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I N   S E N A T E

May 23, 2016

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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.