

STATE OF NEW YORK

7936--A

2021-2022 Regular Sessions

IN ASSEMBLY

June 2, 2021

Introduced by M. of A. NIOU -- read once and referred to the Committee on Economic Development -- 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 a license to sell liquor at retail for consumption on certain premises; 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:

1 Section 1. Subparagraph (xvi) of paragraph (a) of subdivision 13 of
2 section 106 of the alcoholic beverage control law, as added by chapter
3 218 of the laws of 2020, is amended and a new subparagraph (xvii) is
4 added to read as follows:
5 (xvi) where such licensed wholesaler or manufacturer also has an
6 interest in any such premises or business constituting the overnight
7 lodging and resort facility located wholly within the boundaries of that
8 tract or parcel of land situate in the city of Canandaigua, county of
9 Ontario, beginning at a point in the northerly line of village lot nine
10 where it meets with South Main Street, thence south sixty-nine degrees
11 fifty-four minutes west a distance of nine hundred sixteen and twenty-
12 three hundredths feet to an iron pin; thence in the same course a
13 distance of fourteen feet to an iron pin; thence in the same course a
14 distance of fourteen and four-tenths feet to a point; thence south
15 fifteen degrees thirty-eight minutes and forty seconds east a distance
16 of four hundred forty-six and eighty-seven hundredths feet to a point;
17 thence south twenty-eight degrees thirty-seven minutes and fifty seconds
18 east a distance of one hundred thirteen and eighty-four hundredths feet
19 to a point; thence south eighty-five degrees and forty-seven minutes
20 east a distance of forty-seven and sixty-one hundredths feet to an iron
21 pin; thence on the same course a distance of three hundred and sixty-
22 five feet to an iron pin; thence north seventeen degrees twenty-one

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

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1 minutes and ten seconds east a distance of four hundred fifty-seven and
2 thirty-two hundredths feet to an iron pin; thence north nineteen degrees
3 and thirty minutes west a distance of two hundred and forty-eight feet
4 to a point; thence north sixty-nine degrees and fifty-four minutes east
5 a distance of two hundred eighty-four and twenty-six hundredths feet to
6 a point; thence north nineteen degrees and thirty minutes west a
7 distance of sixty feet to the point and place of beginning, provided
8 that such facility maintains not less than seventy-five rooms and suites
9 for overnight lodging[-]; or

10 (xvii) Parcel A

11 All that certain plot, piece or parcel of land, situate, lying and
12 being in the borough of Manhattan, city, county and state of New York,
13 bounded and described as follows:

14 Beginning at a point formed by the intersection of the northerly side
15 of Wall Street and the easterly side of Pearl Street; running thence
16 northerly along the easterly side of Pearl Street, 76 feet 1 inch;
17 thence easterly on a line forming an angle on its northerly side with
18 the easterly side of Pearl Street of 85° 33' 30", a distance of 43 feet
19 1 inch; thence southerly on a line which forms an angle on its westerly
20 side with said last mentioned course of 90° 22', a distance of 1 foot;
21 thence easterly on a line which forms an angle on its southerly side
22 with said last mentioned course of 89° 24', a distance of 18 feet 3
23 inches, more or less, to a point where it is intersected by a line drawn
24 along the westerly side of the one-story brick extension at the rear of
25 the premises No. 122 Water Street; thence southerly on a line which on
26 its westerly side forms an angle of 86° 43' with the preceding course
27 and along said one-story brick extension, 17 feet 3 inches to the corner
28 of said one-story brick building; thence easterly on a line which on its
29 northerly side forms an angle of 91° 40' with the preceding course, 6
30 feet 8 1/2 inches to premises now known as No. 120 Water Street; thence
31 southerly along a line which on its westerly side forms an angle of 91°
32 40' with the preceding course, 10 feet 9 inches to the premises now or
33 late of Tontine Company; thence westerly along said premises on a line
34 which on its northerly side forms an angle of 88° 20' with the preceding
35 course, 20 feet; thence southerly and still along land now or late of
36 Tontine Company on a line which on its easterly side forms an angle of
37 89° 09' with the preceding course, 53 feet 5 inches to the northerly
38 side of Wall Street; and thence westerly along the northerly side of
39 Wall Street on a line which on its northerly side forms an angle of 88°
40 08' with the preceding course, 48 feet 11 1/2 inches to the easterly
41 side of Pearl Street at the point or place of beginning.

42 Parcel B:

43 All that certain plot, piece or parcel of land, situate, lying and
44 being in the borough of Manhattan, city, county and state of New York,
45 bounded and described as follows:

46 Beginning at the corner formed by the intersection of the northerly
47 side of Wall Street with the westerly side of Water Street; running
48 thence northerly, along the westerly side of Water Street, about fifty
49 feet nine inches to the premises Number One Hundred and Twenty Water
50 Street; thence westerly, along the southerly side of premises Number One
51 Hundred and Twenty Water Street, about eighty feet seven inches to the
52 easterly side of premises Number Eighty-Two Wall Street, thence norther-
53 ly, along the easterly side of premises Number Eighty-Two Wall Street,
54 to a point where it is intersected by a line drawn along the northerly
55 face of the northerly wall of the four-story and basement brick building
56 formerly erected thereon; thence westerly, along the northerly side of

1 said northerly wall, about twenty feet to the westerly side of said
2 premises Number Eighty-Two Wall Street; thence southerly, along the
3 westerly side of said premises Number Eighty-Two Wall Street, about
4 fifty-three feet six inches to the northerly side of Wall Street; and
5 thence easterly along the northerly side of Wall Street, to the point or
6 place of beginning.

7 Provided, however, that with respect to such retail licensee's inter-
8 est in a business engaged in the manufacture or sale at wholesale of
9 alcoholic beverages described in subdivision one-a of section one
10 hundred one of this article: (i) such interest must have been acquired
11 prior to the effective date of the chapter of the laws of two thousand
12 twenty-one which added this subparagraph; (ii) such retail licensee may
13 not purchase alcoholic beverages directly from any such manufacturer or
14 wholesaler; and (iii) no more than fifteen percent of the annual dollar
15 value of alcoholic beverages purchased by such retail licensee for sale
16 on the premises may be produced by any such manufacturer.

17 § 2. This act shall take effect immediately; provided, however, that
18 upon the sale or transfer of the parcels detailed in subparagraph (xvii)
19 of paragraph (a) of subdivision 13 of section 106 of the alcoholic
20 beverage control law, such subparagraph shall expire and be deemed
21 repealed unless the licensee immediately obtains a leasehold upon such
22 sale or transfer of such parcel as part of the sale or transfer. If the
23 licensee obtains such a leasehold, the subparagraph pertaining to such
24 parcel shall expire and be deemed repealed upon the end or termination
25 of such lease. The state liquor authority shall notify the legislative
26 bill drafting commission upon notification by the licensee of the sale,
27 transfer or termination of the leasehold, or non-renewal of the lease-
28 hold of the parcel detailed in subparagraph (xvii) of paragraph (a) of
29 subdivision 13 of section 106 of the alcoholic beverage control law in
30 order that the commission may maintain an accurate and timely effective
31 data base of the official text of the laws of the state of New York in
32 furtherance of effectuating the provisions of section 44 of the legisla-
33 tive law and section 70-b of the public officers law.