STATE OF NEW YORK

5173--A

2017-2018 Regular Sessions

IN SENATE

March 10, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to expanding the amount of barrels that a restaurant brewer may sell at retail

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 5, 12, 13, 14, 15, 16, 17, 18 and 19 of section 64-c of the alcoholic beverage control law, subdivision 5 as amended by chapter 366 of the laws of 2012, subdivisions 12, 13, 14, 15 and 16 as added by chapter 538 of the laws of 1997, subdivision 17 as added by chapter 562 of the laws of 2006, subdivision 18 as added by chapter 181 of the laws of 2008 and subdivision 19 as added by chapter 318 of the laws of 2016, are amended to read as follows:

5. Such restaurant-brewer license shall in form and in substance be a license to the person specifically licensed to operate a restaurant and sell liquor at retail to be consumed on the premises specifically licensed. Such license shall also be deemed to include a license to:

(a) sell wine and beer at retail to be consumed under the same terms and conditions, without the payment of any additional fee; and

(b) sell beer brewed on the premises to other retail licensees, where such license is held by the same person holding the restaurant-brewer license, or to commonly owned affiliate licenses, provided that such beer is sold through a New York state licensed beer wholesaler.

(c) sell, in the aggregate, no more than two thousand barrels of beer brewed on the premises to other retail licensees, where such other retail licensees are not held by the same person holding the restaurant-brewer licenses or are not commonly owned affiliate licenses,

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

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provided that such beer is sold through a New York state licensed beer wholesaler;

(d) sell, in the aggregate, no more than two thousand barrels of beer brewed on the licensed premises at retail to a person for consumption in their home and at retail in bulk by the keg, cask or barrel for consumption and not for resale.

[~~12. The liquor authority may in its discretion and upon such terms and conditions as it may prescribe, issue to a licensed restaurant-brewer upon his application therefor a supplemental license authorizing the restaurant-brewer to sell beer brewed on the licensed premises at retail to a person for consumption in his home, at retail in bulk by the keg, cask or barrel for consumption and not for resale at a clambake, barbecue, picnic, outing or other similar outdoor gathering at which more than fifty persons are assembled and at wholesale. Such additional license shall permit the sale of up to two hundred fifty barrels of beer per year. No person, who holds multiple licenses under this section and applies for and receives multiple supplemental licenses, may sell, under those supplemental licenses, in the aggregate more than one thousand barrels of beer per year.~~

~~13. For the exercise of the privilege granted by such supplemental license issued under subdivision twelve of this section there is assessed a fee to be paid by the licensee in the sum of eleven hundred twenty-five dollars per three-year period plus a one hundred dollar filing fee and which fee shall be in addition to the fee provided for in this section for a restaurant-brewer license.~~

~~14. An application for a supplemental license under subdivision thirteen of this section shall be in such form and shall contain such information as shall be required by the liquor authority and shall be accompanied by a check or draft in the amount required by subdivision thirteen of this section.~~

~~15.~~] 12. The fee for an original and a renewal restaurant-brewer license shall be fifty-eight hundred fifty dollars in the counties of New York, Kings, Bronx and Queens; forty-three hundred fifty dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; thirty-six hundred dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of twenty-eight hundred fifty dollars elsewhere. Said license shall run for a period of three years. In addition to the license fees provided for in this subdivision, there shall be paid to the authority with each initial application a filing fee of two hundred dollars and with each renewal application a filing fee of one hundred dollars.

[~~16. A restaurant-brewer license issued under this section and a supplemental license issued under this section shall run concurrently.~~

~~17.~~] 13. (a) A licensee or his or her employee may serve small samples of beer or malt beverages he or she produces at their licensed establishments.

(b) Each serving at such tasting shall be served only by the brewer or his or her employee and shall be limited to three ounces or less of a brand of beer or malt beverage produced by the brewer and no consumer of legal age shall be provided or given more than two servings of such brands offered for tasting.

(c) The authority is authorized and directed to promulgate such rules and regulations, as it deems necessary or appropriate to implement the provisions of this subdivision to protect the health, safety and welfare of the people of this state.

[~~18.~~] **14.** Notwithstanding the provisions of subdivision six of this section or of subdivision thirteen of section one hundred six of this chapter, the authority may issue a restaurant brewer's license pursuant to this section for a premises which shall be located wholly within the town of Ulster, county of Ulster, state of New York, bounded and described as follows:

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of Ulster, County of Ulster and the State of New York, bounded and described as follows:

BEGINNING at a point on the Northeasterly side of City View Terrace, said point being the Westerly corner of the lands of the State of New York and a Southwesterly corner of the herein described parcel; THENCE from said point of beginning along the Northeasterly side of City View Terrace, North 43 degrees 36 minutes 03 seconds West, 109.02 feet to a point on the Southeasterly side of Forest Hill Drive; THENCE along the Southeasterly side of Forest Hill Drive the following course and distances, North 16 degrees 32 minutes 34 seconds West, 92.62 feet to a point; THENCE North 10 degrees 38 minutes 26 seconds East, 70.45 feet to a point; THENCE North 35 degrees 53 minutes 26 seconds East, 122.45 feet to a point; THENCE North 46 degrees 30 minutes 26 seconds East, 203.40 feet to a point; THENCE North 62 degrees 37 minutes 26 seconds East; 115.94 feet to a point; THENCE North 79 degrees 39 minutes 26 seconds East, 47.82 feet to a point; THENCE North 45 degrees 16 minutes 41 seconds East, 63.33 feet to a recovered bar; THENCE along the bounds of lands of now or formerly Skytop Village Associates, L. 1916-P. 134, the following courses and distances, South 37 degrees 08 minutes 02 seconds East, 196.33 feet to a recovered bar; THENCE South 65 degrees 47 minutes 02 seconds East, 90.63 feet to a point; THENCE North 77 degrees 23 minutes 58 seconds East, 233.85 feet to a recovered bar; THENCE North 85 degrees 29 minutes 58 seconds East, 297.09 feet to a recovered bar; THENCE South 63 degrees 30 minutes 02 seconds East, 108.50 feet to a recovered bar; THENCE along the bounds of lands of now or formerly Robert D. Sabino, L. 1487-P. 397, and along a stone wall, South 32 degrees 24 minutes 04 seconds West, 353.51 feet to a point; THENCE leaving said stone and along the bounds of lands of now or formerly Stanley Amerling, L. 1440-P. 908, South 75 degrees 41 minutes 26 seconds West, 264.62 feet to a point; THENCE along the bounds of lands of Summit Properties, LLC, L. 2856-P. 82, the following courses and distances, North 41 degrees 29 minutes 34 seconds West, 50.00 feet to a point; THENCE South 71 degrees 10 minutes 26 seconds West, 89.84 feet to a point; THENCE South 59 degrees 51 minutes 26 seconds West, 251.72 feet to a point; THENCE South 13 degrees 15 minutes 34 seconds East, 90.20 feet to a point; THENCE along the bounds of lands of said State of New York, the following courses and distances, North 56 degrees 41 minutes 34 seconds West, 168.79 feet to a point; THENCE North 75 degrees 51 minutes 34 seconds West, 254.10 feet to the point and place of beginning. Being the same premises as conveyed to Skytop Motel, LLC by deed of Stewart Title, as agent of the grantor, Skytop Motel, Inc., dated April 29, 2003 and recorded in the office of the Ulster County Clerk on June 10, 2003 as document no. 2003-00016207, Receipt no. 48178, Bk-D VI-3621, pg-171.

[~~19.~~] **15.** Notwithstanding the provisions of subdivision six of this section or of subdivision thirteen of section one hundred six of this chapter, the authority may issue a restaurant brewer's license pursuant to this section for a premises which shall be located wholly within the

city of Peekskill, county of Westchester, state of New York, bounded and described as follows:

Any such premises or business located on all that certain parcel of land situate in the City of Peekskill, County of Westchester and State of New York, that is a portion of Parcel I as it is shown on that certain map entitled, "Survey . . at Charles Point . . " which was filed in the Westchester County Clerk's Office on October 23, 1980 as Map No. 20407 that is bounded and described as follows:

BEGINNING at a point on the easterly shoreline of the Hudson River and within the bounds of the said Parcel I as it is shown on the said Filed Map NO. 20407, which point occupies coordinate position:

North 464418.83 (y)

East 607401.00 (x)

of the New York State Coordinate System, East Zone and which point is distant, the following courses from the southerly corner of the Parcel shown on Map No. 20407 that occupies coordinate position

North 463520.804 (y)

East 608470.681 (x)

of the aforesaid New York State Coordinate System, East Zone:

North 47 degrees 30' 36" West 856.60 feet,

North 77 degrees 10' 53" West 488.18 feet,

North 41 degrees 17' 53" West 113.32 feet and

North 41 degrees 50' 16" East 169.08 feet;

THENCE from the said point of beginning along the said easterly shoreline (high water mark) of the east bank of the Hudson River:

Due North 16.17 feet,

North 53 degrees 58' 22" West 13.60 feet,

North 73 degrees 04' 21" West 24.04 feet,

North 63 degrees 26' 06" West 22.36 feet,

North 82 degrees 18' 14" West 37.34 feet,

North 64 degrees 47' 56" West 37.58 feet,

South 82 degrees 52' 30" West 16.12 feet,

North 61 degrees 41' 57" West 14.76 feet and

South 21 degrees 48' 05" West 9.71 feet;

THENCE leaving the high water mark and running across a peninsula of land and along the division line between Parcel I and Parcel II as shown on said Filed Map No. 20407, North 65 degrees 32' 43" West 30.18 feet to another point on the said easterly shoreline (high water mark) of the East Bank of the Hudson River;

THENCE northerly along the said high water mark, the following courses:

North 3 degrees 00' 46" West 17.54 feet,

North 13 degrees 45' 39" West 50.45 feet,

North 10 degrees 49' 23" West 69.23 feet,

North 0 degrees 47' 22" West 52.48 feet to a point which is the point of beginning of the hereinafter described 40 foot easement which point occupies coordinate position

North 464676.48 (y)

East 607189.28 (x)

of the New York State Coordinate System, East Zone;

THENCE continuing along the aforesaid easterly shoreline (high water mark) of the East Bank of the Hudson, the following courses:

North 10 degrees 18' 17" West 23.91 feet,

North 39 degrees 04' 58" West 21.39 feet,

North 20 degrees 13' 30" West 21.74 feet,

North 39 degrees 02' 08" West 95.27 feet,

North 13 degrees 08' 02" West 30.81 feet,
North 18 degrees 26' 06" West 53.76 feet,
North 28 degrees 10' 43" West 63.53 feet,
North 18 degrees 26' 06" West 50.60 feet,
North 37 degrees 14' 05" West 31.40 feet,
North 21 degrees 15' 02" West 96.57 feet,
North 32 degrees 00' 19" West 47.17 feet,
North 1 degree 18' 07" West 44.01 feet and
North 17 degrees 14' 29" East 29.32 feet to a point on the southerly line of lands under lease to the County of Westchester (Resco Site);

THENCE along the said County of Westchester (Resco Site) lands: Due East 432.31 feet to a point on the westerly line of an easement and a right-of-way leading to Charles Point Avenue;

THENCE along the said westerly and southwesterly line of the said right-of-way leading to Charles Point Avenue: Due South 241.16 feet and South 27 degrees 13' 00" East 406.90 feet to a point;

THENCE leaving the said easement and running along other lands now or formerly of The City of Peekskill Industrial Development Agency, South 41 degrees 50' 16" West 270.01 feet to the aforementioned easterly shoreline (high water mark) of the East Bank of the Hudson River and the point or place of beginning.

TOGETHER with an easement over all that parcel of land situate in the City of Peekskill, County of Westchester and State of New York that is more particularly bounded and described as follows:

BEGINNING at a point on the westerly line of Charles Point Avenue with the said westerly line is intersected by the line dividing the easement herein described on the south from lands under lease to the County of Westchester (Resco Site) on the north which point occupies coordinate position:

North 464719.99 (y)
East 608004.15 (x)
of the New York State Coordinate System, East Zone;

THENCE from the said point of beginning southerly along the said westerly line of Charles Point Avenue, South 14 degrees 54' 00" West 103.48 feet to a point;

THENCE westerly along other lands of the City of Peekskill Industrial Development Agency: Due West 396.44 feet to a point which is the easterly most corner of the lands of Point Associates, the grantee herein;

THENCE along the northeasterly line of the said Point Associates' land, North 27 degrees 13' 00" West 406.90 feet and Due North 241.16 feet to a point on the southerly line of the aforementioned lands leased to the County of Westchester (Resco Site);

THENCE easterly along the said southerly line Due East 75.00 feet to a point;

THENCE southeasterly and easterly still along the said lands leased to the County of Westchester (Resco Site) the following courses:

Due South 223.00 feet,
South 27 degrees 13' 00" East 314.87 feet and
Due East 390.14 feet to the aforementioned westerly line of Charles Point Avenue and the point or place of BEGINNING.

TOGETHER WITH a non-exclusive easement for utilities, and ingress and egress over that certain right of way leading from Charles Point Avenue, now known as John E. Walsh Boulevard, in a westerly and northwesterly direction to the above described premises and as more fully described in the Declaration of Easement recorded in Liber 8888 cp 35.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, however effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.