

STATE OF NEW YORK

6993--A

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. RYAN -- 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 licensing restrictions for manufacturers and wholesalers of alcoholic beverages 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:

1 Section 1. The closing paragraph of subparagraph (xviii) of paragraph
2 (a) of subdivision 13 of section 106 of the alcoholic beverage control
3 law, as added by chapter 288 of the laws of 2022, is amended to read as
4 follows:

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

16 § 2. Subparagraph (xviii) of paragraph (a) of subdivision 13 of
17 section 106 of the alcoholic beverage control law, as added by chapter
18 304 of the laws of 2022, is amended to read as follows:

19 ~~[(xviii)]~~ (xix) on real property located on that certain tract or
20 parcel of land situated in the Town of Shelby, County of Orleans and

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

LBD11436-03-3

1 State of New York, being part of Great Lot No. 32 in Township 14, Range
2 3 of the Holland Land Purchase and bounded and described as follows:
3 Beginning at the point of intersection of the centerline of Maple Ridge
4 Road, a/k/a New York State Route No. 31A (66 foot wide right-of-way)
5 with the centerline of Bates Road;
6 thence (1) North 00° 12' 14" West and along the centerline of said Bates
7 Road a distance of 225.00 feet to a point; thence (2) North 89° 47' 46"
8 East and along the south line of lands now or formerly owned by Joyce
9 and Raymond Cook, Jr. (See Liber 392 of Deeds at page 246 and Tax
10 Account No. 080.00 - 03 - 15.3) a distance of 200.00 feet to a point;
11 thence (3) North 00° 12' 14" West and along the westerly line of lands
12 now or formerly of said Joyce and Raymond Cook, Jr. and also along the
13 westerly line of lands now or formerly owned by Mark G. and Evon C.
14 Navarra (See Liber 498 of Deeds at page 88 and Tax Account No. 080.00 -
15 03 - 15.2) and lands now or formerly owned by John E. Harris, Jr. (See
16 Liber 452 of Deeds at page 207 and Tax Account No. 080.00 - 03 - 16.0) a
17 distance of 300.00 feet to a point; thence (4) South 89° 47' 46" West
18 and along the north line of lands now or formerly of said John E.
19 Harris, Jr. a distance of 200.00 feet to a point in the centerline of
20 Bates Road;
21 thence (5) North 00° 10' 30" West and along the centerline of said Bates
22 Road a distance of 1414.14 feet to a point; thence (6) North 89° 46' 17"
23 East and along the south line of lands now or formerly owned by Harry R.
24 and Lois A. Deyarmin (See Liber 466 of Deeds at page 322 and Tax Account
25 No. 080.00 - 03 - 17.00) and also along the south line of lands now or
26 formerly owned by Michael J. Healy and Vincent J. Licata (See Liber 391
27 of Deeds at page 1077 and Tax Account No. 080.00 - 03 - 01.4) a distance
28 of 398.06 feet to a point on the westerly line of lands now or formerly
29 owned by the Niagara Mohawk Power Corporation (See Liber 360 of Deeds at
30 page 186 and Tax Account No. 080.00 - 03 - 23.0); thence (7) South 02°
31 21' 51" East and continuing along the westerly line of lands now or
32 formerly owned by the said Niagara Mohawk Power Corporation a distance
33 of 1932.39 to a point in the centerline of Maple Ridge Road, a/k/a New
34 York State Route No. 31A; thence (8) South 88° 47' 20" West and along
35 the centerline of said Maple Ridge Road, a/k/a New York State Route No.
36 31A, a distance of 471.69 feet to the point of beginning.
37 Hereby intending to describe a parcel of land shown on a Survey Map made
38 by Clark Patterson Associates, dated August 7, 2006, being Project No.
39 9418.00 and Drawing Number BNDY - 2. Together with the right, privilege
40 and easement for use of one or more of four road crossings not to exceed
41 20 feet in width, as reserved in the Warranty Deed made by Glenn L. Hill
42 and Nola A. Hill to the Niagara Mohawk Power Corporation, dated November
43 2, 1972 and recorded November 3, 1972 in the Orleans County Clerk's
44 Office in Liber 360 of Deeds at page 186. ALSO ALL THAT TRACT OR PARCEL
45 OF LAND situate in the Town of Shelby, County of Orleans and State of
46 New York, being part of Great Lot No. 32 in Township 14, Range 3 of the
47 Holland Land Purchase and bounded and described as follows:
48 Commencing at the point of intersection of the centerline of Maple Ridge
49 Road, a/k/a New York State Route No. 31A (66 foot wide right-of-way)
50 with the centerline of Bates Road; thence (A) North 88° 47' 20" East and
51 along the centerline of said Maple Ridge Road, a/k/a New York State
52 Route No. 31A a distance of 621.72 feet to the point of beginning;
53 thence (1) North 02° 21' 51" West and along the easterly line of lands
54 now or formerly owned by the Niagara Mohawk Power Corporation (See Liber
55 360 of Deeds at page 186 and Tax Account No. 080.00 - 03 - 23.0) a
56 distance of 1931.96 feet to a point;

1 thence (2) North 89° 45' 02" East and along the south line of lands now
2 or formerly owned by Douglas A. Holka (See Liber 545 of Deeds at page 43
3 and Tax Account No. 080.00 - 03 - 1.1) a distance of 1378.90 feet to a
4 point; thence (3) South 00° 12' 37" East and along the westerly line of
5 lands now or formerly owned by Franklin Tower (See Liber 489 of Deeds at
6 page 185 and Tax Account No. 080.00 - 03 - 14.0) a distance of 1908.72
7 feet to a point in the centerline of said Maple Ridge Road, a/k/a New
8 York State Route No. 31A; thence (4) South 88° 47' 20" West and along
9 the centerline of said Maple Ridge Road, a/k/a New York State Route No.
10 31A, a distance of 1306.49 feet to the point of beginning.

11 Hereby intending to describe a parcel of land shown on a Survey Map made
12 by Clark Patterson Associates, dated August 7, 2006, being Project No.
13 9418.00 and Drawing Number BNDY - 2. Together with the right, privilege
14 and easement for use of one or more of four road crossings not to exceed
15 20 feet in width, as reserved in the Warranty Deed made by Glenn L. Hill
16 and Nola A. Hill to the Niagara Mohawk Power Corporation, dated November
17 2, 1972 and recorded November 3, 1972 in the Orleans County Clerk's
18 Office in Liber 360 of Deeds at page 186[-]; **or**

19 § 3. Subparagraph (xviii) of paragraph (a) of subdivision 13 of
20 section 106 of the alcoholic beverage control law, as added by chapter
21 328 of the laws of 2022, is amended to read as follows:

22 [~~(xviii)~~] **(xx)** ALL that certain plot, piece or parcel of land, with
23 the buildings and improvements thereon erected, situate, lying and being
24 in the Town of East Hampton, County of Suffolk and State of New York,
25 bounded and described as follows:

26 Beginning at a point on the northwesterly side of Main Street (Montauk
27 Highway - NYS Rte. 27) distant 541 feet more or less northeasterly, as
28 measured along the same, from the corner formed by the intersection of
29 the northeasterly side of Windmill Lane with the northwesterly side of
30 Main Street, said point being also at the division line between the
31 easterly side of land now or formerly of Stanley Flower, Jr. and the
32 westerly side of the hereafter described parcel; Running thence along
33 said division line and along the easterly side of land now or formerly
34 of Peter Bistran, North 21 degrees 34 minutes 40 seconds West 380 feet;
35 Thence still along land now or formerly of Peter Bistran, North 64
36 degrees 52 minutes 20 seconds East, 74 feet; Thence along land now or
37 formerly of Peter Bistran, Cullum and EJS Realty Corp. South 21 degrees
38 34 minutes 40 seconds East 380 feet to the northwesterly side of Main
39 Street; and Thence along the northwesterly side of Main Street, South 64
40 degrees 52 minutes 20 seconds West 74 feet to the point or place of
41 beginning. Being the same premises conveyed by Nicholas Catalano by deed
42 dated May 5, 1977 and recorded in the Suffolk County Clerk's Office on
43 May 16, 1977, in Liber 8235, cp 582. Being the same premises conveyed in
44 part to W. John Cox by deed dated May 23, 1985 and recorded in the
45 Suffolk County Clerk's Office on May 30, 1985, in Liber 9799, cp 453.
46 Provided, however, notwithstanding section one hundred seven-a of this
47 article, the retail licensee and brand owner located at the premises
48 described in this subparagraph may designate the importer licensee
49 located at the premises described in subparagraph (xiv) of paragraph (a)
50 of subdivision one of section one hundred one of this article as owner
51 of such brands for purposes of brand label registration and price sched-
52 uling as required under this chapter[-]; **or**

53 § 4. The opening and closing paragraphs of subparagraph (xviii) of
54 paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage
55 control law, as added by chapter 348 of the laws of 2022, are amended to
56 read as follows:

1 [~~(xviii)~~] (xxi) Parcel A: ALL THAT CERTAIN plot, place or parcel of
2 land, with the buildings and improvements thereon erected, situate,
3 lying and being in the Borough of Manhattan, City, County and State of
4 New York, bounded and described as follows: BEGINNING at the corner
5 formed by the intersection of the northerly side of Grove Street with
6 the easterly side of Bleecker Street; THENCE easterly along the norther-
7 ly side of Grove Street 117 feet 9 1/2 inches to the center of a party
8 wall between Nos. 53 and 55 Grove Street; THENCE northerly parallel with
9 or nearly so with Bleecker Street and partly through the center of said
10 party wall 47 feet; THENCE westerly parallel with or nearly so with
11 Grove Street 36 feet 7 inches to a point distant 82 feet 5 inches from
12 Bleecker Street; THENCE northerly at right angles to Christopher Street
13 29 feet 1 1/2 inches; THENCE westerly parallel with Grove Street 88 feet
14 6 inches to the easterly side of Bleecker Street; THENCE southerly along
15 the easterly side of Bleecker Street 73 feet 3 inches to the point or
16 place of beginning. Notwithstanding section one hundred seven-a of this
17 article, the retail licensee and brand owner located at the premises
18 described in this subparagraph and further identified as Parcel A may
19 designate the manufacturer licensee located at the premises described in
20 subparagraph (xiv) of paragraph (a) of subdivision one of section one
21 hundred one of this article as owner of such brands for purposes of
22 brand label registration and price scheduling as required under this
23 chapter.

24 Parcel G:

25 THE condominium unit (the "Unit") known as Unit Nos. C1 and C2 in the
26 Building (hereinafter referred to as the "Building") known as the Bleek-
27 er-Grove Condominium and by the street numbers 312-314 Bleeker Street,
28 a/k/a 48 Grove Street, New York, New York, said Units being designated
29 and described as Unit Nos. C1 and C2 in the declaration establishing a
30 plan condominium ownership of said premises under Article 9-b of the
31 Real Property Law of the State of New York (the "New York Condominium
32 Act"), dated 6/13/1990, recorded in the Office of the Register of New
33 York County (the "Register's Office") on 2/5/1991 in reel 1760 page
34 1981, and also designated as Tax Lot Nos. 1001 and 1002 in Block 588,
35 Section 2, of the Borough of Manhattan on the Tax Map of the Real Prop-
36 erty Assessment Department of the City of New York and on the floor
37 plans of said Building, certified by Howard I. Zimmerman Associates,
38 Architects, on the 1/28/1991, and filed with the Real Property Assess-
39 ment Department of the City of New York as Condominium Plan No. 755, and
40 also filed in the City Register's Office on 2/5/1991, as Map No. 5059.

41 TOGETHER with an undivided 15.193% and 30.331% interest, respectively,
42 in the common elements,

43 THE premises within which the Unit is located are more particularly
44 bounded and describes as follows:

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

48 BEGINNING at the corner formed by the intersection of the westerly side
49 of Bleeker Street with the southerly side of Grove Street;

50 RUNNING thence southerly along Bleeker Street, 40 feet;

51 THENCE westerly parallel with Grove Street, 83 feet;

52 THENCE northerly parallel with Bleeker Street, 40 feet to the southerly
53 side of Grove Street;

54 THENCE easterly along the southerly side of Grove Street, 83 feet to the
55 point or place of beginning.

1 THAT the said premises are known as and by the street address(es)
2 312-314 Bleeker Street a/k/a 48 Grove Street, New York, NY. Provided,
3 however, that with respect to such retail licensees' interest in a busi-
4 ness engaged in the manufacture or sale at wholesale of alcoholic bever-
5 ages described in subdivision one-a of section one hundred one of this
6 article: (i) such retail licensees may not purchase alcoholic beverages
7 directly from any such manufacturer or wholesaler; and (ii) no more than
8 fifteen percent of the annual dollar value of alcoholic beverages
9 purchased by any such individual retail licensee for sale on the prem-
10 ises may be produced by any such manufacturer[-]; or

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

14 (xxii) Parcel A

15 ALL that certain plot, piece or parcel of land with the buildings and
16 improvements thereon erected, situated, lying and being in the Town of
17 Wilmington, County of Essex and State of New York, being part of lot No.
18 32 of Mallory's Grant and more particularly described as follows:

19 BEGINNING at a point in the Wilmington-Lake Placid State Highway
20 (Route 86) said point being located 600 feet North Easterly from the
21 point where the division line between lots Nos. 31 and 32 of Mallory's
22 Grant intersects the center of said Highway and which point of beginning
23 is the most Easterly corner of a parcel of land conveyed by Bernard J.P.
24 Comiskey to Marjorie B. Wilkins by deed dated July 7, 1950 and recorded
25 in the Essex County Clerk's Office on July 10, 1950 in Book 279 of Deeds
26 at page 293, and from said point of beginning running thence in a
27 Northwesterly direction along the Northeasterly line of said parcel a
28 distance of 550 feet to the most Northerly corner thereof; thence South-
29 westerly along the Northeasterly line of said parcel (described as
30 parallel to the center of said highway) and continuing in the same
31 course along the Northwesterly line of a parcel of land conveyed by said
32 Comiskey to Walter N. Zywan and Marylyn V. Zywan a total distance on
33 this course of 600 feet to a point in the division line between said
34 lots Nos. 31 and 32; thence Northwesterly along said division line a
35 distance of 1985 feet more or less to the most Westerly corner of lot
36 No. 32; thence Northeasterly along the Westerly boundary of Mallory's
37 Grant a distance of 1696 feet more or less to the most Northerly corner
38 of lot No. 32; thence Southeasterly along the division line between lots
39 Nos. 32 and 33 a distance of 3280 feet more or less to a point in the
40 center of the aforesaid State Highway; thence Southwesterly along the
41 center thereof to the point or place of beginning.

42 Parcel B

43 ALL THAT TRACT, PART, PIECE OR PARCEL OF LAND, situate in Lots 33 and
44 34, Mallory's Grant, Town of Wilmington, County of Essex, State of New
45 York, being more particularly bounded and described as follows:

46 BEGINNING at a 3/4 inch iron pipe found in the southerly bounds of New
47 York State Highway Route 86, and at the most northerly corner of a
48 parcel of land belonging (N/F), to Betty Jane Smart, by virtue of a deed
49 recorded in the Office of the Essex County Clerk in Book 725 of Deeds at
50 Page 176, and RUNNING THENCE N 57° 07' 56" E, along said southerly
51 bounds, a distance of 296.17 feet, to a 1 inch iron pipe found in the
52 most westerly corner of a parcel of land belonging to Richard D. Railton
53 and Maries L Railton, by virtue of a deed recorded in the Office of the
54 Essex County Clerk in Book 810 of Deeds at Page 339;

55 THENCE TURNING and running S 48° 57' 21" E, along the southwesterly
56 bounds of Railton (L810-P339), passing through an iron rod at 99.94

1 feet, and passing through a 3/4 inch iron pipe at 200.24 feet, a total
2 distance of 614.50 feet, to the most northerly corner of a parcel of
3 land belonging to Richard D. Railton and Maries L Railton, by virtue of
4 a deed recorded in the Office of the Essex County Clerk in Book 993 of
5 Deeds at Page 346;

6 THENCE TURNING and running S 61° 14' 53" W, along the northwesterly
7 line of Railton (LP.), a distance of 255.24 feet, to the most westerly
8 corner thereof, being a 1/2 inch iron pipe set in the northeasterly
9 bounds of the aforementioned premises of (N/F) Betty Jane Smart
10 (L725-P176);

11 THENCE TURNING and running N 53° 11' 24" W, along the northeasterly
12 bounds of lands (N/F) of SMART (L725-P176), a distance of 700.31 feet,
13 to the point or place of beginning.

14 Parcel C

15 All that certain plot, piece or parcel of land, situate, lying and
16 being In the Town of Wilmington, County of Essex, State of New York,
17 briefly described as follows vis:

18 Commencing at the intersection of the southeast limit of Highway #86
19 with the southwest bank of White Brook; thence southwesterly along the
20 highway limit, 309.39 feet to a cedar stake which is the point of begin-
21 ning and which is also the northwest corner of Parcel #1 as shown on a
22 survey of Wilmington Development Company property by Norman Briggs, LS.,
23 dated July 1, 1952; thence S 50° 00' W, along the highway limit, 309.39
24 feet to a cedar stake; thence S 34' 00' 50" E. 1209.50 feet to a 4" x 4"
25 cedar post on the bank of the AuSable River; thence northeasterly
26 approximately 21 0 feet; following the river bank, to a 4" x 4" cedar
27 post which is also the southwest corner of Parcel #1; thence N. 49° 29'
28 50" W, 1180.73 feet to the point of beginning.

29 EXCEPTING FROM THE ABOVE DESCRIBED PARCEL:

30 All that tract or parcel of land situate in the Town of Wilmington,
31 County of Essex, State of New York, being part of Lot 33, Mallory's
32 Grant lying east of New York State Route 86 and west of the West Branch
33 of the AuSable River and is more particularly bounded and described as
34 follows:

35 Beginning at a point at the most northerly corner of the premises
36 marked by a 5/8 inch iron rod with cap, said point being the following
37 two (2) courses from a 3/4 inch iron pipe in the southeast bounds of New
38 York State Route 86 which lies 304.52 feet southwest of White Brook:

39 1. South 49° 25' 55" East, 395.00 feet;

40 2. South 49° 27' 22" East, 349.45 feet;

41 Thence, South 49° 27' 22" East, 450.00 feet along the southwest line
42 of certain lands of Richard M. Sibalski and Jane F. Sibalski, Deed Book
43 772/Page 4, to a point on the west bank of the West Branch of the AuSa-
44 ble River, said course passing through a 1/2 inch iron pipe line marker
45 at a distance of 440.00 feet;

46 Thence, Southerly 130 feet more or less along the west bank of the
47 West Branch of the AuSable River on the following three (3) courses to a
48 point at the southerly corner:

49 1. South 29° 37' 10" West, 32.66 feet to a point;

50 2. South 32° 53' 59" East, 40.69 feet to a point;

51 3. South 55° 14' 56" West, 65.59 feet to a point;

52 Thence, North 48° 23' 02" West, 246.21 feet along the southwesterly
53 line to 5/8 inch iron rod with cap, said course passing through a 5/8
54 inch iron rod line marker at a distance of 51.00 feet;

55 Thence, North 56° 25' 45" West, 95, 11 feet along the southwesterly
56 line to 5/8 inch iron rod with cap;

1 Thence, North 09° 51' 36" West, 179.07 feet along the west line to the
2 Point-of-Beginning.

3 Together with a right of way for all normal purposes of ingress and
4 egress over the existing drive from the southwest line of the premises
5 southwest and northwest to the New York State Route 86 and also the
6 right to maintain, repair and replace the existing utility lines provid-
7 ing service to the premises hereinabove described in their present
8 locations.

9 Parcel D

10 ALL THAT TRACT, PART, PIECE OR PARCEL OF LAND, situate in Lots 33 and
11 34, Mallory's Grant, Town of Wilmington, County of Essex, State of New
12 York and being more particularly bounded and described as follows:

13 BEGINNING at a 1 inch iron pipe, and the most westerly corner of a
14 parcel of land belonging to Richard D. Railton and Maries L. Railton, by
15 virtue of a deed recorded in the Office of the Essex County Clerk in
16 Book 81 0 at Page 339, and RUNNING THENCE S 48° 57' 21" E, along the
17 southwesterly line of Railton (L810-P339) passing through an iron rod at
18 99.94 feet, and a 1/2 inch iron pipe at 200.24 feet, a total distance of
19 614.50 feet to a 1/2 inch iron pipe, and to the TRUE POINT OF BEGINNING
20 of the 3.0 acre parcel herein being described;

21 THENCE CONTINUING along said southwesterly line, S 48° 57' 21" passing
22 through a 1/2 inch iron pipe at 595.91 feet, a total distance of 629
23 feet more or less, to a point on the northerly bank of the AuSable
24 River, and to the most easterly corner of the 3.0 acre parcel herein
25 being described;

26 THENCE TURNING and running southwesterly and upstream, along the bank
27 of the AuSable River, a distance of 230 feet, more or less, to the most
28 easterly corner of a parcel of land belonging (N/F) to Florence
29 Williams; by virtue of a deed recorded in the Office of the Essex County
30 Clerk in Book 456 of Deeds at Page 19;

31 THENCE TURNING and running N 53° 11' 24" W, (passing through a 3/4
32 inch iron pipe at 20 feet, more or less), along the northeasterly line
33 of WILLIAMS (L456-P19), a distance of 415 feet, more or less, to the
34 most easterly corner of a parcel of land belonging (N/F) to Betty Jane
35 Smart, by virtue of a deed recorded In the Office of the Essex County
36 Clerk in Book 725 of Deeds at Page 176;

37 RUNNING THENCE N 53° 11' 24" W, along the northeasterly line of SMART
38 (L725-P176), (passing through a 3/4 inch iron rod at 99.47 feet), a
39 distance of 189.6 feet, to a 1/2 inch iron pipe, and to the most wester-
40 ly corner of the 3.0 acre parcel herein being described:

41 THENCE TURNING and running N 61° 14' 53" E, through lands belonging to
42 the High Valley Motel Corporation, by virtue of a deed recorded in the
43 Office of the Essex County Clerk in Book 940 of Deeds at Page 142, a
44 distance of 255.24 feet, to the point or place of beginning.

45 Parcel E

46 All that tract or parcel of land situate in the Town of Wilmington,
47 County of Essex, State of New York, being part of Lot 33, Mallory's
48 Grant lying east of New York State Route 86 and west of the West Branch
49 of the AuSable River and is more particularly bounded and described as
50 follows:

51 Beginning at a point at the most northerly corner of the premises
52 marked by a 5/8 inch iron rod with cap, said point being the following
53 two (2) courses from a 3/4 inch iron pipe in the southeast bounds of New
54 York State Route 86 which lies 304.52 feet southwest of White Brook:

55 1. South 49° 25' 55" East, 395.00 feet;

56 2. South 49° 27' 22" East, 349.45 feet;

1 Thence, South 49° 27' 22" East, 450.00 feet along the southwest line
2 of certain lands of Richard M. Sibalski and Jane F. Sibalski, Deed Book
3 772/Page 4, to a point on the west bank of the West Branch of the AuSable
4 River, said course passing through a 1/2 inch iron pipe line marker
5 at a distance of 440.00 feet;

6 Thence, Southerly 130 feet more or less along the west bank of the
7 West Branch of the AuSable River on the following three (3) courses to a
8 point at the southerly corner:

9 1. South 29° 37' 10" West, 32.66 feet to a point;

10 2. South 32° 53' 59" East, 40.69 feet to a point;

11 3. South 55° 14' 56" West, 65.59 feet to a point;

12 Thence, North 48° 23' 02" West, 246.21 feet along the southwesterly
13 line to a 5/8 inch iron rod with cap, said course passing through a 5/8
14 inch iron rod line marker at a distance of 51.00 feet;

15 Thence, North 56° 28' 45" West, 95.11 feet along the southwesterly
16 line to a 5/8 inch iron rod with cap;

17 Thence, North 09° 51' 36" West, 179.07 feet along the west line to the
18 Point-of Beginning. Together with a right of way for all normal purposes
19 of ingress and egress over the existing drive from the southwest line of
20 the premises southwest and northwest to New York State Route 86.

21 Parcel F

22 ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island,
23 County of Erie and State of New York, being part of Lot No. 66, on said
24 Island, bounded and described as follows:

25 COMMENCING at the northeast corner of Lot No. 66; thence westerly along
26 the northerly line of Lot No. 66, 848.85 feet to its intersection with
27 the northeasterly line of the New York State Thruway; thence southeast-
28 erly along the northeasterly line of said Thruway 440.26 feet; thence
29 northerly in a straight line 767 feet to the place of beginning.

30 Parcel G

31 ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island,
32 County of Erie and State of New York, being parts of Lots Nos. 82 and
33 83, on said Island, bounded and described as follows:

34 Beginning at the point of the intersection of the southwesterly line
35 of Grand Island Connecting Boulevard and the easterly line of lands
36 conveyed to George J. Stortz, by deed recorded in Erie County Clerk's
37 Office in Liber 325 of Deeds at page 610; thence northwesterly along the
38 southwesterly line of Grand Island Connecting Boulevard, 200 feet;
39 thence southwesterly at right angles to the southwesterly line of Grand
40 Island Connecting Boulevard, 1871.45 feet to the south line of said Lot
41 No. 82 and 83, 1688.78 feet to the easterly line of lands deeded to
42 Stortz, as aforesaid; thence northerly along the said line of Stortz's
43 land 861.40 feet to the point of beginning.

44 Parcel H

45 ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Wilmington,
46 County of Essex, State of New York, being a part of Lot 28, Mallory's
47 Grant, and of Lots 7 and B, Jay Tract, being bounded and described as
48 follows:

49 BEGINNING at a point which marks the intersection of the center line
50 of New York State Highway, Route 86, with the center line of Fox Farm
51 Road, so-called;

52 Running thence along the center line of Fox Farm Road in the following
53 six courses:

54 S 69° 33' E, 200.0 feet;

55 S 72° 32' E, 200.0 feet;

56 S 76° 46' E, 200.0 feet;

S 80° 15' E, 1100.0 feet;
S 77° 38' E, 380.0 feet;
S 73° 16' E, 494.6 feet to a point in the southwesterly corner of
29.78 acre parcel heretofore conveyed by Carl Steinhoff and Bertha
Steinhoff to Winfield D. Davis and Marceline M. Davis;

Running thence along the general westerly bounds of said Davis parcel
in the following three courses:

N 18° 21' 30" E, a distance of 31.9 feet to a 1" pipe;

N 18° 21' 30" E, 461.0 feet to a 1" pipe;

N 18° 21' 30" E, 829.7 feet to a 1" pipe, which marks the general
northwest corner of said Davis parcel;

Running thence in the same course, N 18° 21' 30" E, and in an exten-
sion northerly of the westerly boundary line of said Davis parcel
so-called, a distance of 213 feet, more or less, to a point in the
southerly boundary line of said premises reputedly owned by Mabel DeMa-
si;

Running thence N 60° 57' W, and along the general southerly boundary
line of said DeMasi property, so-called, a distance of 475 feet, more or
less, to a 1/4 pipe set in a small pile of stones, which point is reput-
ed to be on the division line of Lots 28/29;

Running thence N 30° 02' 30" E. and along the general westerly bounds
of said DeMasi property, so-called, a distance of 305.9 feet to a 1/4"
pipe set at the easterly face of a 6 foot high boulder at or near the
general southerly bank of the AuSable River;

Running thence upstream along or nearly along the southerly bank of
the AuSable River in the following nine courses:

N 64° 38' W, 168.2 feet;

N 55° 27' W, 186.6 feet;

N 87° 01' W, 151.4 feet;

S 53° 08' W, 279.9 feet;

S 50° 39' W, 97.0 feet;

S 54° 52' W, 149.9 feet;

S 81° 52' W, 186.6 feet;

N 76° 04' 30" W, 312.0 feet;

S 57° 33' W, 680.0 feet to a point on the bridge spanning to AuSable
River, which point lies over the southerly bank of said river;

Running thence along the center or nearly in the center of said New
York State Highway, Route 86, in the following five courses:

S 20° 50' W, 119.0 feet;

S 26° so' W, 200.0 feet;

S 39° 34' W, 200.0 feet;

S 45° 08' W, 400.0 feet;

S 49° 45" W, 300.0 feet to the point or place of beginning.

EXCEPTING all those portions, rights and privileges which have been
acquired by the State of New York and County of Essex for highway
purposes.

EXCEPTING premises conveyed by deed from Yates-Prime, Ltd. to the
People of the State of New York, acting by and through the Commissioner
of Environmental Conservation of the State of New York dated January 24,
1996 and recorded May 29, 1996 in Book 1111 at Page 116.

EXCEPTING AND RESERVING premises conveyed by deed from Richard H.
Nagamine, Jr. and Sylvia E. Nagamine to Yates Prime, Ltd. dated November
9, 2000 and recorded January 3, 2001 in Book 1272 at page 1.

§ 6. This act shall take effect immediately; provided, however, that
the amendments to subparagraph (xviii) of paragraph (a) of subdivision
13 of section 106 of the alcoholic beverage control law made by section

1 three of this act shall not affect the expiration of such subparagraph
2 and shall expire and be deemed repealed therewith; provided, further,
3 that the amendments to subparagraph (xviii) of paragraph (a) of subdivi-
4 sion 13 of section 106 of the alcoholic beverage control law made by
5 section four of this act shall not affect the expiration of such subpar-
6 agraph and shall expire and be deemed repealed therewith; and provided,
7 further, that upon the sale or transfer of the parcels detailed in
8 subparagraph (xxii) of paragraph (a) of subdivision 13 of section 106 of
9 the alcoholic beverage control law as added by section five of this act,
10 such subparagraph shall expire and be deemed repealed unless the licen-
11 see immediately obtains a leasehold upon such sale or transfer of such
12 parcel as part of the sale or transfer. If the licensee obtains such a
13 leasehold, the subparagraph pertaining to such parcel shall expire and
14 be deemed repealed upon the end or termination of such lease. The state
15 liquor authority shall notify the legislative bill drafting commission
16 upon notification by the licensee of the sale, transfer or termination
17 of the leasehold, or non-renewal of the leasehold of the parcel detailed
18 in subparagraph (xxii) of paragraph (a) of subdivision 13 of section 106
19 of the alcoholic beverage control law in order that the commission may
20 maintain an accurate and timely effective data base of the official text
21 of the laws of the state of New York in furtherance of effectuating the
22 provisions of section 44 of the legislative law and section 70-b of the
23 public officers law.