STATE OF NEW YORK

6336

2019-2020 Regular Sessions

IN SENATE

June 5, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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 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 south-

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

LBD13198-01-9

westerly 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).

The provisions of this paragraph shall not apply to any premises licensed under section sixty-four of this chapter in which a manufacturer or wholesaler holds a direct or indirect interest, provided that: (I) said premises consist of an interactive entertainment facility which predominantly offers interactive computer and video entertainment attractions, and other games and also offers themed merchandise and food and beverages, (II) the sale of alcoholic beverages within the premises shall be restricted to an area consisting of not more than twenty-five percent of the total interior floor area of the premises, (III) the retail licenses shall derive not less than sixty-five percent of the total revenue generated by the facility from interactive video entertainment activities and other games, including related attractions and sales of merchandise other than food and alcoholic beverages, (IV) the interested manufacturer or wholesaler, or its parent company, shall be listed on a national securities exchange and its direct or indirect equity interest in the retail licensee shall not exceed twenty-five percent, (V) no more than fifteen percent of said licensee's purchases of alcoholic beverages for sale in the premises shall be products produced or distributed by the manufacturer or wholesaler, (VI) neither the name of the manufacturer or wholesaler nor the name of any brand of alcoholic beverage produced or distributed by said manufacturer or wholesaler shall be part of the name of the premises, (VII) the name of the manufacturer or wholesaler or the name of products sold or distributed by such manufacturer or wholesaler shall not be identified on signage affixed to either the interior or the exterior of the premises in any fashion, (VIII) promotions involving alcoholic beverages produced or distributed by the manufacturer or wholesaler are not held in such premises and further, retail and consumer advertising specialties bearing the name of the manufacturer or wholesaler or the name of alcoholic beverages produced or distributed by the manufacturer or wholesaler are not utilized in any fashion, given away or sold in said premises, and (IX) except to the extent provided in this paragraph, the licensing of each premises covered by this exception is subject to all provisions of section sixty-four of this chapter, including but not limited to liquor authority approval of the specific location thereof. The provisions of this paragraph shall not prohibit (1) a manufacturer or wholesaler, if an individual, or a partner, of a partnership, or, if a corporation, an officer or director thereof, from being an officer or director of a duly

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

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

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

§ 2. This act shall take effect immediately.