STATE OF NEW YORK

8737

IN SENATE

July 13, 2020

Introduced by Sen. HELMING -- 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 licensing restrictions for manufacturers and wholesalers of alcoholic beverages on licensees who sell at retail for on-premises consumption; and to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon the expiration thereof

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

Section 1. Subparagraph (ii) of paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law is REPEALED and a new subparagraph (ii) is added to read as follows:

(ii) (A) all that tract or parcel of land situate in the City of Canandaigua, County of Ontario, State of New York, all as shown on a map entitled "Meridian Automotive Systems Subdivision Plan", prepared by Costich Engineering, P.C., having drawn number 3203-01, last dated 8/4/2003, and is to be filed in the Ontario County Clerk's Office and being more particularly bounded and described as follows:

Beginning at a point on the east right-of-way line of North Bloomfield Road said point also being the northwest corner of lands now or formerly owned by Donald and Jean Baier having T.A. # 070.19-01-06; thence

1. N60°57;16"W, along said east right-of -way of North Bloomfield Road a distance of 1,266.75 feet to a point; thence

2. N50°14'22"W, along said east right-of-way line of North Bloomfield Road a distance of 143.38 feet to a point; thence

3. N31°52'21"W, along said east right-of-way line of North Bloomfield Road a distance of 187.27 feet to a point on the south right-of-way line of North Street; thence

4. N46°08'48"E, along said south right-of-way like of North Street a distance of 119.22 feet to a point; thence

5. N63°01'14"E, along said south right-of-way line or North Street a distance of 741.98 feet to a point; thence

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

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6. N86°19 '13"E, along said south right-of-way of North Street a distance of 19.24 feet to a point; thence

7. N65°53'43"E, along said south right-of-way line: of North Street a distance of 404.05 feet to a point; thence

8. N6 1°36'29'"E, along said south right-of-way line: of North Street a distance of 169.25 feet to a point; thence

9. N22°28'53"E, along said south right-of-way line of North Street a distance of 36.46 feet to a point; thence

10. N63°01'14"E, along said south right-of-way line of North Street a distance of 3.25 feet to a point; thence

11. N62°49'02"E, along said south right-of-way line of North Street a distance of 37.27 feet to a point; thence

12. S32°33'19"E, a distance of 325.41 feet to a point; thence

13. S50°20'56'E, a distance of 218.92 feet to a point, thence

14. S77°44'52'E. a distance of 213.31 feet to a point, thence

15. Southerly along a curve to the right having a delta angle of 03°50'08", a radius of 5,720.16 feet, and an arc length of 382.93 feet, said curve also having a chord of S47°19'56"E, 382.85 feet to a point; thence

16. S45°26'16"E. a distance of 510.13 feet to a point; thence

17. S62°47'34"W. a distance of 1,052.60 feet to a point, thence

18. N52°52'16"W, a distance of 185.00 feet to a point, thence

19. S43°29'44"W. a distance of 190.00 feet to a point and place of beginning. Containing 48,584 acres of land, more or less.

(B) All that piece or parcel of land situate in the City of Rochester, county of Monroe, State of New York, and more particularly described as follows:

Commencing at the northeast corner of Lot number 180 of the Hayward Homestead Subdivision, said subdivision being filed in the Monroe County Clerk's Office in Liber 8 of maps at page 67, thence southeasterly along the southerly right-of-way line of Railroad Street (50 feet wide) on a bearing of S 54°01'27" E a distance of 105.51 feet to a point, said point being the true point and place of beginning. Thence the following courses and distance;

1. Thence S 54°01'27" E a distance of 97.00 feet to a point;

2. Thence S 35°49'08" W a distance of 80.23 feet to a point;

3. Thence N 53°53'17" W a distance of 97.00 feet to a point;

4. Thence N 35°49'05" E a distance of 80.00 feet to a point on said southerly right-of-way line of Railroad Street, said point the true point and place of beginning.

Being and hereby intending to describe a portion of an existing building located at 85-97 Railroad St, Rochester New York, having an area of 7,771 square feet or 0.178 acres. Bearings referenced to deed bearings as described in liber 10480 of deeds page 278.

(C) PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND, situate on the east side of North Bloomfield Road in the City of Canandaigua, County of Ontario and State of New York, bounded and described as follows:

Beginning at the southwest corner of lands of the grantor which point of beginning marked by an iron in the east highway boundary of said Road 882.14 feet northwesterly from the north line of Buffalo Street in said City; running thence N 74° 22' 10" E a distance of 1108.20 feet to a point in the west line of lands of the New York Central & Hudson River Railroad Batavia Branch, marked by an existing iron; running, thence N 34° 34' 20" W along the westerly bounds of said Railroad a distance of 412.38 feet to a point, marked by an existing iron; running thence S 74°

01' 20" W a distance of 1241.03 feet, through an existing iron, to a point, marked by a spike in the east line of said North Bloomfield Road; running thence S 50° 34' 20" E and along the east highway boundary of said North Bloomfield Road a distance of 466.65 feet to the point and place of beginning.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND, lying to the east of the parcel above described, and also west of lands of said New York Central & Hudson River Railroad Auburn Branch in said City of Canandaigua, County of Ontario and State of New York, bounded and described as follows:

Beginning at a point, marked by an iron, in the east line of lands of the New York Central & Hudson River Railroad Batavia Branch, which point is at the northwest corner of other lands of the grantee, said point being N 69° 14' 50" E a distance of 68.94 feet from the easterly terminus of the first course in the description of Parcel 1, running thence N 70° 49' 40" E and along other lands of the grantee, a distance of 726.63 feet to a point, marked by an iron in the west boundary of lands of the New York Central & Hudson River Railroad Auburn Branch; running thence N 19° 17' 20" W and along the westerly bounds of said Railroad a distance of 391.29 feet to a point, marked by an iron; running thence S 70° 41' 30" W a distance of 856.10 feet to a point, marked by an existing iron in the easterly bounds of said New York Central & Hudson River Railroad Batavia Branch; running thence S 37° 40' 30" E along the easterly bounds of said New York Central & Hudson River Railroad Batavia Branch a distance of 410.47 feet to the point or place of beginning.

PARCEL 3

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario and State of New York, bounded and described as follows:

Commencing at a point in the north line of Buffalo Street where the same is intersected by the west line of the Penn Central Railroad Auburn Branch and thence running (1) S 70° 25' 10" W, along the north line of Buffalo Street a distance of 516.06 feet to a point in the east line of the Penn Central Railroad Batavia Branch; thence (2) N 37° 42' 55" W along the easterly line of Batavia Branch of the railroad a distance of 758.52 feet to a point; thence (3) N 70° 25' 10" E a distance of 743.79 feet to a point in the west line of the Auburn Branch of the railroad; thence (4) S 19° 36' 35" E along said west line of the Auburn Branch of the railroad distance of 379.37 feet to a point; thence (5) N 70° 25'10" E a distance of 8.00 feet to a point; thence (6) S 19° 36' 35" E a distance of 341.48 feet to a point on the north line of Buffalo Street and the place of beginning.

PARCEL 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario and State of New York, bounded and described as follows:

Beginning at a point at a corner in the general easterly line of land of Canandaigua Industries Co., Inc., distant 341.48 feet measured N 19° 36' 36" W along said easterly line, from the northerly line of Buffalo Street at a point therein distant 1200 feet, more or less, measured westwardly, along said line of Buffalo Street, from the westerly line of Main Street;

Extending from said beginning point the following eight courses and distances, the first four thereof being along said general easterly line of lands of Canandaigua Industries Co., Inc.: (1) S 70° 25' 10" W 8.00 feet to an iron; (2) N 19° 36' 35" W, 379.37 feet to a spike set in a

railroad tie; (3) S 70° 25' 10" W, 17.00 feet to an iron stake; and (4) N 19° 38' 00" W, 164.00 feet to an iron stake; thence the following four courses and distances by remaining land of Penn Central Transportation Company: (5) N 70° 22' 00" E, 33.00 feet to an iron stake; (6) S 19° 38' 00" E, 164.02 feet to an iron stake; (7) S 19° 36' 35" E, 379.37 feet to an iron stake; and (8) S 70° 23' 25" W, 8.00 feet to the place of beginning.

PARCEL 5

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario, State of New York, all as shown on a map entitled "8.512 acre parcel to be conveyed to Constellation Brands, Inc. by Meridian Automotive Systems, Inc.", prepared by Costich Engineering, P.C., having drawing number 3203-A, dated 6/18/2003, and being more particularly bounded and described as follows:

Commencing at a point on the south right-of-way line of North (66.0' R.O.W.) Street said point being the northwest corner of lands now or formerly owned by Cambridge Acquisition Corp, having T.A. # 070.19-01-04.2 and the northeast corner of lands now or formerly owned by Cambridge Acquisition Corp having T.A. 070.19-01-03; thence A. S38°37'53"E, along the aforementioned common property line a distance of 772.95 feet to the point and place of beginning; thence 1. S38°37'53"E, a distance of 772.95 feet to a point; thence 2. S62°34'17"W, a distance of 440.56 feet to a point; thence 3. N45°24'43"W, a distance of 531.72 feet to a point of curvature; thence 4. Northwesterly on a curve to the left having a delta angle of 02°38'31", a radius of 5,786.16 feet, and an arc length of 266.80 feet, said curve also having a chord of N46°44'17"W, 266.78 feet to a point; thence 5. N62°29'47"E, a distance of 542.77 feet to the point and place of beginning. Containing 8.512 acres of land, more or less.

PARCEL 6

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario, State of New York, bounded and described as follows: Beginning at a point in the west line of Finger Lakes Railway Corp., said point being the northwest corner of a parcel of land conveyed by George P. Baker, Richard C. Bond and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor to Canandaigua Wine Company, Inc., Liber 729 of Deeds at page 95 and proceeding thence, N 19° 38' 00" W, along the west line of Finger Lakes Railway Corp., for a distance of 227.29 feet to a point in the north line of lands of Ontario County Industrial Development Agency, Liber 1096 of Deeds at page 335; thence, N 70° 17' 00" F, for a distance of 38.00 feet to a point; thence, S 19° 38' 00" E, through lands of Finger Lakes Railway Corp. for a distance of 227.35 feet to a point; thence, S 70° 22' 00" W, for a distance of 38.00 feet to the point and place of beginning and containing 0.198 acre of land.

PARCEL 7

ALL THAT PROPERTY situate in the City of Canandaigua, County of Ontario and State of New York and being all of the right, title and interest of The Owasco River Railway, Inc., in and to all those certain pieces or parcels of land and premises, easements, rights of way and any other rights of any kind whatsoever appurtenant thereto or used in conjunction therewith on and along that portion of a branch of railroad known as the Holcomb Branch which lies north of the north line of West Avenue and extends in a northwesterly direction for a distance of 7370 feet, more or less, to the center line of North Street, in said City of Canandaigua. Excepting from this conveyance so much of the said property which

lies south of the south line of Buffalo Street. Excepting from this conveyance so much of the said property as described in that certain deed from Ontario County Industrial Development Agency to Meridian Automotive Systems-Composites Operation, Inc, dated November 12, 2003 and recorded in the Ontario County Clerk's Office on January 23, 2004 in Liber 1112 of Deeds at page 316. Excepting from this conveyance so much of said property lying north of the above mentioned exception parcel conveyed to Meridian Automotive Systems-Composites Operation, Inc. and the center line of North Street.

§ 2. Subparagraph (xiii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law, as added by chapter 429 of the laws of 2019, is amended to read as follows:

(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[~~.~~]; or

§ 3. Subparagraph (xiii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law, as added by chapter 549 of the laws of 2019, is amended to read as follows:

[~~(xiii)~~] (xiv) any such premises or business located on that certain piece or parcel of land, or any subdivision thereof, situate, lying and

being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, addressed as 97-99 Lafayette Avenue, Suffern, New York, identified for tax purposes by the Town of Ramapo - 2000 County/Town Tax Bill, Tax Map No. 07/016-B-0239-B-0000 and New Parcel Tax Identification No. 54.35-2-54, bounded and described as follows:

BEGINNING at a point on the Westerly side of Washington Avenue, where the same is intersected by the Northerly line of lands now or formerly of the Village of Suffern (Sect. 168, Lot 284), said point also being the Southeasterly corner of the premises herein intended to be described.

RUNNING THENCE North 76 degrees 15 minutes West along the Northerly line of lands now or formerly of the Village of Suffern a distance of 210.30 feet to a point; THENCE South 13 degrees 45 minutes West along the Westerly line of lands now or formerly of the Village of Suffern a distance of 78.75 feet to a point; THENCE North 76 degrees 28 minutes West along the Northerly line of lands now or formerly of the Village of Suffern a distance of 96.30 feet to a point; THENCE North 13 degrees 32 minutes East a distance of 117.60 feet to a point; THENCE South 76 degrees 15 minutes East a distance of 6.00 feet to a point; THENCE North 13 degrees 32 minutes East a distance of 54.80 feet to a point; THENCE South 76 degrees 15 minutes East a distance of 91.00 feet to a point; THENCE North 13 degrees 45 minutes East along the Easterly line of lands now or formerly of Mirando (Sect. 168. Lot 239A) a distance of 123.25 feet to a point on the Southerly side of Lafayette Avenue; THENCE South 59 degrees 56 minutes 42 seconds East along the Southerly side of Lafayette Avenue a distance of 176.92 feet to a point; THENCE Southeasterly along the Southerly side of Lafayette Avenue, on a curve to the right having a radius of 58.97 feet an arc distance of 76.88 feet to a point; THENCE South 14 degrees 45 minutes West along the Westerly side of Washington Avenue a distance of 109.22 feet to the point or place of BEGINNING.

Being the same premises described in a deed dated June 11, 1999 from Westchester Realty Group LLC to Marandy Realty Associates, LLC and recorded in the Rockland County Clerk's Office on June 24, 1999 Instrument ID # 1999-00033893.

The premises described above are more particularly described after field survey by A.R. Sparaco, Jr., P.L.S. dated June 13, 2000, as follows:

ALL THAT TRACT, piece or parcel of land with the buildings and improvements thereon in the Village of Suffern, Town of Ramapo, Rockland County, New York, Tax Map Reference Section 16B; Lots 239 B and 254, bounded and described as follows:

BEGINNING at a cross-cut in the westerly line of Washington Ave. (50 feet wide) where the same is intersected by the northerly line of lands of the Village of Suffern (formerly Washington Ave. School) and running thence; North 78° 42' 52" West 211.11' along the northerly line of lands of the Village of Suffern to an iron pipe; thence, South 11° 03' 40" West 78.38' continuing along said lands to a PK nail; thence, North 79° 21' 20" West 96.30' continuing along said lands to an iron pipe; thence, North 10° 21' 09" E 117.12' along lands now or formerly of Meadows to a point; thence, South 79°00'00" East 6.00' to a point in the centerline of an old right of way; thence, North 12°50'10" East 55.32' along the centerline of an old right of way to an iron pipe; thence, South 79°00'00" East 91.04' crossing through said right of way and continuing along the southerly line of lands now or formerly of Miranda to a cross cut; thence, North 11°15'34" East 123.37' along the easterly line of

said lands to a cross cut in the southerly line of Lafayette Ave.; thence, South 62°34'00" East 165.97' along the assumed southerly line of Lafayette Ave. to a point of curvature; thence, Southeasterly along a curve to the right having a radius of 72.00' and an arc distance of 93.43' continuing along the same to a point of tangency in the westerly line of Washington Ave; thence, South 11°47'00" West 100.86' along the westerly line of Washington Ave. to the point or place of BEGINNING.

Containing 1.267 acres of land more or less.

SUBJECT to utility easements described in Uber 1016, page 487, Liber 1038, page 977, Book 340, page 1277.

SUBJECT TO a 6' wide easement for ingress and egress as described in Liber 318, page 4.

TOGETHER with a 6' wide and 12' wide right of way as described in Liber 318, page 4.

SUBJECT TO any other easements, rights of ways or restrictions of record.

Being the same premises described in a deed dated June 11, 1999 from Westchester Realty Group LLC to Marandy Realty Associates, LLC and recorded in the Rockland County Clerk's Office on June 24, 1999 Instrument ID #1999-00033893[~~.~~]**; or**

§ 4. Subparagraph (xiv) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law, as added by chapter 429 of the laws of 2019, is amended and a new subparagraph (xvi) is added to read as follows:

[~~(xiv)~~] **(xv)** 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[.]; or

(xvi) where such licensed wholesaler or manufacturer also has an interest in any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of that tract or parcel of land situate in the city of Canandaigua, county of Ontario, beginning at a point in the northerly line of village lot nine where it meets with South Main Street, thence south sixty-nine degrees fifty-four minutes west a distance of nine hundred sixteen and twenty-three hundredths feet to an iron pin; thence in the same course a distance of fourteen feet to an iron pin; thence in the same course a distance of fourteen and four-tenths feet to a point; thence south fifteen degrees thirty-eight minutes and forty seconds east a distance of four hundred forty-six and eighty-seven hundredths feet to a point; thence south twenty-eight degrees thirty-seven minutes and fifty seconds east a distance of one hundred thirteen and eighty-four hundredths feet to a point; thence south eighty-five degrees and forty-seven minutes east a distance of forty-seven and sixty-one hundredths feet to an iron pin; thence on the same course a distance of three hundred and sixty-five feet to an iron pin; thence north seventeen degrees twenty-one minutes and ten seconds east a distance of four hundred fifty-seven and thirty-two hundredths feet to an iron pin; thence north nineteen degrees and thirty minutes west a distance of two hundred and forty-eight feet to a point; thence north sixty-nine degrees and fifty-four minutes east a distance of two hundred eighty-four and twenty-six hundredths feet to a point; thence north nineteen degrees and thirty minutes west a distance of sixty feet to the point and place of beginning, provided that such facility maintains not less than seventy-five rooms and suites for overnight lodging.

§ 5. This act shall take effect immediately; provided, however, that upon the sale or transfer of the parcels detailed in clause (C) of subparagraph (ii) of paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law, such clause shall expire and be deemed repealed unless the licensee immediately obtains a leasehold upon such sale or transfer of such parcel as part of the sale or transfer. If the licensee obtains such a leasehold, the clause pertaining to such parcel shall expire and be deemed repealed upon the end or termination of such lease. The state liquor authority shall notify the legislative bill drafting commission upon notification by the licensee of the sale, transfer or terminiation of the leasehold, or non-renewal of the leasehold of the parcel detailed in clause (C) of subparagraph (ii) of paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage law in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.