5049

2015-2016 Regular Sessions

IN SENATE

April 29, 2015

- Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations
- 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 STATE LIQUOR AUTHORITY SHALL ISSUE A LICENSE UNDER SECTION SEVENTY-SIX-A 4 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 CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND THAT IMPROVEMENTS THEREON ERECTED, SITUATED, LYING AND BEING IN THE 8 TOWN OF 9 WESTFIELD, COUNTY OF CHAUTAUQUA AND STATE OF NEW YORK BEING PARCELS 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 18 ALSO KNOW AS MAIN ROAD, ALSO KNOWN AS THE BUFFALO AND ERIE ROAD, SAID 19 "MAG" NAIL BEING N 60 DEGREES 17' 18" E, 264.87 FEET AS MEASURED ALONG 20 THE SOUTH BOUNDS OF U.S. ROUTE 20, FROM THE NORTHWEST CORNER OF PREMISES 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

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

LBD10731-01-5

18

DEEDS AT PAGE 165; THENCE N 60 DEGREES 17' 18" E, ALONG THE SOUTH 1 OF 2 BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 195.88 FEET TO A SET "MAG" NAIL 3 ASPHALT; THENCE N 64 DEGREES 0' 0" E, AND STILL ALONG THE SOUTH IN ROUTE 20, A DISTANCE 70 FEET TO A SET "MAG" NAIL IN 4 BOUNDS OF U.S. 5 ASPHALT; THENCE S 1 DEGREE 55' 0" W, 250 FEET TO AN EXISTING IRON PIN AT 6 THE NORTHWEST CORNER OF LANDS OF JOANNE W. NIXON, AS DESCRIBED IN A 7 DEED RECORDED IN THE CHAUTAUOUA COUNTY CLERK'S OFFICE IN LIBER 2182 OF DEEDS AT PAGE 196; THENCE CONTINUING ALONG THE SAME COURSE, S 1 DEGREE 8 0" W ALONG THE WEST LINE OF LANDS OF SAID NIXON, 78.8 FEET TO AN 9 55' 10 EXISTING IRON STAKE AT THE NORTHEAST CORNER OF LANDS OF JOANNE W. NIXON AS DESCRIBED IN A DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE 11 LIBER 2418 OF DEEDS AT PAGE 341; THENCE S 62 DEGREES 58' 7" W, ALONG 12 INTHE NORTH LINE OF LANDS OF SAID NIXON, 173.3 FEET TO A POINT AT 13 THE 14 SOUTHEAST CORNER OF LANDS OF ED R. BURNSIDE AS DESCRIBED IN A DEED 15 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 16 17 OF SAID BURNSIDE, 287.68 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL B

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

23 COMMENCING AT THE NORTHWEST CORNER OF PREMISES DESCRIBED IN DEED FROM 24 DAVID S. NEILL TO SAM F. NIXON, DATED JANUARY 30, 1916, AND RECORDED IN 25 CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 421 OF DEEDS AT PAGE 165; THE 26 THENCE N 60 DEGREES 17' 18" E. ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, 27 ALSO KNOWN AS MAIN ROAD, ALSO KNOWN AS THE BUFFALO AND ERIE ROAD, 460.76 FEET TO A SET "MAG" NAIL IN ASPHALT; THENCE N 64 DEGREES 0' 0" E, 28 AND 29 STILL ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 70 FEET TO "MAG" NAIL IN ASPHALT AT THE POINT OF BEGINNING OF THE PARCEL 30 SET Α HEREINAFTER DESCRIBED; THENCE N 64 DEGREES 0' 0" E, ALONG THE SOUTH 31 BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 200 FEET TO A SET "MAG" NAIL IN 32 33 ASPHALT AT THE NORTHWEST CORNER OF LANDS OF JOANNE W. NIXON AS DESCRIBED 34 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 35 LANDS OF SAID NIXON, 250 FEET TO A POINT; THENCE S 64 DEGREES 0' 36 W. 0 " 37 ALONG THE NORTH LINE OF LANDS OF SAID NIXON 200 FEET TO AN EXISTING IRON 38 IN THE NORTHWEST CORNER OF LANDS OF SAID NIXON; THENCE N 1 DEGREE PIN 39 55' 0" E, 250 FEET TO THE POINT OR PLACE OF BEGINNING.

40 SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND LEASES OF RECORD WHICH 41 MAY VALIDLY AFFECT SAID PREMISES.

42 (B) THE CENTER MAY, BUT SHALL NOT BE REQUIRED TO, PRODUCE WINE AS A 43 CONDITION OF SUCH LICENSE.

44 (C) NO PERSON SHALL BE DISQUALIFIED FROM ACTING AS A DIRECTOR, OFFI45 CER, OR EMPLOYEE OF, OR PURVEYOR TO, THE CENTER BY REASON OF SUCH PERSON
46 HOLDING A LICENSE UNDER THIS CHAPTER, OR BEING AFFILIATED WITH A LICEN47 SEE UNDER THIS CHAPTER AS A SHAREHOLDER, PARTNER, OFFICER, DIRECTOR, OR
48 EMPLOYEE.

49 (D) NO PERSON SHALL BE DISQUALIFIED FROM BEING A LENDER OR LESSOR TO 50 THE CENTER, OR A DONOR, PATRON, CONTRIBUTOR OR SPONSOR FROM TIME TO TIME 51 OF THE CENTER THROUGH CONTRIBUTIONS IN CASH OR IN KIND, ON TERMS AGREED THE BOARD OF DIRECTORS OF THE CENTER, BY REASON OF SUCH PERSON 52 WITH HOLDING A LICENSE UNDER THIS CHAPTER, OR BEING AFFILIATED WITH A LICEN-53 54 UNDER THIS CHAPTER AS A SHAREHOLDER, PARTNER, OFFICER, DIRECTOR, OR SEE 55 EMPLOYEE. SUCH PERSONS SHALL BE ENTITLED, REGARDLESS OF THEIR LICENSING STATUS UNDER THIS CHAPTER, TO OBTAIN ALL THE BENEFITS GENERALLY APPROVED 56

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.