

STATE OF NEW YORK

7649

2023-2024 Regular Sessions

IN ASSEMBLY

May 26, 2023

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Economic Development

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 and for on-premises consumption

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

Section 1. Subparagraph (xiv) of paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law, as separately amended by chapters 328 and 348 of the laws of 2022, and as renumbered by chapter 304 of the laws of 2022, is amended and three new subparagraphs (xvii), (xviii) and (xix) are added to read as follows:

(xiv) ~~[ALSO ALL THOSE TRACT OR PARCEL OF LAND, situate, lying and being in the Village of South Glens Falls, County of Saratoga and State of New York, being more particularly bounded and described as follows: BEGINNING at a point at the southwest corner of the herein described parcel. Also being the southeast corner of Lands of Village of South Glens Falls (L. 1448 P. 709) and being on the north boundary of West Marion Street, thence from said point of beginning: n 21-21'-57" E 150.72 feet along lands of the Village of South Glens Falls to a point on the south boundary of South Glens Falls, thence S 67-34' 02" E 189.04 feet along lands of Village of South Glens Falls and Mounir Rahal to a point at the southeast corner of Rahal and on the west boundary of U.S. Rte. 9, thence S 21-16'-27" W 150.81 feet along Rte. 9 to a point at the intersection of the west boundary of Rte. 9 and the north boundary of West Marion Street, thence North 67-32' 32" West 189.29 feet along West Marion Street to the point and place of beginning. Said parcel containing 0.507 plus or minus acres; or]~~ All that certain parcel of land, being situate in the Village of South Glens Falls, County of Saratoga and State of New York, and being more particularly described as follows:

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

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BEGINNING at a point at intersection of the westerly bounds of U.S. Route 9, Saratoga Avenue, with the northerly bounds of West Marion Avenue, thence from said point of beginning, North 67° 32' 32" West along the said northerly bounds of West Marion Avenue, 189.29 feet to a point in the easterly bounds of lands now or formerly of the Village of South Glens Falls, per Book 1448 of Deeds at Page 709; thence North 21° 21' 57" East, along the said easterly bounds of the Village of South Glens Falls, 150.72 feet, to a point in the southerly bounds of other lands now or formerly of the Village of South Glens Falls, per Book 938 of Deeds at page 1024; thence South 67° 34' 05" East along the said southerly bounds of the Village of South Glens Falls, and the southerly bounds of land now or formerly of Mounir Rahal per Book 1226 of Deeds at page 590, 189.05 feet to a point in the first mentioned westerly bounds of U.S. Route 9, Saratoga Avenue; thence South 21° 16' 27" West, along the said westerly bounds of U.S. Route 9, 150.81 feet to the point of beginning. Containing 0.655 acres of land, more or less.

(xvii) ALL THOSE CERTAIN PIECES, PARCEL OR LOTS OF LAND, situate lying and being in the Village of South Glens Falls, County of Saratoga and State of New York, described as follows:

PARCEL NO. 1

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of South Glens Falls; County of Saratoga and State of New York; and bounded and described as follows:

COMMENCING at a point marked by an iron pipe driven in the ground for a corner in the Southerly side of a new Street as laid out (which new Street is be called Marion Avenue or Marion Avenue West) which said point is 103 feet Westerly from the Westerly curb line of Saratoga Avenue; which point on said curb line is 371 feet Southerly of the Southeasterly corner of the Rice Cemetery measuring along Saratoga Avenue; running thence Southerly parallel with the Westerly line of Saratoga Avenue 100 feet to an iron pipe driven in the ground for a corner; running thence Westerly parallel with the Southerly line of said new Street 100 feet to an iron pipe driven in the ground for a corner; running thence Northerly parallel with the Westerly line of Saratoga Avenue 100 feet to the Southerly line of said new Street to an iron pipe driven in the ground for a corner; running thence Easterly along the Southerly line of said new Street 100 feet to the place of beginning.

PARCEL NO. 2

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of South Glens Falls, County of Saratoga and State of New York, and bounded and described as follows:

COMMENCING at a point in the Southerly line of a proposed Street extending from Saratoga Avenue Westerly and to be called Marion Avenue Extension West, which said point is Two Hundred and Three (203) feet Westerly of the West curb line Saratoga Avenue and is marked by an iron pipe driven in the ground; thence Southerly parallel with the Westerly line of Saratoga Avenue One Hundred (100) feet to an iron pipe driven in the ground; thence Westerly parallel with the Southerly line of Marion Avenue Extension West Forty-six (46) feet to an iron pipe driven in the ground for a corner; thence Northerly and parallel with the Westerly line of Saratoga Avenue One Hundred (100) feet to the Southerly side of Marion Avenue Extension West and to an iron pipe driven in the ground for a corner; thence Easterly along the Southerly line of Marion Avenue Extension West Forty-six (46) feet to the place of beginning.

PARCEL NO. 3

1 ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of South
2 Glens Falls, County of Saratoga and State of New York, briefly described
3 as follows:

4 COMMENCING at a point in the Westerly curb line of Saratoga Avenue at
5 the intersection of said Saratoga Avenue and a proposed Street to be
6 called Marion Avenue Extension West, which said point of beginning is
7 marked by an iron pipe driven in the ground for a corner; running thence
8 Westerly along the Southerly line of said Marion Avenue Extension West
9 about One Hundred and Three (103) feet to lands of one Lillian H. Went-
10 worth and to an iron pipe driven in the ground for a corner; thence
11 Southerly along said Lillian H. Wentworth's land One Hundred (100) feet
12 to the Westerly curb line of Saratoga Avenue to an iron pipe driven in
13 the ground for a corner; thence Northerly along said curb line One
14 Hundred (100) feet to the place of beginning.

15 PARCEL NO. 4

16 ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of South
17 Glens Falls, County of Saratoga and State of New York and bounded and
18 described as follows:

19 COMMENCING at a point in the Westerly curb line of Saratoga Avenue One
20 Hundred (100) feet Southerly of the intersection of Saratoga Avenue and
21 a Street now or to be called Marion Avenue Extension West, which said
22 point of beginning is marked by an iron pipe driven into the ground;
23 thence Westerly and parallel with the Southerly line of said Marion
24 Avenue Extension West about Two Hundred Forty-nine (249) feet to an iron
25 pipe driven in the ground, which said course is also parallel with the
26 Northerly line of the old Catholic Cemetery; thence Southerly Fifty (50)
27 feet to an iron pipe driven in the ground for a corner; thence Westerly
28 and parallel with said first mentioned line about Two Hundred Forty-nine
29 (249) feet to the Westerly curb line of Saratoga Avenue to an iron pipe
30 driven in the ground; thence Northerly along said curb line Fifty (50)
31 feet to the point and place of beginning.

32 (xviii) All that certain piece or parcel of land situate, lying and
33 being in the City of Albany, County of Albany, State of New York, being
34 bounded and described as follows:

35 Beginning at a point in the northwesterly line of Montgomery Street at
36 a point N 47°- 34'- 39" E, 149.13 feet measured along the northwesterly
37 line of Montgomery Street from its intersection with the northeasterly
38 line of Quackenbush Street, said point being on the southeasterly
39 prolongation of the southwesterly face of the common building wall
40 located on the herein described premises, with the premises known as St.
41 No. 76 Montgomery Street to the southwest; thence, through lands now of
42 formerly of the City of Albany N 45°-23'- 47" W along said prolongation
43 and building face 67.33 feet to a point in the center of the common wall
44 between the herein described premises on the northwest and aforesaid
45 premises known as St. No. 76 Montgomery Street on the southeast;
46 thence, in a southwesterly direction continuing through the lands
47 now of formerly of the City of Albany through the center of said
48 common building wall the following three courses: 1. S 48°-08'- 42" W,
49 12.90 feet; 2. S 38°-06'- 41" E, 0.30 feet; and 3. S 47°-32'-37" W,
50 28.00 feet to a point in the center of the common building wall between
51 the premises described herein on the northeast and the premises known as
52 St. No. 21 Quackenbush Street on the southwest; thence, continuing
53 through the lands now of formerly of the City of Albany and through the
54 center of said common building wall N 43°-46'-23" W, 74.59 feet to
55 a point on the northwesterly face of aforesaid building located
56 on the herein described premises; thence, continuing through the

lands now of formerly of the City of Albany along said building face the following two courses: 1. N 44°-41'-14" E, 37.83 feet; and 2. N 46°-01'-45" W, 31.81 feet to a point; thence, continuing through the lands now of formerly of the City of Albany along the division lines between the herein described parcel on the northeast and the premises known as St. No. 21 Quackenbush Street and 23 Quackenbush Street on the southwest, the following three courses: 1. S 44°-15'-00"W, 3.65 feet; 2. N 45°-45'-00"W, 24.01 feet; and 3. N 44°-15'-00" E, 3.71 feet to a point in the division line between the herein described premises on the southeast and the lands conveyed to Michael Cioffi et al by deed dated April 1994 and recorded in the Albany County Clerk's Office on September 19, 1994 in Book 2518 of Deeds at Page 716 on the northwest; thence, along said division line, the following two (2) courses: 1. 1\1 44°- 15'-00"E, 23.53 feet; and 2. S 45°-45'-00"E, 15.00 feet; thence, continuing along aforesaid division line and in part along the northeasterly face of aforesaid building located on the herein described premises S 45°-57'-42" E, 108.54 feet to the south westerly corner of aforesaid lands of Cioffi; thence, through the lands now of formerly of the City of Albany and along the northeasterly face of aforesaid building wall and in part along its southeasterly prolongation, the following two courses: 1. S 45°-57'-42" E, 1.46 feet; and 2. S 45°-26'-38" E, 75.94 feet to a point in the northwesterly line of Montgomery Street; thence, S 47°-34'-39", W along the northwesterly line of Montgomery Street 23.42 feet to the point and place of beginning.

(xix) All that certain piece or parcel of land situate, lying and being in the City of Albany, County of Albany, State of New York, being bounded and described as follows:

PARCEL I

Beginning at a point in the northeasterly line of Quackenbush Street at its intersection with the northwesterly line of Montgomery Street; thence, N 42° - 12' - 10" W, along the northeasterly line of Quackenbush Street 66.45 feet to a point; thence northeasterly through the lands now or formerly of the City of Albany and through the center of the common building walls between the herein described premises on the southeast and the premises known as St. No. 21 Quackenbush Street, also known as the Henry Hudson Planetarium and Visitors Center, on the northwest, the following four courses:

1. N 47° - 57' - 30" E, 53.78 feet;
2. S 42° - 02' - 30" E, 0.37 feet;
3. N 48° - 12' - 03" E, 50.74 feet; and
4. N 43° - 46' - 23" W, 1.88 feet;

Thence, northeasterly continuing through the lands now or formerly of the City of Albany and through the center of the common building walls between the herein described parcel on the southeast and premises known as St. No. 78 Montgomery Street on the northwest, the following three (3) courses:

1. N 47° - 32' - 37" E, 28.00 feet;
2. N 38° - 06' - 41" W, 0.30 feet; and
3. N 48° - 08' - 42" E, 12.90 feet;

Thence, southeasterly continuing through lands now or formerly of the City of Albany, in part along the southwest face of the building wall of the premises known as St. No. 78 Montgomery Street and in part through the common building walls between the herein described premises on the southwest and 78 Montgomery Street on the northeast, S 45° - 23' - 47" E, 67.33 feet to a point in the northwesterly line of Montgomery Street;

1 thence, southwesterly along the northwesterly line of Montgomery Street
2 S 47° - 34' - 39" W, 149.13 feet to the point and place of beginning.

3 The above described Parcel I being more particularly shown on a map
4 entitled "MAP OF PROPOSED SUBDIVISION OF 'QUACKENBUSH SQUARE'", prepared
5 by Edward W. Boutelle and Son, a division of J. Kenneth Fraser and Asso-
6 ciates, PE, LS, LA, P.C. dated May 14, 1996 and last revised July 8,
7 1996. This parcel is also shown and designated as 72 Montgomery Street
8 on a City of Albany Subdivision Map #2095 filed in the City of Albany
9 Engineer's Office on October 30, 1996.

10 § 2. Paragraph (a) of subdivision 13 of section 106 of the alcoholic
11 beverage control law is amended by adding four new subparagraphs (xix),
12 (xx), (xxi) and (xxii) to read as follows:

13 (xix) All that certain parcel of land, being situate in the Village
14 of South Glens Falls, County of Saratoga and State of New York, and
15 being more particularly described as follows:

16 BEGINNING at a point at intersection of the westerly bounds of U.S.
17 Route 9, Saratoga Avenue, with the northerly bounds of West Marion
18 Avenue, thence from said point of beginning, North 67° 32' 32" West
19 along the said northerly bounds of West Marion Avenue, 189.29 feet to a
20 point in the easterly bounds of lands now or formerly of the Village of
21 South Glens Falls, per Book 1448 of Deeds at Page 709; thence North 21°
22 21' 57" East, along the said easterly bounds of the Village of South
23 Glens Falls, 150.72 feet, to a point in the southerly bounds of other
24 lands now or formerly of the Village of South Glens Falls, per Book 938
25 of Deeds at page 1024; thence South 67° 34' 05" East along the said
26 southerly bounds of the Village of South Glens Falls, and the southerly
27 bounds of land now or formerly of Mounir Rahal per Book 1226 of Deeds at
28 page 590, 189.05 feet to a point in the first mentioned westerly bounds
29 of U.S. Route 9, Saratoga Avenue; thence South 21° 16' 27" West, along
30 the said westerly bounds of U.S. Route 9, 150.81 feet to the point of
31 beginning. Containing 0.655 acres of land, more or less.

32 (xx) ALL THOSE CERTAIN PIECES, PARCEL OR LOTS OF LAND, situate lying
33 and being in the Village of South Glens Falls, County of Saratoga and
34 State of New York, described as follows:

35 PARCEL NO. 1

36 ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of South
37 Glens Falls; County of Saratoga and State of New York; and bounded and
38 described as follows:

39 COMMENCING at a point marked by an iron pipe driven in the ground for
40 a corner in the Southerly side of a new Street as laid out (which new
41 Street is be called Marion Avenue or Marion Avenue West) which said
42 point is 103 feet Westerly from the Westerly curb line of Saratoga
43 Avenue; which point on said curb line is 371 feet Southerly of the
44 Southeasterly corner of the Rice Cemetery measuring along Saratoga
45 Avenue; running thence Southerly parallel with the Westerly line of
46 Saratoga Avenue 100 feet to an iron pipe driven in the ground for a
47 corner; running thence Westerly parallel with the Southerly line of said
48 new Street 100 feet to an iron pipe driven in the ground for a corner;
49 running thence Northerly parallel with the Westerly line of Saratoga
50 Avenue 100 feet to the Southerly line of said new Street to an iron pipe
51 driven in the ground for a corner; running thence Easterly along the
52 Southerly line of said new Street 100 feet to the place of beginning.

53 PARCEL NO. 2

54 ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of South
55 Glens Falls, County of Saratoga and State of New York, and bounded and
56 described as follows:

1 COMMENCING at a point in the Southerly line of a proposed Street
2 extending from Saratoga Avenue Westerly and to be called Marion Avenue
3 Extension West, which said point is Two Hundred and Three (203) feet
4 Westerly of the West curb line Saratoga Avenue and is marked by an iron
5 pipe driven in the ground; thence Southerly parallel with the Westerly
6 line of Saratoga Avenue One Hundred (100) feet to an iron pipe driven in
7 the ground; thence Westerly parallel with the Southerly line of Marion
8 Avenue Extension West Forty-six (46) feet to an iron pipe driven in the
9 ground for a corner; thence Northerly and parallel with the Westerly
10 line of Saratoga Avenue One Hundred (100) feet to the Southerly side of
11 Marion Avenue Extension West and to an iron pipe driven in the ground
12 for a corner; thence Easterly along the Southerly line of Marion Avenue
13 Extension West Forty-six (46) feet to the place of beginning.

14 PARCEL NO. 3

15 ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of South
16 Glens Falls, County of Saratoga and State of New York, briefly described
17 as follows:

18 COMMENCING at a point in the Westerly curb line of Saratoga Avenue at
19 the intersection of said Saratoga Avenue and a proposed Street to be
20 called Marion Avenue Extension West, which said point of beginning is
21 marked by an iron pipe driven in the ground for a corner; running thence
22 Westerly along the Southerly line of said Marion Avenue Extension West
23 about One Hundred and Three (103) feet to lands of one Lillian H. Went-
24 worth and to an iron pipe driven in the ground for a corner; thence
25 Southerly along said Lillian H. Wentworth's land One Hundred (100) feet
26 to the Westerly curb line of Saratoga Avenue to an iron pipe driven in
27 the ground for a corner; thence Northerly along said curb line One
28 Hundred (100) feet to the place of beginning.

29 PARCEL NO. 4

30 ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of South
31 Glens Falls, County of Saratoga and State of New York and bounded and
32 described as follows:

33 COMMENCING at a point in the Westerly curb line of Saratoga Avenue One
34 Hundred (100) feet Southerly of the intersection of Saratoga Avenue and
35 a Street now or to be called Marion Avenue Extension West, which said
36 point of beginning is marked by an iron pipe driven into the ground;
37 thence Westerly and parallel with the Southerly line of said Marion
38 Avenue Extension West about Two Hundred Forty-nine (249) feet to an iron
39 pipe driven in the ground, which said course is also parallel with the
40 Northerly line of the old Catholic Cemetery; thence Southerly Fifty (50)
41 feet to an iron pipe driven in the ground for a corner; thence Westerly
42 and parallel with said first mentioned line about Two Hundred Forty-nine
43 (249) feet to the Westerly curb line of Saratoga Avenue to an iron pipe
44 driven in the ground; thence Northerly along said curb line Fifty (50)
45 feet to the point and place of beginning.

46 (xxi) All that certain piece or parcel of land situate, lying and
47 being in the City of Albany, County of Albany, State of New York, being
48 bounded and described as follows:

49 Beginning at a point in the northwesterly line of Montgomery Street at
50 a point N 47°- 34'- 39" E, 149.13 feet measured along the northwesterly
51 line of Montgomery Street from its intersection with the northeasterly
52 line of Quackenbush Street, said point being on the southeasterly
53 prolongation of the southwesterly face of the common building wall
54 located on the herein described premises, with the premises known as St.
55 No. 76 Montgomery Street to the southwest; thence, through lands now of
56 formerly of the City of Albany N 45°-23'- 47" W along said prolongation

1 and building face 67.33 feet to a point in the center of the common wall
2 between the herein described premises on the northwest and aforesaid
3 premises known as St. No. 76 Montgomery Street on the southeast;
4 thence, in a southwesterly direction continuing through the lands
5 now of formerly of the City of Albany through the center of said
6 common building wall the following three courses: 1. S 48°-08'- 42" W,
7 12.90 feet; 2. S 38°-06'- 41" E, 0.30 feet; and 3. S 47°-32'-37" W,
8 28.00 feet to a point in the center of the common building wall between
9 the premises described herein on the northeast and the premises known as
10 St. No. 21 Quackenbush Street on the southwest; thence, continuing
11 through the lands now of formerly of the City of Albany and through the
12 center of said common building wall N 43°-46'-23" W, 74.59 feet to
13 a point on the northwesterly face of aforesaid building located
14 on the herein described premises; thence, continuing through the
15 lands now of formerly of the City of Albany along said building face
16 the following two courses: 1. N 44°-41' -14" E, 37.83 feet; and 2. N
17 46°-01'-45" W, 31.81 feet to a point; thence, continuing through the
18 lands now of formerly of the City of Albany along the division lines
19 between the herein described parcel on the northeast and the premises
20 known as St. No. 21 Quackenbush Street and 23 Quackenbush Street on
21 the southwest, the following three courses: 1. S 44°-15'-00"W, 3.65
22 feet; 2. N 45°-45'-00"W, 24.01 feet; and 3. N 44°-15'-00" E, 3.71 feet
23 to a point in the division line between the herein described premises on
24 the southeast and the lands conveyed to Michael Cioffi et al by deed
25 dated April 1994 and recorded in the Albany County Clerk's Office on
26 September 19, 1994 in Book 2518 of Deeds at Page 716 on the northwest;
27 thence, along said division line, the following two (2) courses: 1. 1\1
28 44°- 15'-00"E, 23.53 feet; and 2. S 45°-45'-00"E, 15.00 feet;
29 thence, continuing along aforesaid division line and in part along the
30 northeasterly face of aforesaid building located on the herein described
31 premises S 45°-57'-42" E, 108.54 feet to the south westerly corner of
32 aforesaid lands of Cioffi; thence, through the lands now of formerly of
33 the City of Albany and along the northeasterly face of aforesaid build-
34 ing wall and in part along its southeasterly prolongation, the following
35 two courses: 1. S 45°-57'-42" E, 1.46 feet; and 2. S 45°-26'-38" E,
36 75.94 feet to a point in the northwesterly line of Montgomery Street;
37 thence, S 47°-34'-39", W along the northwesterly line of Montgomery
38 Street 23.42 feet to the point and place of beginning.

39 (xxii) All that certain piece or parcel of land situate, lying and
40 being in the City of Albany, County of Albany, State of New York, being
41 bounded and described as follows:

42 PARCEL I

43 Beginning at a point in the northeasterly line of Quackenbush Street
44 at its intersection with the northwesterly line of Montgomery Street;
45 thence, N 42° - 12' - 10" W, along the northeasterly line of Quackenbush
46 Street 66.45 feet to a point; thence northeasterly through the lands now
47 or formerly of the City of Albany and through the center of the common
48 building walls between the herein described premises on the southeast
49 and the premises known as St. No. 21 Quackenbush Street, also known as
50 the Henry Hudson Planetarium and Visitors Center, on the northwest, the
51 following four courses:

- 52 5. N 47° - 57' - 30" E, 53.78 feet;
53 6. S 42° - 02' - 30" E, 0.37 feet;
54 7. N 48° - 12' - 03" E, 50.74 feet; and
55 8. N 43° - 46' - 23" W, 1.88 feet;

1 Thence, northeasterly continuing through the lands now or formerly of
2 the City of Albany and through the center of the common building walls
3 between the herein described parcel on the southeast and premises known
4 as St. No. 78 Montgomery Street on the northwest, the following three
5 (3) courses:

6 4. N 47° - 32' - 37" E, 28.00 feet;

7 5. N 38° - 06' - 41" W, 0.30 feet; and

8 6. N 48° - 08' - 42" E, 12.90 feet;

9 Thence, southeasterly continuing through lands now or formerly of the
10 City of Albany, in part along the southwest face of the building wall of
11 the premises known as St. No. 78 Montgomery Street and in part through
12 the common building walls between the herein described premises on the
13 southwest and 78 Montgomery Street on the northeast, S 45° - 23' - 47"
14 E, 67.33 feet to a point in the northwesterly line of Montgomery Street;
15 thence, southwesterly along the northwesterly line of Montgomery Street
16 S 47° - 34' - 39" W, 149.13 feet to the point and place of beginning.

17 The above described Parcel I being more particularly shown on a map
18 entitled "MAP OF PROPOSED SUBDIVISION OF 'QUACKENBUSH SQUARE'", prepared
19 by Edward W. Boutelle and Son, a division of J. Kenneth Fraser and Asso-
20 ciates, PE, LS, LA, P.C. dated May 14, 1996 and last revised July 8,
21 1996. This parcel is also shown and designated as 72 Montgomery Street
22 on a City of Albany Subdivision Map #2095 filed in the City of Albany
23 Engineer's Office on October 30, 1996.

24 § 3. This act shall take effect immediately.