STATE OF NEW YORK

9093

IN SENATE

May 9, 2022

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

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 providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Subparagraph (xiii) of paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law, as added by chapter 429 of the laws of 2019, is amended and a new subparagraph (xiv) is added to read as follows:

(xiii) ALSO ALL THOSE TRACT OR PARCEL OF LAND, situate, lying and being in the Village 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[~~.~~] **or**

(xiv) ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Bay Shore, in the town of Islip, county of Suffolk and state of New York, bounded and described as follows:

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

LBD15750-01-2

BEGINNING at a point on the northerly side of Spur Drive North distant 143.78 feet westerly from the corner formed by the intersection of the northerly side of Spur Drive North and the westerly side of Fifth Avenue;
RUNNUNG THENCE South 86 degrees 45 minutes 15 seconds West along the northerly side of Spur Drive North 175.00 feet;
THENCE North 43 degrees 41 minutes 20 seconds West 32.44 feet to the easterly side of 5th Industrial Court;
THENCE North 5 degrees 52 minutes 00 seconds East along the easterly side of 5th Industrial Court 175.00 feet;
THENCE North 86 degrees 45 minutes 15 seconds East 200.00 feet;
THENCE South 5 degrees 52 minutes 00 seconds West 200 feet to the northerly side of Spur Dive North and the point or place of BEGINNING.
Being and intended to be the same premises as conveyed to the Grantor herein by deed January 7, 2000 and recorded January 24, 2000 in Liber 12015, page 422. Notwithstanding section one hundred seven-a of this article, the retail licensee and brand owner located at the premises described in subparagraph (xviii) of paragraph (a) of subdivision thirteen of section one hundred six of this article and further identified as Parcel A in such subparagraph may designate the manufacturer licensee located at the premises described in this subparagraph as owner of such brands for purposes of brand label registration and price scheduling under this chapter.

§ 2. Subparagraph (xvii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law, as added by chapter 299 of the laws of 2021, is amended and a new subparagraph (xviii) is added to read as follows:

(xvii) Parcel A

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

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

Wall Street on a line which on its northerly side forms an angle of 88° 08' with the preceding course, 48 feet 11 1/2 inches to the easterly side of Pearl Street at the point or place of beginning.

Parcel B:

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

Beginning at the corner formed by the intersection of the northerly side of Wall Street with the westerly side of Water Street; running thence northerly, along the westerly side of Water Street, about fifty feet nine inches to the premises Number One Hundred and Twenty Water Street; thence westerly, along the southerly side of premises Number One Hundred and Twenty Water Street, about eighty feet seven inches to the easterly side of premises Number Eighty-Two Wall Street, thence northerly, along the easterly side of premises Number Eighty-Two Wall Street, to a point where it is intersected by a line drawn along the northerly face of the northerly wall of the four-story and basement brick building formerly erected thereon; thence westerly, along the northerly side of said northerly wall, about twenty feet to the westerly side of said premises Number Eighty-Two Wall Street; thence southerly, along the westerly side of said premises Number Eighty-Two Wall Street, about fifty-three feet six inches to the northerly side of Wall Street; and thence easterly along the northerly side of Wall Street, to the point or place of beginning.

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

(xviii) Parcel A:

ALL THAT CERTAIN plot, place or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Grove Street with the easterly side of Bleecker Street;

THENCE easterly along the northerly side of Grove Street 117 feet 9 1/2 inches to the center of a party wall between Nos. 53 and 55 Grove Street;

THENCE northerly parallel with or nearly so with Bleecker Street and partly through the center of said party wall 47 feet;

THENCE westerly parallel with or nearly so with Grove Street 36 feet 7 inches to a point distant 82 feet 5 inches from Bleecker Street;

THENCE northerly at right angles to Christopher Street 29 feet 1 1/2 inches;

THENCE westerly parallel with Grove Street 88 feet 6 inches to the easterly side of Bleecker Street;

THENCE southerly along the easterly side of Bleecker Street 73 feet 3 inches to the point or place of beginning. Notwithstanding section one hundred seven-a of this article, the retail licensee and brand owner

located at the premises described in this subparagraph and further identified as Parcel A may designate the manufacturer licensee located at the premises described in subparagraph (xiv) of paragraph (a) of subdivision one of section one hundred one of this article as owner of such brands for purposes of brand label registration and price scheduling as required under this chapter.

Parcel B:

ALL that lot of land in the borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING on the southwesterly corner of Commence and Barrow Streets;

RUNNING THENCE westerly along the southerly side of Barrow Street twenty feet, seven and One-half inches to the easterly face of the easterly wall of the premises known as seventy-seven Barrow Street;

RUNNING THENCE southerly in a straight line along the easterly face of said wall and the line to continuation thereof eighty feet, eleven inches;

RUNNING THENCE northeasterly in a straight line and past of the distance along the northerly wall of the three story basement, brick building known as 48 Commerce Street fifty-five feet, eight and three fourths inches to the westerly side of Commerce Street;

THENCE northerly along the westerly side of Commerce Street sixty feet, nine and one half inches to the point or place of BEGINNING.

Parcel C:

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying, and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Christopher Street, distant 125 feet westerly from the corner formed by the intersection of the northerly side of Christopher Street with the westerly side of Bleecker Street;

RUNNING THENCE northerly parallel with Bleecker Street, 90 feet;

THENCE westerly in the rear parallel with Christopher Street, 25 feet;

THENCE southerly parallel with Bleecker Street 90 feet to the northerly side of Christopher Street;

THENCE easterly along the northerly side of Christopher Street, 25 feet to the point or place of BEGINNING.

Parcel D:

ALL that piece or parcel of land, together with the buildings and improvements thereon, situate, lying and being in the Third Ward of the City of Hudson, Columbia County, New York, bounded and described as follows:

BEGINNING at a point in the southerly line of Warren Street, which point marks the northeasterly corner of the premises herein described and the northwesterly corner of the premises conveyed by Richman's Apparel of Hudson, N.Y., to the City of Hudson by deed dated December 18, 1975, and recorded the same day in Columbia County Clerk's Office in Book 520 of Deeds at Page 1137; running thence along said land so conveyed to the City of Hudson, the following three courses and distances: (1) S 44° 33' 20" W, 11.45 feet to a point, (2) N 45° 26' 40" W, 4 feet to a point, and (3) 45° 20' 30" W, 109.27 feet to a point in the northerly line of Cherry Alley; thence along said Cherry Alley N 45° 52' 40" W 23.40 feet to an iron pin, which iron pin marks the southwesterly corner of the premises here in described; thence along lands now or formerly of Michael Martin N 44° 37' 20" E, 120.67 feet to a point in the southerly line of Warren Street; thence along the southerly line of Warren Street the

following two courses and distances: (1) S 45° 52' 40" E, 23.39 feet, and (2) S 45° 51' 30" E, 5.37 feet to the point or place beginning as shown on a map entitled "Survey update of Lands of Richman's Apparel of Hudson , New York, Inc." dated January 11, 1982, made by M. Chazen, P. E. & L. S., and recorded in the Columbia County Clerk's Office as Micro 7469.

TOGETHER WITH the Temporary Easement granted by The City of Hudson to Bread and Roses, LLC dated 3/10/2003 recorded 3/14/2003 in Cartridge 441 Frame 1222.

Parcel E:

ALL that certain plot, piece or parcel of land, situate, lying, and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Grove Street, distant 83 feet westerly from the corner formed by the intersection of the said southerly side of Grove Street with the westerly side of Bleecker Street;

RUNNING THENCE westerly along the southerly side of Grove Street, 42 feet;

THENCE southerly parallel with the westerly side of Bleecker Street, 100 feet;

THENCE easterly and parallel with the southerly side of Grove Street, 42 feet;

THENCE northerly again parallel with the westerly side of Bleecker Street, 100 feet to the point or place of BEGINNING.

Said premises is commonly known as 42-44 Grove Street, New York, New York.

Parcel F:

BEGINNING at a point on the southerly side of Grove Street distant 75 feet and 3/4 of an inch easterly from the corner formed by the intersection of the said southerly side of Grove Street with the easterly side of Bleecker Street;

RUNNING THENCE southerly parallel with the easterly side of Bleecker Street 81 feet and 10-5/8 inches to the northwesterly side of Seventh Avenue South;

THENCE northeasterly along the said northwesterly side of Seventh Avenue South 117 feet and 11 inches to the corner formed by the intersection of the said northwesterly side of Seventh Avenue South with the southerly side of Grove Street;

THENCE westerly along the southerly side of Grove Street 86 feet and 9 inches to the point or place of BEGINNING.

SAID PREMISES being known as and by the street numbers 92-100 Seventh Avenue South and 52-58 Grove Street.

Parcel G:

THE condominium unit (the "Unit") known as Unit Nos. C1 and C2 in the Building (hereinafter referred to as the "Building") known as the Bleeker-Grove Condominium and by the street numbers 312-314 Bleeker Street, a/k/a 48 Grove Street, New York, New York, said Units being designated and described as Unit Nos. C1 and C2 in the declaration establishing a plan condominium ownership of said premises under Article 9-b of the Real Property Law of the State of New York (the "New York Condominium Act"), dated 6/13/1990, recorded in the Office of the Register of New York County (the "Register's Office") on 2/5/1991 in reel 1760 page 1981, and also designated as Tax Lot Nos. 1001 and 1002 in Block 588, Section 2, of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of the City of New York and on the floor

plans of said Building, certified by Howard I. Zimmerman Associates, Architects, on the 1/28/1991, and filed with the Real Property Assessment Department of the City of New York as Condominium Plan No. 755, and also filed in the City Register's Office on 2/5/1991, as Map No. 5059.
TOGETHER with an undivided 15.193% and 30.331% interest, respectively, in the common elements,
THE premises within which the Unit is located are more particularly bounded and describes as follows:
ALL that certain plot, piece or parcel of land, situate, lying and being the Borough of Manhattan, City, County, and State of New York, bounded and described as follows:
BEGINNING at the corner formed by the intersection of the westerly side of Bleeker Street with the southerly side of Grove Street;
RUNNING thence southerly along Bleeker Street, 40 feet;
THENCE westerly parallel with Grove Street, 83 feet;
THENCE northerly parallel with Bleeker Street, 40 feet to the southerly side of Grove Street;
THENCE easterly along the southerly side of Grove Street, 83 feet to the point or place of beginning.
THAT the said premises are known as and by the street address(es) 312-314 Bleeker Street a/k/a 48 Grove Street, New York, NY. Provided, however, that with respect to such retail licensees' interest in a business engaged in the manufacture or sale at wholesale of alcoholic beverages described in subdivision one-a of section one hundred one of this article: (i) such retail licensees may not purchase alcoholic beverages directly from any such manufacturer or wholesaler; and (ii) no more than fifteen percent of the annual dollar value of alcoholic beverages purchased by any such individual retail licensee for sale on the premises may be produced by any such manufacturer.

§ 3. This act shall take effect immediately; provided, however, that upon the sale or transfer of the parcels detailed in subparagraph (xviii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law as added by section two of this act, such subparagraph 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 subparagraph 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 termination of the leasehold, or non-renewal of the leasehold hold of the parcel detailed in subparagraph (xviii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control 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.