STATE OF NEW YORK

7687--B

Cal. No. 737

IN SENATE

January 7, 2022

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- committee discharged and said bill committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

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

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

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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, situate, lying and being a part of a condominium in the Town of East Hampton, County of Suffolk and State of New York, known and designated as Unit No. 109, together with a 6.167% undivided interest in the common elements of the condominium hereinafter described as the same is defined in the Declaration of Condominium herein after referred to.

THE Condominium Unit (hereinafter referred to as the Unit) known as a Unit, said unit being designated in the Town of East Hampton, on "Map of East Hampton Office Park Condominium" filed 2/6/91 as map No. 237, and described as Unit No 109 in a certain Declaration dated 1/22/91, made by Pantigo Office Associates, Inc. Pursuant to Article 9-B of the Real Property Law of the State of New York, establishing a plan for Condominium ownership of the Building and Land upon which the building is situate, described below, which Declaration was recorded in the Suffolk County Clerk's Office on 2/6/91 in Liber 11215 cp 01, as may be amended. 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 may designate the importer 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) ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of East Hampton, County of Suffolk and State of New York, bounded and described as follows:

Beginning at a point on the northwesterly side of Main Street (Montauk Highway - NYS Rte. 27) distant 541 feet more or less northeasterly, as measured along the same, from the corner formed by the intersection of the northeasterly side of Windmill Lane with the northwesterly side of Main Street, said point being also at the division line between the easterly side of land now or formerly of Stanley Flower, Jr. and the westerly side of the hereafter described parcel; Running thence along said division line and along the easterly side of land now or formerly of Peter Bistrian, North 21 degrees 34 minutes 40 seconds West 380 feet; Thence still along land now or formerly of Peter Bistrian, North 64 degrees 52 minutes 20 seconds East, 74 feet; Thence along land now or formerly of Peter Bistrian, Cullum and EJS Realty Corp. South 21 degrees 34 minutes 40 seconds East 380 feet to the northwesterly side of Main Street; and Thence along the northwesterly side of Main Street, South 64 degrees 52 minutes 20 seconds West 74 feet to the point or place of beginning. Being the same premises conveyed by Nicholas Catalano by deed

dated May 5, 1977 and recorded in the Suffolk County Clerk's Office on May 16, 1977, in Liber 8235, cp 582. Being the same premises conveyed in part to W. John Cox by deed dated May 23, 1985 and recorded in the Suffolk County Clerk's Office on May 30, 1985, in Liber 9799, cp 453. Provided, however, notwithstanding section one hundred seven-a of this article, the retail licensee and brand owner located at the premises described in this subparagraph may designate the importer 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.

§ 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, 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 (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.