

STATE OF NEW YORK

4051--B

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. GALLAHAN, BYRNES, MANKTELOW, DeSTEFANO, E. BROWN, BENDETT, BRABENEC, LEMONDES, HAWLEY -- Multi-Sponsored by -- M. of A. ANGELINO, TAGUE -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- 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:

1 Section 1. Paragraph (a) of subdivision 1 of section 101 of the alco-
2 holic beverage control law is amended by adding a new subparagraph
3 (xviii) to read as follows:

4 (xviii) All that certain lot, piece or parcel of land, with the build-
5 ings and improvements thereon erected, situate, lying and being on the
6 northerly side of Seneca Street in the city of Geneva, county of Ontario
7 and state of New York, more particularly bounded and described as
8 follows:

9 PARCEL 1

10 BEGINNING at a point in the northerly line of said Seneca street and
11 distant one hundred eighteen and five-tenths (118.5) feet westerly,
12 measured along said northerly line of Seneca Street, from the westerly
13 line of Linden Street, as at present monumented by the city of Geneva;
14 thence running (1) northerly at an angle in the northwest quadrant of
15 ninety (90) degrees, sixteen (16) minutes with the northerly line of
16 Seneca Street a distance of one hundred ninety-two and five-tenths
17 (192.5) feet, more or less, to a point in the old line fence, which

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

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1 point is the northeasterly corner of the premises; thence running (2)
2 westerly along said old line fence at an angle in the northwest quadrant
3 of eighty-five (85) degrees, fifty-two (52) minutes with the line fence
4 herein described a distance of seventy-eight and two-tenths (78.2) feet
5 to a point; thence running (3) northerly at an angle in the northeast
6 quadrant of ninety-four (94) degrees, four (4) minutes with the last
7 described course and along a jog in said fence a distance of three and
8 five-tenths (3.5) feet, more or less, to a point; thence running (4)
9 westerly and continuing along said old fence line a distance of eleven
10 and five-tenths (11.5) feet, more or less, to a point, which point is
11 the northwest corner of the premises, and running thence (5) in a south-
12 erly direction a distance of two hundred two (202) feet, more or less,
13 to the northerly line of said Seneca Street, as now monumented, which
14 point is the southwest corner of the premises, and running thence (6)
15 along the northerly line of said Seneca Street a distance of eighty-nine
16 and seven-tenths (89.7) feet to the point or place of beginning.

17 PARCEL 2

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

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

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

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

38 (xxiii) ALL THAT TRACT OR PARCEL OF LAND, with the buildings and
39 improvements thereon erected, situate, lying and being on County Road
40 153 in Military Lot 14 & 23 in the Town of Ovid, County of Seneca, State
41 of New York bounded and described as follows:

42 BEGINNING at a point in the assumed centerline of County Road 153 at
43 the apparent center of the bridge over Sheldrake Creek, said point also
44 being southerly a distance of 292 feet more or less from the apparent
45 intersection of said centerline with the assumed centerline of Sheldrake
46 Road; thence leaving the point of beginning South 18° 21' 25" East along
47 the assumed centerline of County Road 153 a distance of 260.70 feet to a
48 point; thence South 19° 47' 57" East along said centerline a distance of
49 107.76 feet to a point; thence South 21° 16' 18" East along said center-
50 line a distance of 182.94 feet to a point; thence North 73° 21' 51" East
51 along lands reputedly of Atwood (lib. 385, page 398) passing through an
52 iron pipe 17.91 feet distant, and continuing further along that same
53 course a distance of 80.43 feet farther, the total distance being 98.34
54 feet to an iron pipe in concrete at or near the shore line of Cayuga
55 Lake; thence in a southerly direction the following courses and
56 distances along tie lines at or near the shore line of Cayuga Lake:

1 South 03° 51' 47" West a distance of 91.67 feet to a point; thence South
2 09° 41' 08" East a distance of 60.89 feet to a point; thence South 25°
3 12' 40" East a distance of 86.20 feet to an iron pin; thence South 68°
4 29' 53" West along lands reputedly of Boyle (lib. 397, page 1128) pass-
5 ing through an iron pin 35.00 feet distant, and continuing further along
6 that same course passing through another iron pin 40.00 feet farther,
7 and continuing still further along that same course a distance of 149.00
8 feet farther, the total distance being 224.00 feet to an iron pin;
9 thence South 17° 34' 07" East along said lands of Boyle, passing through
10 a concrete post 170.00 feet distant, and continuing further along that
11 same course along lands reputedly of Riemenschneider (lib. 449, page 61)
12 a distance of 159.70 feet farther, the total distance being 329.70 feet
13 to an iron pin; thence South 75° 00' 23" West along lands reputedly of
14 Diamond-Carey (lib. 430, page 271) a distance of 250.00 feet to an iron
15 pin; thence South 62° 21' 07" West along said lands of Diamond-Carey a
16 distance of 168.29 feet to an iron pipe 2 feet east of a 12 inch hickory
17 tree; thence South 01° 32' 47" West along said lands of Diamond-Carey a
18 distance of 377.63 feet to an iron pin; thence North 72° 01' 46" East
19 along said lands of Diamond-Carey a distance of 17.49 feet to an iron
20 pin; thence South 13° 10' 51" East along lands reputedly of Poes (lib.
21 533, page 327) a distance of 174.57 feet to an iron pin; thence South
22 61° 15' 35" West along lands reputedly of Diamond, Helfman & Day (lib.
23 482, page 354) a distance of 44.90 feet to an iron pipe; thence South
24 23° 58' 18" East along said lands of Diamond, Helfman & Day and also
25 along lands reputedly of Day (lib. 317, page 341) a distance of 197.28
26 feet to an axle; thence South 03° 33' 43" East along lands reputedly of
27 Dusinbere (lib. 510, page 151) a distance of 76.42 feet to an iron pipe;
28 thence South 04° 24' 03" East along said lands of Dusinbere, passing
29 through an iron pipe 102.31 feet distant, and continuing further along
30 that same course along lands reputedly of Frantz (lib. 432, page 69) a
31 distance of 238.42 feet farther, the total distance being 340.73 feet to
32 an iron pin; thence South 05° 1 T 20" East along lands reputedly of
33 Holman (lib. 331, page 398) a distance of 199.65 feet to an iron pipe;
34 thence North 85° 47' 17" West along lands reputedly of Travis (lib. 413,
35 page 61) a distance of 60.22 feet to an iron pipe; thence South 49° 37'
36 13" West along said lands of Travis a distance of 136.80 feet to an iron
37 pipe; thence South 52° 29' 03" West along said lands of Travis a
38 distance of 201.20 feet to a point; thence South 67° 02' 08" West along
39 said lands of Travis a distance of 203.75 feet to an iron pin; thence
40 South 05° 58' 13" West a distance of 25.95 feet to a point in a double
41 basswood stump; thence North 84° 57' 23" West along lands reputedly of
42 Travis (Lib. 413, page 61) a distance of 643.08 feet to an iron pipe;
43 thence North 85° 19' 03" West along lands reputedly of George (lib.
44 501, page 283) a distance of 2953.18 feet to an iron pin; thence North
45 85° 01' 43" West a distance of 260.88 feet to an iron pin; thence the
46 following courses and distances along tie lines being along the south
47 bank of Sheldrake Creek: North 04° 58' 17" East a distance of 75.00 feet
48 to a point; North 53° 32' 03" East a distance of 257.36 feet to a point;
49 North 49° 46' 21" East a distance of 388.42 feet to a point; North 70°
50 07' 21" East a distance of 113.39 feet to a point; North 85° 22' 45"
51 East a distance of 158.74 feet to a point; South 75° 38' 53" East a
52 distance of 138.69 feet to a point; North 75° 27' 23" East a distance of
53 123.03 feet to a point; North 01° 49' 54" West a distance of 286.17 feet
54 to a point; North 45° 15' 53" East a distance of 124.41 feet to a point;
55 South 74° 36' 39" East a distance of 235.69 feet to a point; North 76°
56 37' 59" East a distance of 203.07 feet to a point; North 44° 08' 15"

1 East a distance of 225.05 feet to a point; North 32° 19' 26" East a
2 distance of 175.45 feet to a point; North 87° 20' 19" East a distance of
3 266.75 feet to a point; North 50° 26' 38" East a distance of 286.68 feet
4 to a point; North 69° 39' 24" East a distance of 218.09 feet to a
5 point; North 34° 09' 56" East a distance of 183.80 feet to a point;
6 North 06° 30' 06" East a distance of 173.73 feet to a point; North 82°
7 28' 34" East a distance of 318.45 feet to a point; North 63° 12' 37"
8 East a distance of 457.87 feet to a point; North 47° 33' 36" East a
9 distance of 228.07 feet to a point; North 60° 11' 17" East a distance of
10 263.17 feet to a point; North 71° 05' 04" East a distance of 179.45 feet
11 to a point; North 81° 35' 05" East a distance of 337.03 feet to a point;
12 North 76° 08' 39" East a distance of 164.59 feet to a point; thence
13 North 21° 30' 07" West a distance of 56.80 feet to a point in the
14 assumed centerline of Sheldrake Creek; thence North 64° 26' 00" East
15 along said centerline a distance of 140.00 feet to a point; thence North
16 38° 10' 00" East along said centerline a distance of 150.00 feet to a
17 point, said point being the point and place of beginning. COMPRISING an
18 area of 155.081 acres of land according to a survey completed by Michael
19 D. Karlsen on December 20, 1996 entitled "Plan of Land to be Conveyed by
20 Seymour Diamond" known as job number 96-572-2 and a survey completed by
21 Michael D. Karlsen on December 9, 1996 entitled "Plan Showing Easterly
22 Lines of Seymour Diamond" known as job number 96-572-1. Said maps are
23 filed in the Seneca County Clerk's Office in Map book 97 pages 38 and
24 39.

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

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

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

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

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

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

55 TOGETHER with a 20-foot right of way from Lake Road over and across
56 premises now or formerly of Dusinbere (510/151), subject to the right of

1 Dusinbere, their heirs, distributees and assigns, to relocate said right
2 of way at any time hereafter.

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

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

10 BEGINNING at a point in the center line of County Road No. 153, said
11 point being located southerly along said center line a distance of 1,080
12 feet from its intersection with the center line of Sheldrake Road;
13 thence North 68° 29' 53' East, said course passing through a found on at
14 14.64 feet a total distance of 49.64 feet to a found pin in the high
15 water mark of Cayuga Lake; thence southeasterly along the high water
16 line of Cayuga Lake a distance of 174 feet, said course having a chord
17 tie of South 32° 06' 16" East and a chord tie distance of 172.91 feet to
18 a point at the high water mark; thence South 68° 29' 53" West, said
19 course passing through a found iron bar in the easterly right of way of
20 County Road No. 153 at 53.85 feet and continuing across County Road No.
21 153 and passing through a found iron bar in the west line of County Road
22 No. 153 at 103.60 feet a total distance of 267.50 feet to a found
23 concrete monument; thence North 13° 34' 07" West a distance of 170.35
24 feet to a found pin; thence North 68° 29' 53" east, said course passing
25 through a found pin near the west line of County Road No. 153 at 149
26 feet a total distance of 174.36 feet to the point or place of beginning,
27 containing 0.77 acre of land, more or less.

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

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

36 This conveyance is made SUBJECT to the following:

- 37 1. The rights of the public in and to County Road No. 153.
- 38 2. Any and all easements or rights of way of record.

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

41 § 3. This act shall take effect immediately.