7478

2015-2016 Regular Sessions

IN ASSEMBLY

May 13, 2015

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

AN ACT to amend the alcoholic beverage control law, in relation to directing the state liquor authority to issue a farm winery license to the Concord Grape Belt Heritage Association Inc. Grape Discovery Center

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

1 Section 1. Section 101 of the alcoholic beverage control law is 2 amended by adding a new subdivision 8 to read as follows:

3 8. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE 4 STATE LIQUOR AUTHORITY SHALL ISSUE A LICENSE UNDER SECTION SEVENTY-SIX-A 5 OF THIS CHAPTER TO THE CONCORD GRAPE BELT HERITAGE ASSOCIATION INC. 6 GRAPE DISCOVERY CENTER ("CENTER") SITUATED AT THE PREMISES KNOWN AS: ALL 7 THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATED, LYING AND BEING IN THE 8 TOWN OF WESTFIELD, COUNTY OF CHAUTAUQUA AND STATE OF NEW YORK BEING PARCELS 9 10 209.00-2-13 AND 209.00-2-14 AND BEING MORE PARTICULARLY DESCRIBED AS 11 FOLLOWS:

PARCEL A

13 ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF WESTFIELD, 14 COUNTY OF CHAUTAUQUA AND STATE OF NEW YORK, BEING PART OF LOT 13, TOWN 4 15 AND RANGE 14 OF THE HOLLAND LAND COMPANY'S SURVEY AND FURTHER BOUNDED 16 AND DESCRIBED AS FOLLOWS:

12

17 BEGINNING AT A SET "MAG" NAIL ON THE SOUTH BOUNDS OF U.S. ROUTE 20 ALSO KNOW AS MAIN ROAD, ALSO KNOWN AS THE BUFFALO AND ERIE ROAD, 18 SAID BEING N 60 DEGREES 17' 18" E, 264.87 FEET AS MEASURED ALONG 19 "MAG" NAIL THE SOUTH BOUNDS OF U.S. ROUTE 20, FROM THE NORTHWEST CORNER OF PREMISES 20 21 DESCRIBED IN DEED FROM DAVID S. NEILL TO SAM F. NIXON, DATED JANUARY 30, 22 1916, AND RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 421 23 165; THENCE N 60 DEGREES 17' 18" E, ALONG THE SOUTH OF DEEDS AT PAGE

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

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BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 195.88 FEET TO A SET "MAG" NAIL 1 2 IN ASPHALT; THENCE N 64 DEGREES 0' 0" E, AND STILL ALONG THE SOUTH 3 BOUNDS OF U.S. ROUTE 20, A DISTANCE 70 FEET TO A SET "MAG" NAIL IN 4 ASPHALT; THENCE S 1 DEGREE 55' 0" W, 250 FEET TO AN EXISTING IRON PIN AT 5 NORTHWEST CORNER OF LANDS OF JOANNE W. NIXON, AS DESCRIBED IN A THE 6 DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 2182 OF 7 DEEDS AT PAGE 196; THENCE CONTINUING ALONG THE SAME COURSE, S 1 DEGREE 55' 0" W ALONG THE WEST LINE OF LANDS OF SAID NIXON, 78.8 FEET 8 TO AN 9 EXISTING IRON STAKE AT THE NORTHEAST CORNER OF LANDS OF JOANNE W. NIXON 10 DESCRIBED IN A DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE AS IN LIBER 2418 OF DEEDS AT PAGE 341; THENCE S 62 DEGREES 58' 7" W, 11 ALONG 12 THE NORTH LINE OF LANDS OF SAID NIXON, 173.3 FEET TO A POINT AT THE SOUTHEAST CORNER OF LANDS OF ED R. BURNSIDE AS DESCRIBED IN A DEED 13 14 RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 2639 OF DEEDS AT PAGE 336; THENCE N 13 DEGREES 36' 25" W, ALONG THE EAST LINE OF LANDS 15 16 OF SAID BURNSIDE, 287.68 FEET TO THE POINT OR PLACE OF BEGINNING. 17

PARCEL B

18 ALSO ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF WEST-19 FIELD, COUNTY OF CHAUTAUQUA AND STATE OF NEW YORK, BEING PART OF LOT NO. 20 13, TOWNSHIP 4 AND RANGE 14 OF THE HOLLAND LAND COMPANY'S SURVEY AND 21 FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

22 COMMENCING AT THE NORTHWEST CORNER OF PREMISES DESCRIBED IN DEED FROM 23 DAVID S. NEILL TO SAM F. NIXON, DATED JANUARY 30, 1916, AND RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 421 OF DEEDS AT PAGE 165; 24 25 THENCE N 60 DEGREES 17' 18" E. ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, 26 ALSO KNOWN AS MAIN ROAD, ALSO KNOWN AS THE BUFFALO AND ERIE ROAD, 460.76 27 FEET TO A SET "MAG" NAIL IN ASPHALT; THENCE N 64 DEGREES 0' 0" E, AND 28 STILL ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 70 FEET TO 29 A SET "MAG" NAIL IN ASPHALT AT THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; THENCE N 64 DEGREES 0' 0" E, ALONG THE SOUTH 30 BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 200 FEET TO A SET "MAG" 31 NAIL IN 32 ASPHALT AT THE NORTHWEST CORNER OF LANDS OF JOANNE W. NIXON AS DESCRIBED 33 IN A DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 2182 OF DEEDS AT PAGE 196; THENCE S 1 DEGREE 55' 0" W, ALONG THE WEST LINE OF 34 LANDS OF SAID NIXON, 250 FEET TO A POINT; THENCE S 64 DEGREES 0' 0" W, 35 ALONG THE NORTH LINE OF LANDS OF SAID NIXON 200 FEET TO AN EXISTING IRON 36 37 PIN IN THE NORTHWEST CORNER OF LANDS OF SAID NIXON; THENCE N 1 DEGREE 38 55' 0" E, 250 FEET TO THE POINT OR PLACE OF BEGINNING.

39 SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND LEASES OF RECORD WHICH 40 MAY VALIDLY AFFECT SAID PREMISES.

(B) THE CENTER MAY, BUT SHALL NOT BE REQUIRED TO, PRODUCE WINE 41 AS Α CONDITION OF SUCH LICENSE. 42

43 (C) NO PERSON SHALL BE DISQUALIFIED FROM ACTING AS A DIRECTOR, OFFI-44 CER, OR EMPLOYEE OF, OR PURVEYOR TO, THE CENTER BY REASON OF SUCH PERSON 45 HOLDING A LICENSE UNDER THIS CHAPTER, OR BEING AFFILIATED WITH A LICEN-SEE UNDER THIS CHAPTER AS A SHAREHOLDER, PARTNER, OFFICER, DIRECTOR, OR 46 47 EMPLOYEE.

48 (D) NO PERSON SHALL BE DISQUALIFIED FROM BEING A LENDER OR LESSOR TO 49 THE CENTER, OR A DONOR, PATRON, CONTRIBUTOR OR SPONSOR FROM TIME TO TIME 50 THE CENTER THROUGH CONTRIBUTIONS IN CASH OR IN KIND, ON TERMS AGREED OF WITH THE BOARD OF DIRECTORS OF THE CENTER, BY REASON OF SUCH PERSON 51 HOLDING A LICENSE UNDER THIS CHAPTER, OR BEING AFFILIATED WITH A LICEN-52 SEE UNDER THIS CHAPTER AS A SHAREHOLDER, PARTNER, OFFICER, DIRECTOR, OR 53 54 EMPLOYEE. SUCH PERSONS SHALL BE ENTITLED, REGARDLESS OF THEIR LICENSING STATUS UNDER THIS CHAPTER, TO OBTAIN ALL THE BENEFITS GENERALLY APPROVED 55

1 BY THE BOARD OF DIRECTORS OF THE CENTER AND OFFERED TO DONORS OF SIMILAR 2 AMOUNTS.

3 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE 4 CENTER IS EXPRESSLY AUTHORIZED TO:

5 (I) SELL NEW YORK STATE PRODUCED WINES, BEERS AND DISTILLED SPIRITS 6 FOR BOTH ON AND OFF PREMISE CONSUMPTION;

7 (II) OFFER TASTINGS ON THE PREMISES OF SUCH PRODUCTS AND CHARGE THE 8 GENERAL PUBLIC SUCH AMOUNTS AS IT DEEMS FIT FOR SUCH TASTINGS. FOR 9 PURPOSES OF THIS SECTION, TASTINGS MAY BE CONDUCTED IN A COMMON TASTING 10 AREA ON THE PREMISES; AND

11 (III) PROVIDE BANQUET AND ENTERTAINMENT FACILITIES FOR THE GENERAL 12 PUBLIC FOR PRIVATE PARTIES IN CONSIDERATION OF SUCH FEES AS ARE ESTAB-13 LISHED BY THE BOARD OF DIRECTORS OF THE CENTER FROM TIME TO TIME, AND TO 14 SELL AND SERVE AT SUCH EVENTS WINES, MALT BEVERAGES AND DISTILLED SPIR-15 ITS SELECTED BY PERSONS HIRING THE FACILITIES.

16 S 2. This act shall take effect immediately.