAID BOROUGH AND CITY, DISTANT 450
24 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY
25 SIDE OF SEVENTH AVENUE WITH THE SAID SOUTHERLY SIDE OF CENTRAL PARK
26 SOUTH; RUNNING THENCE SOUTHERLY, PARALLEL WITH SEVENTH AVENUE 200 FEET
27 10 INCHES TO THE NORTHERLY SIDE OF WEST 58TH STREET; THENCE WESTERLY
28 ALONG THE NORTHERLY SIDE OF WEST 58TH STREET, 145 FEET TO THE EASTERLY
29 SIDE OF BROADWAY; THENCE NORTHWESTERLY ALONG THE EASTERLY SIDE OF BROAD-
30 WAY 165 FEET 9 1/2 INCHES TO ITS INTERSECTION WITH THE EASTERLY SIDE OF
31 GRAND OR COLUMBUS CIRCLE; THENCE NORTHERLY ALONG THE EASTERLY SIDE OF
32 GRAND OR COLUMBUS CIRCLE, 50 FEET 3 INCHES TO THE SOUTHERLY SIDE OF
33 CENTRAL PARK SOUTH; THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF CENTRAL
34 PARK SOUTH, 189 FEET 10 1/2 INCHES TO THE POINT OR PLACE OF BEGINNING.

35 The provisions of this paragraph shall not apply to any premises
36 licensed under section sixty-four of this chapter in which a manufactur-
37 er or wholesaler holds a direct or indirect interest, provided that: (I)
38 said premises consist of an interactive entertainment facility which
39 predominantly offers interactive computer and video entertainment
40 attractions, and other games and also offers themed merchandise and food
41 and beverages, (II) the sale of alcoholic beverages within the premises
42 shall be restricted to an area consisting of not more than twenty-five
43 percent of the total interior floor area of the premises, (III) the
44 retail licenses shall derive not less than sixty-five percent of the
45 total revenue generated by the facility from interactive video enter-
46 tainment activities and other games, including related attractions and
47 sales of merchandise other than food and alcoholic beverages, (IV) the
48 interested manufacturer or wholesaler, or its parent company, shall be
49 listed on a national securities exchange and its direct or indirect
50 equity interest in the retail licensee shall not exceed twenty-five
51 percent, (V) no more than fifteen percent of said licensee's purchases
52 of alcoholic beverages for sale in the premises shall be products
53 produced or distributed by the manufacturer or wholesaler, (VI) neither
54 the name of the manufacturer or wholesaler nor the name of any brand of
55 alcoholic beverage produced or distributed by said manufacturer or
56 wholesaler shall be part of the name of the premises, (VII) the name of

1 the manufacturer or wholesaler or the name of products sold or distrib-
2 uted by such manufacturer or wholesaler shall not be identified on
3 signage affixed to either the interior or the exterior of the premises
4 in any fashion, (VIII) promotions involving alcoholic beverages produced
5 or distributed by the manufacturer or wholesaler are not held in such
6 premises and further, retail and consumer advertising specialties bear-
7 ing the name of the manufacturer or wholesaler or the name of alcoholic
8 beverages produced or distributed by the manufacturer or wholesaler are
9 not utilized in any fashion, given away or sold in said premises, and
10 (IX) except to the extent provided in this paragraph, the licensing of
11 each premises covered by this exception is subject to all provisions of
12 section sixty-four of this chapter, including but not limited to liquor
13 authority approval of the specific location thereof. The provisions of
14 this paragraph shall not prohibit (1) a manufacturer or wholesaler, if
15 an individual, or a partner, of a partnership, or, if a corporation, an
16 officer or director thereof, from being an officer or director of a duly
17 licensed charitable organization which is the holder of a license for
18 on-premises consumption under this chapter, nor (2) a manufacturer from
19 acquiring any such premises if the liquor authority first consents ther-
20 eto after determining, upon such proofs as it shall deem sufficient,
21 that such premises is contiguous to the licensed premises of such
22 manufacturer, and is reasonably necessary for the expansion of the
23 facilities of such manufacturer. After any such acquisition, it shall be
24 illegal for a manufacturer acquiring any such premises to sell or deliv-
25 er alcoholic beverages manufactured by him to any licensee occupying
26 such premises.

27 S 2. This act shall take effect immediately.