S T A T E O F N E W Y O R K

S. 6851 A. 9726

S E N A T E - A S S E M B L Y

March 29, 2012

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

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

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the granting of a retail license to sell liquor and/or wine for off-premises consumption to a certain premises, in the village of Lake Placid and county of Essex, that is located within 200 feet of a school or place of worship

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

1 Section 1. Subdivision 3 of section 105 of the alcoholic beverage
2 control law is amended by adding a new paragraph (d) to read as follows:
3 (D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
4 SION, THE AUTHORITY MAY ISSUE A RETAIL LICENSE TO SELL LIQUOR AND/OR
5 WINE FOR OFF-PREMISES CONSUMPTION, TO A PREMISES WHICH SHALL BE WITHIN
6 TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH,
7 SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES
8 A PREMISES FOR THE SALE OF LIQUOR AND/OR WINE FOR OFF-PREMISES CONSUMP-
9 TION LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE COUNTY OF ESSEX, BOUND-
10 ED AND DESCRIBED AS FOLLOWS:
11 ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH BUILDINGS AND
12 IMPROVEMENTS THEREON SITUATED IN THE VILLAGE OF LAKE PLACID, TOWN OF
13 NORTH ELBA, COUNTY OF ESSEX, STATE OF NEW YORK BEING PART OF LOT 258,
14 TOWNSHIP 11, OLD MILITARY TRACT, RICHARDS' SURVEY LYING EAST OF MAIN
15 STREET, ALSO CALLED NEW YORK STATE ROUTE 86, SAID PARCEL BEING MORE
16 PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
17 BEGINNING AT A POINT IN THE CENTER OF MAIN STREET AT THE NORTHWEST
18 CORNER OF THE PREMISES HEREIN DESCRIBED AND FORMERLY KNOWN AS THE SALI-
19 SIAN LOT THE R.C. PRIME BLOCK, THE BROWNELL-KAISER BUILDING OR 35-37
20 MAIN STREET;

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

LBD15169-01-2

THENCE SOUTH 74°15'06" EAST 149.50 TO A POINT ON THE WEST SHORE OF MIRROR LAKE, SAID COURSE PASSING 1.5 FEET OR 18 INCHES SOUTH FACE OF THE FORMER HURLEY BLOCK OR LEONARD BLOCK, SO-CALLED;

THENCE SOUTH 16°12'14" WEST 48.00 FEET ALONG THE SHORE OF MIRROR LAKE TO A POINT AT THE NORTHEAST CORNER OF PARCEL NOW OWNED BY THE VILLAGE OF LAKE PLACID AND KNOWN AS BANDSHELL PARK OR MID'S PARK;

THENCE NORTH 74°15'06" WEST 149.43 FEET ALONG THE SOUTH LINE OF THE SUBJECT PREMISES TO A POINT IN THE CENTER OF MAIN STREET;

THENCE NORTH 16°01'13" EAST 48.00 FEET ALONG THE CENTER OF MAIN STREET TO THE POINT-OF-BEGINNING, AS SURVEYED BY ROBERT M. MARVIN, JR. LAND SURVEYOR, ON FEBRUARY 14, 2008.

TOGETHER WITH ALL RIGHT, TITLE AND INTEREST IN AND TO THE LAND AND THE LAND UNDER THE WATER OF MIRROR LAKE AS THE NORTH AND SOUTH LINES ARE EXTENDED EASTERLY TO THE EAST LINE OF LOT 258, TOWNSHIP 11, OLD MILITARY TRACT, RICHARDS' SURVEY.

GRANTING AND RESERVING ALL STRUCTURES, WIRES, LINES AND EASEMENTS OF RECORD FOR PUBLIC UTILITIES PURPOSES AS THE SAME NOW EXIST UPON OR AFFECT THE PREMISES HEREINABOVE DESCRIBES, AND EXCEPTING THE LAND WITH IN MAIN STREET.

TOGETHER WITH AND SUBJECT TO A THREE FOOT (3') EASEMENT AND RIGHT-OF-WAY ALONG THE NORTHERLY SIDE OF THE STRUCTURE AND BEING EIGHTEEN INCHES (18") ON EACH SIDE OF THE PROPERTY LINE FOR PASSAGE, LIGHT AND AIR AS THE SAME HAS BEEN PROVIDED FOR BY AN AGREEMENT BETWEEN MATTHEW HURLEY AND MIHRAIN S. SALISAIN DATED THE 12TH DAY OF OCTOBER 1910 AND RECORDED IN THE ESSEX COUNTY CLERK'S OFFICE IN DEED BOOK 143 PAGE 260 TO WHICH REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR AND DETAILED DESCRIPTION OF THE RIGHTS AND INTERESTS.

TOGETHER WITH AND SUBJEC TO FIVE FOOT (5') EASEMENT AND WALKWAY AGREEMENT LYING TWO FEET (2') SOUTH AND THREE FEET (3') NORTH OF THE SOUTHERLY PROPERTY LINE OF SAID PREMISES ACCORDING TO AN AGREEMENT BETWEEN JEROME SPINNER AND WILLIAM HELMS AND THE VILLAGE OF LAKE PLACID DATED THE 3RD DAY OF JULY 1984 AND RECORDED THE 178TH DAY OF JANUARY 1985 IN THE ESSEX COUNTY CLERKS OFFICE IN DEED BOOK 826 AT PAGE 113 TO WHICH REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR AND DETAILED DESCRIPTION OF RIGHTS AND INTERESTS.

SUBJECT TO AND TOGETHER WITH ANY AND ALL COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY OF RECORD.

BEING THE SAME PREMISES CONVEYED BY SILBERSKY, LLC TO PETER KARI AS QUALIFIED INTERMEDIARY FOR MATRAC GROUP, LLC BY WARRANTY DEED AND DATED THE 12TH DAY OF MARCH, 2008.

S 2. This act shall take effect immediately.