

7902

I N S E N A T E

May 23, 2016

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to winery and cidery licenses issued for a premises in Orange County

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

1 Section 1. Section 58 of the alcoholic beverage control law is amended
2 by adding a new subdivision 3-b to read as follows:
3 3-B. (A) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRA-
4 RY, A PERSON HOLDING A CIDER PRODUCER LICENSE AT THE PREMISES DESCRIBED
5 IN THIS SUBDIVISION MAY CONDUCT TASTINGS OF, AND SELL AT RETAIL FOR
6 CONSUMPTION ON OR OFF THE LICENSED PREMISES, ANY CIDER PRODUCED BY SUCH
7 PERSON AT ANY OTHER LOCATION: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF
8 LAND SITUATED, LYING AND BEING IN THE TOWN OF MONTGOMERY, COUNTY OF
9 ORANGE AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT
10 A POINT AT THE APPROXIMATE CENTERLINE OF ALBANY POST ROAD, (COUNTY ROAD
11 14), SAID POINT BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED
12 PARCEL; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED
13 PARCEL AND THE LANDS NOW OR FORMERLY OF CHRISTOPHER M. PISCOPO AS
14 DESCRIBED IN BOOK 12496 OF DEEDS AT PAGE 354, N 52° 46' 00" W 247.55
15 FEET TO THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE
16 ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE
17 LANDS NOW OR FORMERLY OF THE ALBANY POST ORCHARDS, LLC AS DESCRIBED IN
18 BOOK 11892 OF DEEDS AT PAGE 1358; S 39° 05' 00" W 465.81 FEET TO THE
19 SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE ALONG THE
20 DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE LANDS NOW OR
21 FORMERLY OF MARIE ECKSTEIN, ANITA ECKSTEIN AND ELAINE PUTNAM, TRUSTEES,
22 MARIE ECKSTEIN REVOCABLE INDENTURE OF TRUST AS DESCRIBED IN BOOK 13291
23 OF DEEDS AT PAGE 1985, S 64° 36' 00" E 165.78 FEET TO THE SOUTHEASTERLY
24 CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND THE LANDS NOW OR FORMERLY
25 OF FRANK MORICCO, N40° 02' 00" E 220.05 FEET AND S54° 39' 00" E 181.95
26 FEET TO A POINT IN THE APPROXIMATE CENTERLINE OF ALBANY POST ROAD;
27 THENCE ALONG THE APPROXIMATE CENTERLINE OF ALBANY POST ROAD, N13° 05'
28 00" E 225.54 FEET TO THE POINT OR PLACE OF BEGINNING.
29 (B) PROVIDED, HOWEVER, THAT FOR TASTINGS AND SALES FOR ON-PREMISES
30 CONSUMPTION, THE LICENSEE SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE

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

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1 OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A
2 LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS
3 PROVISION: SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH, PROC-
4 ESSED, PRE-COOKED OR FROZEN; AND/OR FOOD ITEMS INTENDED TO COMPLEMENT
5 THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED
6 SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF TABLE-
7 WARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING, INCLUD-
8 ING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES, BREADS,
9 MUSTARDS AND CRACKERS. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO
10 LICENSES TO SELL CIDER AT RETAIL FOR CONSUMPTION ON AND OFF THE PREMISES
11 SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE.

12 S 2. Section 76 of the alcoholic beverage control law is amended by
13 adding a new subdivision 4-b to read as follows:

14 4-B. (A) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRA-
15 RY, A PERSON HOLDING A WINERY LICENSE AT THE PREMISES DESCRIBED IN THIS
16 SUBDIVISION MAY CONDUCT TASTINGS OF, AND SELL AT RETAIL FOR CONSUMPTION
17 ON OR OFF THE LICENSED PREMISES, ANY WINE PRODUCED BY SUCH PERSON AT ANY
18 OTHER LOCATION: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATED,
19 LYING AND BEING IN THE TOWN OF MONTGOMERY, COUNTY OF ORANGE AND BEING
20 FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT AT THE
21 APPROXIMATE CENTERLINE OF ALBANY POST ROAD, (COUNTY ROAD 14), SAID POINT
22 BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE
23 ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE
24 LANDS NOW OR FORMERLY OF CHRISTOPHER M. PISCOPO AS DESCRIBED IN BOOK
25 12496 OF DEEDS AT PAGE 354, N 52° 46' 00" W 247.55 FEET TO THE NORTHWES-
26 TERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE ALONG THE DIVISION
27 LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE LANDS NOW OR FORMERLY
28 OF THE ALBANY POST ORCHARDS, LLC AS DESCRIBED IN BOOK 11892 OF DEEDS AT
29 PAGE 1358; S 39° 05' 00" W 465.81 FEET TO THE SOUTHWESTERLY CORNER OF
30 THE HEREIN DESCRIBED PARCEL; THENCE ALONG THE DIVISION LINE BETWEEN THE
31 HEREIN DESCRIBED PARCEL AND THE LANDS NOW OR FORMERLY OF MARIE ECKSTEIN,
32 ANITA ECKSTEIN AND ELAINE PUTNAM, TRUSTEES, MARIE ECKSTEIN REVOCABLE
33 INDENTURE OF TRUST AS DESCRIBED IN BOOK 13291 OF DEEDS AT PAGE 1985, S
34 64° 36' 00" E 165.78 FEET TO THE SOUTHEASTERLY CORNER OF THE HEREIN
35 DESCRIBED PARCEL OF LAND THE LANDS NOW OR FORMERLY OF FRANK MORICCO,
36 N40° 02' 00" E 220.05 FEET AND S54° 39' 00" E 181.95 FEET TO A POINT IN
37 THE APPROXIMATE CENTERLINE OF ALBANY POST ROAD; THENCE ALONG THE APPROX-
38 IMATE CENTERLINE OF ALBANY POST ROAD, N13° 05' 00" E 225.54 FEET TO THE
39 POINT OR PLACE OF BEGINNING.

40 (B) PROVIDED, HOWEVER, THAT FOR TASTINGS AND SALES FOR ON-PREMISES
41 CONSUMPTION, THE LICENSEE SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE
42 OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A
43 LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS
44 PROVISION: SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH, PROC-
45 ESSED, PRE-COOKED OR FROZEN; AND/OR FOOD ITEMS INTENDED TO COMPLEMENT
46 THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED
47 SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF TABLE-
48 WARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING, INCLUD-
49 ING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES, BREADS,
50 MUSTARDS AND CRACKERS. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO
51 LICENSES TO SELL WINE AT RETAIL FOR CONSUMPTION ON AND OFF THE PREMISES
52 SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE.

53 S 3. This act shall take effect immediately.