STATE OF NEW YORK

S. 5639 A. 7548

2019-2020 Regular Sessions

SENATE - ASSEMBLY

May 9, 2019

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

IN ASSEMBLY -- Introduced by M. of A. McDONALD -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to exempting certain parcels of land from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license

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

Section 1. Subparagraph (xii) of paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law, as added by chapter 453 of the laws of 2018, is amended and a new subparagraph (xiii) is added to read as follows:

(xii) ALSO ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Tenth Ward of the City of Troy, County of Rensselaer and State of New York, known as Lots Number Seven (7), A Seven (A7), Six (6), A Six (A6), Five (5), A Five (A5) and the southerly portions of Lots Four (4) and A Four (A4), as the same are laid down and described on a certain Map made by Frederick W. Orr, dated August 15, 1918, filed in the Office of the Clerk of the County of Rensselaer as Map No. 29 1/2, Drawer 18. The said premises hereby intended to be conveyed are bounded and described as follows:

COMMENCING at an iron rod in the westerly side of River Street at the most southeasterly corner of premises heretofore conveyed by Harry Goldberg and Norman Goldberg to Arthur E. Collins and another, by Deed dated November 8, 1940, recorded November 12, 1940 In the Office of the Clerk of the County of Rensselaer in Book 633 of Deeds at page 400 and running thence southerly along the westerly line of River Street 215.6 feet to a

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

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pipe in the most southeasterly corner of Lot No. A7; thence westerly along the southerly line of Lots Nos. A7 and 7, 163 feet more or less to the easterly shore of the Hudson River; thence northerly along the easterly shore of the Hudson River 216 feet more or less to the most southwesterly corner of land heretofore conveyed by the said Harry Goldberg and Norman Goldberg to Arthur E. Collins and another hereinbefore recited; thence along the southerly line of lands heretofore conveyed to said Collins and another easterly 31.75 feet; thence northerly 6.33 feet; thence easterly 18 feet; thence southerly 6.33 feet; thence easterly 150.57 feet to the point or place of beginning.

EXCEPTING THEREFROM that portion of the above described premises as were conveyed by John B. Garrett, Inc. to Cahill Orthopedic Laboratory, Inc. by deed dated June 22, 1993 and recorded in the Rensselaer County Clerk's Office on June 24, 1993 in Book 1690 of Deeds at Page 215,

Containing 17,600 square feet of land more or less.

BEARINGS refer to the magnetic meridian of 1993. Said premises are also described as follows: Ward & Plate: 1005500 669 RIVER ST: frontage and depth 115.60 x 220.00 being the same premises described in Book 6534 of Deeds at Page 256 in the Rensselaer County Clerk's Office and being the same premises in the 2009 City of Troy Assessment Rolls and 90.78-3-2.1 In Rem Serial No. AY0054 (RIVERVIEW PROPERTIES INC; CORINA, ANGELO; MCLAUGHLIN, JOHN D & VASIL, SCOTT)[~~.~~]**; and being further bounded and described as follows: BEGINNING at a point marked by a capped iron rod where the division line between lands now or formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) on the northeast and lands herein described on the southwest intersects the northwesterly side of River Street; running thence South 40° 01' 52" West along the northwesterly side of River Street a distance of 100.00 feet to a point; thence North 49° 45' 31" West a distance of 41.97 feet to a point at the southwesterly corner of the building located on the herein described premises, said point also being the northeasterly corner of the building located on the property adjoining on the southwest; thence North 60° 59' 40" West along the building wall located on the property adjoining on the southwest and the northwesterly continuation of same a distance of 140.88 feet to the easterly shore of the Hudson River; thence North 30° 16' 52" East along the shore of the Hudson River a distance of 90.90 feet to a point; thence South 60° 44' 08" East along lands now or formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) a distance of 31.75 feet to a point; thence North 30° 16' 52" East continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East continuing along lands now or formerly of Walter Snyder Printer, Inc a distance of 18.00 feet to a point; thence South 30° 16' 52" West continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 149.40 feet to the point and place of beginning. Be the aforesaid dimensions in this clause more or less and encompassing lands considered to be a single contiguous parcel.**

(xiii) ALSO ALL THOSE TRACT OR PARCEL OF LAND, situate, lying and being in the City of South Glens Falls, County of Saratoga and State of New York, being more particularly bounded and described as follows: BEGINNING at a point at the southwest corner of the herein described parcel. Also being the southeast corner of Lands of Village of South Glens Falls (L. 1448 P. 709) and being on the north boundary of West Marion Street, thence from said point of beginning: n 21-21'-57" E

150.72 feet along lands of the Village of South Glens Falls to a point on the south boundary of South Glens Falls, thence S 67-34'-02" E 189.04 feet along lands of Village of South Glens Falls and Mounir Rahal to a point at the southeast corner of Rahal and on the west boundary of U.S. Rte. 9, thence S 21-16'-27" W 150.81 feet along Rte. 9 to a point at the intersection of the west boundary of Rte. 9 and the north boundary of West Marion Street, thence North 67-32'-32" West 189.29 feet along West Marion Street to the point and place of beginning. Said parcel containing 0.507 plus or minus acres.

§ 2. Subparagraph (xii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law, as amended by chapter 453 of the laws of 2018, is amended and two new subparagraphs (xiii) and (xiv) are added to read as follows:

(xii) all those tracts or parcels of land, situate in the Tenth Ward of the City of Troy, County of Rensselaer and State of New York, known as Lots Number Seven (7), A Seven (A7), Six (6), A Six (A6), Five (5), A Five (A5) and the southerly portions of Lots Four (4) and A Four (A4), as the same are laid down and described on a certain Map made by Frederick W. Orr, dated August 15, 1918, filed in the Office of the Clerk of the County of Rensselaer as Map No. 29 1/2, Drawer 18. The said premises hereby intended to be conveyed are bounded and described as follows:

COMMENCING at an iron rod in the westerly side of River Street at the most southeasterly corner of premises heretofore conveyed by Harry Goldberg and Norman Goldberg to Arthur E. Collins and another, by Deed dated November 8, 1940, recorded November 12, 1940 In the Office of the Clerk of the County of Rensselaer in Book 633 of Deeds at page 400 and running thence southerly along the westerly line of River Street 215.6 feet to a pipe in the most southeasterly corner of Lot No. A7; thence westerly along the southerly line of Lots Nos. A7 and 7, 163 feet more or less to the easterly shore of the Hudson River; thence northerly along the easterly shore of the Hudson River 216 feet more or less to the most southwesterly corner of land heretofore conveyed by the said Harry Goldberg and Norman Goldberg to Arthur E. Collins and another hereinbefore recited; thence along the southerly line of lands heretofore conveyed to said Collins and another easterly 31.75 feet; thence northerly 6.33 feet; thence easterly 18 feet; thence southerly 6.33 feet; thence easterly 150.57 feet to the point or place of beginning.

EXCEPTING THEREFROM that portion of the above described premises as were conveyed by John B. Garrett, Inc. to Cahill Orthopedic Laboratory, Inc. by deed dated June 22, 1993 and recorded in the Rensselaer County Clerk's Office on June 24, 1993 in Book 1960 of Deeds at Page 215, Containing 17,600 square feet of land more or less.

BEARINGS refer to the magnetic meridian of 1993. Said premises are also described as follows: Ward & Plate: 1005500 669 RIVER ST: frontage and depth 115.60 x 220.00 being the same premises described in Book 6534 of Deeds at Page 256 in the Rensselaer County Clerk's Office and being the same premises in the 2009 City of Troy Assessment Rolls and 90.78-3-2.1 In Rem Serial No. AY0054 (RIVERVIEW PROPERTIES INC; CORINA, ANGELO; MCLAUGHLIN, JOHN D & VASIL, SCOTT)[.]**; and being further bounded and described as follows: BEGINNING at a point marked by a capped iron rod where the division line between lands now or formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) on the northeast and lands herein described on the southwest intersects the northwesterly side of River Street; running thence South 40° 01' 52" West along the northwesterly side of River Street a distance of 100.00 feet to a point; thence North 49° 45' 31" West a distance of 41.97 feet to a point at the south-**

westerly corner of the building located on the herein described premises, said point also being the northeasterly corner of the building located on the property adjoining on the southwest; thence North 60° 59' 40" West along the building wall located on the property adjoining on the southwest and the northwesterly continuation of same a distance of 140.88 feet to the easterly shore of the Hudson River; thence North 30° 16' 52" East along the shore of the Hudson River a distance of 90.90 feet to a point; thence South 60° 44' 08" East along lands now or formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) a distance of 31.75 feet to a point; thence North 30° 16' 52" East continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East continuing along lands now or formerly of Walter Snyder Printer, Inc a distance of 18.00 feet to a point; thence South 30° 16' 52" West continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 149.40 feet to the point and place of beginning. Be the aforesaid dimensions in this clause more or less and encompassing lands considered to be a single contiguous parcel.

(xiii) ALSO ALL THOSE TRACTS OR PARCEL OF LAND, situate in the City of Saratoga Springs, Saratoga County, New York, bounded and described as follows: Beginning at a point 55 feet south on Beekman Street, from where the west line of Beekman Street intersects the south line of Congress Street, and running thence southerly along the west line of Beekman Street 55 feet, more or less, to the north line of the premises now or formerly owned or occupied by Henry Curtis; thence westerly along said Curtis' north line 65 feet, more or less, to the east line of the premises heretofore conveyed to Edward M. Merritt; thence northerly along said Merritt's east line 55 feet, more or less, to a point 55 feet south of the south line of Congress Street; thence easterly on a line parallel with the south line of Congress Street 65 feet, more or less, to the point and place of beginning; and being further bounded and described as follows: BEGINNING at a point in the Southerly line Grand Avenue at the intersection of the Westerly line of Beekman Street, said point also being the Northeast comer of lands now or formerly of Dublin Underground, LLC as conveyed in Book 1769 of Deeds at Page 657,thence along said Westerly line of Beekman Street, South 01°02'45"West, SS.00 feet to a point at the intersection of the common division line between lands now or formerly of Haggerty as conveyed in Book 1595 of Deeds at Page 480 on the South and lands of said Dublin Underground LLC on the North, thence along said division line, North 88°57'15"West, 65.00 feet to a point at the intersection of the common division line between lands now or formerly of Haynes as conveyed in Book 1630 of Deeds at Page 727 on the West and said lands of Dublin Underground UC on the East, thence along said division line, North 01°02'45"East, 55.00 feet to a point in the Southerly line of Grand Avenue, thence along said Southerly line, South 88°57'15"East, 65.00 feet to the point or place of beginning and containing 3576 ± square feet of land; and being further bounded and described as follows: BEGINNING at a point where the east line of an alley intersects the south line of Grand Avenue, running thence easterly fifty-five (55) feet, more or less, to the west line of property now or formerly owned by one Desidora; thence southerly one hundred ten (110) feet, more or less, to the northerly line of property now or formerly owned by one Gutierresl thence westerly fifty-five (55) feet, more or less to the easterly line of an alley; thence northerly one hundred ten

(110) feet, more or less to the point or place of beginning. Be the aforesaid dimensions in this clause more or less and encompassing lands considered to be a single contiguous parcel.

(xiv) ALSO ALL THOSE TRACTS OR PARCEL OF LAND, situate in the City of Saratoga Springs, County of Saratoga and State of New York, bounded and described as follows: Starting at an iron pipe on the southerly side of New York State Highway 9P at the intersection of the lands now of formerly of Ernst and one Walbridge and runs thence along the said highway S 64 degrees 25' E 72.4 feet to a concrete state monument; thence S 35 degrees 9' E 135.6 feet to an iron pipe on the Westerly side of an 18 foot wide Right of Way extending from the aforementioned highway to the Low Water Mark of Saratoga Lake; thence along the said Right of Way S 17 degrees 20' W 115 feet to an iron pipe, the place of beginning; thence in the same straight line along the said Right of Way 78.4 feet to an iron pipe; thence still along the said Right of Way S 38 degrees 9' W 208 feet to an iron pipe; thence N 51 degrees 51' W 81 feet to an iron pipe; thence N 14 degrees 34' E 54.2 feet to an iron pipe; thence N 56 degrees 0' E 242.8 feet to the place of beginning, the aforementioned dimensions more or less; and being further bounded and described as follows: BEGINNING at an iron pipe of the southerly side of New York State Highway 9P at the intersection of the lands now of formerly of Ernst and one Walbridge and runs thence along said highway S. 64 degrees 25' E. 72.4 feet to a concrete state monument; thence still along the said highway S. 35 degrees 9' E. 135.6 feet to an iron pipe on the westerly side of a Right of Way 18 feet wide running from the beforementioned highway to the Low Water Mark of Saratoga Lake; thence across the said Right of Way S. 26 degrees E. 21.15 feet to the Easterly side of the said Right of Way, the place of beginning; thence along the said Right of Way S. 17 degrees 20' W. 171.1 feet to a point; thence still along the said Right of Way S. 38 degrees 9' W. to the Low Water Mark of Saratoga Lake; thence along the Low Water Mark of the said lake to an iron pipe on the Westerly side of the said Highway which point is about 435 feet Easterly at right angles from the Easterly side of the beforementioned Right of Way; thence along the said Highway N. 10 degrees 57' W. 653.5 feet to a concrete monument; thence N. 26 degrees 10' W. 9.85 feet to the place of beginning. Be the aforesaid dimensions in this clause more or less and encompassing lands considered to be a single parcel.

§ 3. This act shall take effect immediately.