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

7965

2013-2014 Regular Sessions

I N A S S E M B L Y

June 12, 2013

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

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the issuance of a distiller's license to the owners and operators of the Fort William Henry Corporation and its related subsidiaries

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

Section 1. Section 101 of the alcoholic beverage control law is amended by adding a new subdivision 6 to read as follows:

6. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE STATE LIQUOR AUTHORITY SHALL ISSUE A LICENSE UNDER SUBDIVISION TWO-C OF SECTION SIXTY-ONE OF THIS CHAPTER TO THE FORT WILLIAM HENRY CORPORATION OR TO ANY OF ITS WHOLLY OWNED SUBSIDIARIES (HEREINAFTER REFERRED TO IN THIS SUBDIVISION AS "FWHC"). SUCH LICENSE SHALL PERMIT THE LEGAL MANUFACTURE OF SPIRITS AND THE SALE OF WINE, SPIRITS, BEER AND ANY OTHER ALCOHOLIC BEVERAGES AND PERMITTED GOODS OTHERWISE AUTHORIZED BY LAW AT PREMISES LOCATED ON ANY PART OR PORTION OF PARCEL A, PARCEL B OR PARCEL C, (HEREINAFTER REFERRED TO IN THIS SUBDIVISION AS THE "SITE"). NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO RESTRICT OR IMPAIR ANY LEGAL ACTIVITIES WHICH WERE BEING CONDUCTED ON OR BEFORE THE EFFECTIVE DATE OF THIS SUBDIVISION UPON ANY OF THE PARCELS COMPOSING THE SITE PURSUANT TO THIS CHAPTER OR ANY OTHER PROVISION OF LAW. THE LEGAL DESCRIPTIONS FOR THE THREE PARCELS SO IDENTIFIED AS THE SITE ARE AS FOLLOWS:

PARCEL A

ALL THAT PIECE OR PARCEL OF PROPERTY SITUATE IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK AND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE SOUTHWESTERLY BOUNDARY OF BEACH ROAD WITH THE SOUTHEASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF HOLLY RAJ INC., AND RUNNING THENCE SOUTHEASTERLY ALONG THE SAID

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

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SOUTHWESTERLY BOUNDARY OF BEACH ROAD AND THE SOUTHWESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE THE FOLLOWING (9) NINE COURSES AND DISTANCES: 1) SOUTH 47° 49' 51" EAST 49.20 FEET TO A POINT; 2) SOUTH 41° 08' 51" EAST 50.18 FEET TO A POINT; 3) SOUTH 34° 19' 51" EAST 20.62 FEET TO A POINT; 4) SOUTH 34° 19' 51" EAST 29.38 FEET TO A POINT; 5) SOUTH 28° 23' 51" EAST 54.00 FEET TO A POINT; 6) SOUTH 23° 28' 51" EAST 75.29 FEET TO A POINT; 7) SOUTH 25° 57' 51" EAST 130.22 FEET TO A POINT; 8) SOUTH 30° 43' 21" EAST 109.09 FEET TO A POINT; AND 9) SOUTH 29° 21' 51" EAST 140.00 FEET TO A POINT IN THE NORTHWESTERLY BOUNDARY OF THE PREMISES CONVEYED BY THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY TO THE FORT WILLIAM HENRY CORPORATION BY DEED DATED MAY 18, 1998 AND RECORDED IN THE WARREN COUNTY CLERK'S OFFICE ON MAY 28, 1998 IN LIBER 1066 OF DEEDS AT PAGE 279; THENCE SOUTH 60° 37' 18" WEST ALONG THE SAID NORTHWESTERLY BOUNDARY OF THE PREMISES CONVEYED BY THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY TO THE FORT WILLIAM HENRY CORPORATION 70.01 FEET TO A POINT; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY BOUNDARY OF SAID PREMISES CONVEYED BY THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY TO THE FORT WILLIAM HENRY CORPORATION THE FOLLOWING (5) FIVE COURSES AND DISTANCES: 1) NORTH 29° 21' 51" WEST 139.17 FEET TO A POINT; 2) NORTH 30° 43' 21" WEST 111.17 FEET TO A POINT; 3) NORTH 25° 55' 51" WEST 130.20 FEET TO A POINT; 4) NORTH 26° 32' 41" WEST 145.00 FEET TO A POINT; AND 5) NORTH 42° 42' 21" WEST 120.00 FEET TO A POINT IN THE FIRST MENTIONED SOUTHEASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF HOLLY RAJ INC.; THENCE NORTH 51° 01' 09" EAST ALONG THE SAID SOUTHEASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF HOLLY RAJ INC. 70.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.062 ACRES OF LAND, BEING THE SAME MORE OR LESS.

PARCEL B

ALL THAT PIECE OR PARCEL OF PROPERTY SITUATE IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK AND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE EASTERLY BOUNDARY OF NEW YORK STATE ROUTE 9N WITH THE NORTHERLY BOUNDARY OF LANDS NOW OR FORMERLY OF CHARLES R. WOOD FOUNDATION, AND RUNNING THENCE NORTHERLY ALONG THE SAID EASTERLY BOUNDARY OF NEW YORK STATE ROUTE 9N THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) NORTH 03°- 06'- 51" WEST 54.12 FEET TO A POINT; 2) NORTH 00°- 54'- 09" EAST 281.77 FEET TO A POINT; 3) NORTH 01°-45'- 09" EAST 59.83 FEET TO A POINT; AND 4) NORTH 02°- 47'- 35" WEST 51.87 FEET TO AN IRON PIN IN THE SOUTHERLY BOUNDARY OF OTHER LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORPORATION; THENCE EASTERLY ALONG THE SAID SOUTHERLY BOUNDARY OF OTHER LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORPORATION THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) NORTH 88°- 22'- 09" EAST 475.96 FEET TO A POINT; 2) NORTH 60°- 07'- 09" EAST 66.22 FEET TO A POINT; AND 3) NORTH 47°- 47'- 09" EAST 315.47 FEET TO AN IRON PIPE IN THE EASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE; THENCE SOUTHERLY ALONG THE SAID EASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) SOUTH 32°- 08'- 51" EAST 148.00 FEET TO A POINT; 2) SOUTH 37°- 04'- 51" EAST 221.91 FEET TO A POINT; AND 3) SOUTH 32°- 47'- 51" EAST 83.60 FEET TO A POINT IN THE NORTHERLY BOUNDARY OF THE AFOREMENTIONED LANDS NOW OR FORMERLY OF CHARLES R. WOOD FOUNDATION; THENCE WESTERLY ALONG THE SAID NORTHERLY BOUNDARY OF LANDS NOW OR FORMERLY OF CHARLES R. WOOD FOUNDATION THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) SOUTH 55°- 39'- 09" WEST 188.00 FEET TO A SQUARE HEAD BOLT; 2) SOUTH 68°- 08'- 09" WEST 115.00

FEET TO A POINT; 3) SOUTH 81°- 37'-09" WEST 240.84 FEET TO A POINT; AND 4) SOUTH 74°- 08'- 09" WEST 546.05 FEET TO THE POINT OF BEGINNING, CONTAINING 8.558 ACRES OF LAND, BEING THE SAME MORE OR LESS.

ALSO, ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE LYING AND BEING IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED ON THE WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF WARREN COUNTY AS DESCRIBED IN LIBER 281, PAGE 51, SAID POINT ALSO BEING ON THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF WARREN COUNTY (LIBER 4390 PAGE 154) ON THE SOUTH AND LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORP. (LIBER 497 PAGE 222) ON THE NORTH; THENCE ALONG SAID DIVISION LINE SOUTH 40°27'30" WEST, 188.00 FEET TO THE POINT OF BEGINNING; THENCE THROUGH SAID LANDS OF WARREN COUNTY THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) SOUTH 33°45'28" WEST, 74.95 FEET TO A POINT, 2) SOUTH 59°52'14" WEST, 108.57 FEET TO A POINT, AND 3) NORTH 75°07'46" WEST, 41.87 FEET TO A POINT ON THE DIVISION LINE BETWEEN SAID LANDS OF WARREN COUNTY ON THE SOUTH AND LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORP. (LIBER 497 PAGE 222) ON THE NORTH; THENCE ALONG SAID DIVISION LINE NORTH 66°25'30" EAST, 91.92 FEET TO A POINT; THENCE NORTH 52°56'30" EAST, 115.00 FEET TO THE POINT OR PLACE OF BEGINNING.

EXCEPTING AND RESERVING THEREFROM, ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE LYING AND BEING IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF WARREN COUNTY AS DESCRIBED IN LIBER 281, PAGE 51, SAID POINT ALSO BEING ON THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF WARREN COUNTY (LIBER 4390 PAGE 154) ON THE SOUTH AND LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORP. (LIBER 497 PAGE 222) ON THE NORTH; THENCE ALONG SAID DIVISION LINE SOUTH 40°27'30" WEST, 188.00 FEET TO A POINT; THENCE THROUGH SAID LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORP. NORTH 33°45'28" EAST, 102.84 FEET TO A POINT; THENCE NORTH 40°27'30" EAST, 85.36 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF WARREN COUNTY (LIBER 281, PAGE 51); THENCE ALONG SAID WESTERLY BOUNDARY SOUTH 51°54'30" EAST, 12.01 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCELC

ALL THAT PIECE OR PARCEL OF PROPERTY SITUATE IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK AND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE INTERSECTION OF THE EASTERLY BOUNDARY OF NEW YORK STATE ROUTE 9N WITH THE NORTHERLY BOUNDARY OF OTHER LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORPORATION; SAID PIN BEING LOCATED THE FOLLOWING FOUR (4) COURSES AND DISTANCES NORTHERLY FROM THE INTERSECTION OF THE EASTERLY BOUNDARY OF NEW YORK STATE ROUTE 9N WITH THE NORTHERLY BOUNDARY OF LANDS NOW OR FORMERLY OF CHARLES R. WOOD FOUNDATION: 1) NORTH 03°- 06'- 51" WEST 54.12 FEET; 2) NORTH 00°- 54'- 09" EAST 281.77 FEET; 3) NORTH 01°- 45'- 09" EAST 59.83 FEET; AND 4) NORTH 02°- 47'- 35" WEST 51.87 FEET, AND RUNNING THENCE FROM SAID POINT OF BEGINNING NORTHERLY ALONG THE SAID EASTERLY BOUNDARY OF NEW YORK STATE ROUTE 9N THE FOLLOWING SEVEN (7) COURSES AND DISTANCES: 1) NORTH 03°- 29'-09" EAST 105.00 FEET TO A POINT; 2) NORTH 09°- 11'- 09" EAST 60.10 FEET TO A POINT; 3) NORTH 05°- 41'- 09" EAST 161.06 FEET TO A POINT; 4) NORTH 09°- 28'-34" EAST 124.23 FEET TO AN IRON PIN; 5) NORTH 14°- 08'- 27" EAST 150.26 FEET TO A SQUARE MONUMENT; 6) NORTH 22°- 36'- 14" EAST 111.15 FEET TO A POINT; AND 7) NORTH 17°- 47'- 09" EAST 91.79 FEET TO AN IRON PIPE IN THE SOUTHERLY BOUNDARY OF LANDS NOW OR FORMERLY

OF ADIRONDACK ENTERTAINMENT AND RECREATION, INC.; THENCE SOUTH 59°- 07'- 51" EAST ALONG THE SAID SOUTHERLY BOUNDARY OF LANDS NOW OR FORMERLY OF ADIRONDACK ENTERTAINMENT AND RECREATION, INC. 40.70 FEET TO A POINT; THENCE NORTH 51°- 01'- 09" EAST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LANDS NOW OR FORMERLY OF ADIRONDACK ENTERTAINMENT AND RECREATION, INC. 167.30 FEET TO A POINT IN THE SOUTHWESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE ADIRONDACK LAKEVIEW CORPORATION; THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE ADIRONDACK LAKEVIEW CORPORATION THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) SOUTH 42°- 42'- 21" EAST 120.00 FEET TO A POINT; 2) SOUTH 26°- 32'- 41" EAST 145.00 FEET TO A POINT; 3) SOUTH 25°-55'- 51" EAST 130.20 FEET TO A POINT; 4) SOUTH 30°- 43'- 21" EAST 111.17 FEET TO A POINT; AND 5) SOUTH 29°- 21'- 51" EAST 139.17 FEET TO A POINT; THENCE NORTH 60°- 37'- 18" EAST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LANDS NOW OR FORMERLY OF THE ADIRONDACK LAKEVIEW CORPORATION 70.01 FEET TO A POINT IN THE WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE; THENCE SOUTHERLY ALONG THE SAID WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) SOUTH 29°- 21'- 51" EAST 32.24 FEET TO A POINT; AND 2) SOUTH 30°- 27'- 51" EAST 73.00 FEET TO AN IRON PIPE IN THE NORTHERLY BOUNDARY OF OTHER LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORPORATION; THENCE WESTERLY ALONG THE SAID NORTHERLY BOUNDARY OF OTHER LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORPORATION THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) SOUTH 47°- 47'- 09" WEST 315.47 FEET TO A POINT; 2) SOUTH 60°- 07'- 09" WEST 66.22 FEET TO A POINT; AND 3) SOUTH 88°- 22'- 09" WEST 475.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.398 ACRES OF LAND, BEING THE SAME MORE OR LESS.

(B) THE SITE MAY, BUT SHALL NOT BE REQUIRED TO, BE USED TO PRODUCE SPIRITS AS A CONDITION OF SUCH LICENSE.

(C) NO PERSON SHALL BE DISQUALIFIED FROM ACTING AS A DIRECTOR, OFFICER OR EMPLOYEE OF, OR PURVEYOR TO THE FWHC BY REASON OF SUCH PERSON HOLDING A LICENSE PURSUANT TO THIS CHAPTER, OR BEING AFFILIATED WITH A LICENSEE UNDER THIS CHAPTER AS A SHAREHOLDER, PARTNER, MEMBER, OFFICER, DIRECTOR OR EMPLOYEE.

(D) NO PERSON SHALL BE DISQUALIFIED FROM BEING A LENDER, LESSEE OR LESSOR TO THE FWHC ON TERMS AGREED WITH THE BOARD OF DIRECTORS OF THE FWHC, BY REASON OF SUCH PERSON HOLDING A LICENSE PURSUANT TO THIS CHAPTER, OR BEING AFFILIATED WITH A LICENSEE UNDER THIS CHAPTER OR OTHER LAW AS A SHAREHOLDER, PARTNER, MEMBER, OFFICER, DIRECTOR OR EMPLOYEE. SUCH PERSONS SHALL BE ENTITLED, REGARDLESS OF THEIR LICENSING STATUS PURSUANT TO THIS CHAPTER, TO OBTAIN ALL THE BENEFITS GENERALLY APPROVED BY THE BOARD OF DIRECTORS OF THE FWHC.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, UNDER THE LICENSE GRANTED PURSUANT TO THIS SUBDIVISION, THE FWHC IS EXPRESSLY AUTHORIZED TO:

(I) SELL NEW YORK STATE PRODUCED WINES, BEERS AND DISTILLED SPIRITS FOR BOTH ON AND OFF PREMISES CONSUMPTION AS OTHERWISE PROVIDED IN THIS SUBDIVISION;

(II) OFFER TASTINGS AT THE SITE OF SUCH PRODUCTS AND CHARGE THE GENERAL PUBLIC SUCH AMOUNTS AS IT DEEMS FIT FOR SUCH TASTINGS. FOR PURPOSES OF THIS SUBDIVISION, TASTINGS MAY BE CONDUCTED IN A COMMON TASTING AREA ON THE SITE; AND

(III) PROVIDE CONFERENCE CENTER, BANQUET AND ENTERTAINMENT FACILITIES FOR THE GENERAL PUBLIC OR FOR PRIVATE PARTIES IN CONSIDERATION OF SUCH FEES AS ARE ESTABLISHED BY THE BOARD OF DIRECTORS OF THE FWHC FROM TIME

TO TIME, AND TO SELL AND SERVE AT SUCH EVENTS WINES, BEERS AND DISTILLED SPIRITS.

(F) NO LICENSE SHALL BE DENIED PURSUANT TO THIS SUBDIVISION OR ANY OTHER PROVISION OF THIS CHAPTER BECAUSE OF THE PROXIMITY OF THE SITE TO A SCHOOL, CHURCH, SYNAGOGUE, OTHER HOUSE OF WORSHIP OR OTHER FACILITY AS PROVIDED FOR IN THIS CHAPTER.

(G) FOR PURPOSES OF SUBDIVISION FOUR OF SECTION ONE HUNDRED OF THIS ARTICLE, THERE SHALL BE ALLOWED NOT MORE THAN FIVE ADDITIONAL BARS, COUNTERS OR SIMILAR CONTRIVANCES AT THE SITE WHERE WINES, BEERS AND DISTILLED SPIRITS ARE OFFERED FOR SALE FOR CONSUMPTION ON THE LICENSED PREMISES. THE AUTHORITY FOR GOOD CAUSE SHOWN TO IT AND UPON PAYMENT TO IT OF A FEE AS PROVIDED FOR IN SUCH SUBDIVISION FOUR SHALL PERMIT THE ADDITIONAL CONTRIVANCES, AND PERMISSION SHALL NOT BE UNREASONABLY WITHHELD. ALL OTHER PROVISIONS OF SUCH SUBDIVISION SHALL APPLY TO SUCH LICENSED PREMISES.

(H) IN ADDITION TO THE ACTIVITIES AUTHORIZED TO A LICENSEE UNDER SUBDIVISION TWO-C OF SECTION SIXTY-ONE OF THIS CHAPTER, THE LICENSE ISSUED TO A LICENSEE PURSUANT TO THIS SUBDIVISION AS DIRECTED AND REQUIRED TO BE ISSUED SHALL BE AUTHORIZED TO SELL SPIRITS PRODUCED AT SUCH FARM DISTILLERY ON THE SITE, WHETHER LOCATED ON PARCEL A, PARCEL B OR PARCEL C. ANY RESTRICTION IN LAW AS TO THE AMOUNT PERMITTED TO BE SOLD OR CONSUMED, OR ANY OTHER MATTER SUBJECT TO THE JURISDICTION OF THIS CHAPTER SHALL APPLY TO SUCH SALES AS IF THE SALE OCCURRED UPON THE FACILITY PRODUCING THE SAME.

S 2. This act shall take effect immediately.