

STATE OF NEW YORK

5401

2017-2018 Regular Sessions

IN SENATE

March 24, 2017

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

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

LBD03743-01-7

1 of Frank Moricco, N40° 02' 00" E 220.05 feet and S54° 39' 00" E 181.95
2 feet to a point in the approximate centerline of Albany Post Road;
3 thence along the approximate centerline of Albany Post Road, N13° 05'
4 00" E 225.54 feet to the point or place of beginning.

5 (b) Provided, however, that for tastings and sales for on-premises
6 consumption, the licensee shall regularly keep food available for sale
7 or service to its retail customers for consumption on the premises. A
8 licensee providing the following shall be deemed in compliance with this
9 provision: sandwiches, soups or other such foods, whether fresh, proc-
10 essed, pre-cooked or frozen; and/or food items intended to complement
11 the tasting of alcoholic beverages, which shall mean a diversified
12 selection of food that is ordinarily consumed without the use of table-
13 ware and can be conveniently consumed while standing or walking, includ-
14 ing but not limited to: cheeses, fruits, vegetables, chocolates, breads,
15 mustards and crackers. All of the provisions of this chapter relative to
16 licenses to sell cider at retail for consumption on and off the premises
17 shall apply so far as applicable to such licensee.

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

20 4-b. (a) Notwithstanding any provision of this section to the contra-
21 ry, a person holding a winery license at the premises described in this
22 subdivision may conduct tastings of, and sell at retail for consumption
23 on or off the licensed premises, any wine produced by such person at any
24 other location: All that certain plot, piece or parcel of land situated,
25 lying and being in the Town of Montgomery, County of Orange and being
26 further bounded and described as follows: beginning at a point at the
27 approximate centerline of Albany Post Road, (County Road 14), said point
28 being the northeasterly corner of the herein described parcel; thence
29 along the division line between the herein described parcel and the
30 lands now or formerly of Christopher M. Piscopo as described in Book
31 12496 of Deeds at Page 354, N 52° 46' 00" W 247.55 feet to the northwes-
32 terly corner of the herein described parcel; thence along the division
33 line between the herein described parcel and the lands now or formerly
34 of the Albany Post Orchards, LLC as described in Book 11892 of Deeds at
35 Page 1358; S 39° 05' 00" W 465.81 feet to the southwesterly corner of
36 the herein described parcel; thence along the division line between the
37 herein described parcel and the lands now or formerly of Marie Eckstein,
38 Anita Eckstein and Elaine Putnam, Trustees, Marie Eckstein Revocable
39 Indenture of Trust as described in Book 13291 of Deeds at Page 1985, S
40 64° 36' 00" E 165.78 feet to the southeasterly corner of the herein
41 described parcel of land the lands now or formerly of Frank Moricco,
42 N40° 02' 00" E 220.05 feet and S54° 39' 00" E 181.95 feet to a point in
43 the approximate centerline of Albany Post Road; thence along the approx-
44 imate centerline of Albany Post Road, N13° 05' 00" E 225.54 feet to the
45 point or place of beginning.

46 (b) Provided, however, that for tastings and sales for on-premises
47 consumption, the licensee shall regularly keep food available for sale
48 or service to its retail customers for consumption on the premises. A
49 licensee providing the following shall be deemed in compliance with this
50 provision: sandwiches, soups or other such foods, whether fresh, proc-
51 essed, pre-cooked or frozen; and/or food items intended to complement
52 the tasting of alcoholic beverages, which shall mean a diversified
53 selection of food that is ordinarily consumed without the use of table-
54 ware and can be conveniently consumed while standing or walking, includ-
55 ing but not limited to: cheeses, fruits, vegetables, chocolates, breads,
56 mustards and crackers. All of the provisions of this chapter relative to

1 licenses to sell wine at retail for consumption on and off the premises
2 shall apply so far as applicable to such licensee.
3 § 3. This act shall take effect immediately.