STATE OF NEW YORK

6781--A

2021-2022 Regular Sessions

IN SENATE

May 17, 2021

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

Section 1. Subparagraph (xvi) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law, as added by chapter 218 of the laws of 2020, is amended and a new subparagraph (xvii) is added to read as follows:

(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-

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

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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[~~.~~]; or

(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 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.

§ 2. This act shall take effect immediately; provided, however, that upon the sale or transfer of the parcels detailed in subparagraph (xvii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law, 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 of the parcel detailed in subparagraph (xvii) 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.