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

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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:

Section 1. Section 58 of the alcoholic beverage control law is amended by adding a new subdivision 3-b to read as follows:

3-B. (A) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A PERSON HOLDING A CIDER PRODUCER LICENSE AT THE PREMISES DESCRIBED IN THIS SUBDIVISION MAY CONDUCT TASTINGS OF, AND SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES, ANY CIDER PRODUCED BY SUCH PERSON AT ANY OTHER LOCATION: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATED, LYING AND BEING IN THE TOWN OF MONTGOMERY, COUNTY OF ORANGE AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT AT THE APPROXIMATE CENTERLINE OF ALBANY POST ROAD, (COUNTY ROAD 14), SAID POINT BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE LANDS NOW OR FORMERLY OF CHRISTOPHER M. PISCOPO AS DESCRIBED IN BOOK 12496 OF DEEDS AT PAGE 354, N 52° 46' 00" W 247.55 FEET TO THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE LANDS NOW OR FORMERLY OF THE ALBANY POST ORCHARDS, LLC AS DESCRIBED IN BOOK 11892 OF DEEDS AT PAGE 1358; S 39° 05' 00" W 465.81 FEET TO THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE ALONG THE DIVISION LINE BETWEEN THE HEREIN DESCRIBED PARCEL AND THE LANDS NOW OR FORMERLY OF MARIE ECKSTEIN, ANITA ECKSTEIN AND ELAINE PUTNAM, TRUSTEES, MARIE ECKSTEIN REVOCABLE INDENTURE OF TRUST AS DESCRIBED IN BOOK 13291 OF DEEDS AT PAGE 1985, S 64° 36' 00" E 165.78 FEET TO THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND THE LANDS NOW OR FORMERLY OF FRANK MORICCO, N40° 02' 00" E 220.05 FEET AND S54° 39' 00" E 181.95 FEET TO A POINT IN THE APPROXIMATE CENTERLINE OF ALBANY POST ROAD; THENCE ALONG THE APPROXIMATE CENTERLINE OF ALBANY POST ROAD, N13° 05' 00" E 225.54 FEET TO THE POINT OR PLACE OF BEGINNING.

(B) PROVIDED, HOWEVER, THAT FOR TASTINGS AND SALES FOR ON-PREMISES 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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OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS PROVISION: SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH, PROCESSED, PRE-COOKED OR FROZEN; AND/OR FOOD ITEMS INTENDED TO COMPLEMENT THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF TABLEWARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING, INCLUDING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES, BREADS, MUSTARDS AND CRACKERS. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL CIDER AT RETAIL FOR CONSUMPTION ON AND OFF THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE.

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

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

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

S 3. This act shall take effect immediately.