

STATE OF NEW YORK

8184

2019-2020 Regular Sessions

IN ASSEMBLY

June 6, 2019

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

AN ACT to amend the alcoholic beverage control law, in relation to exempting certain 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:

1 Section 1. Subparagraph (xii) of paragraph (a) of subdivision 1 of
2 section 101 of the alcoholic beverage control law, as added by chapter
3 453 of the laws of 2018, is amended and a new subparagraph (xiii) is
4 added to read as follows:

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

14 COMMENCING at an iron rod in the westerly side of River Street at the
15 most southeasterly corner of premises heretofore conveyed by Harry Gold-
16 berg and Norman Goldberg to Arthur E. Collins and another, by Deed dated
17 November 8, 1940, recorded November 12, 1940 In the Office of the Clerk
18 of the County of Rensselaer in Book 633 of Deeds at page 400 and running
19 thence southerly along the westerly line of River Street 215.6 feet to a
20 pipe in the most southeasterly corner of Lot No. A7; thence westerly
21 along the southerly line of Lots Nos. A7 and 7, 163 feet more or less to
22 the easterly shore of the Hudson River; thence northerly along the east-
23 erly shore of the Hudson River 216 feet more or less to the most south-

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

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1 westerly corner of land heretofore conveyed by the said Harry Goldberg
2 and Norman Goldberg to Arthur E. Collins and another hereinbefore
3 recited; thence along the southerly line of lands heretofore conveyed to
4 said Collins and another easterly 31.75 feet; thence northerly 6.33
5 feet; thence easterly 18 feet; thence southerly 6.33 feet; thence east-
6 erly 150.57 feet to the point or place of beginning.

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

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

12 BEARINGS refer to the magnetic meridian of 1993. Said premises are
13 also described as follows: Ward & Plate: 1005500 669 RIVER ST: frontage
14 and depth 115.60 x 220.00 being the same premises described in Book 6534
15 of Deeds at Page 256 in the Rensselaer County Clerk's Office and being
16 the same premises in the 2009 City of Troy Assessment Rolls and
17 90.78-3-2.1 In Rem Serial No. AY0054 (RIVERVIEW PROPERTIES INC; CORINA,
18 ANGELO; MCLAUGHLIN, JOHN D & VASIL, SCOTT).

19 The provisions of this paragraph shall not apply to any premises
20 licensed under section sixty-four of this chapter in which a manufactur-
21 er or wholesaler holds a direct or indirect interest, provided that: (I)
22 said premises consist of an interactive entertainment facility which
23 predominantly offers interactive computer and video entertainment
24 attractions, and other games and also offers themed merchandise and food
25 and beverages, (II) the sale of alcoholic beverages within the premises
26 shall be restricted to an area consisting of not more than twenty-five
27 percent of the total interior floor area of the premises, (III) the
28 retail licenses shall derive not less than sixty-five percent of the
29 total revenue generated by the facility from interactive video enter-
30 tainment activities and other games, including related attractions and
31 sales of merchandise other than food and alcoholic beverages, (IV) the
32 interested manufacturer or wholesaler, or its parent company, shall be
33 listed on a national securities exchange and its direct or indirect
34 equity interest in the retail licensee shall not exceed twenty-five
35 percent, (V) no more than fifteen percent of said licensee's purchases
36 of alcoholic beverages for sale in the premises shall be products
37 produced or distributed by the manufacturer or wholesaler, (VI) neither
38 the name of the manufacturer or wholesaler nor the name of any brand of
39 alcoholic beverage produced or distributed by said manufacturer or
40 wholesaler shall be part of the name of the premises, (VII) the name of
41 the manufacturer or wholesaler or the name of products sold or distrib-
42 uted by such manufacturer or wholesaler shall not be identified on
43 signage affixed to either the interior or the exterior of the premises
44 in any fashion, (VIII) promotions involving alcoholic beverages produced
45 or distributed by the manufacturer or wholesaler are not held in such
46 premises and further, retail and consumer advertising specialties bear-
47 ing the name of the manufacturer or wholesaler or the name of alcoholic
48 beverages produced or distributed by the manufacturer or wholesaler are
49 not utilized in any fashion, given away or sold in said premises, and
50 (IX) except to the extent provided in this paragraph, the licensing of
51 each premises covered by this exception is subject to all provisions of
52 section sixty-four of this chapter, including but not limited to liquor
53 authority approval of the specific location thereof. The provisions of
54 this paragraph shall not prohibit (1) a manufacturer or wholesaler, if
55 an individual, or a partner, of a partnership, or, if a corporation, an
56 officer or director thereof, from being an officer or director of a duly

1 licensed charitable organization which is the holder of a license for
2 on-premises consumption under this chapter, nor (2) a manufacturer from
3 acquiring any such premises if the liquor authority first consents ther-
4 eto after determining, upon such proofs as it shall deem sufficient,
5 that such premises is contiguous to the licensed premises of such
6 manufacturer, and is reasonably necessary for the expansion of the
7 facilities of such manufacturer. After any such acquisition, it shall be
8 illegal for a manufacturer acquiring any such premises to sell or deliv-
9 er alcoholic beverages manufactured by him to any licensee occupying
10 such premises[~~+~~]; or

11 (xiii) any such premises or business located in the Town of Carmel,
12 County of Putnam, State of New York, and being more particularly bounded
13 and described as follows:

14 BEGINNING at a point on the westerly side of U.S. Route 6 where the
15 same is intersected by Lot No. 1 as shown on "Minor Subdivision Plat
16 Prepared for Hinckley Holdings LLC Between Tax Lots 55.10-1-1, 55.10-1-3
17 & 55.6-1-53," filed in the Putnam County Clerks' office on July 18, 2018
18 as filed map no. 3196 and lands now or formerly of the Putnam County
19 Bike path; THENCE from said point of beginning along the westerly side
20 of U.S. Route 6, S 14° 39' 25" E 16.79' to the intersection of Lot Nos.
21 1 & 3 as shown on the aforementioned filed map no. 3196; THENCE along
22 the dividing line between Lot Nos. 1 & 3 as shown on the aforementioned
23 filed map no. 3196, S 75° 20' 35" W 6.53' to a point on a curve to the
24 right; THENCE along said curve to the right with a radius of 150.00', a
25 length of 49.19' and a central angle of 18° 47' 25" to a point; thence N
26 85° 52' 00" W 743.76', S 2° 05' 46" W 866.14' and N 88° 19' 25" W
27 258.90' to a point at the intersection of Lot Nos. 1, 2, & 3 as shown on
28 the aforementioned filed map no. 3196; THENCE along the dividing line
29 between Lot Nos. 1 & 2 as shown on the aforementioned filed map no.
30 3196, N 28° 38' 52" W 218.96' and N 77° 16' 24" W 239.77' to a point on
31 a curve to the right; THENCE along said curve to the right with a radial
32 bearing of S 84° 14' 21" E, a radius of 150.00', a length of 14.91' and
33 a central angle of 5° 41' 49" to a point; thence N 11° 27' 28" E 300.64'
34 to a point on a curve to the left; THENCE along said curve to the left
35 with a radius of 70.00', a length of 121.16' and a central angle of 99°
36 10' 18" to a point; THENCE N 87° 42' 50" W 58.65' to a point on the
37 easterly side of Seminary Hill Road; THENCE along the easterly side of
38 Seminary Hill Road, N 24° 43' 45" E 16.72', N 22° 06' 20" E 413.76', N
39 31° 12' 50" E 6.29', N 43° 03' 10" E 4.16' and N 42° 32' 19" E 6.72' to
40 a point at the intersection of Lot No. 1 as shown on the aforementioned
41 filed map no. 3196 and lands now or formerly of the Putnam County Bikep-
42 ath; THENCE along the dividing line between Lot No. 1 as shown on the
43 aforementioned filed map no. 3196 and lands now or formerly of the
44 Putnam County Bikepath, N 63° 24' 48" E 12.80', N 72° 52' 19" E 17.05',
45 S 68° 45' 13" E 41.08', S 88° 19' 31" E 215.42', S 29° 05' 17" E 71.85',
46 S 74° 05' 17" E 393.67' and S 85° 52' 00" E 617.85' to the point and
47 place of BEGINNING. Containing within said bounds 13.003 acres of land
48 more or less.

49 § 2. This act shall take effect immediately.