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

5049

2015-2016 Regular Sessions

I N S E N A T E

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:

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

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

PARCEL A

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

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, SAID "MAG" NAIL BEING N 60 DEGREES 17' 18" E, 264.87 FEET AS MEASURED ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, FROM THE NORTHWEST CORNER OF PREMISES DESCRIBED IN DEED FROM DAVID S. NEILL TO SAM F. NIXON, DATED JANUARY 30, 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

OF DEEDS AT PAGE 165; THENCE N 60 DEGREES 17' 18" E, ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 195.88 FEET TO A SET "MAG" NAIL IN ASPHALT; THENCE N 64 DEGREES 0' 0" E, AND STILL ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, A DISTANCE 70 FEET TO A SET "MAG" NAIL IN ASPHALT; THENCE S 1 DEGREE 55' 0" W, 250 FEET TO AN EXISTING IRON PIN AT THE NORTHWEST CORNER OF LANDS OF JOANNE W. NIXON, AS DESCRIBED IN A DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 2182 OF 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 TO AN 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 IN LIBER 2418 OF DEEDS AT PAGE 341; THENCE S 62 DEGREES 58' 7" W, ALONG 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 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 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 WESTFIELD, 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:

COMMENCING AT THE NORTHWEST CORNER OF PREMISES DESCRIBED IN DEED FROM 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; THENCE N 60 DEGREES 17' 18" E. ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, 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, AND STILL ALONG THE SOUTH BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 70 FEET TO 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 BOUNDS OF U.S. ROUTE 20, A DISTANCE OF 200 FEET TO A SET "MAG" NAIL IN ASPHALT AT THE NORTHWEST CORNER OF LANDS OF JOANNE W. NIXON AS DESCRIBED 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 LANDS OF SAID NIXON, 250 FEET TO A POINT; THENCE S 64 DEGREES 0' 0" W, ALONG THE NORTH LINE OF LANDS OF SAID NIXON 200 FEET TO AN EXISTING IRON PIN IN THE NORTHWEST CORNER OF LANDS OF SAID NIXON; THENCE N 1 DEGREE 55' 0" E, 250 FEET TO THE POINT OR PLACE OF BEGINNING.

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

(B) THE CENTER MAY, BUT SHALL NOT BE REQUIRED TO, PRODUCE WINE 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 CENTER BY REASON OF SUCH PERSON HOLDING A LICENSE UNDER THIS CHAPTER, OR BEING AFFILIATED WITH A LICENSEE UNDER THIS CHAPTER AS A SHAREHOLDER, PARTNER, OFFICER, DIRECTOR, OR EMPLOYEE.

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

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

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

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

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

(III) PROVIDE BANQUET AND ENTERTAINMENT FACILITIES FOR THE GENERAL PUBLIC FOR PRIVATE PARTIES IN CONSIDERATION OF SUCH FEES AS ARE ESTABLISHED BY THE BOARD OF DIRECTORS OF THE CENTER FROM TIME TO TIME, AND TO SELL AND SERVE AT SUCH EVENTS WINES, MALT BEVERAGES AND DISTILLED SPIRITS SELECTED BY PERSONS HIRING THE FACILITIES.

S 2. This act shall take effect immediately.