

STATE OF NEW YORK

8643--A

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. THIELE -- read once and referred to the Committee on Economic Development -- reported and referred to the Committee on Ways and Means -- 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 licensing restrictions for manufacturers and wholesalers of alcoholic beverages on licensees who sell at retail for on-premises consumption; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (xiii) of paragraph (a) of subdivision 1 of
2 section 101 of the alcoholic beverage control law, as added by chapter
3 429 of the laws of 2019, is amended and a new subparagraph (xiv) is
4 added to read as follows:

5 (xiii) ALSO ALL THOSE TRACT OR PARCEL OF LAND, situate, lying and
6 being in the Village of South Glens Falls, County of Saratoga and State
7 of New York, being more particularly bounded and described as follows:

8 BEGINNING at a point at the southwest corner of the herein described
9 parcel. Also being the southeast corner of Lands of Village of South
10 Glens Falls (L. 1448 P. 709) and being on the north boundary of West
11 Marion Street, thence from said point of beginning: n 21-21'-57" E
12 150.72 feet along lands of the Village of South Glens Falls to a point
13 on the south boundary of South Glens Falls, thence S 67-34'-02" E 189.04
14 feet along lands of Village of South Glens Falls and Mounir Rahal to a
15 point at the southeast corner of Rahal and on the west boundary of U.S.
16 Rte. 9, thence S 21-16'-27" W 150.81 feet along Rte. 9 to a point at the
17 intersection of the west boundary of Rte. 9 and the north boundary of
18 West Marion Street, thence North 67-32'-32" West 189.29 feet along West
19 Marion Street to the point and place of beginning. Said parcel contain-
20 ing 0.507 plus or minus acres[-]; or

21 (xiv) ALL that certain plot, piece or parcel of land, situate, lying
22 and being a part of a condominium in the Town of East Hampton, County of
23 Suffolk and State of New York, known and designated as Unit No. 109,

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

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1 together with a 6.167% undivided interest in the common elements of the
2 condominium hereinafter described as the same is defined in the Declara-
3 tion of Condominium herein after referred to.

4 THE Condominium Unit (hereinafter referred to as the Unit) known as a
5 Unit, said unit being designated in the Town of East Hampton, on "Map of
6 East Hampton Office Park Condominium" filed 2/6/91 as map No. 237, and
7 described as Unit No 109 in a certain Declaration dated 1/22/91, made by
8 Pantigo Office Associates, Inc. Pursuant to Article 9-B of the Real
9 Property Law of the State of New York, establishing a plan for Condomin-
10 ium ownership of the Building and Land upon which the building is situ-
11 ate, described below, which Declaration was recorded in the Suffolk
12 County Clerk's Office on 2/6/91 in Liber 11215 cp 01, as may be amended.

13 Provided, however, that with respect to such retail licensee's inter-
14 est in a business engaged in the manufacture or sale at wholesale of
15 alcoholic beverages described in subdivision one-a of this section: (i)
16 such interest shall have been acquired prior to the effective date of
17 the chapter of the laws of two thousand twenty-two which added this
18 subparagraph; (ii) such retail licensee may not purchase alcoholic
19 beverages directly from any such manufacturer or wholesaler; and (iii)
20 no more than fifteen percent of the annual dollar value of alcoholic
21 beverages purchased by such retail licensee for sale on the premises may
22 be produced by any such manufacturer. Notwithstanding section one
23 hundred seven-a of this article, the retail licensee and brand owner
24 located at the premises described in subparagraph (xviii) of paragraph
25 (a) of subdivision thirteen of section one hundred six of this article
26 may designate the importer licensee located at the premises described in
27 this subparagraph as owner of such brands for purposes of brand label
28 registration and price scheduling under this chapter.

29 § 2. Subparagraph (xvii) of paragraph (a) of subdivision 13 of section
30 106 of the alcoholic beverage control law, as added by chapter 299 of
31 the laws of 2021, is amended and a new subparagraph (xviii) is added to
32 read as follows:

33 (xvii) Parcel A

34 All that certain plot, piece or parcel of land, situate, lying and
35 being in the borough of Manhattan, city, county and state of New York,
36 bounded and described as follows:

37 Beginning at a point formed by the intersection of the northerly side
38 of Wall Street and the easterly side of Pearl Street; running thence
39 northerly along the easterly side of Pearl Street, 76 feet 1 inch;
40 thence easterly on a line forming an angle on its northerly side with
41 the easterly side of Pearl Street of 85° 33' 30", a distance of 43 feet
42 1 inch; thence southerly on a line which forms an angle on its westerly
43 side with said last mentioned course of 90° 22', a distance of 1 foot;
44 thence easterly on a line which forms an angle on its southerly side
45 with said last mentioned course of 89° 24', a distance of 18 feet 3
46 inches, more or less, to a point where it is intersected by a line drawn
47 along the westerly side of the one-story brick extension at the rear of
48 the premises No. 122 Water Street; thence southerly on a line which on
49 its westerly side forms an angle of 86° 43' with the preceding course
50 and along said one-story brick extension, 17 feet 3 inches to the corner
51 of said one-story brick building; thence easterly on a line which on its
52 northerly side forms an angle of 91° 40' with the preceding course, 6
53 feet 8 1/2 inches to premises now known as No. 120 Water Street; thence
54 southerly along a line which on its westerly side forms an angle of 91°
55 40' with the preceding course, 10 feet 9 inches to the premises now or
56 late of Tontine Company; thence westerly along said premises on a line

1 which on its northerly side forms an angle of 88° 20' with the preceding
2 course, 20 feet; thence southerly and still along land now or late of
3 Tontine Company on a line which on its easterly side forms an angle of
4 89° 09' with the preceding course, 53 feet 5 inches to the northerly
5 side of Wall Street; and thence westerly along the northerly side of
6 Wall Street on a line which on its northerly side forms an angle of 88°
7 08' with the preceding course, 48 feet 11 1/2 inches to the easterly
8 side of Pearl Street at the point or place of beginning.

9 Parcel B:

10 All that certain plot, piece or parcel of land, situate, lying and
11 being in the borough of Manhattan, city, county and state of New York,
12 bounded and described as follows:

13 Beginning at the corner formed by the intersection of the northerly
14 side of Wall Street with the westerly side of Water Street; running
15 thence northerly, along the westerly side of Water Street, about fifty
16 feet nine inches to the premises Number One Hundred and Twenty Water
17 Street; thence westerly, along the southerly side of premises Number One
18 Hundred and Twenty Water Street, about eighty feet seven inches to the
19 easterly side of premises Number Eighty-Two Wall Street, thence norther-
20 ly, along the easterly side of premises Number Eighty-Two Wall Street,
21 to a point where it is intersected by a line drawn along the northerly
22 face of the northerly wall of the four-story and basement brick building
23 formerly erected thereon; thence westerly, along the northerly side of
24 said northerly wall, about twenty feet to the westerly side of said
25 premises Number Eighty-Two Wall Street; thence southerly, along the
26 westerly side of said premises Number Eighty-Two Wall Street, about
27 fifty-three feet six inches to the northerly side of Wall Street; and
28 thence easterly along the northerly side of Wall Street, to the point or
29 place of beginning.

30 Provided, however, that with respect to such retail licensee's inter-
31 est in a business engaged in the manufacture or sale at wholesale of
32 alcoholic beverages described in subdivision one-a of section one
33 hundred one of this article: (i) such interest must have been acquired
34 prior to the effective date of ~~[the]~~ chapter two hundred ninety-nine of
35 the laws of two thousand twenty-one ~~[which added this subparagraph]~~;
36 (ii) such retail licensee may not purchase alcoholic beverages directly
37 from any such manufacturer or wholesaler; and (iii) no more than fifteen
38 percent of the annual dollar value of alcoholic beverages purchased by
39 such retail licensee for sale on the premises may be produced by any
40 such manufacturer~~[-]; or~~

41 (xviii) ALL that certain plot, piece or parcel of land, with the
42 buildings and improvements thereon erected, situate, lying and being in
43 the Town of East Hampton, County of Suffolk and State of New York,
44 bounded and described as follows:

45 Beginning at a point on the northwesterly side of Main Street (Montauk
46 Highway - NYS Rte. 27) distant 541 feet more or less northeasterly, as
47 measured along the same, from the corner formed by the intersection of
48 the northeasterly side of Windmill Lane with the northwesterly side of
49 Main Street, said point being also at the division line between the
50 easterly side of land now or formerly of Stanley Flower, Jr. and the
51 westerly side of the hereafter described parcel; Running thence along
52 said division line and along the easterly side of land now or formerly
53 of Peter Bistran, North 21 degrees 34 minutes 40 seconds West 380 feet;
54 Thence still along land now or formerly of Peter Bistran, North 64
55 degrees 52 minutes 20 seconds East, 74 feet; Thence along land now or
56 formerly of Peter Bistran, Cullum and EJS Realty Corp. South 21 degrees

1 34 minutes 40 seconds East 380 feet to the northwesterly side of Main
2 Street; and Thence along the northwesterly side of Main Street, South 64
3 degrees 52 minutes 20 seconds West 74 feet to the point or place of
4 beginning. Being the same premises conveyed by Nicholas Catalano by deed
5 dated May 5, 1977 and recorded in the Suffolk County Clerk's Office on
6 May 16, 1977, in Liber 8235, cp 582. Being the same premises conveyed in
7 part to W. John Cox by deed dated May 23, 1985 and recorded in the
8 Suffolk County Clerk's Office on May 30, 1985, in Liber 9799, cp 453.
9 Provided, however, notwithstanding section one hundred seven-a of this
10 article, the retail licensee and brand owner located at the premises
11 described in this subparagraph may designate the importer licensee
12 located at the premises described in subparagraph (xiv) of paragraph (a)
13 of subdivision one of section one hundred one of this article as owner
14 of such brands for purposes of brand label registration and price sched-
15 uling as required under this chapter.

16 § 3. This act shall take effect immediately; provided, however, that
17 upon the sale or transfer of the parcels detailed in subparagraph
18 (xviii) of paragraph (a) of subdivision 13 of section 106 of the alco-
19 holic beverage control law, such subparagraph shall expire and be deemed
20 repealed unless the licensee immediately obtains a leasehold upon such
21 sale or transfer of such parcel as part of the sale or transfer. If the
22 licensee obtains such a leasehold, the subparagraph pertaining to such
23 parcel shall expire and be deemed repealed upon the end or termination
24 of such lease. The state liquor authority shall notify the legislative
25 bill drafting commission upon notification by the licensee of the sale,
26 transfer or termination of the leasehold, or non-renewal of the lease-
27 hold of the parcel detailed in subparagraph (xviii) of paragraph (a) of
28 subdivision 13 of section 106 of the alcoholic beverage control law in
29 order that the commission may maintain an accurate and timely effective
30 data base of the official text of the laws of the state of New York in
31 furtherance of effectuating the provisions of section 44 of the legisla-
32 tive law and section 70-b of the public officers law.