

# STATE OF NEW YORK

9812

## IN ASSEMBLY

April 9, 2024

Introduced by M. of A. BURGOS -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to the exemption of certain parcels of land from licensing restrictions prohibiting manufacturers, wholesalers and retailers of alcoholic beverages from sharing an interest in a licensed premises or to sell at retail for consumption off the premises; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 105 of the alcoholic beverage control law is  
2 amended by adding a new subdivision 25 to read as follows:

3 25. (a) The provisions of subdivisions sixteen and seventeen of this  
4 section shall not apply to any interest in a manufacturer inside or  
5 outside the United States, held by any business or entity located on any  
6 parcels of land in the Borough and County of the Bronx, City and State  
7 of New York, bounded and described as follows:

8 Parcel A: Beginning at a point within block 1044, lot 15, said point  
9 being distant the following four (4) courses from the point formed by  
10 the intersection of the westerly line of Baretto street (60 feet wide)  
11 with the northerly line of Lafayette (100 feet wide); Along said wester-  
12 ly line of Baretto street, north 41 degrees 26 minutes 45 seconds west,  
13 a distance of 197.70 feet to an angle point therein, thence; Continuing  
14 along said line of Baretto street, north 53 degrees 34 minutes 00  
15 seconds west, a distance of 14.21 feet to a point, thence; Through block  
16 2739, lot 15, south 55 degrees 00 minutes 00 seconds west, a distance of  
17 75.72 feet to a point, thence; Continuing through block 2739, lot 15,  
18 south 10 degrees 00 minutes 00 seconds west, a distance of 8.19 feet to  
19 the point and place of beginning, thence; From said point of beginning  
20 the following four courses; South 35 degrees 00 minutes 00 seconds east,  
21 a distance of 42.59 feet to a point, thence; south 55 Degrees 00 minutes  
22 00 seconds west, a distance of 18.44 feet to a point, thence; North 35  
23 degrees 00 minutes 00 seconds west, a distance of 42.59 feet to a point,  
24 thence; North 55 degrees 00 minutes 00 seconds east, a distance of 18.44

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

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1 feet to the point of beginning. Containing within said bounds 785 square  
2 feet or 0.0180 AC.

3 Parcel B: Beginning at a point within block 1044, lot 15, said point  
4 being distant the following four (4) courses from the point formed by  
5 the intersection of the westerly line of Baretto street (60 feet wide)  
6 with the northerly line of Lafayette (100 feet wide); Along said wester-  
7 ly line of Baretto Street, North 41 degrees 26 minutes 45 seconds west,  
8 a distance of 197.70 feet to an angle point therein, thence; Continuing  
9 along said line of Baretto street, North 53 degrees 34 minutes 00  
10 seconds west, a distance of 14.21 feet to a point, thence; Through block  
11 2739, lot 15, South 55 degrees 00 minutes 00 seconds west, a distance of  
12 142.85 feet to a point, thence; Continuing through block 2739, lot 15,  
13 South 10 degrees 00 minutes 00 seconds west, a distance of 8.19 feet to  
14 the point and place of beginning, thence; From said point of beginning  
15 the following four courses; South 35 degrees 00 minutes 00 seconds east,  
16 a distance of 42.02 feet to a point, thence; south 55 Degrees 00 minutes  
17 00 seconds west, a distance of 40.86 feet to a point, thence; North 35  
18 degrees 00 minutes 00 seconds west, a distance of 42.02 feet to a point,  
19 thence; North 55 degrees 00 minutes 00 seconds east, a distance of 40.86  
20 feet to the point of beginning. Containing within said bounds 1,717  
21 square feet or 0.0394 AC.

22 (b) Provided, however, that with respect to such retail licensee's  
23 interest in a business engaged in the manufacture of alcoholic beverages  
24 described in subdivision sixteen or seventeen of this section:

25 (i) such interest shall have been acquired prior to the effective date  
26 of this subdivision; and

27 (ii) such retail licensee shall not purchase alcoholic beverages  
28 directly from any such manufacturer.

29 § 2. This act shall take effect immediately; provided, however, that  
30 upon the sale or transfer of the parcels detailed in paragraph (a) of  
31 subdivision 25 of section 105 of the alcoholic beverage control law, as  
32 added by section one of this act, such subdivision shall expire and be  
33 deemed repealed unless the licensee immediately obtains a leasehold upon  
34 such sale or transfer of such parcel as part of the sale or transfer. If  
35 the licensee obtains such a leasehold, the subdivision pertaining to  
36 such parcel shall expire and be deemed repealed upon the end or termi-  
37 nation of such lease. The state liquor authority shall notify the legis-  
38 lative bill drafting commission upon notification by the licensee of the  
39 sale, transfer or termination of the leasehold, or non-renewal of the  
40 leasehold of the parcel detailed in paragraph (a) of subdivision 25 of  
41 section 105 of the alcoholic beverage control law in order that the  
42 commission may maintain an accurate and timely effective data base of  
43 the official text of the laws of the state of New York in furtherance of  
44 effectuating the provisions of section 44 of the legislative law and  
45 section 70-b of the public officers law.