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

9846

I N A S S E M B L Y

May 27, 2014

Introduced by M. of A. BARRETT -- 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 license to manufacture and sell alcoholic beverages to the Culinary Institute of America in Hyde Park, New York

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 7 to read as follows:

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE STATE LIQUOR AUTHORITY MAY ISSUE A LICENSE UNDER PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION SIXTY-FOUR-C OF THIS CHAPTER TO THE CULINARY INSTITUTE OF AMERICA, THE OWNER AND OPERATOR OF THE PARCELS DESCRIBED IN THIS SUBDIVISION, NOTWITHSTANDING THAT SUCH BEER BREWED ON ITS PREMISES SHALL BE SOLD TO RESTAURANT LICENSEES ON ITS PREMISES BY SAID CULINARY INSTITUTE OF AMERICA DIRECTLY AND NOT THROUGH A NEW YORK STATE LICENSED BEER WHOLESALER. THE LEGAL DESCRIPTIONS FOR THE PARCELS IDENTIFIED AS THE SITE ARE AS FOLLOWS:

SCHEDULE A

ALL THAT CERTAIN TRACT, LOT AND PARCEL OF LAND LYING AND BEING IN THE TOWN OF HYDE PARK, COUNTY OF DUTCHESS AND STATE OF NEW YORK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF ALBANY POST ROAD (NYS ROUTE 9), SAID POINT BEING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED PREMISES AND THE NORTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF TRAVER; RUNNING THENCE ALONG THE SAID EASTERLY SIDE OF ALBANY POST ROAD THE FOLLOWING FOUR (4) COURSES AND DISTANCES: NORTH 03° 15' 30" EAST 68.91 FEET, NORTH 09° 35' 20" EAST 31.09 FEET, NORTH 06° 53' 00" EAST 148.62 FEET, AND NORTH 12° 25' 00" EAST 62.03 FEET TO THE CORNER FORMED BY THE INTERSECTION OF THE SAID EASTERLY SIDE OF ALBANY POST ROAD AND THE SOUTHERLY SIDE OF WEST DORSEY LANE; RUNNING THENCE ALONG THE

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

LBD15273-01-4

SAID SOUTHERLY SIDE OF WEST DORSEY LANE NORTH 38° 26' 00" EAST 25.02 FEET, NORTH 63° 13' 00" EAST 37.83 FEET, AND NORTH 67° 25' 00" EAST 121.38 FEET TO THE NORTHWEST CORNER OF LANDS NOW OR FORMERLY OF FIRNEISS; RUNNING THENCE ALONG THE WESTERLY AND SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF FIRNEISS, SOUTH 03° 16' 59" EAST 179.57 FEET AND SOUTH 79° 13' 59" EAST 121.73 FEET TO LANDS NOW OR FORMERLY OF MAIDMAN; RUNNING THENCE ALONG THE WESTERLY LINE OF LANDS NOW OR FORMERLY OF MAIDMAN SOUTH 28° 34' 00" WEST 105.08 FEET, SOUTH 32° 18' 00", EAST 12.15 FEET, AND SOUTH 35° 55' 00" WEST 193.04 FEET TO LANDS NOW OR FORMERLY OF TRAVER; RUNNING THENCE ALONG LANDS NOW OR FORMERLY OF TRAVER NORTH 68° 00' 00" WEST 188.12 FEET TO THE SAID EASTERLY SIDE OF ALBANY POST ROAD, THE POINT OR PLACE OF BEGINNING.

EXCEPTING AND RESERVING THEREFROM:

ALL THAT PIECE OR PARCEL OF PROPERTY HEREINAFTER DESIGNATED AS PARCEL NO. 72, BEING A PORTION OF SECTION 6063-02, PARCEL 987506, AS SHOWN ON THE OFFICIAL TAX MAP, SITUATE IN THE TOWN OF HYDE PARK, COUNTY OF DUTCHESS, STATE OF NEW YORK AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

PARCEL NO. 72

BEGINNING AT A POINT ON THE SOUTHEASTERLY BOUNDARY OF THE EXISTING WEST DORSEY LANE AT THE INTERSECTION OF THE SAID BOUNDARY WITH THE DIVISION LINE BETWEEN THE PROPERTY OF HERBERT REDL (REPUTED OWNER) ON THE WEST AND THE PROPERTY OF MICHAEL FIRNEISS AND MARGARETHA FIRNEISS (REPUTED OWNER) ON THE EAST, SAID POINT BEING 160+ FEET DISTANT EASTERLY, MEASURED AT RIGHT ANGLES, FROM STATION H2654-74+ OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF THE POUGHKEEPSIE-HYDE PARK STATE HIGHWAY NO. 453; THENCE SOUTHERLY ALONG SAID DIVISION LINE 59+ FEET TO A POINT 168+ FEET DISTANT EASTERLY, MEASURED AT RIGHT ANGLES, FROM STATION H265+16+ OF SAID BASELINE; THENCE THROUGH THE PROPERTY OF HERBERT REDL (REPUTED OWNER) THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) SOUTH 74° 03'-27" WEST 68+ FEET TO A POINT 101.00 FEET DISTANT EASTERLY, MEASURED AT RIGHT ANGLES, FROM STATION H265+08.00 OF SAID BASELINE; AND (2) NORTH 30° 39' 40" WEST, 32+ FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID EXISTING WEST DORSEY LANE, THE LAST MENTIONED POINT BEING 86± FEET DISTANT EASTERLY, MEASURED AT RIGHT ANGLES, FROM STATION H265+37+ OF SAID BASELINE; THENCE NORTHEASTERLY ALONG THE LAST MENTIONED BOUNDARY OF SAID EXISTING WEST DORSEY LANE, 83+ FEET TO THE POINT OF BEGINNING; BEING 3,327 SQUARE FEET OR 0.076 ACRE MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS A PORTION OF THE 1988 SURVEY BASELINE FOR THE RECONSTRUCTION OF THE POUGHKEEPSIE-HYDE PARK, STATE HIGHWAY NO. 453 AS SHOWN ON A MAP AND PLAN ON FILE IN THE OFFICE OF THE STATE DEPARTMENT OF TRANSPORTATION AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STATION H258+36.14; THENCE NORTH 09° 19'45" WEST TO STATION H267+62.73.

ALL BEARINGS REFERRED TO TRUE NORTH AT THE 74' - 20' MERIDIAN OF WEST LONGITUDE.

SUBJECT TO UTILITY COMPANY AGREEMENTS, EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD.

SUBJECT TO THE FOLLOWING RESTRICTIONS, TO RUN WITH THE LAND IN PERPETUITY AND BE ENFORCEABLE AT LAW OR IN EQUITY BY THE PARTY OF THE FIRST PART, ITS SUCCESSORS AND ASSIGNS:

(I) THE PREMISES MAY NOT BE USED, IN WHOLE OR IN PART, FOR ANY FORM OF LIVE ENTERTAINMENT INCLUDING, BUT NOT LIMITED TO, BANDS OR DJ'S, AT ANY TIME; PROVIDED HOWEVER, THIS RESTRICTION SHALL AUTOMATICALLY TERMINATE FIVE (5) YEARS FROM THE DATE OF THIS DEED; AND

(II) IF THE PREMISES ARE USED TO SERVE ANY FORM OF ALCOHOLIC BEVERAGE, THE PREMISES MUST BE CLOSED FOR BUSINESS NO LATER THAN 11:59 O'CLOCK P.M. EVERY DAY; PROVIDED, HOWEVER, THIS RESTRICTION SHALL AUTOMATICALLY TERMINATE FIVE (5) YEARS FROM THE DATE OF THIS DEED.

THE PARTY OF THE SECOND PART WAIVES AND RELEASES ANY CLAIM THAT SAID RESTRICTIONS ARE UNENFORCEABLE FOR ANY REASON, INCLUDING THE ALLEGATION THAT SUCH RESTRICTIONS CONSTITUTE A RESTRAINT UPON ALIENATION, ARE AN UNREASONABLE RESTRICTION OR RESTRAINT ON BUSINESS OR ECONOMIC DEVELOPMENT, ARE A VIOLATION OF ANY LAW, REGULATION OR RIGHT, OR THAT THEY ARE NOT FOR THE BENEFIT OF ADJOINING LANDS, OR ARE NOT PART OF A COMMON SCHEME OR PLAN, IT BEING CLEARLY UNDERSTOOD AND EXPRESSLY AGREED BY THE PARTIES THAT THESE RESTRICTIONS ARE FOR THE BENEFIT OF THE PARTY OF THE FIRST PART'S OTHER BUSINESSES AND PROPERTIES, FOR THE TERM SET FORTH ABOVE BOTH NOW AND HEREAFTER, AND THAT THE LACK OF SUCH RESTRICTIONS WILL DAMAGE AND HARM THE GRANTOR, ITS SUCCESSORS AND ASSIGNS. WITHOUT ALL OF THESE RESTRICTIONS, THE PARTY OF THE FIRST PART WOULD NOT SELL THE PREMISES TO THE PARTY OF THE SECOND PART. IN ANY PROCEEDING TO ENFORCE SAID RESTRICTIONS OR PREVENT THE VIOLATION THEREOF, THE PARTY OF THE FIRST PART SHALL BE ENTITLED TO JUDGMENT FOR ITS COSTS AND REASONABLE ATTORNEY'S FEES.

THE PARTIES EXECUTE THIS DEED TO ACKNOWLEDGE THE PRECEDING RESTRICTIONS.

THE PREMISES ARE NOT IN AN AGRICULTURAL DISTRICT AND ARE ENTIRELY OWNED BY THE TRANSFEROR.

THIS CONVEYANCE WAS UNANIMOUSLY APPROVED BY THE BOARD OF DIRECTORS OF THE GRANTOR CORPORATION AND ALL OF ITS SHAREHOLDERS. THIS STATEMENT IS MADE PURSUANT TO SECTION 909 OF THE BUSINESS CORPORATION LAW.

SCHEDULE B

ALL THAT PLOT, PIECE OR PARCEL OF LAND SITUATE AND BEING IN THE TOWN OF HYDE PARK, COUNTY OF DUTCHESS AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF US ROUTE 9, (AKA ALBANY POST ROAD), SAID POINT BEING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL AND SAID POINT BEING THE NORTHEASTERLY CORNER OF THE LANDS NOW OR FORMERLY OF ST ANDREWS CHAPEL; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND SAID LANDS NOW OR FORMERLY OF ST ANDREWS CHAPEL; N 75°47'50" W 14.13 FEET, N 88°00'00" W 19.26 FEET, S 89°03'40" W 71.81 FEET, N 85°27'10" W 26.53 FEET, N 78°46'10" W 19.94 FEET, N 67°29'50" W 16.69 FEET, N 59°35'20" W 19.23 FEET, N 38°17'40" W 23.84 FEET, N 24°05'30" W 19.00 FEET, N 09°55'10" W 37.76 FEET, N 14°28'00" W 46.56 FEET, N 27°34'30" W 37.18 FEET, N 41°31'30" W 33.65 FEET, N 49°50'10" W 23.03 FEET, N 53°39'00" W 32.91 FEET, S 14°48'10" W 3.06 FEET, S 44°29'40" W 7.00 FEET, S 44°31'13" W 59.42 FEET, S 49°07'20" 18.46 FEET, S 71°48'50" W 21.08 FEET, N 79°41'00" W 22.25 FEET AND 12°45'40" W 164.91 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF MARILYN C. HOE AS DESCRIBED IN LIBER 1859 OF DEEDS AT PAGE 118; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND SAID LANDS NOW OR FORMERLY OF HOE, N 77°14'20" W 144.93 FEET, N 78°11'10" W 166.93 FEET, N 77°46'10" W 113.88 FEET, N 75°19'10° W 99.31 FEET AND N 76°27'50" W 255.82 FEET TO A POINT ON THE EASTERLY BOUNDS OF THE LANDS NOW OR FORMERLY OF NEW YORK CENTRAL LINES LLC AS DESCRIBED IN DEED DOCUMENT # 02-1999-5513; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND SAID LANDS NOW OR FORMERLY OF NEW YORK CENTRAL LINES LLC, N 07°10'10" E 386.40 FEET, S 81°18'10" E

12.00 FEET, N 08°41'50" E 600.00 FEET, N 12°59'10" E 200.56 FEET AND N 08°41'50" E 151.13 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 3010.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 240.05 FEET, HAVING A CHORD BEARING N 10°57'40" E 239.98 FEET TO A POINT; THENCE N 76°46'30" W 10.00 FEET, N 13°13'30" E 499.68 FEET AND N 02°20'30" E 132.97 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 4077.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 249.92 FEET, HAVING A CHORD BEARING N 11°02'44" E 249.88 FEET TO A POINT; THENCE N 25°43'50" E 134.21 FEET, N 07°55'30" E 257.99 FEET, N 07°21'10" W 285.52 FEET, N 02°27'50" E 482.00 FEET, N 47°10'10" W 26.25 FEET, N 02°27'50" E 466.37 FEET AND N 87°32'10" W 20.00 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3165.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 293.54 FEET, HAVING A CHORD BEARING N 00°11'31" W 293.43 FEET TO A POINT; THENCE N 01°22'30" E 110.01 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3175.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 141.96 FEET, HAVING A CHORD BEARING N 06°06'27" W 141.95 FEET TO A POINT; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE LANDS NOW OR FORMERLY OF THE UNITED STATES OF AMERICA AS DESCRIBED IN DEED DOCUMENT 402-2002-4850 AND DESIGNATED AS LOT 1 AS SHOWN ON FILED MAP #10481, S 36°25'00" E 87.53 FEET, S 57°59'40" E 52.51 FEET, S 77°19'10" E 166.22 FEET, S 77°55'50" E 100.43 FEET, S 77°40'40" E 107.11 FEET, N 35°39'40" E 233.03 FEET, N 36°54'30" E 105.52 FEET, N 69°23'50" E 179.67 FEET, N 35°19'50" E 60.26 FEET, N 60°24'40" E 155.25 FEET, N 08°43'28" E 923.94 FEET, S 77°31'22" E 34.05 FEET, N 28°59'38" E 583.86 FEET AND S 77°26'02" E 436.02 FEET TO A POINT; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE LANDS NOW OR FORMERLY OF GARDNER AND DONNA VAN VALKENBURG AS DESCRIBED IN DEED DOCUMENT #02-2001-10201 AND ALSO ALONG THE LANDS NOW OR FORMERLY OF EDWIN D. BECK AS DESCRIBED IN LIBER 1697 OF DEEDS AT PAGE 301, S 14°34'48" W 95.96 FEET, N 75°25'12" W 10.00 FEET, S 14°34'48" W 125.00 FEET, S 75°25'12" E 10.00 FEET, S 14°34'48" W 325.00 FEET AND S 75°25'12" E 203.05 FEET TO A POINT ON THE WESTERLY BOUNDS OF U.S. ROUTE 9; THENCE ALONG THE WESTERLY BOUNDS OF U.S. ROUTE 9, S 14°12'43" W 366.41 FEET, N 75°47'17" W 3.21 FEET, S 16°51'36" W 357.10 FEET, S 16°51'37" W 264.56 FEET, S 17°21'41" W 200.79 FEET, S 06°47'36" W 236.91 FEET, S 03°54'03" E 113.84 FEET, S 11°33'18" W 168.19 FEET, S 11°33'18" W 144.66 FEET, S 24°42'50" W 210.43 FEET, S 14°35'17" W 42.95 FEET, S 15°01'19" W 27.66 FEET, S 11°16'33" E. 114.76 FEET, S 11°22'40" W 1485.99 FEET, S 02°37'22" W 92.32 FEET, S 07°24'10" W 114.00 FEET, S 11°34'59" W 200.60 FEET, S 06°37'42" W 438.02 FEET, S 09°11'00" W 460.65 FEET, S 13°21'53" W 180.57 FEET, S 18°59'07" W 45.72 FEET, S 21°30'45" W 19.23 FEET, S 10°46'21" W 148.66 FEET, S 16°10'46" W 157.35 FEET, S 09°41'50" W 135.29 FEET, AND S 16°37'07" W 229.64 FEET TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 171.33 ACRES OF LAND MORE OR LESS.

EXCEPTING AND RESERVING ALL THAT PLOT, PIECE OR PARCEL OF LAND SITUATE AND BEING IN THE TOWN OF HYDE PARK, COUNTY OF DUTCHESS AND STATE OF NEW YORK, KNOWN AS ST. ANDREWS CEMETERY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL, SAID POINT BEING LOCATED N 12°20'30" E 32.21 FEET FROM THE SOUTHWESTERLY CORNER OF THE LANDS OF THE CULINARY INSTITUTE OF AMERICA AS DESCRIBED IN LIBER 1666 OF DEEDS AT PAGE 607, THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND SAID LANDS OF THE CULINARY INSTITUTE OF AMERICA, N 77°39'30" W 331.51 FEET, N 12°20'30" E 373.20 FEET, S

77°39'30" E 331.51 FEET AND S 12°20'30" W 373.20 FEET TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 2.84 ACRES OF LAND MORE OR LESS.

S 2. This act shall take effect immediately.