STATE OF NEW YORK

4999--A

2023-2024 Regular Sessions

IN SENATE

February 21, 2023

Introduced by Sen. HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- 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 exempting certain parcels of land from licensing restrictions prohibiting manufacturers, wholesalers and retailers of alcoholic beverages from sharing an interest in a licensed premises

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

Section 1. Paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law is amended by adding a new subparagraph (xvii) to read as follows:

(xvii) All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being on the northerly side of Seneca Street in the city of Geneva, county of Ontario and state of New York, more particularly bounded and described as follows:

PARCEL 1

BEGINNING at a point in the northerly line of said Seneca street and distant one hundred eighteen and five-tenths (118.5) feet westerly, measured along said northerly line of Seneca Street, from the westerly line of Linden Street, as at present monumented by the city of Geneva; thence running (1) northerly at an angle in the northwest quadrant of ninety (90) degrees, sixteen (16) minutes with the northerly line of Seneca Street a distance of one hundred ninety-two and five-tenths (192.5) feet, more or less, to a point in the old line fence, which point is the northeasterly corner of the premises; thence running (2) westerly along said old line fence at an angle in the northwest quadrant

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

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of eighty-five (85) degrees, fifty-two (52) minutes with the line fence herein described a distance of seventy-eight and two-tenths (78.2) feet to a point; thence running (3) northerly at an angle in the northeast quadrant of ninety-four (94) degrees, four (4) minutes with the last described course and along a jog in said fence a distance of three and five-tenths (3.5) feet, more or less, to a point; thence running (4) westerly and continuing along said old fence line a distance of eleven and five-tenths (11.5) feet, more or less, to a point, which point is the northwest corner of the premises, and running thence (5) in a southerly direction a distance of two hundred two (202) feet, more or less, to the northerly line of said Seneca Street, as now monumented, which point is the southwest corner of the premises, and running thence (6) along the northerly line of said Seneca Street a distance of eighty-nine and seven-tenths (89.7) feet to the point or place of beginning.

PARCEL 2

All that certain lot, piece or parcel of land situate in the city of Geneva, County of Ontario and state of New York, more particularly bounded and described as follows:

Commencing at a point in the east line of lands of Agnes Dempsey Doxsee, said point being one foot south of the south wall of the present barn now on said land, and running thence southerly about twenty-nine (29) feet, more or less, to the north line of the lands of the S-G Theatre Corporation; thence westerly along the north line of the land of the S-G Corporation thirty-three (33) feet to a point; thence northerly and parallel with the first course hereof and along the westerly line of the lands of Agnes Dempsey Doxsee to a point; which point if measured in a straight line east and west would be one (1) foot south of the south line of the present barn; thence easterly thirty-three (33) feet to the place of beginning.

Being the same premises shown on a map of a survey prepared by William J. Newton, L.S. dated January 15, 1975 (Survey No. 74-202-C) filed in the Ontario County Clerk's office.

§ 2. Paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law is amended by adding a new subparagraph (xix) to read as follows:

(xix) ALL THAT TRACT OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being on County Road 153 in Military Lot 14 & 23 in the Town of Ovid, County of Seneca, State of New York bounded and described as follows:

BEGINNING at a point in the assumed centerline of County Road 153 at the apparent center of the bridge over Sheldrake Creek, said point also being southerly a distance of 292 feet more or less from the apparent intersection of said centerline with the assumed centerline of Sheldrake Road; thence leaving the point of beginning South 18° 21' 25" East along the assumed centerline of County Road 153 a distance of 260.70 feet to a point; thence South 19° 47' 57" East along said centerline a distance of 107.76 feet to a point; thence South 21° 16' 18" East along said centerline a distance of 182.94 feet to a point; thence North 73° 21' 51" East along lands reputedly of Atwood (lib. 385, page 398) passing through an iron pipe 17.91 feet distant, and continuing further along that same course a distance of 80.43 feet farther, the total distance being 98.34 feet to an iron pipe in concrete at or near the shore line of Cayuga Lake; thence in a southerly direction the following courses and distances along tie lines at or near the shore line of Cayuga Lake: South 03° 51' 47" West a distance of 91.67 feet to a point; thence South 09° 41' 08" East a distance of 60.89 feet to a point; thence South 25°

12' 40" East a distance of 86.20 feet to an iron pin; thence South 68° 29' 53" West along lands reputedly of Boyle (lib. 397, page 1128) passing through an iron pin 35.00 feet distant, and continuing further along that same course passing through another iron pin 40.00 feet farther, and continuing still further along that same course a distance of 149.00 feet farther, the total distance being 224.00 feet to an iron pin; thence South 17° 34' 07" East along said lands of Boyle, passing through a concrete post 170.00 feet distant, and continuing further along that same course along lands reputedly of Riemenschneider (lib. 449, page 61) a distance of 159.70 feet farther, the total distance being 329.70 feet to an iron pin; thence South 75° 00' 23" West along lands reputedly of Diamond-Carey (lib. 430, page 271) a distance of 250.00 feet to an iron pin; thence South 62° 21' 07" West along said lands of Diamond-Carey a distance of 168.29 feet to an iron pipe 2 feet east of a 12 inch hickory tree; thence South 01° 32' 47" West along said lands of Diamond-Carey a distance of 377.63 feet to an iron pin; thence North 72° 01' 46" East along said lands of Diamond-Carey a distance of 17.49 feet to an iron pin; thence South 13° 10' 51" East along lands reputedly of Poes (lib. 533, page 327) a distance of 174.57 feet to an iron pin; thence South 61° 15' 35" West along lands reputedly of Diamond, Helfman & Day (lib. 482, page 354) a distance of 44.90 feet to an iron pipe; thence South 23° 58' 18" East along said lands of Diamond, Helfman & Day and also along lands reputedly of Day (lib. 317, page 341) a distance of 197.28 feet to an axle; thence South 03° 33' 43" East along lands reputedly of Dusinbere (lib. 510, page 151) a distance of 76.42 feet to an iron pipe; thence South 04° 24' 03" East along said lands of Dusinbere, passing through an iron pipe 102.31 feet distant, and continuing further along that same course along lands reputedly of Frantz (lib. 432, page 69) a distance of 238.42 feet farther, the total distance being 340.73 feet to an iron pin; thence South 05° 1 T 20" East along lands reputedly of Holman (lib. 331, page 398) a distance of 199.65 feet to an iron pipe; thence North 85° 47' 17" West along lands reputedly of Travis (lib. 413, page 61) a distance of 60.22 feet to an iron pipe; thence South 49° 37' 13" West along said lands of Travis a distance of 136.80 feet to an iron pipe; thence South 52° 29' 03" West along said lands of Travis a distance of 201.20 feet to a point; thence South 67° 02' 08" West along said lands of Travis a distance of 203.75 feet to an iron pin; thence South 05° 58' 13" West a distance of 25.95 feet to a point in a double basswood stump; thence North 84° 57' 23" West along lands reputedly of Travis (Lib. 413, page 61) a distance of 643.08 feet to an iron pipe; thence North 85° 19' 03" West along lands reputedly of George (lib. 501, page 283) a distance of 2953.18 feet to an iron pin; thence North 85° 01' 43" West a distance of 260.88 feet to an iron pin; thence the following courses and distances along tie lines being along the south bank of Sheldrake Creek: North 04° 58' 17" East a distance of 75.00 feet to a point; North 53° 32' 03" East a distance of 257.36 feet to a point; North 49° 46' 21" East a distance of 388.42 feet to a point; North 70° 07' 21" East a distance of 113.39 feet to a point; North 85° 22' 45" East a distance of 158.74 feet to a point; South 75° 38' 53" East a distance of 138.69 feet to a point; North 75° 27' 23" East a distance of 123.03 feet to a point; North 01° 49' 54" West a distance of 286.17 feet to a point; North 45° 15' 53" East a distance of 124.41 feet to a point; South 74° 36' 39" East a distance of 235.69 feet to a point; North 76° 37' 59" East a distance of 203.07 feet to a point; North 44° 08' 15" East a distance of 225.05 feet to a point; North 32° 19' 26" East a distance of 175.45 feet to a point; North 87° 20' 19" East a distance of

266.75 feet to a point; North 50° 26' 38" East a distance of 286.68 feet to a point; North 69° 39' 24" East a distance of 218. 09 fee t to a point; North 34° 09' 56" East a distance of 183.80 feet to a point; North 06° 30' 06" East a distance of 173.73 feet to a point; North 82° 28' 34" East a distance of 318.45 feet to a point; North 63° 12' 37" East a distance of 457.87 feet to a point; North 47° 33' 36" East a distance of 228.07 feet to a point; North 60° 11* 17" East a distance of 263.17 feet to a point; North 71° 05' 04" East a distance of 179.45 feet to a point; North 81° 35' 05" East a distance of 337.03 feet to a point; North 76° 08' 39" East a distance of 164.59 feet to a point; thence North 21° 30' 07" West a distance of 56.80 feet to a point in the assumed centerline of Sheldrake Creek; thence North 64° 26' 00" East along said centerline a distance of 140.00 feet to a point; thence North 38° 10' 00" East along said centerline a distance of 150.00 feet to a point, said point being the point and place of beginning. COMPRISING an area of 155.081 acres of land according to a survey completed by Michael D. Karlsen on December 20, 1996 entitled "Plan of Land to be Conveyed by Seymour Diamond" known as job number 96-572-2 and a survey completed by Michael D. Karlsen on December 9, 1996 entitled "Plan Showing Easterly Lines of Seymour Diamond" known as job number 96-572-1. Said maps are filed in the Seneca County Clerk's Office in Map book 97 pages 38 and 39.

Also quit claiming all right, title and interest in and to the land lying between the centerline of Sheldrake Creek and the south bank of said Sheldrake Creek.

SUBJECT TO a right of way conveyed to New York State Electric and Gas Corporation by instrument dated June 14, 1945 and recorded in the Seneca County Clerk's Office in Liber 186 of Deeds at Page 454.

SUBJECT TO the rights of the public in and to County Road 153.

SUBJECT TO a permanent right of way and easement for ingress to and egress from the spring on the premises herein conveyed across the premises herein conveyed to the premised herein excepted and reserved for purposes of the installation, maintenance and repair of a water pipe line running from the said spring to the said premises excepted and reserved which said pipe line shall be used for purposes of supplying water from said spring to said reserved premises for residential and allied uses (Liber 397, page 1128).

SUBJECT TO the right to use water from a certain spring situated on the premises herein conveyed, said water from said spring to be used to supply the dwelling house identified in Liber 449 of Deeds at Page 61 only and said water to be piped to the said house as the same is now piped and no larger pipes to be installed at any time, for such water supply, together with the right to go upon the premises herein conveyed for the purpose of repairing and renewing said pipes.

TOGETHER with all of the right, title and interest of the grantor in and to any lands or waters that may lie between high and low water mark of Cayuga Lake and immediately to the east of the above described premises and between the north and south line of said premises produced in an easterly direction; it being understood between the parties hereto that all the premises conveyed herein which tend to convey any rights in and to Cayuga Lake are subject to all lawful rights of the State of New York and to lawful usage during times of high water.

TOGETHER with a 20-foot right of way from Lake Road over and across premises now or formerly of Dusinbere (510/151), subject to the right of Dusinbere, their heirs, distributees and assigns, to relocate said right of way at any time hereafter.

BEING AND INTENDING the same premises which were conveyed to the party of the first part herein by warrant deed of Seymour Diamond, dated February 6, 1997 and recorded in the Seneca County Clerk's office on February 6, 1997 in Liber 550 of Deeds at page 243.

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Ovid, Seneca County, New York being a part of Lot No. 23 in said town and more particularly bounded and described as follows:

BEGINNING at a point in the center line of County Road No. 153, said point being located southerly along said center line a distance of 1,080 feet from its intersection with the center line of Sheldrake Road; thence North 68° 29' 53' East, said course passing through a found on at 14.64 feet a total distance of 49.64 feet to a found pin in the high water mark of Cayuga Lake; thence southeasterly along the high water line of Cayuga Lake a distance of 174 feet, said course having a chord tie of South 32° 06' 16" East and a chord tie distance of 172.91 feet to a point at the high water mark; thence South 68° 29' 53" West, said course passing through a found iron bar in the easterly right of way of County Road No. 153 at 53.85 feet and continuing across County Road No. 153 and passing through a found iron bar in the west line of County Road No. 153 at 103.60 feet a total distance of 267.50 feet to a found concrete monument; thence North 13° 34' 07" West a distance of 170.35 feet to a found pin; thence North 68° 29' 53" east, said course passing through a found pin near the west line of County Road No. 153 at 149 feet a total distance of 174.36 feet to the point or place of beginning, containing 0.77 acre of land, more or less.

The above described premises are as shown on a survey entitled "Survey Map Showing Lands of Judith Boyle No. 7488 County Road No. 153 - Mil. Lot 14 Town of Ovid, Seneca County, New York" dated April 24, 1998 as prepared by T.G. Miller P.C., Engineers and Surveyors. Said map is filed in the Seneca County Clerk's Office in Map book 98 page 159.

BEING the same premises conveyed to the grantor herein by deed of Judith Boyle dated June 3, 1998, recorded in the Seneca County Clerk's Office on June 26, 1998 in Liber 573 of Deeds at Page 37.

This conveyance is made SUBJECT to the following:

1. The rights of the public in and to County Road No. 153.

2. Any and all easements or rights of way of record.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

§ 3. This act shall take effect immediately.