STATE OF NEW YORK

9643--A

IN SENATE

May 16, 2024

Introduced by Sen. KRUEGER -- 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 on licensees who sell at retail; 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 (xxii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law, as added by chapter 527 of the laws of 2023, is amended and a new subparagraph (xxiii) is added to read as follows:

(xxii) Parcel A

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

BEGINNING at a point in the Wilmington-Lake Placid State Highway (Route 86) said point being located 600 feet North Easterly from the point where the division line between lots Nos. 31 and 32 of Mallory's Grant intersects the center of said Highway and which point of beginning is the most Easterly corner of a parcel of land conveyed by Bernard J.P. Comiskey to Marjorie B. Wilkins by deed dated July 7, 1950 and recorded in the Essex County Clerk's Office on July 10, 1950 in Book 279 of Deeds at page 293, and from said point of beginning running thence in a Northwesterly direction along the Northeasterly line of said parcel a distance of 550 feet to the most Northerly corner thereof; thence Southwesterly along the Northeasterly line of said parcel (described as parallel to the center of said highway) and continuing in the same course along the Northwesterly line of a parcel of land conveyed by said Comiskey to Walter N. Zywan and Marylyn V. Zywan a total distance on this course of 600 feet to a point in the division line between said

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

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lots Nos. 31 and 32; thence Northwesterly along said division line a distance of 1985 feet more or less to the most Westerly corner of lot No. 32; thence Northeasterly along the Westerly boundary of Mallory's Grant a distance of 1696 feet more or less to the most Northerly corner of lot No. 32; thence Southeasterly along the division line between lots Nos. 32 and 33 a distance of 3280 feet more or less to a point in the center of the aforesaid State Highway; thence Southwesterly along the center thereof to the point or place of beginning.

Parcel B

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

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

THENCE TURNING and running S 48° 57' 21" E, along the southwesterly bounds of Railton (L810-P339), passing through an iron rod at 99.94 feet, and passing through a 3/4 inch iron pipe at 200.24 feet, a total distance of 614.50 feet, to the most northerly corner of a parcel of land belonging to Richard D. Railton and Maries L Railton, by virtue of a deed recorded in the Office of the Essex County Clerk in Book 993 of Deeds at Page 346;

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

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

Parcel C

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

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

EXCEPTING FROM THE ABOVE DESCRIBED PARCEL:

All that tract or parcel of land situate in the Town of Wilmington, County of Essex, State of New York, being part of Lot 33, Mallory's Grant lying east of New York State Route 86 and west of the West Branch

of the AuSable River and is more particularly bounded and described as follows:

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

1. South 49° 25' 55" East, 395.00 feet;
2. South 49° 27' 22" East, 349.45 feet;

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

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

1. South 29° 37' 10" West, 32.66 feet to a point:
2. South 32° 53' 59" East, 40.69 feet to a point;
3. South 55° 14' 56" West, 65.59 feet to a point;

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

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

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

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

Parcel D

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

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

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

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

THENCE TURNING and running N 53° 11' 24" W, (passing through a 3/4 inch iron pipe at 20 feet, more or less), along the northeasterly line

of WILLIAMS (L456-P19), a distance of 415 feet, more or less, to the most easterly corner of a parcel of land belonging (N/F) to Betty Jane Smart, by virtue of a deed recorded In the Office of the Essex County Clerk in Book 725 of Deeds at Page 176;

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

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

Parcel E

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

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

1. South 49° 25' 55" East, 395.00 feet:
2. South 49° 27' 22" East, 349.45 feet;

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

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

1. South 29° 37' 1 O" Well, 32.66 feet to a point;
2. South 32° 53' 59" East, 40.69 feet to a point;
3. South 55° 14' 56" West, 65.59 feet to a point;

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

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

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

Parcel F

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

COMMENCING at the northeast comer of Lot No. 66; thence westerly along the northerly line of Lot No. 66, 848.85 feet to its intersection with the northeasterly line of the New York State Thruway; thence southeasterly along the northeasterly line of said Thruway 440.26 feet; thence northerly in a straight line 767 feet to the place of beginning.

Parcel G

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

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

Parcel H

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

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

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

S 69° 33' E, 200.0 feet;
S 72° 32' E, 200.0 feet;
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 extension 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 DeMasi;

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 reputed 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[~~,~~]**or**

(xxiii) Part 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 on the easterly side of Thompson Street, distant 87 feet 5 inches southerly from the corner formed by the intersection of the easterly side of Thompson Street with the southerly side of Spring Street;

RUNNING THENCE Easterly on a line forming an interior angle of 89 degrees 47 minutes 30 seconds with the easterly side of Thompson Street a distance of 87 feet 11 1/2 inches to a point in a line drawn northerly along the westerly face of the westerly wall of the one story brick building located on the premises adjoining on the east;

THENCE Southerly along the said line and along the westerly face of said wall to the northerly face of another one story brick building on said adjoining premises;

THENCE Westerly along the said northerly face of the said northerly wall 6 inches to the westerly face of the westerly wall of said building;

THENCE Southerly along the westerly face of said wall and a line in continuation thereof to a line drawn at right angles to Thompson Street from a point in the easterly side thereof distant 50 feet southerly from the point of beginning.

THENCE Westerly at right angle to Thompson Street, 87 feet 6 1/2 inches more or less to the easterly side of Thompson Street;

THENCE Northerly along the easterly side of Thompson Street, 50 feet to the point or place of BEGINNING.

Part B

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

BEGINNING at a point on the westerly side of West Broadway distant 93 feet 5 3/4 inches (U.S. Standard) southerly as measured along the westerly side of West Broadway from the corner formed by the inter-

section of the southerly side of Spring Street with the westerly side of West Broadway.

RUNNING THENCE in a general southerly direction along the westerly side of West Broadway a distance of 47 feet 4 1/4 inches (U.S. Standard); RUNNING THENCE in a general westerly direction along a line forming an interior angle of 89 degrees 54 minutes 25 seconds with the westerly side of

West Broadway a distance of 75.0 feet (U.S. Standard);

RUNNING THENCE in a general northerly direction along a line forming an interior angle of 90 degrees 05 minutes 35 seconds with the last mentioned course a distance of 46 feet 11 5/8 inches (U.S. Standard);

RUNNING THENCE in a general easterly direction along a line forming an interior angle of 90 degrees with the last mentioned course a distance of 16.0 feet (U.S. Standard);

RUNNING THENCE in a general northerly direction along a line forming a right angle with the last mentioned course a distance of 5 inches (U.S. Standard); and

THENCE in a general easterly direction along a line forming an interior angle of 89 degrees 51 minutes 30 seconds with the last mentioned course a distance of 59.0 feet (U.S. Standard); to the westerly side of West Broadway, the point or place of BEGINNING.

The above description is an overall description appearing of record in Deed recorded 11/16/1988 in Reel 1494 Page 1438, which combines the following PARCEL A and PARCEL B as described in said Deed and prior Deeds of record:

PARCEL A (Being the northerly portion of TAX LOT 23):

All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City and State of New York, on the northwesterly side of West Broadway, formerly Laurens Street, between Spring and Broome Streets in the 8th Ward of the City of New York and known on a Map of property belonging to Estate of Thomas Starr, deceased, dated May 1827, made by Thomas R. Ludlam, C.S., conveyed to said David Robbins by Deed Liber 238

Cp 454 which is bounded and described as follows;

BEGINNING at a point on the northwesterly side of said West Broadway being the southerly corner of said Lot No. 85;

RUNNING THENCE northeasterly along the northwesterly side of West Broadway, 22 feet 4 inches more or less to the easterly corner of said brick house; RUNNING THENCE northwesterly at right angles to said West Broadway and in part along said brick house; and

THENCE continuing in the same direction to the rear of the Lot, 100 feet;

THENCE, southeasterly along the rear of the Lot and parallel with West Broadway, 22 feet 4 inches more or less to the westerly corner of said Lot No. 85; and

RUNNING THENCE southwesterly at right angles to West Broadway, 100 feet to said northwesterly side of West Broadway being the point or place of BEGINNING.

Excepting so much as has been taken by the City of New York for the widening of Laurens Street (formerly South 5th Avenue and now known as West Broadway).

PARCEL B (Being the remaining portion of TAX LOT 23):

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 westerly side of West Broadway, distant 115 feet 10 inches southerly from the corner formed by the intersection of the westerly side of West Broadway with the southerly side of Spring Street which point is at the northerly face of the northerly wall of the building on the premises herein described;
RUNNING THENCE westerly along the northerly face of the northerly wall of the building on the premises herein described and on a line in continuation thereof nearly parallel with Spring Street, 75 feet;
THENCE southerly parallel with West Broadway 24 feet 10 inches to a point in a line drawn in continuation of the southerly face of the southerly wall of the building on the premises herein described;
THENCE easterly along said line and along the southerly face of the southerly wall of the building on the premises herein described nearly parallel with Spring Street, 75 feet to the westerly side of West Broadway; and THENCE, northerly along the westerly side of West Broadway, 25 feet to the point or place of BEGINNING.

Part C

ALL that lot, 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 70th Street with the Westerly side of Madison Avenue;
THENCE Northerly along the Westerly side of Madison Avenue, 100 feet 5 inches to the center line of the block between 70th and 71st Streets;
THENCE Westerly parallel with the Northerly side of 70th Street and along said center line of the block, 21 feet;
THENCE Southerly parallel with the Westerly side of Madison Avenue, 100 feet 5 inches to the Northerly side of 70th Street;
THENCE Easterly along the Northerly side of 70th Street, 21 feet 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 this subparagraph: (1) such interest shall have been acquired prior to the effective date of this subparagraph; (2) such retail licensee may not purchase alcoholic beverages directly from any such manufacturer or wholesaler; and (3) 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 the amendments to subparagraph (xxii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law made by section one of this act shall not affect the expiration of such subparagraph and shall expire and be deemed repealed therewith; provided, however, that upon the sale or transfer of the parcels detailed in subparagraph (xxiii) of paragraph (a) of subdivision 13 of section 106 of the alcoholic beverage control law as added by section one 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 nonrenewal of the leasehold of the parcel detailed in subparagraph (xix) 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.