

CHAPTER 3-B OF THE CONSOLIDATED LAWS

ALCOHOLIC BEVERAGE CONTROL LAW

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ARTICLE 1

SHORT TITLE; POLICY OF STATE AND PURPOSE OF CHAPTER: DEFINITIONS

- Section 1. Short title.
2. Policy of state and purpose of chapter.
3. Definitions.

§ 1. Short title. This chapter shall be known and may be cited and referred to as the "alcoholic beverage control law."

§ 2. Policy of state and purpose of chapter. It is hereby declared as the policy of the state that it is necessary to regulate and control the manufacture, sale and distribution within the state of alcoholic beverages for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to law; for the primary

purpose of promoting the health, welfare and safety of the people of the state, promoting temperance in the consumption of alcoholic beverages; and, to the extent possible, supporting economic growth, job development, and the state's alcoholic beverage production industries and its tourism and recreation industry; and which promotes the conservation and enhancement of state agricultural lands; provided that such activities do not conflict with the primary regulatory objectives of this chapter. It is hereby declared that such policies will best be carried out by empowering the liquor authority of the state to determine whether public convenience and advantage will be promoted by the issuance of licenses to traffic in alcoholic beverages, the increase or decrease in the number thereof and the location of premises licensed thereby, subject only to the right of judicial review provided for in this chapter. It is the purpose of this chapter to carry out these policies in the public interest.

§ 3. Definitions. Whenever used in this chapter, unless the context requires otherwise:

1. "Alcoholic beverage" or "beverage" mean and include alcohol, spirits, liquor, wine, beer, cider and every liquid, solid, powder or crystal, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, and any warehouse receipt, certificate, contract or other document pertaining thereto; except that confectionery containing alcohol as provided by subdivision twelve of section two hundred of the agriculture and markets law and ice cream and other frozen desserts made with liquor, wine, beer or cider as provided in subdivision fifteen of section two hundred of the agriculture and markets law shall not be regulated as an "alcoholic beverage" or "beverage" within the meaning of this section where the sale, delivery or giving away is to a person aged twenty-one years or older. The sale, delivery or giving away of ice cream or other frozen desserts made with liquor, wine, beer or cider to a person under the age of twenty-one years may be prosecuted administratively and/or criminally in accordance with the provisions of this chapter.

2. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine from whatever source or by whatever processes produced.

3. "Beer" means and includes any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefor.

3-a. "Biomass feedstock" shall mean any substance, other than oil, natural gas, coal, shale or products derived from any of these which is capable of being converted into alcohol, including but not be limited to wood and other forest materials, animal manure, municipal wastes, food crops and other agricultural materials.

3-b. "Bona fide retailer association" shall mean an association of retailers holding licenses under this chapter, organized under the non-profit or not-for-profit laws of this state, and possessing a federal tax exemption under section 501(c) of the Internal Revenue Code of the United States.

3-c. "Braggot" shall mean a malt alcoholic beverage made primarily from honey, water, and malt and/or hops; it may also contain fruits, spices, herbs, grain or other agricultural products. Honey shall represent at least fifty-one percent of the starting fermentable sugars by weight of the finished product. For the purposes of this chapter, braggot shall be designated and sold as a beer.

4. "Brewery" means and includes any place or premises where beer is manufactured for sale; and all offices, granaries, mashrooms, cooling-rooms, vaults, yards, and storerooms connected therewith or where any part of the process of manufacture of beer is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be deemed to be included in and to form part of the brewery to which they are attached or are appurtenant.

5. "Brewer" means any person who owns, occupies, carries on, works, or conducts any brewery, either by himself or by his agent.

6. "Board" or "local board" or "appropriate board" or "board having jurisdiction" shall mean the state liquor authority.

7. "Building containing licensed premises" shall include the licensed premises and also any part of a building in which such premises is contained and any part of any other building connected with such building by direct access or by a common entrance.

7-a. (a) "Catering establishment" means and includes any premises owned or operated by any person, firm, association, partnership or corporation who or which regularly and in a bona fide manner furnishes for hire therein one or more ballrooms, reception rooms, dining rooms, banquet halls, dancing halls or similar places of assemblage for a particular function, occasion or event and/or who or which furnishes provisions and service for consumption or use at such function, occasion or event. Such premises must have suitable and adequate facilities and accommodations to provide food and service for not less than fifty persons at any one function, occasion or event and shall in no event be deemed to include any taxi dance hall or any other premises at which public dances are regularly scheduled to be held daily, weekly or monthly and to which the general public is invited.

(b) "Off-premises catering establishment" means and includes any premises owned or operated by any person, firm, association, partnership or corporation who or which regularly and in a bona fide manner furnishes for hire at a site remote from the premises for a particular function, occasion, or event provisions and service for consumption or use at such function, occasion or event. Such premises must have suitable and adequate facilities to provide food for not less than fifty persons. On-premises consumption shall not be allowed at such premises.

7-b. (a) "Cider" means the partially or fully fermented juice of fresh, whole apples or other pome fruits, containing more than three and two-tenths per centum but not more than eight and one-half per centum alcohol by volume: (i) to which nothing has been added to increase the alcoholic content produced by natural fermentation; and (ii) with the usual cellar treatments and necessary additions to correct defects due

to climate, saccharine levels and seasonal conditions. Nothing contained in this subdivision shall be deemed to preclude the use of such methods or materials as may be necessary to encourage a normal alcoholic fermentation and to make a product that is free of microbiological activity at the time of sale. Cider may be sweetened or flavored after fermentation with fruit juice, fruit juice concentrate, sugar, maple syrup, honey, spices or other agricultural products, separately or in combination. Cider may contain retained or added carbon dioxide.

(b) In the event that an alcoholic beverage meets the definition of both a cider, as defined in this subdivision, and a wine, as defined in subdivision thirty-six of this section, the brand or trade name label owner of such alcoholic beverage shall designate whether such alcoholic beverage shall be sold as a cider or a wine for all purposes under this chapter.

7-c. "Cidery" means and includes any place or premises wherein cider is manufactured for sale.

7-d. "Farm cidery" means and includes any place or premises, located on a farm in New York state, in which New York state labelled cider is manufactured, stored and sold, or any other place or premises in New York state in which New York state labelled cider is manufactured, stored and sold.

8. "Convicted" and "conviction" include and mean a finding of guilt resulting from a plea of guilty, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or the suspension thereof.

9. "Club" shall mean an organization of persons incorporated pursuant to the provisions of the not-for-profit corporation law or the benevolent orders law, which is the owner, lessee or occupant of a building used exclusively for club purposes, and which does not traffic in alcoholic beverages for profit and is operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain; except that where such club is located in an office or business building, or state armory, it may be

licensed as such provided it otherwise qualifies as a "club" within the meaning of this subdivision. A "luncheon club" shall mean a club which is open only on week days during the hours between eleven o'clock in the morning and three o'clock in the afternoon. A "member" of a club shall mean a person who whether a charter member or admitted in agreement with the by-laws of the club, has become a bona fide member thereof, who maintains his or her membership by the payment of his or her annual dues in a bona fide manner in accordance with the by-laws and whose name and address is entered on the list of members; or in the case of a veterans club where a person has in his or her possession an identification card indicating his or her membership in the national veterans' organization with which the club at which he or she is present is affiliated. For the purposes of this section a veterans club shall include but not be limited to the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., the Italian American War Veterans of the United States, Incorporated, the Polish Legion of American Veterans, Inc., the Marine Corps League, the Military Order of the Purple Heart, Inc., the American Legion, the Disabled American Veterans, AMVETS, American Veterans of World War II, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., China-Burma-India Veterans Association, Inc., Polish-American Veterans of World War II, the Sons of Union Veterans, Vietnam Veterans of America, the Eastern Paralyzed Veterans Association, the Sons of the American Legion, or the American Legion Auxiliary. In the case of a chapter or lodge of a not-for-profit corporation or a benevolent order qualifying as an organization described in section 501(c)(8) or 501(c)(10) of the United States internal revenue code, a member of another chapter or lodge of such not-for-profit corporation or benevolent order who has in his or her possession an identification card or other proof of membership shall be deemed to be a member. A club and a luncheon club shall appoint an alcoholic beverage officer from among its members who shall be responsible for filing all applications and other documents required to be submitted to the authority. The person appointed alcoholic beverage officer shall be subject to approval by the authority.

9-a. "Custom crush facility" means a licensed winery or farm winery which obtains grapes, fruits and other plants grown exclusively in New York state from, or on behalf of, other licensed wineries or farm wineries and crushes, processes, ferments, bottles or conducts any combination of such services for such other licensed wineries or farm wineries.

10. "Distiller" means any person who owns, occupies, carries on, works, conducts or operates any distillery either by himself or by his agent.

11. "Distillery" means and includes any place or premises wherein any liquors are manufactured for sale.

11-a. "Farm distillery" means and includes any place or premises located on a farm in New York state in which liquor is manufactured and sold, or any other place or premises in New York state in which liquor is manufactured primarily from farm and food products, as defined in subdivision two of section two hundred eighty-two of the agriculture and markets law, and such liquor is sold.

12. "Drug store" means a place registered by the New York state board of pharmacy for the sale of drugs.

12-a. "Farm winery" means and includes any place or premises, located on a farm in New York state, in which wine is manufactured and sold.

12-aa. "Farm" means the land, buildings and equipment used to produce, prepare and market crops, livestock and livestock products as a commercial enterprise. For the purposes of a farm meadery, farm means the land, buildings and equipment used to prepare and market honey and apiary products as a commercial enterprise. A farm may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

12-aaa. "Farm brewery" means and includes any place or premises,

located on a farm in New York state, in which New York state labelled beer is manufactured, stored and sold, or any other place or premises in New York state in which New York state labelled beer is manufactured, stored and sold.

12-aaaa. "Farm meadery" means and includes any place or premises, located on a farm in New York state, in which New York state labelled mead or New York state labelled braggot is manufactured, stored and sold, or any other place or premises in New York state in which New York state labelled mead or New York state labelled braggot is manufactured, stored and sold.

12-b. "Felony" shall mean any criminal offense classified as a felony under the laws of this state or any criminal offense committed in any other state, district, or territory of the United States and classified as a felony therein which if committed within this state, would constitute a felony in this state.

12-c. "Government agency" means any department, division, board, bureau, commission, office, agency, authority or public corporation of the state or federal government or a county, city, town or village government within the state.

13. "Grocery store" means any retail establishment where foodstuffs are regularly and customarily sold in a bona fide manner for the consumption off the premises.

14. "Hotel" shall mean a building which is regularly used and kept open as such in bona fide manner for the feeding and lodging of guests, where all who conduct themselves properly and who are able and ready to pay for such services are received if there be accommodations for them. The term "hotel" shall also include an apartment hotel wherein apartments are rented for fixed periods of time, either furnished or unfurnished, where the keeper of such hotel regularly supplies food to the occupants thereof in a premises which serves food in compliance with section sixty-four-a of this chapter, or a restaurant located in such hotel. "Hotel" shall also mean and include buildings (commonly called a

motel) upon the same lot of land and owned or in possession under a lease in writing by the same person or firm who maintains such buildings for the lodging of guests and supplies them with food from a premises which serves food in compliance with section sixty-four-a of this chapter, or restaurant located upon the same premises.

14-a. "Custom beermakers' center" means a facility that provides one or more individuals with rental space, the use of equipment and storage facilities, and/or beer making supplies to manufacture beer for personal household use and not for resale in accordance with state and federal laws, rules, and regulations.

14-b. "Custom cidermakers' center" means a facility that provides one or more individuals with rental space, the use of equipment and storage facilities, and/or fruit to manufacture cider for personal household use and not for resale in accordance with state and federal laws, rules and regulations.

14-c. "Custom winemakers' center" means a facility that provides one or more individuals with rental space, the use of equipment and storage facilities, and/or fruit to manufacture wine for personal household use and not for resale in accordance with state and federal laws, rules and regulations.

15. "Liquor authority" and "authority" mean the state liquor authority provided for in this chapter.

17. "License" means a license issued pursuant to this chapter.

17-a. "Seven day license" means a license issued pursuant to this chapter and where the off premise retail license holder may remain open to the consumer all seven days of the week.

18. "Licensee" means any person to whom a license has been issued pursuant to this chapter.

19. "Liquor" means and includes any and all distilled or rectified

spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing.

19-a. "Mead" shall mean a wine made primarily from honey and water; it may also contain hops, fruits, spices, herbs, grain, or other agricultural products. Honey shall represent at least fifty-one percent of the starting fermentable sugars by weight of the finished product. The brand or trade label owner of such alcoholic beverage shall designate whether such alcoholic beverage shall be sold as and treated in the same manner as wine or mead for all purposes under this chapter. Provided, however, any mead containing more than eight and one-half per centum alcohol by volume shall be designated, sold as, and treated in the same manner as wine.

20. "Manufacturer" means and includes a distiller, brewer, vintner and rectifier; "Manufacture" means and includes distilling, rectifying, brewing and operating a winery.

20-a. "New York state labelled wine" means wine made from grapes or other fruits, at least seventy-five percent the volume of which were grown in New York state.

20-b. "Micro-winery" means and includes any place or premises located on a farm in New York state in which wine or cider is manufactured and sold.

20-c. "New York state labelled liquor" means liquors made from fruit, vegetables, grain and grain products, honey, maple sap or other agricultural products, at least seventy-five percent the volume of which were grown or produced in New York state.

20-d. "New York state labelled beer" means:

(a) from the effective date of this subdivision until December thirty-first, two thousand eighteen, beer made with no less than twenty percent, by weight, of its hops grown in New York state and no less than twenty percent, by weight, of all of its other ingredients, excluding

water, grown in New York state;

(b) from January first, two thousand nineteen until December thirty-first, two thousand twenty-eight, beer made with no less than sixty percent, by weight, of its hops grown in New York state and no less than sixty percent, by weight, of all of its other ingredients, excluding water, grown in New York state; and

(c) from January first, two thousand twenty-nine and thereafter, beer made with no less than ninety percent, by weight, of its hops grown in New York state and no less than ninety percent, by weight, of all of its other ingredients, excluding water, grown in New York state.

20-e. "New York state labelled cider" means cider made exclusively from apples or other pome fruits grown in New York state.

20-f. "New York state labelled braggot" means braggot made exclusively from honey produced in New York state.

20-g. "New York state labelled mead" means mead made exclusively from honey produced in New York state.

21. "Permittee" means any person to whom a permit has been issued pursuant to this chapter.

22. "Person" includes an individual, copartnership, corporations, society, joint stock company, alcoholic beverage officer appointed by a club or a luncheon club or limited liability company.

23. "Population" means the number of inhabitants as determined by the last preceding federal census.

24. "Rectifier" means and includes any person who rectifies, purifies or refines distilled spirits or wines by any process other than as provided for on distillery premises and every person who, without rectifying, purifying or refining distilled spirits, shall, by mixing such spirits, wine or other liquor with water or any materials, manufactures any imitation of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or

any other name.

25. "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

26. "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions of this chapter.

27. "Restaurant" shall mean a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals, the kitchen of which must, at all times, be in charge of a chef with the necessary help, and kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. Restaurant shall include a motion picture theatre, movie theatre or other venue that shows motion pictures that meet the definitions of restaurant and meals, and all seating is at tables where meals are served. "Meals" shall mean the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a restaurant for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this subdivision contained, however, shall be construed to require that any food be sold or purchased with any beverage.

27-a. "Roadside farm market" means any retailer authorized to sell New York state labelled wine pursuant to section seventy-six-f of this chapter.

28. "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant

or employee of any alcoholic beverage and/or a warehouse receipt pertaining thereto. "To sell" includes to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell and shall include the delivery of any alcoholic beverage in the state.

29. "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution.

30. "Traffic in" includes to manufacture and sell any alcoholic beverage at wholesale or retail.

30-a. "Transfer" means the administrative processes involved in issuing a license to a new applicant for an existing licensed business. Transfer applicants shall be under contract with the existing licensee for purchase of the existing licensed business.

31. "Vehicle" shall include any device in, upon or by which any person or property is or may be transported or drawn upon a public highway, road, street or public place.

32. "Vessel" includes any ship or boat of any kind whatsoever, whether propelled by steam or otherwise and whether used as a sea-going vessel or on inland waters which is properly equipped for the service of alcoholic beverages.

33. "Vintner" means any person who owns, occupies, carries on, works, conducts or operates any winery either by himself or by his agent.

34. "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.

35. "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

36. "Wine" means the product of the normal alcoholic fermentation of

the juice of fresh, sound, ripe grapes, or other fruits or plants with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-four per centum by volume. Wine produced from fruits or plants other than grapes shall include appropriate prefixes descriptive of the fruit or the product from which such wine was predominantly produced, and no other product shall be called "wine" unless designated as artificial or imitation wine.

36-a. "Wine product" means a beverage containing wine to which is added concentrated or unconcentrated juice, flavoring material, water, citric acid, sugar and carbon dioxide and containing not more than six per centum alcohol by volume, to which nothing other than such wine has been added to increase the alcoholic content of such beverage.

37. "Winery" means and includes any place or premises wherein wines are manufactured from any fruit or brandies distilled as the by-product of wine or other fruit or cordials compounded and also includes a winery for the manufacture of wine in any state other than New York state and which has and maintains a branch factory, office or storeroom within the state of New York and receives wine in this state consigned to a United States government bonded winery, warehouse or storeroom located within the state.

38. "Warehouse" means and includes a place in which alcoholic beverages are housed or stored.

ARTICLE 2

LIQUOR AUTHORITY

Section 10. State liquor authority.

11. Appointment of authority.

12. Expenses.

13. Removal.

14. Vacancies; quorum.

15. Officers; employees; offices.

16. Disqualification of members and employees of authority.
17. Powers of the authority.
18. Powers and duties of the chairman.
19. Oath of office.

§ 10. State liquor authority. There shall continue to be in the executive department an alcoholic beverage control division, the head of which shall be the state liquor authority whose members shall consist of a chairman and two commissioners, all of whom shall be citizens and residents of the state. The terms "state alcoholic beverage control board", "state board", "liquor authority", or "authority", wherever occurring in any of the provisions of this chapter or of any other law, or in any official books, records, instruments, rules or papers, shall hereafter mean and refer to the state liquor authority provided for in this section.

§ 11. Appointment of authority. The members of the authority shall be appointed by the governor by and with the advice and consent of the senate. Not more than two members of the authority shall belong to the same political party. The chairman of the state alcoholic beverage control board heretofore appointed and designated by the governor and the remaining members of such board heretofore appointed by the governor shall continue to serve as chairman and members of the authority until the expiration of the respective terms for which they were appointed. Upon the expiration of such respective terms the successors of such chairman and members shall be appointed to serve for a term of three years each and until their successors have been appointed and qualified. The commissioners, other than the chairman shall, when performing the work of the authority, be compensated at a rate of two hundred sixty dollars per day, together with an allowance for actual and necessary expenses incurred in the discharge of their duties. The chairman shall receive an annual salary established in section one hundred sixty-nine of the executive law.

§ 12. Expenses. Each member of the authority shall be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

§ 13. Removal. Any member of the authority may be removed by the governor for cause after an opportunity to be heard. A statement of the cause of his removal shall be filed by the governor in the office of the secretary of state.

§ 14. Vacancies; quorum. 1. In the event of a vacancy caused by the death, resignation, removal or disability of any commissioner, the vacancy shall be filled by the governor by and with the advice and consent of the senate for the unexpired term.

2. (a) In the event of a vacancy caused by the death, resignation, removal, or disability of the chairman, the vacancy shall be filled by the governor by and with the advice and consent of the senate for the unexpired term. Notwithstanding any other provision of law to the contrary, the governor shall designate one of the commissioners to serve as acting chairman for a period not to exceed six months or until a successor chairman has been confirmed by the senate, whichever comes first. Upon the expiration of the six month term, if the governor has nominated a successor chairman, but the senate has not acted upon the nomination, the acting chairman can continue to serve as acting chairman for an additional ninety days or until the governor's successor chairman nomination is confirmed by the senate, whichever comes first.

(b) The governor shall provide immediate written notice to the temporary president of the senate of the designation of a commissioner as acting chairman.

(c) If (i) the governor has not nominated a successor chairman upon the expiration of the six month term or (ii) the senate does not confirm the governor's successor nomination within the additional ninety days, the commissioner designated as acting chairman shall no longer be able to serve as acting chairman and the governor is prohibited from extending the powers of that acting chairman or from designating another

commissioner to serve as acting chairman.

(d) A commissioner serving as the acting chairman of the authority shall be deemed a state officer for purposes of section seventy-three of the public officers law.

3. A majority of the members of the authority shall constitute a quorum for the purpose of conducting the business thereof and a majority vote of all the members in office shall be necessary for action. Provided, however, that a commissioner designated as an acting chairman pursuant to subdivision two of section fourteen of this chapter shall have only one vote for purposes of conducting the business of the authority.

*** § 15. Officers; employees; offices.** Investigators employed by the authority shall be deemed to be peace officers for the purpose of enforcing the provisions of this chapter or judgements or orders obtained for violation thereof, with all the powers set forth in section 2.20 of the criminal procedure law. The counsel, secretary, chief executive officer, assistant chief executive officers, confidential secretaries to commissioners and deputies shall be in the exempt class of the civil service. The other assistants, investigators and employees of the authority shall all be in the competitive class of the civil service. The authority shall continue to have its principal office in the city of Albany, and may maintain a branch office in the cities of New York and Buffalo and such other places as the chairman may deem necessary.

* NB Effective until July 18, 2027

* § 15. Officers; employees; offices. The authority shall have power to appoint any necessary deputies, counsels, assistants, investigators, and other employees within the limits provided by appropriation. Investigators so employed by the Authority shall be deemed to be peace officers for the purpose of enforcing the provisions of the alcoholic beverage control law or judgements or orders obtained for violation thereof, with all the powers set forth in section 2.20 of the criminal procedure law. The counsel, secretary, chief executive officer, assistant chief executive officers, confidential secretaries to

commissioners and deputies shall be in the exempt class of the civil service. The other assistants, investigators and employees of the authority shall all be in the competitive class of the civil service. The authority shall continue to have its principal office in the city of Albany, and may maintain a branch office in the cities of New York and Buffalo and such other places as it may deem necessary.

The authority shall establish appropriate procedures to insure that hearing officers are shielded from ex parte communications with alleged violators and their attorneys and from other employees of the authority and shall take such other steps as it shall deem necessary and proper to shield its judicial processes from unwarranted and inappropriate communications and attempts to influence.

* NB Effective July 18, 2027

§ 16. Disqualification of members and employees of authority. No member of the authority or any officer, deputy, assistant, inspector or employee thereof shall have any interest, direct or indirect, either proprietary or by means of any loan, mortgage or lien, or in any other manner, in or on any premises where alcoholic beverages are manufactured or sold; nor shall he have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture, sale, transportation or storage of alcoholic beverages, or own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured or sold, or in any business wholly or partially devoted to the manufacture, sale, transportation or storage of alcoholic beverages, or receive any commission or profit whatsoever, direct or indirect, from any person applying for or receiving any license or permit provided for in this chapter, or hold any other public office in the state or in any political subdivision except upon the written permission of the liquor authority, such member of the authority or officer, deputy, assistant, inspector or employee thereof may hold the public office of notary public or member of a community board of education in the city school district of the city of New York. Any one who violates any of the provisions of this section shall be removed.

*** § 17. Powers of the authority.** The authority shall have the following functions, powers and duties: 1. To issue or refuse to issue any license or permit provided for in this chapter.

2. To limit in its discretion the number of licenses of each class to be issued within the state or any political subdivision thereof, and in connection therewith to prohibit the acceptance of applications for such class or classes of licenses which have been so limited.

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-f, seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections thirty, thirty-one, fifty-three, sixty-one-a, sixty-one-b, sixty-one-c, seventy-six, seventy-six-a, and seventy-eight of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one, and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the

division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

4. To fix by rule the standards of manufacture and fermentation in order to insure the use of proper ingredients and methods in the manufacture of alcoholic beverages to be sold or consumed in the state.

5. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to examine any person under oath and in connection

therewith to require the production of any books or papers relative to the inquiry. A subpoena issued under this section shall be regulated by the civil practice law and rules.

6. To prohibit, at any time of public emergency, without previous notice or advertisement, the sale of any or all alcoholic beverages for and during the period of such emergency.

7. To delegate the powers provided in this section to the chairman, or to such other officers or employees as may be designated by the chairman.

8. To appoint such advisory groups and committees as it deems necessary to provide assistance to the authority to carry out the purposes and objectives of this chapter.

9. Upon receipt of a resolution adopted by a board of supervisors or a county legislative body requesting further restriction of hours of sale of alcoholic beverages within such county, and upon notice and hearing within such county, to approve or disapprove such hours within such county.

* NB Effective until July 18, 2027

* § 17. Powers of the authority. The authority shall have the following functions, powers and duties: 1. To issue or refuse to issue any license or permit provided for in this chapter.

2. To limit in its discretion the number of licenses of each class to be issued within the state or any political subdivision thereof, and in connection therewith to prohibit the acceptance of applications for such class or classes of licenses which have been so limited.

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and

paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-f, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections thirty, thirty-one, fifty-three, sixty-one-a, sixty-one-b, sixty-one-c, seventy-six, seventy-six-a and seventy-eight of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction, or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division

within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

4. To remove any employee of the authority for cause, after giving such employee a copy of the charges against him in writing, and an opportunity to be heard thereon. Any action taken under this subdivision shall be subject to and in accordance with the civil service law.

5. To fix by rule the standards of manufacture and fermentation in order to insure the use of proper ingredients and methods in the manufacture of alcoholic beverages to be sold or consumed in the state.

6. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or papers relative to the inquiry. A subpoena issued under this section shall be regulated by the civil practice law and rules.

7. To prohibit, at any time of public emergency, without previous notice or advertisement, the sale of any or all alcoholic beverages for and during the period of such emergency.

8. To make an annual report to the governor and the legislature of its activities for the preceding year.

8-a. On and after January first, two thousand the report provided for

in subdivision eight of this section shall include an evaluation of the effectiveness of the prohibition on the sale of alcohol to persons under the age of twenty-one as provided in section sixty-five-b of this chapter with particular emphasis on the provisions of subdivisions one, two, three, four and five of section sixty-five-b, subdivision five of section one hundred nineteen and subdivision six of section sixty-five of this chapter, paragraph (b) of subdivision seven of section 170.55 of the criminal procedure law and subdivision (f) of section 19.07 of the mental hygiene law.

8-b. On and after January first, two thousand eleven, the report provided for in subdivision eight of this section shall include information related to the number of licenses applied for and the length of time required for the approval or denial of such retail license applied for pursuant to subdivision two-c of section sixty-one, section sixty-four, section seventy-six, section seventy-six-a, section seventy-six-c, section seventy-six-d, and section seventy-six-f of this chapter.

9. The powers provided in this section may be delegated by the authority to the chairman, or to such other officers or employees as may be designated by the chairman.

10. To appoint such advisory groups and committees as it deems necessary to provide assistance to the authority to carry out the purposes and objectives of this chapter.

11. Upon receipt of a resolution adopted by a board of supervisors or a county legislative body requesting further restriction of hours of sale of alcoholic beverages within such county, and upon notice and hearing within such county, to approve or disapprove such hours within such county.

12. (a) To develop and establish minimum criteria for alcohol training awareness programs which may be given and administered by schools; other entities including trade associations whose members are engaged in or involved in the retail sale of alcoholic beverages; national and

regional franchisors who have granted at least five franchises in the state which are licensed to sell beer at retail for off-premises consumption; licensees authorized to sell alcoholic beverages at retail for off-premises consumption operating five or more licensed premises; and persons interested, whether as an individual proprietor or partner or officer or member of a limited liability company, in five or more licensees authorized to sell alcoholic beverages at retail for off-premises consumption. The authority shall provide for the issuance of certificates of approval to all certified alcohol training awareness programs. Certificates of approval may be revoked by the authority for failure to adhere to the authority's rules and regulations. Such rules and regulations shall afford those who have been issued a certificate of approval an opportunity for a hearing prior to any determination of whether such certificate should be revoked.

(b) No licensee shall be required to apply for any such certificate or renewal certificate and the licensee may voluntarily surrender such a certificate or renewal certificate at any time. A fee in the amount of nine hundred dollars shall be paid to the authority with each application for a certificate of approval or renewal certificate. The authority shall promptly refund such fee to an applicant whose application was denied. Each certificate of approval and renewal thereof shall be issued for a period of three years. To effectuate the provisions of this subdivision, the authority is empowered to require in connection with an application the submission of such information as the authority may direct; to prescribe forms of applications and of all reports which it deems necessary to be made by any applicant or certificate holder; to conduct investigations; to require the maintenance of such books and records as the authority may direct; to revoke, cancel, or suspend for cause any certificate provided for in this subdivision. Each entity authorized to give and administer an alcohol training awareness program shall issue certificates of completion to all licensees and employees who successfully complete such an approved alcohol training awareness program. Such entity shall regularly transmit to the authority the names, addresses and dates of attendance of all the licensees and employees of licensees who successfully complete an approved alcohol training awareness program. Such transmittal shall be in a form and manner prescribed by the

authority. The authority shall adopt rules and regulations to effectuate the provisions of this subdivision, including the minimum requirements for the curriculum of each such training program and the regular ongoing training of employees holding certificates of completion or renewal certificates. Such rules and regulations shall include the minimum requirements for a separate curriculum for licensees and their employees authorized to sell alcoholic beverages at retail for off-premises consumption, minimum requirements for a separate curriculum for licensees and their employees authorized to sell alcoholic beverages at retail for on-premises consumption, and the form of a certificate of completion or renewal thereof to be issued in respect to each such type of program. Such rules and regulations shall include a requirement that all curriculums include training related to human trafficking awareness. Such human trafficking awareness training curriculum shall be developed in conjunction with, and approved by, the New York state interagency task force on human trafficking. Such human trafficking awareness training program shall be implemented by each entity authorized to give and administer an alcohol training awareness program. Any such entity that does not implement a human trafficking awareness program as part of its curriculum shall no longer be authorized to administer any alcohol training awareness program and shall not be eligible to be certified as a state liquor authority school. Any alcohol training awareness program that is currently certified by the state liquor authority shall lose its certification if such program fails to include human trafficking awareness training as part of its curriculum.

(c) A certificate of completion or renewal thereof issued by an entity authorized to give and administer an alcohol training awareness program pursuant to this subdivision to licensees and their employees authorized to sell alcoholic beverages at retail for off-premises consumption shall not be invalidated by a change of employment to another such licensee. A certificate of completion or renewal thereof issued by an entity authorized to give and administer an alcohol training awareness program pursuant to this subdivision to licensees and their employees authorized to sell alcoholic beverages at retail for on-premises consumption shall not be invalidated by a change of employment to another such licensee. Attendance at any course established pursuant to this section shall be in person, through distance learning methods, or through an internet

based online program.

13. To study and report to the governor and the legislature bi-ennially on or before February first of each year concerning:

(a) recommendations to reduce the number and type of licenses, and to establish a uniform, statewide schedule of fees, such recommendations to include the development of a master application form for all licenses, with specific exhibits required for specific licenses, as appropriate, as well as recommendations on a non-refundable application fee set at a level which will cover the cost of the review and which would be applied against the first year license fee if the application is granted;

(b) recommendations to simplify license renewal procedures;

(c) recommendations to streamline the processing of applications and to eliminate duplication of reviews, such recommendations to include uniform standards for application review and decision which shall seek to assure that the review is as objective as possible and to narrow the discretion of the authority or of any reviewer employed by the authority;

(d) the extent to which quality of life issues, such as noise level, vehicular traffic and parking are considered in licensing decisions, particularly as such issues pertain to proceedings pursuant to subdivision seven of section sixty-four of this chapter;

(e) recommendations to improve enforcement methodologies in order to protect the health and safety of residents of communities experiencing persistent problems in the operation of retail establishments;

(f) recommendations concerning the addition of field enforcement personnel and the ratios of such field enforcement personnel to the total numbers of licensees that in the view of the authority would be appropriate to insure compliance with the law. Such study shall provide a detailed analysis of the costs and projected revenues to be obtained from the addition of such field enforcement personnel;

(g) such other observations and recommendations concerning the activities of the authority as will improve its effectiveness and efficiency including the utilization of on-line services to provide information on a fee-for-service basis; and

(h) provide information concerning the name, total quantity and total price of wine purchased from New York state and out-of-state wineries

and farm wineries, and such other information on and recommendations concerning interstate wine shipment.

14. For state fiscal year two thousand nine--two thousand ten, the authority shall, within amounts appropriated therefore, improve and update their information technology in order to meet federal security requirements and to assist in the processing of license and/or permit applications and renewals.

* NB Effective July 18, 2027

*** § 18. Powers and duties of the chairman.** The chairman shall have the following functions, powers and duties:

1. To exercise the powers and perform the duties in relation to the administration of the division of alcoholic beverage control as are not specifically vested by this chapter in the state liquor authority, including but not limited to budgetary and fiscal matters.

2. To preside at all meetings of the authority and perform the administrative functions of the authority.

3. To appoint any necessary deputies, counsels, assistants, investigators, and other employees within the limits provided by appropriation.

4. To remove any employee of the authority for cause, after giving such employee a copy of the charges against him or her in writing, and an opportunity to be heard thereon. Any action taken under this subdivision shall be subject to and in accordance with the civil service law.

5. To keep records in such form as he or she may prescribe of all licenses and permits issued and revoked within the state; such records shall be so kept as to provide ready information as to the identity of all licensees including the names of the officers and directors of corporate licensees and the location of all licensed premises. The

chairman may, with the approval of the commissioner of taxation and finance, contract to furnish copies of the records of licenses and permits of each class and type issued within the state or any political subdivision thereof, for any license or permit year or term of years not exceeding five years.

6. To inspect or provide for the inspection of any premises where alcoholic beverages are manufactured or sold.

7. To prescribe forms of applications for licenses and permits under this chapter and of all reports deemed necessary by the authority.

8. To delegate to the officers and employees of the authority such of his or her powers and duties as he or she may determine.

9. To establish appropriate procedures to insure that hearing officers are shielded from ex parte communications with alleged violators and their attorneys and from other employees of the authority and shall take such other steps as it shall deem necessary and proper to shield its judicial processes from unwarranted and inappropriate communications and attempts to influence.

10. (a) To develop and establish minimum criteria for alcohol training awareness programs which may be given and administered by schools; other entities including trade associations whose members are engaged in or involved in the retail sale of alcoholic beverages; national and regional franchisors who have granted at least five franchises in the state which are licensed to sell beer at retail for off-premises consumption; licensees authorized to sell alcoholic beverages at retail for off-premises consumption operating five or more licensed premises; and persons interested, whether as an individual proprietor or partner or officer or member of a limited liability company, in five or more licensees authorized to sell alcoholic beverages at retail for off-premises consumption. The authority shall provide for the issuance of certificates of approval to all certified alcohol training awareness programs. Certificates of approval may be revoked by the authority for failure to adhere to the authority's rules and regulations. Such rules

and regulations shall afford those who have been issued a certificate of approval an opportunity for a hearing prior to any determination of whether such certificate should be revoked.

(b) No licensee shall be required to apply for any such certificate or renewal certificate and the licensee may voluntarily surrender such a certificate or renewal certificate at any time. A fee in the amount of nine hundred dollars shall be paid to the authority with each application for a certificate of approval or renewal certificate. The authority shall promptly refund such fee to an applicant whose application was denied. Each certificate of approval and renewal thereof shall be issued for a period of three years. To effectuate the provisions of this subdivision, the authority is empowered to require in connection with an application the submission of such information as the authority may direct; to prescribe forms of applications and of all reports which it deems necessary to be made by any applicant or certificate holder; to conduct investigations; to require the maintenance of such books and records as the authority may direct; to revoke, cancel, or suspend for cause any certificate provided for in this subdivision. Each entity authorized to give and administer an alcohol training awareness program shall issue certificates of completion to all licensees and employees who successfully complete such an approved alcohol training awareness program. Such entity shall regularly transmit to the authority the names, addresses and dates of attendance of all the licensees and employees of licensees who successfully complete an approved alcohol training awareness program. Such transmittal shall be in a form and manner prescribed by the authority. The authority shall adopt rules and regulations to effectuate the provisions of this subdivision, including the minimum requirements for the curriculum of each such training program and the regular ongoing training of employees holding certificates of completion or renewal certificates. Such rules and regulations shall include the minimum requirements for a separate curriculum for licensees and their employees authorized to sell alcoholic beverages at retail for off-premises consumption, minimum requirements for a separate curriculum for licensees and their employees authorized to sell alcoholic beverages at retail for on-premises consumption, and the form of a certificate of completion or renewal thereof to be issued in respect to each such type

of program. Such rules and regulations shall include a requirement that all curriculums include training related to human trafficking awareness. Such human trafficking awareness training curriculum shall be developed in conjunction with, and approved by, the New York state interagency task force on human trafficking. Such human trafficking awareness training program shall be implemented by each entity authorized to give and administer an alcohol training awareness program. Any such entity that does not implement a human trafficking awareness program as part of its curriculum shall no longer be authorized to administer any alcohol training awareness program and shall not be eligible to be certified as a state liquor authority school. Any alcohol training awareness program that is currently certified by the state liquor authority shall lose its certification if such program fails to include human trafficking awareness training as part of its curriculum.

(c) A certificate of completion or renewal thereof issued by an entity authorized to give and administer an alcohol training awareness program pursuant to this subdivision to licensees and their employees authorized to sell alcoholic beverages at retail for off-premises consumption shall not be invalidated by a change of employment to another such licensee. A certificate of completion or renewal thereof issued by an entity authorized to give and administer an alcohol training awareness program pursuant to this subdivision to licensees and their employees authorized to sell alcoholic beverages at retail for on-premises consumption shall not be invalidated by a change of employment to another such licensee. Attendance at any course established pursuant to this section shall be in person, through distance learning methods, or through an internet based online program.

11. To make an annual report to the governor and the legislature of its activities for the preceding year.

12. On and after January first, two thousand twelve, the report provided for in subdivision eleven of this section shall include an evaluation of the effectiveness of the prohibition on the sale of alcohol to persons under the age of twenty-one as provided in section sixty-five-b of this chapter with particular emphasis on the provisions of subdivisions one, two, three, four and five of section sixty-five-b,

subdivision five of section one hundred nineteen and subdivision six of section sixty-five of this chapter, paragraph (b) of subdivision seven of section 170.55 of the criminal procedure law and subdivision (f) of section 19.07 of the mental hygiene law.

13. On and after January first, two thousand twelve, the report provided for in subdivision eleven of this section shall include information related to the number of licenses applied for and the length of time required for the approval or denial of such retail license applied for pursuant to subdivision two-c of section sixty-one, section sixty-four, section seventy-six, section seventy-six-a, section seventy-six-c, and section seventy-six-d of this chapter.

14. To study and report to the governor and the legislature biennially on or before February first of each year concerning:

(a) recommendations to reduce the number and type of licenses, and to establish a uniform, statewide schedule of fees, such recommendations to include the development of a master application form for all licenses, with specific exhibits required for specific licenses, as appropriate, as well as recommendations on a non-refundable application fee set at a level which will cover the cost of the review and which would be applied against the first year license fee if the application is granted;

(b) recommendations to simplify license renewal procedures;

(c) recommendations to streamline the processing of applications and to eliminate duplication of reviews, such recommendations to include uniform standards for application review and decision which shall seek to assure that the review is as objective as possible and to narrow the discretion of the authority or of any reviewer employed by the authority;

(d) the extent to which quality of life issues, such as noise level, vehicular traffic and parking are considered in licensing decisions, particularly as such issues pertain to proceedings pursuant to subdivision seven of section sixty-four of this chapter;

(e) recommendations to improve enforcement methodologies in order to protect the health and safety of residents of communities experiencing persistent problems in the operation of retail establishments;

(f) recommendations concerning the addition of field enforcement

personnel and the ratios of such field enforcement personnel to the total numbers of licensees that in the view of the authority would be appropriate to insure compliance with the law. Such study shall provide a detailed analysis of the costs and projected revenues to be obtained from the addition of such field enforcement personnel;

(g) such other observations and recommendations concerning the activities of the authority as will improve its effectiveness and efficiency including the utilization of on-line services to provide information on a fee-for-service basis; and

(h) provide information concerning the name, total quantity and total price of wine purchased from New York state and out-of-state wineries and farm wineries, and such other information on and recommendations concerning interstate wine shipment.

15. For state fiscal year two thousand twelve--two thousand thirteen, the authority shall, within amounts appropriated therefor, improve and update their information technology in order to meet federal security requirements and to assist in the processing of license and/or permit applications and renewals.

* NB Effective until July 18, 2027

* § 18. Powers and duties of the chairman. The chairman shall have the following functions, powers and duties:

1. To exercise the powers and perform the duties in relation to the administration of the division of alcoholic beverage control as are not specifically vested by this chapter in the state liquor authority.

2. To preside at all meetings of the authority and perform the administrative functions of the authority.

3. To keep records in such form as he may prescribe of all licenses and permits issued and revoked within the state; such records shall be so kept as to provide ready information as to the identity of all licensees including the names of the officers and directors of corporate licensees and the location of all licensed premises. The chairman may, with the approval of the commissioner of taxation and finance, contract to furnish copies of the records of licenses and permits of each class

and type issued within the state or any political subdivision thereof, for any license or permit year or term of years not exceeding five years.

4. To inspect or provide for the inspection of any premises where alcoholic beverages are manufactured or sold.

5. To prescribe forms of applications for licenses and permits under this chapter and of all reports deemed necessary by the authority.

6. To delegate to the officers and employees of the division such of his powers and duties as he may determine.

* NB Effective July 18, 2027

§ 19. Oath of office. Each member of the authority shall, before entering upon his duties, take and file an oath of office as prescribed by section ten of the public officers law.

ARTICLE 3

SPECIAL PROVISIONS RELATING TO MEAD AND BRAGGOT

Section 30. Mead producers' license.

31. Farm meadery license.

32. Authorization for sale of mead and braggot by retail licensees.

33. Authorization for sale of mead and braggot by wholesale licensees.

34. Mead and braggot tasting.

35. Direct interstate mead and braggot shipments.

36. Direct intrastate mead and braggot shipments.

§ 30. Mead producers' license. 1. Any person may apply to the liquor authority for a mead producers' license as provided for in this section. Such application shall be in writing and shall contain such information as the liquor authority shall require. Such application shall be

accompanied by a check or draft for the amount required by this subdivision for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules. A license issued under this subdivision shall authorize the licensee to manufacture mead and braggot within the licensed premises in this state for sale in bottles, barrels or casks to beer, wine and liquor retail licensees pursuant to section thirty-two of this article and to sell and deliver mead and braggot to persons outside the state pursuant to the laws of the place of such sale or delivery. The annual fee for such a license shall be one hundred twenty-five dollars; provided, however, that the annual fee for a farm meadery license shall be seventy-five dollars. The provisions contained in section sixty-seven of this chapter shall apply to all licenses issued pursuant to this article.

2. (a) Any person licensed pursuant to subdivision one of this section may conduct mead tastings of New York state labelled meads in establishments licensed pursuant to section sixty-three of this chapter to sell alcoholic beverages for off-premises consumption. Such mead producer or wholesaler may charge a fee of not more than twenty-five cents for each mead sample tasted. The liquor authority shall promulgate rules and regulations relating to the conduct of such tastings.

(b) Any person licensed pursuant to subdivision one of this section may conduct tastings of New York state labelled mead and New York state labeled braggot and apply to the liquor authority for a permit to sell mead and braggot produced by such mead producer or wholesaler, by the bottle, during such tastings in establishments licensed pursuant to section sixty-four of this chapter to sell alcoholic beverages for consumption on the premises. Such mead producer may charge a fee of not more than twenty-five cents for each mead or braggot sample tasted. The liquor authority shall promulgate rules and regulations relating to the conduct of tastings.

(c) Mead and braggot tastings shall be conducted subject to the following limitations:

(i) mead and braggot tastings shall be conducted by an official agent, representative or solicitor of one or more mead producers or wholesalers. Such agent, representative or solicitor shall be physically

present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a mead and/or braggot tasting as authorized pursuant to this subdivision and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the mead producer or wholesaler licensee.

3. A licensed mead producer producing New York state labelled mead and/or New York state labelled braggot may:

(a) sell such mead and braggot to licensed farm distillers, farm wineries, farm cideries and farm breweries. All such mead and braggot sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(b) conduct tastings at the licensed premises of such mead and braggot or any other New York state labeled mead or braggot;

(c) sell such mead and braggot at retail for consumption off the premises at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

(d) sell and conduct tastings of such mead and braggot at retail for consumption on the premises of a restaurant, conference center, inn, bed and breakfast or hotel business owned and operated by the licensee in or adjacent to its meadery. A licensee who operates a restaurant, conference center, inn, bed and breakfast or hotel pursuant to such authority shall comply with all applicable provisions of this chapter which relate to licenses to sell mead at retail for consumption on the premises;

(e) apply for a permit to conduct tastings away from the licensed premises of such mead and braggot. Such permit shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary. Tastings shall be conducted subject to the following conditions:

(i) tastings shall be conducted by an official agent, representative or solicitor of the licensee. Such agent, representative or solicitor shall be physically present at all times during the conduct of the

tastings; and

(ii) any liability stemming from a right of action resulting from a tasting of mead or braggot as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the licensee.

(f) if it holds a tasting permit issued pursuant to paragraph (e) of this subdivision, apply to the authority for a permit to sell such mead, for consumption off the premises, during such tastings in premises licensed under section sixty-four or sixty-four-a of this chapter; or apply to the authority for a permit to sell such mead and/or braggot at a premises licensed under section eighty-one or eighty-one-a of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

4. A mead producer shall manufacture at least fifty gallons of mead and/or braggot annually.

§ 31. Farm meadery license. 1. Any person may apply to the authority for a farm meadery license as provided for in this section to produce mead and braggot within this state for sale. Such application shall be in writing and verified and shall contain such information as the authority shall require. Such application shall be accompanied by a check or draft in the amount of seventy-five dollars. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to produce mead and braggot in the premises therein specifically licensed.

2. A farm meadery license shall authorize the holder thereof to operate a meadery for the manufacture of New York state labelled mead and New York state labelled braggot. Such a license shall also authorize the licensee to:

(a) sell in bulk mead and braggot manufactured by the licensee to any person licensed to manufacture alcoholic beverages in this state or to a

permittee engaged in the manufacture of products which are unfit for beverage use;

(b) sell or deliver mead and braggot manufactured by the licensee to persons outside the state pursuant to the laws of the place of such delivery;

(c) sell mead and braggot manufactured by the licensee to wholesalers and retailers licensed in this state to sell such mead and braggot pursuant to section thirty-three of this article, licensed farm distillers, licensed farm wineries, licensed wineries, licensed farm breweries and any other licensed farm meadery. All such mead and braggot sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(d) (i) at the licensed premises, conduct tastings of, and sell at retail for consumption on or off the licensed premises, any mead and braggot manufactured by the licensee or any New York state labelled mead or New York state labelled braggot. Provided, however, for tastings and sales for on-premises consumption, the licensee shall regularly keep food available for sale or service to its retail customers for consumption on the premises. A licensee providing the following shall be deemed in compliance with this provision: (A) sandwiches, soups or other such foods, whether fresh, processed, pre-cooked or frozen; and/or (B) food items intended to complement the tasting of alcoholic beverages, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking, including but not limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers. All of the provisions of this chapter relative to licensees selling mead and braggot at retail shall apply; and

(ii) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, mead and braggot manufactured by the licensee and any New York state labelled mead or New York state labeled braggot. All of the provisions of this chapter relative to licensees to selling mead and braggot at retail shall apply. Notwithstanding any other provision of law, the licensed farm meadery may apply to the authority for a license under this chapter

to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

(e) sell mead and braggot manufactured by the licensee or any other licensed farm meadery at retail for consumption off the premises, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

(f) conduct tastings of and sell at retail for consumption on or off the premises New York state labeled beer manufactured by a licensed brewery or licensed farm brewery;

(g) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled wine manufactured by a licensed winery or licensed farm winery;

(h) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled liquor manufactured by a licensed distiller or licensed farm distiller; provided, however, that no consumer may be provided, directly or indirectly: (i) with more than three samples of liquor for tasting in one calendar day; or (ii) with a sample of liquor for tasting equal to more than one-quarter fluid ounce; and

(i) engage in any other business on the licensed premises subject to such rules and regulations as the authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm meadery licensee.

3. (a) A farm meadery licensee may apply for a permit to conduct tastings away from the licensed premises of mead and braggot produced by the licensee. Such permit shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

(b) Tastings shall be conducted subject to the following limitations:

(i) tastings shall be conducted by an official agent, representative or solicitor of one or more farm meaderies. Such agent, representative or solicitor shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a tasting of mead or braggot as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm meadery.

4. A licensed farm meadery holding a tasting permit issued pursuant to subdivision three of this section may apply to the authority for a permit to sell mead produced by such farm meadery, by the bottle, during such tastings in premises licensed under section sixty-four or sixty-four-a of this chapter; or apply to the authority for a permit to sell such mead and/or braggot at a premises licensed under section eighty-one or eighty-one-a of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

5. A licensed farm meadery may, under such rules as may be adopted by the authority, sell mead and braggot manufactured by the licensee or any other licensed farm meadery at retail in bulk by the keg, cask or barrel for consumption and not for resale at a clam-bake, barbeque, picnic, outing or other similar outdoor gathering at which more than fifty persons are assembled.

6. A licensed farm meadery may apply to the authority for a license to sell beer, liquor and/or wine at retail for consumption on the premises in a restaurant owned, conducted, and operated by the licensee in or adjacent to its farm meadery. All of the provisions of this chapter relative to licenses to sell beer, liquor or wine at retail or consumption on the premises shall apply so far as applicable.

7. A farm meadery license shall authorize the holder thereof to manufacture, bottle and sell food condiments and products such as honey, mustards, sauces, jams, jellies, mulling spices and other mead related foods in addition to other such food and crafts on and from the licensed premises. Such license shall authorize the holder thereof to store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of mead and braggot. These gift items shall be limited to the following categories:

- (a) non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages;
- (b) food items for the purpose of complementing mead and braggot tastings, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads, baked goods, mustards and crackers;
- (c) food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises. Such food items may be combined into a package containing mead and/or braggot related products;
- (d) mead and braggot supplies and accessories, which shall include any item utilized for the storage, serving or consumption of mead or braggot or for decorative purposes. These supplies may be sold as single items or may be combined into a package containing mead and/or braggot;
- (e) mead-making and braggot-making equipment and supplies including, but not limited to, honey, home mead-making kits, braggot-making kits, pumps, filters, yeasts, chemicals and other mead and braggot additives, bottling equipment, bottles, mead and braggot storage and fermenting vessels, barrels, and books or other written material to assist mead-makers and braggot-makers and home mead-makers and braggot-makers to produce and bottle mead and braggot;
- (f) souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region.

8. Notwithstanding any provision of this chapter to the contrary, any farm meadery licensee may charge for tours of its premises.

9. The holder of a license issued under this section may operate up to five branch offices located away from the licensed farm meadery. Such locations shall be considered part of the licensed premises and all activities allowed at and limited to the farm meadery may be conducted at the branch offices. Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic

beverages at retail. Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the authority may issue a permit for the operation of same.

10. (a) No farm meadery shall manufacture in excess of two hundred fifty thousand gallons of mead and/or braggot annually.

(b) A licensed farm meadery shall produce at least fifty gallons of mead and/or braggot annually.

11. Notwithstanding any contrary provision of law or of any rule or regulation promulgated pursuant thereto, and in addition to the activities which may otherwise be carried out by any person licensed under this section, such person may, on the premises designated in such license:

(a) produce, package, bottle, sell and deliver soft drinks and other non-alcoholic beverages, vitamins, and other by-products;

(b) recover carbon dioxide and yeast;

(c) store bottles, packages and supplies necessary or incidental to all such operations;

(d) package, bottle, sell and deliver wine products;

(e) allow for the premises including space and equipment to be rented by a licensed tenant mead producer for the purposes of alternation.

12. Notwithstanding any other provision of this chapter, the authority may issue a farm meadery license to the holder of a farm meadery, farm brewery, farm winery or farm distiller's license for use at such licensee's existing licensed premises. The holder of a farm meadery, farm brewery, farm winery or farm distiller's license that simultaneously holds a farm meadery license on an adjacent premises may share and use the same tasting room facilities to conduct any tastings that such licensee is otherwise authorized to conduct.

13. The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section. In prescribing such rules and regulations, the authority shall promote the expansion and profitability of mead and braggot production and of tourism in New

York, thereby promoting the conservation, production and enhancement of New York state agricultural lands.

14. Notwithstanding any provision of law to the contrary, another business or other businesses may operate on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm meadery premises, provided however that a retailer business licensed under this chapter shall not be permitted to operate at a licensed manufacturing premises.

§ 32. Authorization for sale of mead and braggot by retail licensees.

1. Each retail licensee under this chapter shall have the right, by virtue of his or her license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, mead which has not been designated as a wine pursuant to subdivision nineteen-a of section three of this chapter and has been purchased from a person licensed to produce or sell mead at wholesale under this chapter.

2. Each retail licensee authorized to sell wine under this chapter shall have the right, by virtue of his or her license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, mead which has been designated as a wine pursuant to subdivision nineteen-a of section three of this chapter and which has been purchased from a person licensed to produce or sell mead at wholesale under this chapter.

3. Each retail licensee authorized to sell beer under this chapter shall have the right, by virtue of his or her license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, braggot which has been purchased from a person licensed to produce or sell braggot at wholesale under this chapter.

§ 33. Authorization for sale of mead and braggot by wholesale

licensees. 1. Each wholesale licensee authorized to sell beer under this chapter shall have the right, by virtue of its license and without being required to pay any additional fee for the privilege, to sell at wholesale:

(a) braggot purchased from a person licensed to produce braggot under this chapter. Such braggot shall be subject to the provisions of this chapter regarding the tasting and sale of beer at wholesale and retail; or

(b) mead purchased from a person licensed to produce mead and which has not been designated as wine pursuant to subdivision nineteen-a of section three of this chapter. Such mead shall be subject to the provisions of this chapter regarding the tasting and sale of beer at wholesale and retail.

2. Each wholesale licensee authorized to sell wine under this chapter shall have the right, by virtue of its license and without being required to pay any additional fee for the privilege, to sell at wholesale mead purchased from a person licensed to produce mead and which has been designated as wine pursuant to subdivision nineteen-a of section three of this chapter. Such mead shall be subject to the provisions of this chapter regarding the tasting and sale of wine at wholesale and retail.

§ 34. Mead and braggot tasting. Any person holding a retail license under this chapter shall be permitted to conduct consumer tastings of mead and braggot upon such person's licensed premises. All such tastings shall be subject to the following limitations:

1. Tastings of mead and braggot shall be conducted by the licensee or an authorized agent of the licensee. Provided, however, a licensed wholesaler shall not serve as the authorized agent for another entity, nor shall a licensed wholesaler be involved in any manner with a mead or braggot tasting conducted by another entity.

2. No more than three samples of mead and/or braggot may be provided to a person in one calendar day.

3. No sample may exceed three fluid ounces.

4. No tasting shall be held during the hours prohibited by the provisions of section one hundred five of this chapter.

5. Any liability stemming from a right of action resulting from a tasting authorized by this section and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law shall accrue to the licensee.

6. No person under the age of twenty-one shall be permitted to serve a sample or handle an open container of mead or braggot.

§ 35. Direct interstate mead and braggot shipments. 1. Authorization. Notwithstanding any provision of law, rule or regulation to the contrary, any holder of a license to manufacture mead and/or braggot in any other state, who obtains an out-of-state direct shipper's license, as provided in this section, may ship no more than thirty-six cases (no more than nine liters per case) of mead and/or braggot produced by such license holder per year directly to a resident of New York who is at least twenty-one years of age, for such resident's personal use and not for resale, provided the state in which such person is so licensed affords lawful means for shipments of mead and/or braggot to be received by a resident thereof who is at least twenty-one years of age, for such resident's personal use and not for resale, from a person licensed in this state as a manufacturer and, provided further, that the state in which such out-of-state manufacturer of mead and/or braggot is located affords to New York state manufacturers of mead and/or braggot reciprocal shipping privileges, meaning shipping privileges that are substantially similar to the requirements in this section. No person shall place an order for shipment of mead and/or braggot unless they are twenty-one years of age or older. Any common carrier with a permit

issued pursuant to this chapter to whom such out-of-state shipper's license is presented is authorized to make delivery of shipments provided for hereunder in this state in compliance with this section.

2. License. Before sending any shipment hereunder to a resident in this state, the out-of-state shipper shall first obtain a license from the authority under procedures prescribed by rules and regulations of the authority and after providing the authority with a true copy of its current license to manufacture mead and/or braggot in the applicant's state of domicile along with a copy of the applicant's federal basic permit and/or brewer's notice after payment of an annual fee of one hundred twenty-five dollars. Notwithstanding the provisions of section one hundred ten of this chapter, the authority in its discretion, may excuse an out-of-state manufacturer of mead and/or braggot from the submission of such information.

3. Licensee's responsibilities. The holder of an out-of-state direct shipper's license:

(a) shall ship no more than thirty-six cases (no more than nine liters per case) per year of mead and/or braggot produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) may ship within the same packaging any and all alcoholic beverages it lawfully produces and which it sells in accordance with its shipping privileges and responsibilities pursuant to the provisions of this section and sections fifty-nine-b, sixty-eight, and seventy-nine-c of this chapter, as applicable;

(c) shall ensure that the outside of each shipping container used to ship mead and/or braggot directly to a New York resident is conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York state liquor authority;

(d) shall maintain records in such manner and form as the authority may direct, showing the total amount of mead and/or braggot shipped into the state each calendar year; the names and addresses of the purchasers to whom the mead and/or braggot was shipped, the date purchased, the

name of the common carrier used to deliver the mead and/or braggot, and the quantity and value of each shipment;

(e) shall in connection with the acceptance of an order for a delivery of mead and/or braggot to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the mead and/or braggot being purchased will not be resold or introduced into commerce;

(f) shall require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this article;

(ii) require a recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by subparagraph (i) of this paragraph;

(g) shall file returns with and pay to the New York state department of taxation and finance all state and local sales taxes and excise taxes due on sales into this state in accordance with the applicable provisions of the tax law relating to such taxes, the amount of such taxes to be determined on the basis that each sale in this state was at the location where delivery is made;

(h) shall keep all records required by this section for three years and provide copies of such records, upon written request, to the authority or the department of taxation and finance;

(i) shall permit the authority or the department of taxation and finance to perform an audit of such out-of-state shipper upon request;

(j) shall execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning enforcement of this section and any related laws, rules, or regulations, including tax laws, rules or regulations; and

(k) shall prior to obtaining an out-of-state direct shipper's license, obtain a certificate of authority pursuant to section eleven hundred thirty-four of the tax law and a registration as a distributor pursuant to sections four hundred twenty-one and four hundred twenty-two of the tax law.

4. Situs. Delivery of a shipment in this state by the holder of an out-of-state direct shipper's license shall be deemed to constitute a sale in this state at the place of delivery and shall be subject to all excise taxes levied pursuant to section four hundred twenty-four of the tax law and all sales taxes levied pursuant to articles twenty-eight and twenty-nine of such law.

5. Renewal. The out-of-state shipper may annually renew its license with the authority by paying a one hundred twenty-five dollar renewal fee, providing the authority with a true copy of its current license in such other state as an alcoholic beverage manufacturer and by complying with such other procedures as are prescribed by rule of the authority.

6. Rules and regulations. The authority and the department of taxation and finance may promulgate rules and regulations to effectuate the purposes of this section.

7. Enforcement. The authority may enforce the requirements of this section including the requirements imposed on the common carrier, by administrative proceedings to suspend or revoke an out-of-state shipper's license and the authority may accept payment of an administrative fine in lieu of suspension, such payments to be determined by rules or regulations promulgated by the authority. In addition, the authority or the attorney general of the state of New York shall report violations of this section, where appropriate, to the United States department of treasury, tax and trade bureau, for administrative action to suspend or revoke the federal basic permit.

8. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

§ 36. Direct intrastate mead and braggot shipments. Any person having applied for and received a manufacturing license under this chapter which includes the privilege of producing mead and/or braggot may ship

no more than thirty-six cases (no more than nine liters per case) of mead and/or braggot produced by such manufacturer per year directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale.

1. Licensee's shipping responsibilities. Notwithstanding any provision to the contrary contained in this chapter, any above referred licensee:

(a) shall ship no more than thirty-six cases (no more than nine liters per case) per year of mead and/or braggot produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) may ship within the same packaging any and all alcoholic beverages it lawfully produces and which it sells in accordance with its shipping privileges and responsibilities pursuant to the provisions of this section and sections fifty-nine-c, sixty-nine, and seventy-nine-d of this chapter, as applicable;

(c) shall ensure that the outside of each shipping container used to ship mead and/or braggot directly to a New York state resident is conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York state liquor authority;

(d) shall maintain records in such manner and form as the authority may direct showing the total amount of mead and/or braggot shipped in the state each calendar year, the names and addresses of the purchasers to whom the mead and/or braggot was shipped, the date purchased, the name of the common carrier used to deliver the mead and/or braggot, and the quantity and value of each shipment. Such records shall be kept for three years and, upon written request, be provided to the authority or the department of taxation and finance;

(e) shall in connection with the acceptance of an order for a delivery of mead and/or braggot to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the mead and/or braggot being purchased will not be resold or introduced into commerce; and

(f) shall require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to

demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this article;

(ii) require a recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by paragraph (a) of this subdivision.

2. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

ARTICLE 4

SPECIAL PROVISIONS RELATING TO BEER

Section 50. Kinds of licenses.

51. Brewer's license.

51-a. Farm brewery license.

52. Custom beermakers' center.

53. Wholesaler's license.

53-a. Vendor's license.

54. License to sell beer at retail for consumption off the premises.

54-a. License to sell beer and wine products at retail for consumption off the premises.

54-b. Beer tasting.

55. License to sell beer at retail for consumption on the premises.

55-a. License to sell beer at retail, in certain counties, for consumption at baseball parks, race tracks and outdoor athletic fields and stadia where admission fees are charged, in operation for certain periods of the year.

55-b. Manner of changing beer prices to wholesalers and retail licensees.

55-c. Agreements between brewers and beer wholesalers.

56. License fees.

56-a. Filing fees and refunds.

57. License fees; when due and payable; fee for part of year.

57-a. Change in duration of licenses.

§ 50. Kinds of licenses. The following kinds of licenses may be issued for the brewing and sale of beer:

1. Brewer's licenses;
2. Brewer's retail licenses;
3. Wholesaler's licenses;
4. Vendor's licenses;
5. Licenses to sell beer at retail for consumption off the premises;
and
6. Licenses to sell beer at retail for consumption on the premises.

§ 51. Brewer's license. 1. Any person may apply to the liquor authority for a license to brew beer within this state for sale. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to brew beer in the premises therein specifically licensed.

2. Such a license shall authorize the sale from the licensed premises of the beer brewed by such licensee to duly licensed wholesalers, retailers and permittees in this state, and to sell or deliver such beer

to persons outside the state pursuant to the laws of the place of such sale or delivery. A person holding a brewer's license may apply for a license to sell beer brewed by him at wholesale at premises other than those designated in the brewery license and the provisions of this article relative to wholesaler's licenses shall apply so far as applicable to such application.

3. A licensed brewer may, under such rules as may be adopted by the liquor authority, sell beer at retail in bulk by the keg, cask or barrel for consumption and not for resale at a clam-bake, barbeque, picnic, outing or other similar outdoor gathering at which more than fifty persons are assembled.

3-a. A licensed brewer may at the licensed premises conduct tastings of, and sell at retail for consumption on or off the licensed premises, any beer manufactured by the licensee or any New York state labeled beer. Provided, however, that for tastings and sales for on-premises consumption, the licensee shall regularly keep food available for sale or service to its retail customers for consumption on the premises. A licensee providing the following shall be deemed in compliance with this provision: (i) sandwiches, soups or other such foods, whether fresh, processed, pre-cooked or frozen; and/or (ii) food items intended to complement the tasting of alcoholic beverages, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking, including but not limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers. All of the provisions of this chapter relative to licenses to sell beer at retail for consumption on and off the premises shall apply so far as applicable to such licensee.

4. A licensed brewery may operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, beer manufactured by the licensee and any New York state labeled beer. All of the provisions of this chapter relative to licenses to sell beer at retail for consumption on the premises shall apply so far as applicable to such licensee.

Notwithstanding any other provision of law, the licensed brewer may apply to the liquor authority for a license to sell beer, wine or liquor at retail for consumption on the premises at such establishment. All of the provisions of this chapter relative to licenses to sell beer, wine or liquor at retail for consumption on the premises shall apply so far as applicable to such application.

5. A licensed brewer whose annual production is less than sixty thousand barrels may apply to the liquor authority for a permit to sell beer in a sealed container for off-premises consumption at the state fair, at recognized county fairs and at farmers' markets operated on a not-for-profit basis. As a condition of the permit a representative from the brewer must be present at the time of sale.

5-a. Except as otherwise provided in subdivisions three, four, five and six-a of this section and except as provided in section fifty-two of this article no brewer shall sell any beer, wine or liquor at retail.

6. Notwithstanding the provisions of subdivision one of section one hundred one of this chapter the authority may issue a brewer's license pursuant to this section for a premises which shall be located wholly within the town of Hyde Park, county of Dutchess, state of New York, known and designated as Lot No. 1 shown on a map entitled "Subdivision for Piney" filed in the Dutchess County Clerk's Office as Map No. 8764, being more particularly bounded and described as follows:

BEGINNING at a point on the easterly line of State Highway Route 9 (also known as Albany Post Road) at the northwest corner of the herein described parcel and the southwest corner of the lands now or formerly of Friendly Ice Cream Corp.; thence along the division line between the herein described parcel and the last mentioned lands; South 77 deg 10' 10" East 310.17 feet to the northeast corner of the herein described parcel and the southeast corner of the last mentioned lands at a point on the westerly line of other lands of Fernando Piney which are designated as Lot No. 1 as shown of Filed Map 5678; thence along the division line between the herein described parcel and the last described lands of Piney. South 06 deg 34' 20" West 157.76 feet to the southeast

corner of the herein described parcel and the northeast corner of Lot No. 2 as shown on Filed Map No. 8764; thence along the northerly line of Lot No. 2 as shown on the last mentioned filed map. North 81 deg 25' 42" West 155.26 feet and South 87 deg 45' 20" West 155.00 feet to the southwest corner of Lot No. 1 and the northwest corner of Lot No. 2 at a point on the easterly line of State Highway Route 9; thence along the easterly line of State Highway Route 9. North 06 deg 34' 20" East 210.00 feet to the point of beginning. Being the same premises as conveyed to Anthony Lobianco, Joseph Lobianco and Carmelo DeCicco by deed of Universal Land Abstract, as agent of the grantor, Fernando Piney, dated March 21, 1995 and recorded in the office of the Dutchess County Clerk on such date as Receipt no. R12437, Batch record no. A00209; Being the same premises as conveyed to Angela DeCicco by deed of Schirmer Hrdlicka & Strohsahl, as agent of the grantor, Carmelo DeCicco, dated November 17, 2003 and recorded in the office of the Dutchess County Clerk on December 9, 2004 as document no. 02 2004 12028, Receipt no. R98669, Batch record no. C00440.

6-a. A licensed brewer producing New York state labelled beer may:

(a) sell such beer to licensed farm distillers, farm wineries, farm cideries and farm breweries. All such beer sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(c) sell such beer at retail for consumption off the premises at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

(e) apply for a permit to conduct tastings away from the licensed premises of such beer. Such permit shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary. Tastings shall be conducted subject to the following conditions:

(i) tastings shall be conducted by an official agent, representative or solicitor of the licensee. Such agent, representative or solicitor shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a tasting of beer or cider as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the licensee.

(f) if it holds a tasting permit issued pursuant to paragraph (e) of this subdivision, apply to the authority for a permit to sell such beer, for consumption off the premises, during such tastings in premises licensed under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

7. Notwithstanding any contrary provision of law or of any rule or regulation promulgated pursuant thereto, and in addition to the activities which may otherwise be carried on by any person licensed as a brewer under this chapter, such person may, on the premises designated in such license: (a) produce, package, bottle, sell and deliver soft drinks and other non-alcoholic beverages, vitamins, malt, malt sirup, and other by-products; (b) dry spent grain from the brewery; (c) recover carbon dioxide and yeast; (d) store bottles, packages and supplies necessary or incidental to all such operations; (e) package, bottle, sell and deliver wine products; (f) allow for the premises including space and equipment to be rented by a licensed tenant brewer for the purposes of alternation; and (g) manufacture, produce, blend, package, bottle, purchase, sell and deliver alcoholic beverages. If any licensed brewer desires to engage in any of the activities in paragraph (a), (b), (c), (d) or (e) of this subdivision which (a) require the use of by-products or wastage from the production of beer, or utilize buildings, room-areas or equipment not fully employed in the production of beer; or (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the brewery; or (c) are in the public interest because of emergency conditions; or (d) involve experiments or research projects related to equipment, materials, processes, products, by-products or wastage of the brewery, he shall submit an application so to do to the liquor authority, on forms prescribed and furnished by it. If the authority determines that the activities specified in the application will not

impede the effective administration of the alcoholic beverage control law, it may approve such application, subject to such restrictions or modifications, and in such manner and form as it may determine, and no brewer licensed under this chapter shall engage in any such activities without the prior approval of the authority. Provided, however, if the licensed brewer desires to engage in any activities identified in paragraph (f) or (g) of this subdivision the licensee shall submit an application to do so to the liquor authority, on forms prescribed and furnished by it. If the authority determines that the activities specified in the application will not impede the effective administration of this chapter, it may approve such application, subject to such restrictions or modifications, and in such manner and form as it may determine. The approval of such application shall be subject to the imposition of such additional license fees for such activities identified in paragraph (g) of this subdivision consistent with the manufacture of any alcoholic beverages under this article and articles five and six of this chapter. The liquor authority is hereby authorized to adopt such rules and regulations as it may determine necessary to effectuate the provisions of this subdivision.

8. (a) A licensee or his or her employee, or a brewer or manufacturer as defined in section three of this chapter or its employee or representative, or an importer having a basic permit as required by section 1.20 of title 27 of the code of federal regulations or its employee or representative, may obtain a permit to serve small samples of beer or malt beverages he or she produces or imports at establishments licensed under section fifty-four or fifty-four-a of this article. Furthermore such permit may also be obtained for serving small samples of beer or malt beverages produced or imported by such licensee, brewer, manufacturer or importer at annual fairs sponsored by agricultural and horticultural societies as defined in section fourteen hundred nine of the not-for-profit corporation law, and for sampling at the licensed premises of the holder of a wholesaler's license under section fifty-three of this article issued or renewed prior to July first, nineteen hundred sixty, and thereafter renewed or transferred, which authorizes the holder thereof to sell beer at retail to a person for consumption in his or her home. For purposes of this paragraph, a

representative shall not include a person licensed under section fifty-three of this article or his or her employees.

(b) The fee for a temporary brewer tasting permit shall be twenty dollars and shall be issued by the authority and dated for its period of use, which shall not exceed three days. An applicant for such permit may also apply for an annual brewer tasting permit for a fee of one thousand dollars which shall be issued by the authority.

(c) Tastings at such licensed establishments or annual fairs shall be conducted only within the hours fixed by or pursuant to this chapter, during which alcoholic beverages may be lawfully sold or permitted upon premises licensed to sell beer or malt beverages for off-premises consumption.

(d) A licensee or his or her employee may provide small samples of beer or malt beverages he or she produces at their licensed establishment. No permit shall be required for a licensee or his or her employee to provide small samples of beer or malt beverages when served at his or her licensed establishment.

(e) Each serving at tastings shall be served only by the brewer or importer or his or her employee and shall be limited to three ounces or less of a brand of beer or malt beverage produced by the brewer or by the importer and no consumer of legal age shall be provided or given more than two servings of such brands offered for tasting.

(f) All beer or other malt beverages served pursuant to a permit issued under this subdivision shall have been purchased by the retail licensee upon whose premises the serving of samples is taking place.

(g) A brewer or importer to whom a permit is issued pursuant to this subdivision may not be assessed a fee or charge by the retail licensee upon whose premises the serving is taking place for the privilege of serving such samples.

(h) The brewer or importer, or his or her employee serving such samples, shall be responsible for ensuring that such samples are only served to individuals legally eligible to consume alcoholic beverages in this state.

(i) Any liability stemming from a right of action resulting from the sampling of beer or other malt beverages as authorized by this subdivision, and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the brewer or

importer.

(j) The authority is authorized and directed to provide such forms to a brewer or importer to obtain the necessary temporary brewer tasting permit and promulgate such rules and regulations, as it deems necessary or appropriate to implement the provisions of this subdivision to protect the health, safety and welfare of the people of this state.

9. A brewery shall manufacture at least fifty barrels of beer annually.

§ 51-a. Farm brewery license. 1. Any person may apply to the authority for a farm brewery license as provided for in this section to brew beer within this state for sale. Such application shall be in writing and verified and shall contain such information as the authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to brew beer in the premises therein specifically licensed.

2. A farm brewery license shall authorize the holder thereof to operate a brewery for the manufacture of New York state labelled beer. Such a license shall also authorize the licensee to:

(a) manufacture New York state labelled cider and New York state labeled braggot;

(b) sell in bulk beer, cider, and braggot manufactured by the licensee to any person licensed to manufacture alcoholic beverages in this state or to a permittee engaged in the manufacture of products which are unfit for beverage use;

(c) sell or deliver beer, cider, and braggot manufactured by the licensee to persons outside the state pursuant to the laws of the place of such delivery;

(d) sell beer, cider, and braggot manufactured by the licensee to wholesalers and retailers licensed in this state to sell such beer,

cider, and braggot, licensed farm distillers, licensed farm wineries, licensed farm cideries, licensed farm meaderies and any other licensed farm brewery. All such beer, cider, and braggot sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(e) sell at the licensed premises beer, cider, and braggot manufactured by the licensee or any other licensed farm brewery, and wine and spirits manufactured by any licensed farm winery or farm distillery, at retail for consumption on or off the licensed premises;

(f) conduct tastings at the licensed premises of beer, cider, and braggot manufactured by the licensee or any other licensed farm brewery;

(g) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, beer, cider, and braggot manufactured by the licensee and any New York state labeled beer, New York state labeled braggot or New York state labeled cider. All of the provisions of this chapter relative to licenses to sell beer, cider, and braggot at retail for consumption on and off the premises shall apply so far as applicable to such licensee.

Notwithstanding any other provision of law, the licensed farm brewery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

(h) sell beer, cider, and braggot manufactured by the licensee or any other licensed farm brewery at retail for consumption off the premises, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

(i) conduct tastings of and sell at retail for consumption off the premises New York state labelled wine and mead manufactured by a person licensed to produce wine or mead under this chapter;

(j) conduct tastings of and sell at retail for consumption off the premises New York state labelled cider manufactured by a licensed cider producer or licensed farm cidery;

(k) conduct tastings of and sell at retail for consumption off the premises New York state labelled liquor manufactured by a licensed distiller or licensed farm distiller; provided, however, that no consumer may be provided, directly or indirectly: (i) with more than

three samples of liquor for tasting in one calendar day; or (ii) with a sample of liquor for tasting equal to more than one-quarter fluid ounce; and

(l) conduct tastings of and sell at retail for consumption off the premises New York state labelled braggot manufactured by a person licensed to produce braggot under this chapter; and

(m) engage in any other business on the licensed premises subject to such rules and regulations as the authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm brewery licensee.

3. (a) A farm brewery licensee may apply for a permit to conduct tastings away from the licensed premises of beer, cider, and braggot produced by the licensee. Such permit shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

(b) Tastings shall be conducted subject to the following limitations:

(i) tastings shall be conducted by an official agent, representative or solicitor of one or more farm breweries. Such agent, representative or solicitor shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a tasting of beer, cider, or braggot as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm brewery.

4. A licensed farm brewery holding a tasting permit issued pursuant to subdivision three of this section may apply to the authority for a permit to sell beer, cider, and braggot produced by such farm brewery, by the bottle, during such tastings in premises licensed under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems

necessary.

5. A licensed farm brewery may, under such rules as may be adopted by the authority, sell beer or cider manufactured by the licensee or any other licensed farm brewery at retail in bulk by the keg, cask or barrel for consumption and not for resale at a clam-bake, barbeque, picnic, outing or other similar outdoor gathering at which more than fifty persons are assembled.

6. A licensed farm brewery may apply to the authority for a license to sell liquor and/or wine at retail for consumption on the premises in a restaurant owned by him and conducted and operated by the licensee in or adjacent to its farm brewery. All of the provisions of this chapter relative to licenses to sell liquor or wine at retail or consumption on the premises shall apply so far as applicable.

7. A farm brewery license shall authorize the holder thereof to manufacture, bottle and sell food condiments and products such as mustards, sauces, hop seasonings, beer nuts, and other hops and beer related foods in addition to beer and hop soaps, hop pillows, hop wreaths and other such food and crafts on and from the licensed premises. Such license shall authorize the holder thereof to store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of beer. These gift items shall be limited to the following categories:

(a) non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages;

(b) food items for the purpose of complementing beer and cider tastings, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers;

(c) food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises. Such food items may be combined into a package containing cider, beer and/or hop related products;

(d) beer supplies and accessories, which shall include any item utilized for the storage, serving or consumption of beer or for decorative purposes. These supplies may be sold as single items or may be combined into a package containing beer;

(e) beer-making equipment and supplies including, but not limited to, home beer-making or homebrewing kits, filters, bottling equipment, hops, barley, yeasts, chemicals and other beer additives, and books or other written material to assist beer-makers and home beer-makers or homebrewers to produce and bottle beer;

(f) souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region.

8. Notwithstanding any provision of this chapter to the contrary, any farm brewery licensee may charge for tours of its premises.

9. The holder of a license issued under this section may operate up to five branch offices located away from the licensed farm brewery. Such locations shall be considered part of the licensed premises and all activities allowed at and limited to the farm brewery may be conducted at the branch offices. Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic beverages at retail. Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the authority may issue a permit for the operation of same.

10. (a) No farm brewery shall manufacture in excess of seventy-five thousand finished barrels of beer, cider, and braggot annually.

(b) A farm brewery shall manufacture at least fifty barrels of beer, cider, and braggot annually.

11. (a) Except as provided in paragraph (b) of this subdivision, no licensed farm brewery shall manufacture or sell any beer other than New York state labelled beer.

(b) In the event that the commissioner of agriculture and markets,

after investigating and compiling information pursuant to subdivision forty-two of section sixteen of the agriculture and markets law, determines that a natural disaster, act of God, or continued adverse weather condition has destroyed much of the necessary ingredients for brewing beer, such commissioner, in consultation with the chairman of the authority, may give authorization to a duly licensed farm brewery to manufacture or sell beer produced from ingredients grown or produced outside this state. No such authorization shall be granted to a farm brewery licensee unless such licensee certifies to such commissioner the quantity of New York grown ingredients unavailable to such licensee due to such natural disaster, act of God or continuing adverse weather condition and satisfies such commissioner that reasonable efforts were made to obtain brewing ingredients from a New York state source for such beer making purpose. No farm brewery shall utilize an amount of out-of-state grown or produced ingredients exceeding the amount of New York grown ingredients that such brewery is unable to obtain due to the destruction of New York grown or produced ingredients by a natural disaster, act of God or continuing adverse weather condition as determined by the commissioner of agriculture and markets pursuant to this subdivision. For purposes of this subdivision, the department of agriculture and markets and the authority are authorized to adopt rules and regulations as they may deem necessary to carry out the provisions of this subdivision which shall include ensuring that in manufacturing beer farm breweries utilize ingredients grown or produced in New York state to the extent they are reasonably available, prior to utilizing ingredients from an out-of-state source for such purpose.

(c) The commissioner of agriculture and markets shall make available to farm breweries and to the public each specific ingredient loss determination issued pursuant to paragraph (b) of this subdivision on or before August twentieth of each year.

(d) In the event that the continuing effects of a natural disaster, act of God, or adverse weather condition which occurred prior to August twentieth of each year or the effects of a natural disaster, act of God, or adverse weather condition which occurs subsequent to August twentieth each year results in any ingredient loss which meets the standards provided in paragraph (b) of this subdivision, the commissioner of agriculture and markets, in consultation with the chairman of the

authority, may issue additional ingredient loss determinations and shall expeditiously make available to farm breweries and to the public each specific ingredient loss determination issued pursuant to this paragraph prior to October tenth of each year.

12. (a) Except as provided in paragraph (b) of this subdivision, no licensed farm brewery shall manufacture or sell any cider other than New York state labelled cider.

(b) In the event that the commissioner of agriculture and markets, after investigating and compiling information pursuant to subdivision forty-two of section sixteen of the agriculture and markets law, determines that a natural disaster, act of God, or continued adverse weather condition has destroyed at least thirty percent of the apple crop necessary for producing cider, such commissioner, in consultation with the chairman of the authority, may give authorization to a duly licensed farm brewery to manufacture or sell cider produced from such apples designated as necessary for producing cider and grown outside this state. No such authorization shall be granted to a farm brewery licensee unless such licensee certifies to such commissioner the quantity of such New York grown apples designated as necessary for producing cider unavailable to such licensee due to such natural disaster, act of God, or continuing adverse weather condition and satisfies such commissioner that reasonable efforts were made to obtain such apples from a New York state source for such cider making purpose. No farm brewery shall utilize an amount of out-of-state grown apples exceeding the amount of such designated New York grown apples that such brewery is unable to obtain due to the destruction of New York grown apples by a natural disaster, act of God, or continuing adverse weather condition as determined by the commissioner of agriculture and markets pursuant to this subdivision. For purposes of this subdivision, the department of agriculture and markets and the authority are authorized to adopt rules and regulations as they may deem necessary to carry out the provisions of this subdivision which shall include ensuring that in manufacturing cider farm breweries utilize apples grown in New York state to the extent they are reasonably available, prior to utilizing apples from an out-of-state source for such purpose.

(c) The commissioner of agriculture and markets shall make available

to farm breweries and to the public each specific apple loss determination issued pursuant to paragraph (b) of this subdivision on or after August twentieth of each year.

(d) In the event that the continuing effects of a natural disaster, act of God, or adverse weather condition which occurred prior to August twentieth of each year or the effects of a natural disaster, act of God, or adverse weather condition which occurs subsequent to August twentieth of each year results in any apple crop loss which meets the standards provided in paragraph (b) of this subdivision, the commissioner of agriculture and markets, in consultation with the chairman of the authority, may issue additional apple crop loss determinations and shall expeditiously make available to farm breweries and to the public the loss determination issued pursuant to this paragraph prior to October tenth of each year.

13. Notwithstanding any contrary provision of law or of any rule or regulation promulgated pursuant thereto, and in addition to the activities which may otherwise be carried out by any person licensed under this section, such person may, on the premises designated in such license:

(a) produce, package, bottle, sell and deliver soft drinks and other non-alcoholic beverages, vitamins, malt, malt syrup, and other by-products;

(b) dry spent grain from the brewery;

(c) recover carbon dioxide and yeast;

(d) store bottles, packages and supplies necessary or incidental to all such operations;

(e) package, bottle, sell and deliver wine products;

(f) allow for the premises including space and equipment to be rented by a licensed tenant brewer for the purposes of alternation.

14. Notwithstanding any other provision of this chapter, the authority may issue a farm brewery license to the holder of a farm winery or farm distiller's license for use at such licensee's existing licensed premises. The holder of a farm winery or farm distiller's license that simultaneously holds a farm brewery license on an adjacent premises may share and use the same tasting room facilities to conduct any tastings

that such licensee is otherwise authorized to conduct.

15. The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section. In prescribing such rules and regulations, the authority shall promote the expansion and profitability of beer and cider production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands.

16. Notwithstanding any provision of law to the contrary, another business or other businesses may operate on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm brewery premises, provided however that a retailer business licensed under this chapter shall not be permitted to operate at a licensed manufacturing premises.

§ 52. Custom beermakers' center. 1. Any person may apply to the authority on or before December thirty-first, two thousand nineteen for a custom beermakers' center license as provided for in this section to operate a custom beermakers' center facility and provide individuals with rental space, the use of equipment and storage facilities, and/or beer making supplies for the production of beer by such individuals for personal household use and not for resale in accordance with state and federal laws, rules, and regulations authorizing such production. Such application shall be in writing and verified and shall contain such information as the authority shall require, provided, however, the holder of a license under this section may renew such license on or after December thirty-first, two thousand nineteen. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein

specifically designated to operate such center to manufacture beer for personal household use in the premises therein specifically licensed.

2. For the purposes of this section, "beer making supplies" shall mean hops, grains, malted grains, wort, sugars, yeasts, water, fruits, fruit juices, and other agricultural products including, but not limited to, honey and flowers, that are grown or produced in the state of New York, in quantity amounts as determined by the authority and shall be governed by paragraph (b) of subdivision eleven of section fifty-one-a of this article.

3. A custom beermakers' center license shall authorize the holder thereof to operate a facility for individuals to rent space, equipment, and storage facilities and, if necessary, to purchase beer making supplies to manufacture beer for personal household use provided that the manufacture and production of beer for personal household consumption and use is done in accordance with state and federal laws and regulations. Such a license shall also authorize the licensee, provided such activities are permitted by the federal Alcohol and Tobacco Tax and Trade Bureau for the manufacture of tax exempt beer for personal household use, to:

- (a) conduct training classes on how to manufacture beer; and

- (b) conduct beer tastings for those individuals taking such classes and/or using such facility for brewing purposes at the licensed facility provided that the tastings shall be subject to the following limitations:

- (i) tastings shall be conducted by the licensee or by an official agent of the licensee. Such licensee or agent shall be physically present at all times during the conduct of the tastings; and

- (ii) any liability stemming from a right of action resulting from a tasting of beer as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the custom beermakers' center.

4. The custom beermakers' center licensee shall be subject to the supervision of the authority to ensure that the licensee and the individuals utilizing such center are in compliance with the provisions

of this chapter, state laws, rules, and regulations, and the laws, rules, and regulations of the federal Alcohol and Tobacco Tax and Trade Bureau.

5. The licensee or an official agent of the licensee shall be physically present at all times during the facility's hours of operations.

6. The annual aggregate production of beer at any such center for all individuals making beer at such premises, pursuant to a custom beermakers' center license, shall not exceed the production limits set by the authority that are commensurate with a non-commercial production facility. Provided that such aggregate production limit shall not be offset by beer produced at such facility under a brewer's license or farm brewery license.

7. Notwithstanding any other provision of this chapter, the authority may issue a custom beermakers' center license to the holder of a farm brewery or brewery license for use at such licensee's existing licensed premises.

8. The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section.

9. The licensee must maintain a record of the name, address, and contact information of the individuals that have used such facility and the annual amount of beer produced by each individual at the facility pursuant to the rules of the authority.

§ 53. Wholesaler's license. Any person may apply to the liquor authority for a license to sell beer at wholesale. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its

rules. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer at wholesale in the premises therein specifically licensed to duly licensed wholesalers, retailers and permittees in this state, and to sell or deliver beer to persons outside the state pursuant to the laws of the place of such sale or delivery. A wholesaler's license issued or renewed prior to July first, nineteen hundred sixty, and thereafter renewed or transferred, shall authorize the holder thereof to sell beer at retail to a person for consumption in his home; provided, however, that regardless of the date issued, renewed or transferred, a wholesaler's license issued to a brewer or to the wholly-owned subsidiary of a brewer, shall authorize the holder thereof to sell beer at retail to a person for consumption in his home.

§ 53-a. Vendor's license. In cities having a population of one million or more, any individual person may apply for a license to sell beer as a vendor. Such application shall be in writing, and verified, and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer as a vendor in cities having a population of one million or more only, from the premises therein specifically licensed. A vendor's license shall authorize the holder thereof to sell beer at retail to be delivered by such vendor to a person for consumption in his home and shall authorize the holder thereof to operate one vehicle for the delivery of beer, but shall not authorize the sale to any person or licensee for resale.

§ 54. License to sell beer at retail for consumption off the premises.
1. Any person may apply to the appropriate board for a license to sell beer at retail not to be consumed upon the premises where sold. Such

application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. The term "premises" shall include any duly licensed supply ship operating in harbors in Lake Erie.

2. In the event that the liquor authority issues such license it shall forward the same to the applicant.

3. If the authority shall disapprove an application for a license or permit, it shall state and file in its offices the reasons therefor and shall notify the applicant thereof. Such applicant may thereupon apply to the liquor authority for a review of such action in a manner to be prescribed by the rules of the liquor authority. A hearing upon notice to the applicant shall thereupon be held by the liquor authority or by one of its members at its office most conveniently situated to the office of its duly authorized representative in a manner to be prescribed in its rules; and on such hearing proof may be taken by oral testimony or by affidavit relative thereto. After such hearing, if the liquor authority confirms such disapproval, it shall endorse such application accordingly and shall send notice to the applicant of its action in such form as the liquor authority may prescribe. If the liquor authority does not confirm the disapproval action it may grant such application and issue such license.

4. No such license shall be issued, however, to any person for any premises other than a grocery store, drug store, or duly licensed supply ship operating in harbors in Lake Erie.

5. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person specifically designated therein to sell beer at retail in the premises specifically licensed, not to be consumed upon said premises.

§ 54-a. License to sell beer and wine products at retail for consumption off the premises. 1. Any person may apply to the appropriate

board for a license to sell beer and wine products at retail not to be consumed upon the premises where sold. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by section fifty-six of this article for such license. The term "premises" shall include any duly licensed supply ship operating in harbors in Lake Erie. All the provisions contained in subdivisions two and three of section fifty-four of this article shall apply to the procedure relative to an application for a license under this section.

2. No such license shall be issued, however, to any person for any premises other than a grocery store, drug store, or duly licensed supply ship operating in harbors in Lake Erie.

3. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person specifically designated therein to sell beer and wine products at retail in the premises specifically licensed, not to be consumed upon said premises.

§ 54-b. Beer tasting. Any person holding a retail license to sell beer under this chapter shall be permitted to conduct consumer tastings of beer upon such person's licensed premises. All such tastings shall be subject to the following limitations:

(a) Tastings of beer shall be conducted by the licensee or an authorized agent of the licensee. Provided, however, a licensed beer or cider wholesaler shall not serve as the authorized agent for another entity, nor shall a licensed beer or cider wholesaler be involved in any manner with a beer tasting conducted by another entity.

(b) No more than three samples of beer may be provided to a person in one calendar day.

(c) No sample may exceed three fluid ounces.

(d) No tasting shall be held during the hours prohibited by the provisions of section one hundred five of this chapter.

(e) Any liability stemming from a right of action resulting from a

tasting authorized by this section and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law shall accrue to the licensee.

(f) No person under the age of twenty-one shall be permitted to serve a sample or handle an open container of beer.

§ 55. License to sell beer at retail for consumption on the premises.

1. Any person may make an application to the appropriate board for a license to sell beer at retail to be consumed upon the premises. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. All of the provisions contained in subdivisions two and three of the preceding section shall apply to the procedure relative to an application for a license under this section.

2. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer in the premises therein specifically licensed, at retail, to be consumed upon such premises. Such license shall also include the privilege of selling beer at retail to be consumed off the premises.

3. No such license shall be issued, however, to any person for any premises other than premises for which a license may be issued under section sixty-four or sixty-four-a of this chapter or a hotel or premises which are kept, used, maintained, advertised or held out to the public to be a place where food is prepared and served for consumption on the premises in such quantities as to satisfy the liquor authority that the sale of beer intended is incidental to and not the prime source of revenue from the operation of such premises. The foregoing provisions of this subdivision shall not apply to any premises located at, in, or on the area leased by the city of New York to New York World's Fair 1964 Corporation pursuant to the provisions of chapter four hundred twenty-eight of the laws of nineteen hundred sixty, as amended by a chapter of the laws of nineteen hundred sixty-one, during the term or

duration of such lease. Such license may also include such suitable space outside of the licensed premises and adjoining it as may be approved by the liquor authority.

§ 55-a. License to sell beer at retail, in certain counties, for consumption at baseball parks, race tracks and outdoor athletic fields and stadia where admission fees are charged, in operation for certain periods of the year. 1. Any person may make an application to the appropriate board for a license to sell beer to be consumed at baseball parks, race tracks, and other athletic fields and stadia where admission fees are charged, other than such parks, fields and stadia as are operated and maintained by educational institutions, to be consumed on the premises. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. All of the provisions contained in subdivisions two and three of section fifty-four shall apply to the procedure relative to an application for a license under this section.

2. Such a license shall contain a description of the licensed premises and in form and substance shall be a license to the person therein specifically designated to sell beer on the premises therein specifically licensed, at retail, to be consumed upon such premises.

§ 55-b. Manner of changing beer prices to wholesalers and retail licensees. 1. It is hereby declared as the policy of the state that the sale and distribution of beer shall be subject to certain restrictions, prohibitions and regulations which tend to maintain an orderly market and prevent destructive competition. The necessity of the provisions of this section is therefore declared as a matter of legislative necessity.

2. No brewer or beer wholesaler may increase the price per case, draft package or special package of beer sold to beer wholesalers or retail licensees until at least one hundred eighty days have elapsed since his

last price decrease on such case, draft package or special package, provided, however, that the brewer or beer wholesaler may increase any price established by him at any time in the amount of any direct tax increase on beer or three percent of the final cash invoice amount to reasonably remunerate such wholesaler for surcharges and fees incurred for business payment card payments, as provided for by paragraph j of subdivision one of section one hundred one-aaa of this chapter, or on containers thereof, actually paid by such brewer or beer wholesaler, and provided further, however, that if a brewer or beer wholesaler has increased his price to beer wholesalers at any time pursuant to the provisions hereof, the beer wholesaler may increase the price established by him on such package in an amount equal to the direct price increase to the beer wholesaler. The price per case, draft package or special package of beer sold to beer wholesalers or retail licensees on the first day of the month following the effective date of this act shall be deemed the base price, to or from which price increases or decreases may be made in accordance with the provisions of this section.

3. The authority is authorized and empowered to do such acts, prescribe such forms and adopt rules and regulations as it may deem necessary or proper to carry into effect the purpose and provisions of this section and to prevent circumvention or evasion thereof.

Without limiting the generality of the foregoing, and in addition to its other powers, the authority may, in its discretion, adopt rules or regulations:

a. Particularizing the standards of packaging which constitute a case, special package and draft package of beer.

b. Defining the guidelines relating to "price" within the purview of this section which guidelines may provide, without limitation thereto, that,

(1) Whenever a brewer or beer wholesaler decreases his price per case, draft package or special package of beer to beer wholesalers, the beer wholesaler may decrease his price to retail licensees on such reduced item or items by no more than the amount in dollars and cents by which

the brewer or beer wholesaler has decreased the price per case, draft package or special package to the beer wholesaler.

(2) Whenever the price per case, draft package or special package of beer is increased to retail licensees by action of the brewer or beer wholesaler following a price decrease, the brewer or beer wholesaler may not increase its price to retailers on any item or items more than one-half of the price decrease previously granted, nor may the brewer or beer wholesaler selling such item or items to the beer wholesaler increase its price to such beer wholesaler more than one-half of the price decrease previously granted, provided, however, such restrictions on price increases by both brewers and beer wholesalers shall remain in effect for the period of one hundred eighty days.

(3) Whenever a brewer or beer wholesaler lowers its price per case, draft package or special package of beer to any beer wholesaler in New York state it must lower its price on each item or items by the same amount to all beer wholesalers throughout New York state to whom such item or items is offered for sale.

(4) Whenever a brewer or beer wholesaler, following a price decrease, raises its price per case, draft package or special package of beer to any beer wholesaler in New York state it must raise its price on each item or items by the same amount to all beer wholesalers throughout New York state to whom such item or items are offered for sale.

c. Providing that for good cause shown to its satisfaction, the authority may grant waivers to licensees adversely affected by this section, under such terms and conditions as the authority deems appropriate.

d. Requiring licensees to file with the authority reports certifying their prices of beer, the dates of any changes in the price of any item of beer, and such other matters as the authority may determine from time to time to be necessary to disclose accurately the price of beer during the previous twelve months and requiring licensees to keep forms, records and memoranda prescribed by the authority.

4. For the purpose of defraying the expenses incurred in the administration of this section, there shall be paid to the authority by

each person hereafter applying for a license as brewer or beer wholesaler the following sums: brewer whose annual production is sixty thousand barrels per year or more, one thousand dollars; brewer whose annual production is less than sixty thousand barrels per year, one hundred dollars; beer wholesaler, one hundred dollars. A like sum shall be paid by each person hereafter applying for the issuance or renewal of any such license and such sum shall accompany the application and the license fee prescribed by this chapter for such license or renewal thereof, as the case may be. The sums prescribed by this subdivision shall not be pro-rated for any portion of the license fee and shall have no refund value.

5. For any violation of any provision of this section or of any rule or regulation duly promulgated under this section the authority may revoke, cancel or suspend a license or recover, as provided in section one hundred twelve of this chapter, the penal sum of the bond filed by the licensee.

§ 55-c. Agreements between brewers and beer wholesalers. 1. Purpose. It is hereby declared to be the policy of this state, that the sale and delivery of beer by brewers to beer wholesalers shall be pursuant to a written agreement. That further, the regulation of business relations between brewers and beer wholesalers is necessary and appropriate to the general economy and tax base of this state and in the public interest.

2. Definitions. As used in this section, the following words shall have the following meanings:

(a) "Agreement" means any contract, agreement, arrangement, course of dealing or commercial relationship between a brewer and a beer wholesaler pursuant to which a beer wholesaler is granted the right to purchase, offer for sale, resell, warehouse or physically deliver beer sold by a brewer.

(b) "Brewer" means any person or entity engaged primarily in business as a brewer, manufacturer of alcoholic beverages, importer, marketer, broker or agent of any of the foregoing who sells or offers to sell beer to a beer wholesaler in this state or any successor to a brewer.

(c) "Successor to a brewer" means any person or entity which acquires the business or beer brands of a brewer, without limitation, by way of the purchase, assignment, transfer, lease, or license or disposition of all or a portion of the assets, business or equity of a brewer in any transaction, including merger, corporate reorganization or consolidation or the formation of a partnership, joint venture or other joint marketing alliance.

(d) "Beer wholesaler" and "wholesaler" means the holder of a wholesaler's license pursuant to section fifty-three of this article who purchases, offers to sell, resells, markets, promotes, warehouses or physically distributes beer sold by a brewer.

(e) "Good cause" means and shall be limited to:

(i) (A) The implementation by a brewer of a national or regional policy of consolidation which is reasonable, nondiscriminatory and essential. Such policy shall have been previously disclosed, in writing, in reasonable detail to the brewer's wholesalers, and shall result in a contemporaneous reduction in the number of a brewer's wholesalers not only for a brand in this state, but also for a brand in contiguous states or in a majority of the states in which the brewer sells the brand. All affected wholesalers and affected brewers shall be afforded ninety days prior notice of the implementation of such policy, and such notice shall be provided by the brewer implementing said policy. Further, an affected wholesaler who has actual knowledge of the intended implementation of such policy shall also notify each affected brewer. The term "affected brewers" means all other brewers with an agreement with an affected wholesaler who is a multiple brands wholesaler. The term "affected wholesalers" means wholesalers who may reasonably be expected to experience a loss or diminishment of a right to distribute a brand, in whole or in part, as a consequence of a proposed consolidation policy.

(B) An affected brewer receiving notice pursuant to this paragraph may, within one hundred twenty days after receiving such notice, terminate an agreement with a multiple brands wholesaler in the event: (1) the total case purchases computed in twenty-four twelve ounce equivalence units by the wholesaler of the products of the affected brewer amounted to two percent or less of the multiple brands wholesaler's total sales volume during the twelve month period preceding

the notice; and (2) the affected brewer, prior to such termination, pays compensation to the multiple brands wholesaler.

(ii) There is a failure by the beer wholesaler to comply with a material term of an agreement required by subdivision three of this section between the brewer and beer wholesaler, provided that: (A) the wholesaler was given written notice by the brewer of the failure to comply with the agreement as provided for in subdivision five of this section and in which the brewer states with particularity the basis for the brewer's determination of non-compliance, and upon the wholesaler's written request within ten days of receipt of the notice, the brewer has supplemented such notice by submitting to the wholesaler in writing the brewer's recommended plan of corrective action to cure the claimed defaults or deficiencies in a manner satisfactory to it; (B) the wholesaler was afforded a reasonable opportunity to assert good faith efforts to comply with the agreement by curing the claimed defaults or deficiencies specified in said notice within the time provided for in clause (C) of this subparagraph; and (C) the wholesaler was afforded fifteen days after receipt of such notice to submit a written plan of corrective action to comply with the agreement by curing the claimed non-compliance and seventy-five days to cure such non-compliance in accordance with the plan. Provided, however, that such period for cure may be increased or reduced to a commercially reasonable period by an order of a court in this state entered after a hearing at which the brewer has the burden to demonstrate that the claimed defaults or deficiencies can be substantially rectified in the period of time afforded the wholesaler or that, after receipt of notice of default or deficiency as provided for in subdivision five of this section, the wholesaler has intentionally engaged in an affirmative course of conduct in which the brewer's current marketing plans and other trade secrets are disclosed to a third party without the prior consent of the brewer or in which the wholesaler acts or threatens to act to significantly impair, harm or dilute the reputation or competitive position of the brewer or otherwise irreparably injure the brewer, its brands or trademarks. Provided, further however: (1) that such period for cure need not exceed forty-five days if within the twelve months immediately following a cure, the wholesaler intentionally engages in conduct which repeats the same specified default and deficiency which the brewer had

deemed cured; and (2) that such period for cure need not exceed sixty days in the event that during the twelve month period preceding the notice, the total case purchases by the wholesaler of the affected products of the brewer account for less than one-half of one percent of the wholesaler's aggregate case purchases from all sources or one thousand cases. For purposes of this subdivision, case purchases of affected products whether package or draught shall be computed in twenty-four twelve ounce equivalence units.

(f) "Good faith" means honesty in fact and the observance of reasonable commercial standards in the trade.

(g) "Material modification" of an agreement or to "materially modify" means and includes a substantial and significant change in the competitive circumstances under which the agreement was entered into and is performed which is caused by a brewer without fault on the part of the wholesaler.

(h) "Multiple brands wholesaler" means a wholesaler which pursuant to agreements with different brewers holds the rights to purchase, resell, warehouse or physically deliver two or more competing products in substantially the same geographic area or to the same customer class.

(i) "Fair market value of distribution rights" means the amount a willing seller, under no compulsion to sell, would be willing to accept and a willing buyer, under no compulsion to purchase, would be willing to pay for the distribution rights.

3. Written agreement required. Except as provided for in subdivision ten of this section, beer offered for sale in this state by a brewer to a beer wholesaler shall be sold and delivered pursuant to a written agreement which conforms to the provisions of this section and which sets forth all essential and material terms, requirements, standards of performance and conditions of the business relationship between a brewer and a beer wholesaler. Such agreement may be cancelled, terminated, materially modified or not renewed for good cause as defined in this section, provided the brewer has acted in good faith.

4. Termination for cause and opportunity to cure. (a) No brewer may cancel, fail to renew, or terminate an agreement unless the party intending such action has good cause for such cancellation, failure to

renew, or termination and in any case in which prior notification is required under this section, the party intending to act has furnished said prior notification as provided for in subdivision five of this section and the wholesaler has failed to cure such defaults or deficiencies after a period for cure, as provided for in clause (C) of subparagraph (ii) of paragraph (e) of subdivision two of this section.

(b) No brewer shall amend or materially modify or otherwise terminate any essential and material term or requirement of an agreement unless the brewer has good cause therefor and has furnished the affected party with at least fifteen days prior notification as required by subdivision five of this section.

(c) Notwithstanding any provision of this subdivision to the contrary:

(i) Any brewer with an annual volume as defined in subparagraph (iv) of this paragraph of less than three hundred thousand barrels of beer and whose sales to an affected beer wholesaler are three percent or less of the beer wholesaler's total annual brand sales measured in case equivalent sales of twenty-four--twelve ounce units may terminate an agreement with any beer wholesaler without having good cause for such termination, as defined in paragraph (e) of subdivision two of this section, and shall not be subject to liability to the beer wholesaler under paragraph (b) of subdivision seven of this section provided that, prior to the effective date of the termination, the brewer pays the beer wholesaler the fair market value of the distribution rights which will be lost or diminished by reason of the termination. If such brewer and beer wholesaler cannot mutually agree to the fair market value of the applicable distribution rights lost or diminished by reason of the termination, then the brewer shall pay the beer wholesaler a good faith estimate of the fair market value of the applicable distribution rights.

(ii) If the beer wholesaler being terminated under subparagraph (i) of this paragraph disputes that the payment made by the brewer was less than the fair market value of the distribution rights, then the beer wholesaler may within forty-five days of termination submit the question of fair market value of the applicable distribution rights lost or diminished by reason of the termination to binding arbitration before a panel of three neutral arbitrators appointed in accordance with the commercial arbitration rules of the American Arbitration Association, which panel shall determine by majority decision whether the brewer's

payment meets the requirements of subparagraph (i) of this paragraph. If the arbitration panel rules that the payment made by the brewer to the beer wholesaler upon termination was less than the fair market value of distribution rights lost or diminished by reason of the termination, then the brewer must pay the beer wholesaler the difference between the payment made to the beer wholesaler and the determined fair market value plus interest. If the arbitration panel rules that the payment made by the brewer to the beer wholesaler upon termination was more than the fair market value of distribution rights lost or diminished by reason of the termination, then the beer wholesaler must pay the brewer the difference between the payment made to the beer wholesaler and the determined fair market value plus interest. All arbitration fees and expenses shall be equally divided among the parties to the arbitration except if the arbitration panel determines that the brewer's payment upon termination was not a good faith estimate of the fair market value, then the panel may award up to one hundred percent of the arbitration costs to the brewer.

(iii) Notwithstanding any provision of this section to the contrary, for purposes of this paragraph, the term "brewer" shall mean any person or entity engaged primarily in business as a brewer or manufacturer of beer.

(iv) For the purpose of this paragraph, the term "annual volume" shall mean: (1) the aggregate number of barrels of beer, under trademarks owned by that brewery and brewed, directly or indirectly, by or on behalf of the brewer during the measuring period, on a worldwide basis, plus (2) the aggregate number of barrels of beer brewed, during the measuring period, directly or indirectly, by or on behalf of any person or entity which, at any time during the measuring period, controlled, was controlled by or was under common control with the brewer, on a worldwide basis. Annual volume shall not include beer brewed under contract for any other brewer. There shall be no double counting of the same barrels of beer under clauses one and two of this subparagraph.

(v) For the purposes of this paragraph, the term "measuring period" shall mean the twelve month calendar period immediately preceding the date notice of termination, as required under subparagraph (i) of this paragraph, was given by a brewer to the beer wholesaler.

5. Notice of default or deficiency. (a) Except as provided in paragraph (d) of this subdivision, no brewer may cancel, fail to renew or terminate an agreement unless the brewer or beer wholesaler furnished prior notification in accordance with paragraph (c) of this subdivision.

(b) Notwithstanding any agreement, no brewer or beer wholesaler may materially amend or modify an essential and material term or requirement unless the brewer or beer wholesaler furnished prior notification in accordance with paragraph (c) of this subdivision.

(c) The notification required under paragraphs (a) and (b) of this subdivision shall be in writing and sent to the affected party by certified mail. Such notification shall contain:

(i) a statement of intent to cancel, not renew, otherwise terminate, materially amend or modify an agreement;

(ii) a statement of all reasons therefor, stated with particularity; and

(iii) the date on which such action shall take effect.

(d) A brewer or beer wholesaler may cancel, fail to renew or otherwise terminate an agreement without furnishing the prior notification required under this section only:

(i) in the event the affected party has made an assignment for the benefit of creditors or similar disposition of all or substantially all of the assets of such party's business;

(ii) in the event of a conviction or plea of guilty or no contest to a felony which in the reasonable judgment of the brewer may adversely affect the goodwill or interests of the wholesaler or brewer;

(iii) in the event of the revocation or suspension for thirty-one days or more of any license or permit required of the wholesaler for the normal operation of its business;

(iv) in the event there was fraudulent conduct on the part of the brewer or beer wholesaler in its dealings with the other party;

(v) in the event of the failure by either party to pay sums of money to the other party when due or if either the wholesaler or brewer takes any action which would provide grounds for immediate termination pursuant to the reasonable terms of a written enforceable agreement between them, which was freely entered into without threat of termination or other coercion or compulsion and was in full force and effect sixty days from the effective date of the chapter of the laws of

nineteen hundred ninety-seven which amended this subparagraph;

(vi) in the event the brewer and beer wholesaler voluntarily agree in writing to terminate the agreement.

6. Right of action. If a brewer fails to comply with the provisions of this section, a beer wholesaler may maintain a civil action in a court of competent jurisdiction within this state for damages sustained in accordance with the laws of this state which shall govern all disputes arising under an agreement or by reason of its making and performance. In any such action the court may grant such equitable relief as is necessary or appropriate, considering the purposes of this section, to remedy the effects of any failure to comply with the provisions of this section or the effects of conduct prohibited hereunder, including declaratory judgment, mandatory or prohibitive injunctive relief, or preliminary or other interim equitable relief; provided, however, that permanent injunctive relief shall not be granted to prohibit the effectiveness of a termination or non-renewal of an agreement in furtherance of a policy of consolidation that is in compliance with subparagraph (i) of paragraph (e) of subdivision two of this section. In any legal action challenging any cancellation, termination or failure to renew, or where an issue is the brewer's compliance with the provisions of subparagraph (i) of paragraph (e) of subdivision two of this section, the brewer shall have the burden of proof that its action was based upon good cause, provided however, the wholesaler shall retain the burden of proof in all other respects. The rights and remedies provided in this section to a beer wholesaler with respect to an agreement with a brewer and to an affected wholesaler or an affected brewer shall be intended to supplement and not be exclusive of any rights and remedies otherwise available pursuant to any other statute, or at law or equity.

7. Reasonable compensation. (a) Any brewer who shall implement a national or regional consolidation policy, pursuant to this section, shall not terminate its relationship with an affected wholesaler until compensation as provided for in this subdivision has been paid. Such brewer shall pay the affected beer wholesaler the fair market value of the distribution rights which will be lost or diminished by reason of the implementation of such policy, together with fair and reasonable

compensation for other damages sustained.

(b) Every brewer who without good cause amends, cancels, terminates, materially modifies or fails to renew any agreement, or who in violation of this section causes a beer wholesaler to resign from an agreement or denies or withholds consent to any assignment, transfer or sale of a beer wholesaler's business assets or capital stock or other equity or debt securities, shall pay the affected beer wholesaler the fair market value of the beer wholesaler's business, including distribution rights, which have been lost or diminished as the result of the brewer's actions.

(c) In the event that the brewer and the beer wholesaler are unable to agree on the compensation to be paid for the value of the beer wholesaler's business and assets, the matter may with the consent of both the brewer and the beer wholesaler, be submitted to a neutral arbitrator to be selected by the parties; if they cannot agree on such an arbitrator, the same shall be selected by a judge of a court of competent jurisdiction. No brewer or beer wholesaler may impose binding arbitration of any issue as a term or condition of an agreement. Arbitration costs shall be equally divided by the beer wholesaler and the brewer. The award of the arbitrator shall be confirmed by a court of competent jurisdiction in this state, the judgment of which shall be binding.

8. Sale and transfer of beer wholesaler's business. No brewer shall unreasonably withhold or delay its approval of any assignment, sale or transfer of all or any portion of beer wholesaler's corporate equity or debt or assets, including the beer wholesaler's rights and obligations under the terms of an agreement, whenever the person or persons to be substituted meet objectively reasonable standards imposed by the brewer. A wholesaler who sells, assigns or transfers an agreement made pursuant to this section shall provide written notice of such sale, assignment or transfer to all other brewers with whom it has entered agreements.

9. (a) A brewer qualified to do business in the state of New York may hold an interest in a limited partnership licensed by the authority as a wholesaler, when the brewer or its affiliate is a limited partner and the beer wholesaler is the general partner. Notwithstanding any other

provision of law, such brewer may loan money to a general partner of an aforementioned limited partnership. Provided, however, any brewer or its affiliate who holds an interest in a limited partnership licensed by the authority as a wholesaler or who loans money to a general partner of such limited partnership may only exercise such control of the business as permitted by section 121-303 of the partnership law.

(b) Notwithstanding subdivision (a) of this subdivision, no brewer or its affiliate may acquire or hold an interest in or loan money to a general partner of a multiple brands wholesaler unless and until all other brewers having agreements with said multiple brands wholesaler have been afforded sixty days prior written notice of the particular terms and conditions of the limited partnership or loan agreement or of any change therein. A "loan" for purposes of this subdivision shall not include bona fide credit terms for product purchases customarily extended by a brewer to wholesalers in the normal course of business.

(c) For one hundred twenty days after the formation, licensing and commencement of operations as a beer wholesaler of a limited partnership or the making of a loan, and upon at least fifteen days prior notification as required by subdivision five of this section, a brewer may terminate an agreement with a multiple brands wholesaler in the event: (i) a competing brewer or its affiliate becomes a limited partner with or loans money to a general partner of a multiple brands wholesaler, (ii) by reason of said loan, the performance of a loan agreement, or the terms or conduct of the limited partnership, there is a reasonable likelihood that competition between brands of the competing brewers has been or may be significantly reduced in a relevant geographic area or market, and (iii) in lieu of other rights and remedies it might have under this chapter to terminate for good cause, the terminating brewer pays compensation to the multiple brands wholesaler.

10. Coverage. (a) This section shall not apply to written agreements that were in effect prior to the effective date of this section which set forth all terms and conditions of material significance governing the relationship between the brewer and beer wholesaler, including but not limited to the grounds and procedures which govern: (i) termination of the relationship; (ii) approval and disapproval of managers; (iii)

change in ownership; and (iv) whether or not the wholesaler is entitled to compensation in the event the wholesaler is terminated for deficient performance under such agreement or without good cause. Provided, however, that this section shall apply to any agreement entered into, and renewals, extensions, amendments or conduct constituting a material modification of an agreement on or after the effective date of this section.

(b) Where an agreement between a brewer and beer wholesaler in effect prior to the effective date of this section is continuous in nature or has no specific duration or has no renewal provision and fails to set forth all terms and conditions of material significance governing the relationship between the brewer and beer wholesaler, including but not limited to the grounds and procedures which govern: (i) termination of the relationship; (ii) approval and disapproval of managers; (iii) change in ownership; and (iv) whether or not the wholesaler is entitled to compensation in the event the wholesaler is terminated for deficient performance under such agreement or without good cause; such agreement shall be considered for purposes of this section to have been renewed sixty days after the effective date of this section.

11. The requirements of this section may not be altered, waived or modified by written or oral agreement in advance of a bona fide case and controversy arising under a written agreement complying with this section.

§ 56. License fees. 1. The annual fee for a license to manufacture beer shall be:

(a) four thousand dollars for a brewer's license, unless the annual production of the brewer is less than seventy-five thousand barrels per year, in which case the annual fee shall be three hundred twenty dollars;

(b) three hundred twenty dollars for a farm brewery license.

2. The annual fee for a wholesaler's beer license shall be eight hundred dollars.

3. The annual fee for a vendor's license shall be one hundred forty-four dollars.

4. The annual fee for a license to sell beer at retail not to be consumed on the premises where sold shall be one hundred ten dollars. Where, however, the applicant is the holder of two such licenses, the annual fee for each additional license thereafter issued to such licensee shall be double the amount hereinabove set forth.

5. The annual fee for a license to sell beer at retail to be consumed on the premises where sold shall be three hundred twenty dollars in cities having a population of one hundred thousand or over, and one hundred sixty dollars elsewhere; provided, however, that where the premises to be licensed remain open only within the period commencing April first and ending October thirty-first of any one year or only within the period commencing October first and ending the following April thirtieth, the liquor authority, in its discretion, may grant a summer or winter license effective only for such appropriate period of time, for which an annual fee of one hundred sixty dollars shall be paid where the premises are located in cities having a population of one hundred thousand or over, and eighty dollars where such premises are located elsewhere.

6. The annual fee for selling beer upon any railroad car to be consumed on such car or any car connected therewith shall be ninety-six dollars for each railroad car licensed.

7. The annual fee for selling beer upon any vessel in this state, other than one regularly and exclusively engaged in the business of carrying passengers for hire, by charter or otherwise, for fishing purposes, to be consumed on such vessel, shall be one hundred sixty dollars for each vessel licensed. The annual fee for selling beer upon a vessel regularly and exclusively engaged in the business of carrying passengers for hire, by charter or otherwise, for fishing purposes, to be consumed on such vessel, shall be forty dollars for each vessel licensed. The annual fee for selling beer for off-premise consumption upon a vessel regularly and exclusively engaged, as a duly licensed

supply ship, in furnishing supplies to other vessels, shall be eighty dollars.

8. The annual fee for selling beer at any baseball park, race track or outdoor athletic field or stadium, to be consumed in any such baseball park, race track, or outdoor athletic field or stadium, shall be one hundred ninety-two dollars.

9. The annual fee for a license to sell beer and wine products at retail not to be consumed on the premises where sold shall be one hundred ninety-eight dollars.

10. The annual fee for a license to sell beer and wine products at retail not to be consumed on the premises where sold, when the applicant is the holder of two such licenses, the annual fee for each additional license thereafter issued to such licensee shall be three hundred fifty-two dollars.

11. The annual fee for a license to operate a custom beermakers' center shall be three hundred twenty dollars.

§ 56-a. Filing fees and refunds. 1. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each initial application for a license filed pursuant to section thirty, thirty-one, fifty-one, fifty-one-a, fifty-two, fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one, sixty-two, seventy-six, seventy-seven or seventy-eight of this chapter, a filing fee of four hundred dollars; with each initial application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two hundred dollars; with each initial application for a license filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of one hundred dollars; with each initial application for a permit filed pursuant to section ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is to be issued on a

calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter if such permit is to be issued on a calendar year basis, or for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of twenty dollars; and with each application for a permit under section ninety-three-a of this chapter, other than a permit to be issued on a calendar year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-nine-b of this chapter, other than a permit to be issued pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter on a calendar year basis, a filing fee of ten dollars.

2. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each renewal application for a license filed pursuant to section thirty, thirty-one, fifty-one, fifty-one-a, fifty-two, fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one, sixty-two, seventy-six, seventy-seven or seventy-eight of this chapter, a filing fee of one hundred dollars; with each renewal application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee of ninety dollars; with each renewal application for a license filed pursuant to section seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of twenty-five dollars; and with each renewal application for a license or permit filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a of this chapter or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b, if such permit is issued on a calendar year basis, or with each renewal application for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of thirty dollars.

3. If the authority shall deny an application filed pursuant to this chapter it shall return the annual fee to the applicant and retain the filing fee.

§ 57. License fees; when due and payable; fee for part of year. 1.

(a) Except as otherwise provided pursuant to section fifty-seven-a, each license issued pursuant to this article other than the one specified in paragraph (b) of this subdivision shall be effective for a license year expiring on the thirtieth day of June following the date of its issuance and the license fee prescribed therefor shall be the license fee due and payable therefor and shall be paid in advance at the time of the application as provided for in this article.

(b) Each license issued pursuant to section fifty-five-a of this article shall be effective for a license year expiring on the thirty-first day of March following the date of its issuance and the license fee prescribed therefor shall be the license fee due and payable therefor and shall be paid in advance of the time of the application as provided for in this article.

2. When application for any license under this article is made after the commencement of the license year hereinbefore provided the license fee therefor shall, for the balance of the license year, be in proportion as the remainder of such year shall bear to the whole year, except that it shall in no case be for less than one-half of such year.

§ 57-a. Change in duration of licenses. The liquor authority is authorized to change the periods during which the licenses authorized by sections fifty-one, fifty-one-a, fifty-three, fifty-three-a, fifty-four, fifty-four-a, fifty-five and fifty-five-a of this article shall be effective and to establish the commencement dates, duration and expiration dates thereof, provided that no such license shall be effective for a period in excess of three years. When any change or changes are made in the duration of any such license, the license fee shall be equal to the annual license fee specified in this article multiplied by the number of years for which such license is issued. The liquor authority may make such rules as shall be appropriate to carry out the purpose of this section.

ARTICLE IV-A

SPECIAL PROVISIONS RELATING TO CIDER

- Section 58. Cider producers' or wholesalers' license.
- 58-a. Sale of cider by wholesale beer licensees.
 - 58-b. Retail sale of cider by wholesale licensees.
 - 58-c. Farm cidery license.
 - 58-d. Custom cidermakers' center.
59. Authorization for sale of cider by retail licensees.
- 59-a. Cider tasting.
 - 59-b. Direct interstate cider shipments.
 - 59-c. Direct intrastate cider shipments.

§ 58. Cider producers' or wholesalers' license. 1. Any person may apply to the liquor authority for a cider producers' or wholesalers' license as provided for in this subdivision. Such application shall be in writing and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this subdivision for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules. A license issued under this subdivision shall authorize the licensee to manufacture cider within the licensed premises in this state for sale in bottles, barrels or casks to beer, wine and liquor retail licensee and/or to sell cider at wholesale from the licensed premises to such licensees and to holders of licenses under this section in bottles, barrels or casks and to sell and deliver cider to persons outside the state pursuant to the laws of the place of such sale or delivery. The annual fee for such a license shall be one hundred twenty-five dollars; provided, however, that the annual fee for a farm cidery license shall be seventy-five dollars. The provisions contained in section sixty-seven of this chapter shall apply to all licenses issued pursuant to this article.

2. (a) Any person licensed pursuant to subdivision one of this section may conduct cider tastings of New York state labelled ciders in establishments licensed pursuant to section sixty-three of this chapter to sell alcoholic beverages for off-premises consumption. Such cider

producer or wholesaler may charge a fee of not more than twenty-five cents for each cider sample tasted. The liquor authority shall promulgate rules and regulations relating to the conduct of such tastings.

(b) Any person licensed pursuant to subdivision one of this section may conduct cider tastings of New York state labelled ciders and apply to the liquor authority for a permit to sell cider produced by such cider producer or wholesaler, by the bottle, during such tastings in establishments licensed pursuant to section sixty-four of this chapter to sell alcoholic beverages for consumption on the premises. Such cider producer or wholesaler may charge a fee of not more than twenty-five cents for each cider sample tasted. The liquor authority shall promulgate rules and regulations relating to the conduct of tastings.

(c) Cider tastings shall be conducted subject to the following limitations:

(i) cider tastings shall be conducted by an official agent, representative or solicitor of one or more cider producers or wholesalers. Such agent, representative or solicitor shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a cider tasting as authorized pursuant to this subdivision and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the cider producer or wholesaler licensee.

3. Notwithstanding any provision of this chapter to the contrary, a licensed cider wholesaler may apply to the liquor authority for a permit to sell New York state labelled cider by the bottle and conduct cider tastings at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis. As a condition of such permit, an agent, representative or solicitor from the cider wholesaler shall be present at the time of sale or tastings.

3-a. A licensed cider producer producing New York state labelled cider may:

(a) sell such cider to licensed farm distillers, farm wineries, farm cideries and farm breweries. All such cider sold by the licensee shall

be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(b) conduct tastings at the licensed premises of such cider or any other New York state labeled cider;

(c) sell such cider at retail for consumption off the premises at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

(d) sell and conduct tastings of such cider at retail for consumption on the premises of a restaurant, conference center, inn, bed and breakfast or hotel business owned and operated by the licensee in or adjacent to its farm cidery. A licensee who operates a restaurant, conference center, inn, bed and breakfast or hotel pursuant to such authority shall comply with all applicable provisions of this chapter which relate to licenses to sell cider at retail for consumption on the premises;

(e) apply for a permit to conduct tastings away from the licensed premises of such cider. Such permit shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary. Tastings shall be conducted subject to the following conditions:

(i) tastings shall be conducted by an official agent, representative or solicitor of the licensee. Such agent, representative or solicitor shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a tasting of cider as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the licensee.

(f) if it holds a tasting permit issued pursuant to paragraph (e) of this subdivision, apply to the authority for a permit to sell such cider, for consumption off the premises, during such tastings in premises licensed under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

4. Notwithstanding any provision of this chapter to the contrary, any one or more cider producer or wholesaler licensee, singly or jointly, may apply to the liquor authority for a license or licenses to sell cider at retail for consumption off the premises. The duration of such license shall be coextensive with the duration of such licensee's cider producer or wholesaler license, and the fee therefor shall be six hundred forty dollars if such retail premises is located in cities having a population of one million or more; in cities having less than one million population and more than one hundred thousand, three hundred twenty dollars; and elsewhere, the sum of one hundred sixty dollars. Such license shall entitle the holder thereof to sell at retail for consumption off the premises any New York state labelled cider. Such license shall also entitle the holder thereof to conduct cider tastings on such licensed premises and charge for such tastings. Not more than five such licenses shall be issued to any licensed cider producer or wholesaler. All other provisions of this chapter relative to licenses to sell cider at retail for consumption off the premises shall apply so far as applicable to such application. The liquor authority is hereby authorized to adopt such rules as it may deem necessary to carry out the purpose of this subdivision, provided that all licenses issued pursuant to this subdivision shall be subject to the same rules and regulations as are applicable to the sale of cider at retail for consumption off the premises of the cider producer or wholesaler licensee.

5. A cider producer shall manufacture at least fifty gallons of cider annually.

§ 58-a. Sale of cider by wholesale beer licensees. A wholesale beer licensee, as defined under this chapter shall, upon the payment of an additional annual license fee of one hundred twenty-five dollars, be permitted to sell cider as defined under this chapter at wholesale from duly licensed premises, to duly licensed beer, wine and liquor retailers and to other holders of licenses under this chapter, in bottles, barrels or casks, and to sell and deliver cider to persons outside the state pursuant to the laws of the place of such delivery. The provisions of

section fifty-seven shall apply to licenses issued hereunder to sell cider at wholesale pursuant to the provisions of this section.

§ 58-b. Retail sale of cider by wholesale licensees. 1.

Notwithstanding any other law upon payment to the liquor authority of an additional annual fee of one hundred twenty-five dollars, the liquor authority may in its discretion and upon such terms and conditions as it may prescribe, issue to a licensed cider producer upon application therefor a certificate authorizing such producer to sell cider at retail in sealed containers to a householder for consumption in his home, but no sale to such householder shall be in quantities aggregating more than fifteen gallons. Revenues received by any such licensed cider producer from the sale of cider at retail to householders under such a certificate during the term thereof shall not exceed five per centum of all the revenues derived by such licensee from the sale of apples and cider during such term.

2. No retail licensee of cider authorized by this section shall keep or permit to be kept upon the licensed premises, any cider in any unsealed bottle or other unsealed container, except for the purpose of cider tasting or sampling by any person pursuant to authorization to conduct such a sampling or tasting pursuant to subdivision two of section fifty-eight of this article, except to those persons to whom sales are prohibited in section sixty-five of this chapter.

§ 58-c. Farm cidery license. 1. Any person may apply to the authority for a farm cidery license as provided for in this section to produce cider within this state for sale. Such application shall be in writing and verified and shall contain such information as the authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to produce cider in the

premises therein specifically licensed.

2. A farm cidery license shall authorize the holder thereof to operate a cidery for the manufacture of New York state labelled cider. Such a license shall also authorize the licensee to:

(a) sell in bulk cider manufactured by the licensee to any person licensed to manufacture alcoholic beverages in this state or to a permittee engaged in the manufacture of products which are unfit for beverage use;

(b) sell or deliver cider manufactured by the licensee to persons outside the state pursuant to the laws of the place of such delivery;

(c) sell cider manufactured by the licensee to wholesalers and retailers licensed in this state to sell such cider, licensed farm distillers, licensed farm wineries, licensed wineries, licensed farm breweries and any other licensed farm cidery. All such cider sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(f) (i) at the licensed premises, conduct tastings of, and sell at retail for consumption on or off the licensed premises, any cider manufactured by the licensee or any New York state labeled cider. Provided, however, for tastings and sales for on-premises consumption, the licensee shall regularly keep food available for sale or service to its retail customers for consumption on the premises. A licensee providing the following shall be deemed in compliance with this provision: (A) sandwiches, soups or other such foods, whether fresh, processed, pre-cooked or frozen; and/or (B) food items intended to complement the tasting of alcoholic beverages, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking, including but not limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers. All of the provisions of this chapter relative to licensees selling cider at retail shall apply; and (ii) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, cider manufactured by the licensee and any New York state labeled cider. All of the provisions of this chapter relative to licensees to selling cider

at retail shall apply. Notwithstanding any other provision of law, the licensed farm cidery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

(g) sell cider manufactured by the licensee or any other licensed farm cidery at retail for consumption off the premises, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

(h) conduct tastings of and sell at retail for consumption on or off the premises New York state labeled beer manufactured by a licensed brewery or licensed farm brewery;

(i) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled wine manufactured by a licensed winery or licensed farm winery;

(j) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled liquor manufactured by a licensed distiller or licensed farm distiller; provided, however, that no consumer may be provided, directly or indirectly: (i) with more than three samples of liquor for tasting in one calendar day; or (ii) with a sample of liquor for tasting equal to more than one-quarter fluid ounce;

(j-1) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled mead manufactured by a person licensed to produce mead under this chapter;

(j-2) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled braggot manufactured by a person licensed to produce braggot under this chapter; and

(k) engage in any other business on the licensed premises subject to such rules and regulations as the authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm cidery licensee.

3. (a) A farm cidery licensee may apply for a permit to conduct tastings away from the licensed premises of cider produced by the licensee. Such permit shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and

the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

(b) Tastings shall be conducted subject to the following limitations:

(i) tastings shall be conducted by an official agent, representative or solicitor of one or more farm cideries. Such agent, representative or solicitor shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a tasting of cider as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm cidery.

4. A licensed farm cidery holding a tasting permit issued pursuant to subdivision three of this section may apply to the authority for a permit to sell cider produced by such farm cidery, by the bottle, during such tastings in premises licensed under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

5. A licensed farm cidery may, under such rules as may be adopted by the authority, sell cider manufactured by the licensee or any other licensed farm cidery at retail in bulk by the keg, cask or barrel for consumption and not for resale at a clam-bake, barbeque, picnic, outing or other similar outdoor gathering at which more than fifty persons are assembled.

6. A licensed farm cidery may apply to the authority for a license to sell beer, liquor and/or wine at retail for consumption on the premises in a restaurant owned by him and conducted and operated by the licensee in or adjacent to its farm cidery. All of the provisions of this chapter relative to licenses to sell beer, liquor or wine at retail or consumption on the premises shall apply so far as applicable.

7. A farm cidery license shall authorize the holder thereof to manufacture, bottle and sell food condiments and products such as

mustards, sauces, jams, jellies, mulling spices and other cider related foods in addition to other such food and crafts on and from the licensed premises. Such license shall authorize the holder thereof to store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of cider. These gift items shall be limited to the following categories:

(a) non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages;

(b) food items for the purpose of complementing cider tastings, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads, baked goods, mustards and crackers;

(c) food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises. Such food items may be combined into a package containing cider related products;

(d) cider supplies and accessories, which shall include any item utilized for the storage, serving or consumption of cider or for decorative purposes. These supplies may be sold as single items or may be combined into a package containing cider;

(e) cider-making equipment and supplies including, but not limited to, apples, apple juice, other pome fruits, other pome fruit juices, home cider-making kits, presses, pumps, filters, yeasts, chemicals and other cider additives, bottling equipment, bottles, cider storage and fermenting vessels, barrels, and books or other written material to assist cider-makers and home cider-makers to produce and bottle cider;

(f) souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region.

8. Notwithstanding any provision of this chapter to the contrary, any farm cidery licensee may charge for tours of its premises.

9. The holder of a license issued under this section may operate up to five branch offices located away from the licensed farm cidery. Such

locations shall be considered part of the licensed premises and all activities allowed at and limited to the farm cidery may be conducted at the branch offices. Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic beverages at retail. Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the authority may issue a permit for the operation of same.

10. (a) No farm cidery shall manufacture in excess of two hundred fifty thousand gallons of cider annually.

(b) A licensed farm cidery shall produce at least fifty gallons of cider annually.

11. (a) Except as provided in paragraph (b) of this subdivision, no licensed farm cidery shall manufacture or sell any cider other than New York state labelled cider.

(b) In the event that the commissioner of agriculture and markets, after investigating and compiling information pursuant to subdivision forty-two of section sixteen of the agriculture and markets law, determines that a natural disaster, act of God, or continued adverse weather condition has destroyed at least thirty percent of the apple crop necessary for producing cider, such commissioner, in consultation with the chairman of the authority, may give authorization to a duly licensed farm cidery to manufacture or sell cider produced from such apples designated as necessary for producing cider and grown outside this state. No such authorization shall be granted to a farm cidery licensee unless such licensee certifies to such commissioner the quantity of such New York grown apples designated as necessary for producing cider unavailable to such licensee due to such natural disaster, act of God, or continuing adverse weather condition and satisfies such commissioner that reasonable efforts were made to obtain such apples from a New York state source for such cider making purpose. No farm cidery shall utilize an amount of out-of-state grown apples exceeding the amount of New York grown apples that such cidery is unable to obtain due to the destruction of New York grown apples by a natural

disaster, act of God, or continuing adverse weather condition as determined by the commissioner of agriculture and markets pursuant to this subdivision. For purposes of this subdivision, the department of agriculture and markets and the authority are authorized to adopt rules and regulations as they may deem necessary to carry out the provisions of this subdivision which shall include ensuring that in manufacturing cider farm cideries utilize apples grown in New York state to the extent they are reasonably available, prior to utilizing apples from an out-of-state source for such purpose.

(c) The commissioner of agriculture and markets shall make available to farm cideries and to the public each specific apple loss determination issued pursuant to paragraph (b) of this subdivision on or after August twentieth of each year.

(d) In the event that the continuing effects of a natural disaster, act of God, or adverse weather condition which occurred prior to August twentieth of each year or the effects of a natural disaster, act of God, or adverse weather condition which occurs subsequent to August twentieth of each year results in any apple crop loss which meets the standards provided in paragraph (b) of this subdivision, the commissioner of agriculture and markets, in consultation with the chairman of the authority, may issue additional apple crop loss determinations and shall expeditiously make available to farm cideries and to the public the loss determination issued pursuant to this paragraph prior to October tenth of each year.

12. Notwithstanding any contrary provision of law or of any rule or regulation promulgated pursuant thereto, and in addition to the activities which may otherwise be carried out by any person licensed under this section, such person may, on the premises designated in such license:

(a) produce, package, bottle, sell and deliver soft drinks and other non-alcoholic beverages, vitamins, and other by-products;

(b) recover carbon dioxide and yeast;

(c) store bottles, packages and supplies necessary or incidental to all such operations;

(d) package, bottle, sell and deliver wine products;

(e) allow for the premises including space and equipment to be rented

by a licensed tenant cider producer for the purposes of alternation.

13. Notwithstanding any other provision of this chapter, the authority may issue a farm cidery license to the holder of a farm brewery, farm winery or farm distiller's license for use at such licensee's existing licensed premises. The holder of a farm brewery, farm winery or farm distiller's license that simultaneously holds a farm cidery license on an adjacent premises may share and use the same tasting room facilities to conduct any tastings that such licensee is otherwise authorized to conduct.

14. The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section. In prescribing such rules and regulations, the authority shall promote the expansion and profitability of cider production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands.

15. Notwithstanding any provision of law to the contrary, another business or other businesses may operate on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm cidery premises, provided however that a retailer business licensed under this chapter shall not be permitted to operate at a licensed manufacturing premises.

§ 58-d. Custom cidermakers' center. 1. Any person may apply to the authority on or before December thirty-first, two thousand nineteen for a custom cidermakers' center license as provided for in this section to operate a custom cidermakers' center facility and provide individuals with rental space, the use of equipment and storage facilities, and/or fruit for the production of cider by such individuals for personal household use and not for resale in accordance with state and federal laws, rules, and regulations authorizing such production. Such

application shall be in writing and verified and shall contain such information as the authority shall require, provided, however, the holder of such a license under this section may renew such license on or after December thirty-first, two thousand nineteen. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to operate such center to manufacture cider for personal household use in the premises therein specifically licensed.

2. For the purposes of this section, "fruit" shall mean fresh, whole apples or other pome fruits that are grown or produced in the state of New York.

3. A custom cidermakers' center license shall authorize the holder thereof to operate a facility for individuals to rent space, equipment, and storage facilities and, if necessary, to purchase fruit to manufacture cider for personal household use provided that the manufacture and production of cider for personal household consumption and use is done in accordance with state and federal laws and regulations. Such a license shall also authorize the licensee, provided such activities are permitted by the federal Alcohol and Tobacco Tax and Trade Bureau for the manufacture of tax exempt cider for personal household use, to:

(a) conduct training classes on how to manufacture cider; and

(b) conduct cider tastings for those individuals taking such classes and/or using such facility for the production of cider at the licensed facility provided that the tastings shall be subject to the following limitations:

(i) tastings shall be conducted by the licensee or by an official agent of the licensee. Such licensee or agent shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a tasting of cider as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law,

shall accrue to such center.

4. The custom cidermakers' center licensee shall be subject to the supervision of the authority to ensure that the licensee and the individuals utilizing such center are in compliance with the provisions of this chapter, state laws, rules, and regulations, and the laws, rules, and regulations of the federal Alcohol and Tobacco Tax and Trade Bureau.

5. The licensee or an official agent of the licensee shall be physically present at all times during the facility's hours of operations.

6. The annual aggregate production of cider at any such center for all individuals making cider at such premises, pursuant to a custom cidermakers' center license, shall not exceed the production limits set forth by the authority that are commensurate with a non-commercial production facility. Provided that such aggregate production limit shall not be offset by cider produced at such facility under a cidery license or farm cidery license.

7. Notwithstanding any other provision of this chapter, the authority may issue a custom cidermakers' center license to the holder of a farm cidery or cidery license or farm winery or winery license for use at such licensee's existing licensed premises.

8. The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section.

9. The licensee must maintain a record of the name, address, and contact information of the individuals that have used such facility and the annual amount of cider produced by each individual at the facility pursuant to the rules of the authority.

10. The annual fee for a license to operate a custom cidermakers' center shall be three hundred twenty dollars.

§ 59. Authorization for sale of cider by retail licensees. Each retail licensee under this chapter shall have the right, by virtue of his license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, cider purchased from a person licensed to produce or sell cider at wholesale under this chapter.

§ 59-a. Cider tasting. Any person holding a retail license under this chapter shall be permitted to conduct consumer tastings of cider upon such person's licensed premises. All such tastings shall be subject to the following limitations:

(a) Tastings of cider shall be conducted by the licensee or an authorized agent of the licensee. Provided, however, a licensed beer or cider wholesaler shall not serve as the authorized agent for another entity, nor shall a licensed beer or cider wholesaler be involved in any manner with a cider tasting conducted by another entity.

(b) No more than three samples of cider may be provided to a person in one calendar day.

(c) No sample may exceed three fluid ounces.

(d) No tasting shall be held during the hours prohibited by the provisions of section one hundred five of this chapter.

(e) Any liability stemming from a right of action resulting from a tasting authorized by this section and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law shall accrue to the licensee.

(f) No person under the age of twenty-one shall be permitted to serve a sample or handle an open container of cider.

§ 59-b. Direct interstate cider shipments. 1. Authorization. Notwithstanding any provision of law, rule or regulation to the contrary, any holder of a license to manufacture cider in any other state who obtains an out-of-state direct shipper's license, as provided in this section, may ship no more than thirty-six cases (no more than nine liters each case) of cider produced by such license holder per year

directly to a resident of New York who is at least twenty-one years of age, for such resident's personal use and not for resale, provided the state in which such person is so licensed affords lawful means for shipments of cider to be received by a resident thereof who is at least twenty-one years of age, for such resident's personal use and not for resale, from a person licensed in this state as a manufacturer and, provided further, that the state in which such out-of-state cider producer is located affords to New York state licensed manufacturers with the privilege of producing cider reciprocal cider shipping privileges, meaning shipping privileges that are substantially similar to the requirements in this section. No person shall place an order for shipment of cider unless they are twenty-one years of age or older. Any common carrier with a permit issued pursuant to this chapter to whom such out-of-state shipper's license is presented is authorized to make delivery of shipments provided for hereunder in this state in compliance with this section.

2. License. Before sending any shipment hereunder to a resident in this state, the out-of-state shipper shall first obtain a license from the authority under procedures prescribed by rules and regulations of the authority and after providing the authority with a true copy of its current license to manufacture cider in the applicant's state of domicile along with a copy of the applicant's federal basic permit after payment of an annual fee of one hundred twenty-five dollars. Notwithstanding the provisions of section one hundred ten of this chapter, the authority in its discretion, may excuse an out-of-state cider producer from the submission of such information.

3. Licensee's responsibilities. The holder of an out-of-state direct shipper's license:

(a) shall ship no more than thirty-six cases (no more than nine liters each case) per year of cider produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) may ship within the same packaging any and all alcoholic beverages it lawfully produces and which it sells in accordance with its shipping privileges and responsibilities pursuant to the provisions of this

section and sections thirty-five, sixty-eight, and seventy-nine-c of this chapter, as applicable;

(c) shall ensure that the outside of each shipping container used to ship cider directly to a New York resident is conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York state liquor authority;

(d) shall maintain records in such manner and form as the authority may direct, showing the total amount of cider shipped into the state each calendar year; the names and addresses of the purchasers to whom the cider was shipped, the date purchased, the name of the common carrier used to deliver the cider, and the quantity and value of each shipment;

(e) shall in connection with the acceptance of an order for a delivery of cider to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the cider being purchased will not be resold or introduced into commerce;

(f) shall require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this chapter;

(ii) require a recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by subparagraph (i) of this paragraph;

(g) shall file returns with and pay to the New York state department of taxation and finance all state and local sales taxes and excise taxes due on sales into this state in accordance with the applicable provisions of the tax law relating to such taxes, the amount of such taxes to be determined on the basis that each sale in this state was at the location where delivery is made;

(h) shall keep all records required by this section for three years and provide copies of such records, upon written request, to the authority or the department of taxation and finance;

(i) shall permit the authority or the department of taxation and finance to perform an audit of such out-of-state shipper upon request;

(j) shall execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning enforcement of this section and any related laws, rules, or regulations, including tax laws, rules or regulations; and

(k) shall prior to obtaining an out-of-state direct shipper's license, obtain a certificate of authority pursuant to section eleven hundred thirty-four of the tax law and a registration as a distributor pursuant to sections four hundred twenty-one and four hundred twenty-two of the tax law.

4. Situs. Delivery of a shipment in this state by the holder of an out-of-state direct shipper's license shall be deemed to constitute a sale in this state at the place of delivery and shall be subject to all excise taxes levied pursuant to section four hundred twenty-four of the tax law and all sales taxes levied pursuant to articles twenty-eight and twenty-nine of such law.

5. Renewal. The out-of-state shipper may annually renew its license with the authority by paying a one hundred twenty-five dollar renewal fee, providing the authority with a true copy of its current license in such other state as an alcoholic beverage manufacturer and by complying with such other procedures as are prescribed by rule of the authority.

6. Rules and regulations. The authority and the department of taxation and finance may promulgate rules and regulations to effectuate the purposes of this section.

7. Enforcement. The authority may enforce the requirements of this section including the requirements imposed on the common carrier, by administrative proceedings to suspend or revoke an out-of-state shipper's license and the authority may accept payment of an administrative fine in lieu of suspension, such payments to be determined by rules or regulations promulgated by the authority. In addition, the authority or the attorney general of the state of New York shall report violations of this section, where appropriate, to the

United States department of treasury, tax and trade bureau, for administrative action to suspend or revoke the federal basic permit.

8. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

§ 59-c. Direct intrastate cider shipments. Any person having applied for and received a manufacturing license under this chapter which includes the privilege of producing cider may ship no more than thirty-six cases (no more than nine liters per case) of cider produced by such manufacturer per year directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale.

1. Licensee's shipping responsibilities. Notwithstanding any provision to the contrary contained in this chapter, any above referred licensee:

(a) shall ship no more than thirty-six cases (no more than nine liters) per year of cider produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) may ship within the same packaging any and all alcoholic beverages it lawfully produces and which it sells in accordance with its shipping privileges and responsibilities pursuant to the provisions of this section and sections thirty-six, sixty-nine, and seventy-nine-d of this chapter, as applicable;

(c) shall ensure that the outside of each shipping container used to ship cider directly to a New York state resident is conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York state liquor authority;

(d) shall maintain records in such manner and form as the authority may direct showing the total amount of cider shipped in the state each calendar year, the names and addresses of the purchasers to whom the cider was shipped, the date purchased, the name of the common carrier

used to deliver the cider, and the quantity and value of each shipment. Such records shall be kept for three years and, upon written request, be provided to the authority or the department of taxation and finance;

(e) shall in connection with the acceptance of an order for a delivery of cider to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the cider being purchased will not be resold or introduced into commerce; and

(f) shall require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this chapter;

(ii) require a recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by paragraph (a) of this subdivision.

2. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

ARTICLE 5

SPECIAL PROVISIONS RELATING TO LIQUOR

Section 60. Kinds of licenses.

61. Distiller's licenses.

61-a. Combined craft manufacturing license.

61-b. Importer's license.

61-c. Brand owner's license.

62. Wholesaler's liquor license.

63. Seven day license to sell liquor at retail for consumption off the premises.

63-a. Liquor tasting.

64. License to sell liquor at retail for consumption on the premises.

- 64-a. Special license to sell liquor at retail for consumption on the premises.
- 64-b. License to sell liquor on premises commonly known as a bottle club.
- 64-c. License to manufacture and sell alcoholic beverages in a premises commonly known as a restaurant-brewer.
- 64-d. License to sell liquor on premises commonly known as a cabaret.
- 64-e. License to sell liquor at retail as an off-premises catering establishment.
- 64-f. License to sell liquor on premises commonly known as a for-profit club.
- 65. Prohibited sales.
- 65-a. Procuring alcoholic beverages for persons under the age of twenty-one years.
- 65-b. Offense for one under age of twenty-one years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.
- 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-one years.
- 65-d. Posting of signs.
- 65-e. Posting of signs relating to human trafficking.
- 66. License fees.
- 67. License fees, duration of licenses; fee for part of year.
- 68. Direct interstate liquor shipments.
- 69. Direct intrastate liquor shipments.

§ 60. Kinds of licenses. The following kinds of licenses may be issued for the manufacture and sale of liquor, alcohol and spirits, to wit:

- 1. Distiller's license, class A.
- 1-a. Distiller's license, class A-1.
- 2. Distiller's license, class B.

2-a. Distiller's license, class C.

2-b. Distiller's license, class B-1.

2-c. Distiller's license, class D.

3. Wholesaler's license.

4. Seven day license to sell liquor at retail for consumption off the premises subject to paragraph (a) of subdivision fourteen of section one hundred five of this chapter.

5. License to sell liquor at retail for consumption on the premises.

6. Special license to sell liquor at retail for consumption on the premises

§ 61. Distiller's licenses. 1. A class A distiller's license shall authorize the holder thereof to operate a distillery for the manufacture of liquors by distillation or redistillation at the premises specifically designated in the license. Such a license shall also authorize the sale in bulk by such licensee from the licensed premises of the products manufactured under such license to any person holding a distiller's class A license, a distiller's class B license or a permittee engaged in the manufacture of products which are unfit for beverage use. It shall also authorize the sale from the licensed premises and from one other location in the state of New York of any liquor whether or not manufactured by such licensee to a wholesale or retail liquor licensee or permittee in sealed containers of not more than one quart each. Such license shall also authorize the sale of New York state labelled liquor to licensed farm wineries, farm cideries, farm distilleries and farm breweries in sealed containers of not more than one quart each. Such license shall also include the privilege to operate a rectifying plant under the same terms and conditions as the holder of a class B distiller's license without the payment of any

additional fee.

1-a. A class A-1 distiller's license shall authorize the holder thereof to operate a distillery which has a production capacity of no more than seventy-five thousand gallons per year for the manufacture of liquors by distillation or redistillation at the premises specifically designated in the license. Such a license shall also authorize the sale in bulk by such licensee from the licensed premises of the products manufactured under such license to any person holding a winery license, farm winery license, distiller's class A license, a distiller's class B license or a permittee engaged in the manufacture of products which are unfit for beverage use. It shall also authorize the sale from the licensed premises and from one other location in the state of New York of liquors manufactured by such licensee to a wholesale or retail liquor licensee or permittee in sealed containers of not more than one quart each. In addition, it shall authorize such licensee to sell from the licensed premises New York state labelled liquors to licensed farm wineries, farm breweries, farm distilleries and farm cideries in sealed containers of not more than one quart for retail sale for off-premises consumption. Such license shall also include the privilege to operate a rectifying plant under the same terms and conditions as the holder of a class B-1 distiller's license without the payment of any additional fee.

2. A class B distiller's license shall authorize the holder thereof to operate a rectifying plant for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine or beer and the manufacture of gin and cordials by the redistillation of alcohol or spirits over or with any materials. Such a license shall also authorize the holder thereof to blend, reduce proof and bottle on his licensed premises or in a United States customs bonded warehouse for which a warehouse permit has been issued under this chapter for wholesale liquor licensees or for persons authorized to sell liquor at wholesale pursuant to the laws and regulation of any other state, territorial possession of the United States or foreign country liquor received in bulk by such wholesalers from other states, territorial possessions of the United States or a foreign country, and to rebottle or recondition for wholesale liquor or wine licensees or for persons

authorized to sell liquor or wine at wholesale pursuant to the laws and regulations of any other state, territorial possession of the United States or foreign country, liquor or wine manufactured outside the state, which was purchased and received by such wholesalers in sealed containers not exceeding one quart each of liquor or fifteen gallons each of wine. Such a license shall also authorize the sale from the licensed premises of the products manufactured by such licensee to a wholesale or retail licensee in sealed containers of not more than one quart each.

2-a. A class C distiller's license shall authorize the holder thereof to operate a distillery for the manufacture only of fruit brandy and the sale of such product by such licensee to a wholesale or retail licensee in sealed containers of not more than one quart each. Such a license shall also authorize the sale in bulk of fruit brandy to a winery licensee, to a farm winery licensee, to the holder of a class B distiller's license or to a permittee engaged in the manufacture of products which are unfit for beverage use. It shall also authorize the sale from the licensed premises and from one other location in the state of any fruit brandy whether or not manufactured by such licensee to a wholesale or retail liquor licensee or permittee in sealed containers of not more than one quart each. In addition, it shall authorize such licensee to sell from the licensed premises New York state labelled liquors to a farm winery licensee in sealed containers of not more than one quart for retail sale for off-premises consumption.

2-b. A class B-1 distiller's license shall authorize the holder thereof to operate a rectifying plant which has a production capacity of no more than seventy-five thousand gallons per year for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine, or beer and the manufacture of cordials by the redistillation of alcohol or spirits over or with any materials. Such a license shall also authorize the holder thereof to blend, reduce proof and bottle on his licensed premises or in a United States customs bonded warehouse for which a warehouse permit has been issued under this chapter for wholesale liquor licensees or for persons authorized to sell liquor at wholesale pursuant to the laws and regulation of any other

state, territorial possession of the United States or foreign country liquor received in bulk by such wholesalers from other states, territorial possessions of the United States or a foreign country, and to rebottle or recondition for wholesale liquor or wine licensees or for persons authorized to sell liquor or wine at wholesale pursuant to the laws and regulations of any other state, territorial possession of the United States or foreign country, liquor or wine manufactured outside the state, which was purchased and received by such wholesalers in sealed containers not exceeding one quart each of liquor or fifteen gallons each of wine. Such a license shall also authorize the sale from the licensed premises of the products manufactured by such licensee to a wholesale or retail licensee in sealed containers of not more than one quart each. In addition, it shall authorize such licensee to sell from the licensed premises New York state labelled liquors to a farm winery licensee in sealed containers of not more than one quart for retail sale for off-premises consumption.

2-c. (a) A class D distiller's license, otherwise known as a farm distillery license, shall authorize the holder of such a license to operate a farm distillery at the premises specifically designated in the license:

(i) To manufacture liquor primarily from farm and food products, as defined in subdivision two of section two hundred eighty-two of the agriculture and markets law;

(ii) To put such liquor into containers of not more than one quart each, which containers shall then be sealed and to sell such liquor at wholesale, for resale, and to licensed farm wineries, farm cideries, farm breweries and other farm distilleries, wholesale and retail licensees, and permittees;

(iii) To sell at retail, for personal use, in such sealed containers;

(iv) To sell in bulk, liquor manufactured by the licensee to a winery or farm winery licensee, or to the holder of a class A, A-1, B, B-1 or C distiller's license, or to the holder of a permit issued pursuant to paragraph c of subdivision one of section ninety-nine-b of this chapter;

(v) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled beer manufactured by a licensed brewer or licensed farm brewery;

(vi) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled cider manufactured by a licensed brewer, licensed farm brewery, licensed farm winery, licensed cider producer or licensed farm cidery;

(vii) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled wine manufactured by a licensed winery or licensed farm winery;

(viii) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled mead manufactured by a person licensed to produce mead under this chapter; and

(ix) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled braggot manufactured by a person licensed to produce braggot under this chapter.

(b)(i) Retail sales by a licensed farm distillery may be made only to customers who are physically present upon the licensed premises and such sale shall be concluded by the customer's taking, with him or her, of the sealed containers purchased by the customer at the time the customer leaves the licensed premises except as provided for in subparagraph (iv) of this paragraph;

(ii) Such retail sales shall not be made where the order is placed by letter, telephone, fax or e-mail, or where the customer otherwise does not place the order while the customer is physically present upon the premises of the licensed premises except as provided for in subparagraph (iv) of this paragraph;

(iii) Such retail sales shall not be made where the contemplated sale requires the licensee to transport or ship by common carrier, sealed containers of liquor to a customer;

(iv) A licensed farm distillery may apply to the liquor authority for a permit to sell liquor in a sealed container for off-premises consumption at the state fair, at recognized county fairs and at farmers' markets operated on a not-for-profit basis. As a condition of the permit a representative from the distillery must be present at the time of sale.

(c) A licensed farm distillery may conduct upon the licensed premises, or at approved locations as permitted in subdivision six of this section, consumer tastings of liquor manufactured by the licensee and from no more than three other class A, A-1, B, B-1, C or D distilleries,

subject to the following limitations:

(i) Only liquor manufactured primarily from farm and food products, as defined in subdivision two of section two hundred eighty-two of the agriculture and markets law, shall be used in the tastings;

(ii) An official agent, servant or employee of the licensee shall be physically present at all times during the conduct of the consumer tasting of liquor;

(iii) No consumer may be provided, directly or indirectly: (A) more than three samples of liquor for tasting in one calendar day; or (B) with a sample of liquor for tasting equal to more than one-quarter fluid ounce;

(iv) Any liability stemming from a right of action resulting from a consumer tasting of liquor authorized by this paragraph and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the licensee.

(d) Notwithstanding any other provision of this chapter, the authority may issue a farm distillery license to the holder of a class A, A-1, B, B-1 or C distiller's license, a winery license or a farm winery license for use at such licensee's existing licensed premises. For the purposes of this chapter, the premises of the class A, A-1, B, B-1 or C distillery, winery or farm winery shall be considered the premises of the farm distillery. The holder of a farm distillery license that simultaneously holds a winery, farm winery or any class of a distiller's license on the same premises may share and use the same tasting room facilities to conduct wine and liquor tastings that such licensee is otherwise authorized to conduct.

(e) Notwithstanding any other provision of law to the contrary, the holder of a farm distillery license may (i) sell at retail for consumption on the licensed premises, any liquor manufactured by the licensee or any New York state labeled liquor. Provided, however, the licensee shall regularly keep food available for sale or service to its retail customers for consumption on the premises. A licensee providing the following shall be deemed in compliance with this provision: sandwiches, soups or other such foods, whether fresh, processed, pre-cooked or frozen; and/or food items intended to compliment the tasting of alcoholic beverages, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can

be conveniently consumed while standing or walking, including but not limited to: cheese, fruits, vegetables, chocolates, breads, mustards and crackers. All of the provisions of this chapter relative to licenses to sell liquor at retail for consumption on the premises shall apply so far as applicable to such licensee; and

(ii) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, liquor manufactured by the licensee and any New York state labeled liquor. All of the provisions of this chapter relative to licenses to sell liquor at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensee may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

(f) No holder of a farm distillery license shall manufacture in excess of seventy-five thousand gallons of liquor annually. In the case of the holder of a class A, A-1, B, B-1 or C distiller's license who operates a farm distillery on the same premises, the liquor manufactured pursuant to the farm distillery license shall not be considered with respect to any limitation on the volume that may be manufactured by the class A, A-1, B, B-1 or C distillery.

(g) The holder of a license issued under this subdivision may operate up to one branch office located away from the licensed farm distillery. Such location shall be considered part of the licensed premises and all activities allowed at and limited to the farm distillery may be conducted at the branch office. Such branch office shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic beverages at retail. Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the authority may issue a permit for the operation of same.

(h) A farm distillery license shall authorize the holder thereof to manufacture, bottle and sell food condiments and products such as nuts, popcorn, mulling spices and other spirits related food in addition to other such food and crafts on and from the licensed premises. Such

license shall authorize the holder thereof to store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of liquor. These gift items shall be limited to the following categories:

(i) non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages;

(ii) food items for the purpose of complementing liquor tastings, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers;

(iii) food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises. Such food items may be combined into a package containing liquor related products;

(iv) liquor supplies and accessories, which shall include any item utilized for the storage, serving or consumption of liquor or for decorative purposes. These supplies may be sold as single items or may be combined into a package containing liquor;

(v) liquor-making equipment and supplies including, but not limited to, filters, bottling equipment, and books or other written material to assist spirits makers to produce and bottle liquor; and

(vi) souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region.

(i) Notwithstanding any provision of law to the contrary, another business or other businesses may operate on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm distillery premises, provided however that a retailer business licensed under this chapter shall not be permitted to operate at a licensed manufacturing premises.

3. A distiller's license of any class shall not authorize more than one of said activities, namely, that of a distillery, a rectifying plant

or a fruit brandy distillery, and a separate license shall be required for each such activity, except as provided in subdivision one of this section.

4. Any person may apply to the liquor authority for a distiller's license as provided for in this section. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules.

5. No distiller shall be engaged in any other business on the licensed premises. No distiller shall sell or agree to sell any liquor, alcohol or spirits to any wholesaler or any retailer who is not duly licensed under this article to sell liquor, alcohol or spirits at wholesale or retail at the time of such agreement and sale or sell or agree to sell any liquor, alcohol or spirits to persons outside the state except pursuant to the laws of the place of such sale or delivery.

6. Any person having applied for and received a license as a farm distillery under this section may conduct consumer tastings of liquor pursuant to rules or regulations promulgated by the liquor authority, and subject to the limitations set forth in paragraph c of subdivision two-c of this section at the state fair, at recognized county fairs and at farmers' markets operated on a not-for-profit basis.

7. Any person licensed under this section shall manufacture at least fifty gallons of liquor per year.

8. Notwithstanding any other provision of law to the contrary, a farm distillery licensed under subdivision two-c of this section may engage in custom liquor production for a non-licensed individual under the following conditions:

(a) the licensee may allow such non-licensed individual to assist in the production of such custom liquors;

(b) the licensee shall only sell such custom liquor to such

non-licensed individual for that individual's personal or family use, and not for resale;

(c) the brand label of such custom liquor shall clearly state that the product is not for resale;

(d) such custom liquor shall not be offered for sale pursuant to section ninety-nine-g of this chapter;

(e) any tastings conducted pursuant to this subdivision shall be subject to the provisions of paragraph (c) of subdivision two-c of this section;

(f) the licensee or an employee or agent of the licensee shall be present at all times when the non-licensed individual is assisting in the production of the custom liquor;

(g) the licensee shall be responsible for obtaining approval of the liquor's brand label pursuant to section one hundred seven-a of this chapter and the payment of all taxes due before the custom liquor is delivered to the non-licensed individual;

(h) any custom liquor produced under this subdivision must be a New York labelled liquor as defined in subdivision twenty-c of section three of this chapter; and

(i) any custom liquor produced under this subdivision shall be counted toward the maximum production limit set forth in paragraph (f) of subdivision two-c of this section.

9. (a) The holder of a license issued under subdivision one, one-a, two, two-a or two-b of this section may, at the licensed premises, conduct tastings of, and sell at retail for consumption on or off the licensed premises, any liquor manufactured by the licensee or any New York state labeled liquor. Provided, however, that for tastings and sales for on-premises consumption, the licensee shall regularly keep food available for sale or service to its retail customers for consumption on the premises. A licensee providing the following shall be deemed in compliance with this subdivision: (i) sandwiches, soups or other such foods, whether fresh, processed, pre-cooked or frozen; and/or (ii) food items intended to complement the tasting of alcoholic beverages, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking, including but not limited to:

cheeses, fruits, vegetables, chocolates, breads, mustards and crackers. All of the provisions of this chapter relative to licenses to sell liquor at retail for consumption on and off the premises shall apply so far as applicable to such licensee.

(b)(i) Sales for off-premises consumption may be made only to customers who are physically present upon the licensed premises and such sale shall be concluded by the customer's taking, with him or her, of the sealed containers purchased by the customer at the time the customer leaves the licensed premises.

(ii) Sales for off-premises consumption shall not be made where the order is placed by letter, telephone, fax or e-mail, or where the customer otherwise does not place the order while the customer is physically present upon the premises of the licensed premises.

(iii) Sales for off-premises consumption shall not be made where the contemplated sale requires the licensee to transport or ship by common carrier, sealed containers of liquor to a customer.

§ 61-a. Combined craft manufacturing license. 1. The authority may issue a combined craft manufacturer's license to a person for the purposes of articles four, four-a, five and six of this chapter, combining the privileges of two or more farm or micro manufacturing licenses for use at one premises.

2. The license fee for the combined license shall equal the sum of the license fees for each of the licenses included in the combined license. Provided, however, that only one filing fee shall be required for any combined license.

3. The license certificate of the combined license shall set forth the licenses that are included under the combined license.

4. A combined farm manufacturer's license may combine two or more of the following licenses: farm meadery; farm brewery; micro-brewery; farm cidery; farm winery; micro-distillery; micro-rectifier; and farm distillery. Provided, however, that the licensed premises for a combined farm manufacturer's license that includes a farm winery license must be

located on a farm.

§ 61-b. Importer's license. An importer's license shall authorize the holder thereof to import alcoholic beverages into this state and sell such alcoholic beverages to licensed wholesalers authorized to sell such alcoholic beverages.

§ 61-c. Brand owner's license. Any person with a federal basic permit may apply to the liquor authority for a brand owner's license. Such license shall authorize the holder thereof to:

1. contract with a licensed manufacturer of alcoholic beverages in this state for the purposes of manufacturing such products as provided in section one hundred three of this chapter;

2. appoint a licensed wholesaler authorized to sell and deliver alcoholic beverages in this state as exclusive brand agent for the purposes of soliciting, negotiating, and receiving payments for the sale of alcoholic beverages to retail licensees for on-premises or off-premises consumption;

3. sell such alcoholic beverages to licensed wholesalers authorized to sell and deliver alcoholic beverages in this state appointed as exclusive brand agent and be remitted payments for such sales; and

4. the authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section.

§ 62. Wholesaler's liquor license. Any person may apply to the liquor authority for a license to sell liquor at wholesale. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it

shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell liquors at wholesale in the premises therein specifically licensed to duly licensed wholesalers, retailers and permittees in this state, and to sell liquor in bulk to a licensed rectifier or to a permittee engaged in the manufacture of products which are unfit for beverage use, for use in the manufacture of products produced and sold by such rectifier or permittee, and to sell or deliver liquor to persons outside the state pursuant to the laws of the place of such sale or delivery. Such a license shall also include the privilege to sell wine at wholesale under the same terms and conditions without the payment of any additional fee.

§ 63. Seven day license to sell liquor at retail for consumption off the premises. 1. Any person may make an application to the appropriate board for a seven day license to sell liquor at retail not to be consumed upon the premises where sold. Such application shall be in such form and shall contain such information as shall be required by the rules of the liquor authority and shall be accompanied by a check or draft in the amount required by this article for such license.

1-a. The liquor authority shall convert all current licenses to sell liquor at retail for consumption off the premises to seven day licenses to sell liquor at retail for consumption off the premises pursuant to subdivision four of section sixty of this article.

2. Section fifty-four shall control so far as is applicable the procedure in connection with such applications.

3. Such license shall in form and in substance be a license to the person specifically designated therein to sell liquor in the premises specifically licensed at retail for off-premise consumption and shall also include the privilege to sell wine under the same terms and conditions without the payment of any additional fee.

4. No licensee under this section shall be engaged in any other business on the licensed premises. The sale of lottery tickets, when duly authorized and lawfully conducted, the sale of reusable bags as defined in section 27-2801 of the environmental conservation law, the sale of corkscrews or the sale of ice or the sale of publications, including prerecorded video and/or audio cassette tapes, or educational seminars, designed to help educate consumers in their knowledge and appreciation of alcoholic beverages, as defined in section three of this chapter and allowed pursuant to their license, or the sale of non-carbonated, non-flavored mineral waters, spring waters and drinking waters or the sale of glasses designed for the consumption of wine or liquor, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked, or the sale of gift bags, gift boxes, associated gift or promotional items, or wrapping, for alcoholic beverages purchased at the licensed premises shall not constitute engaging in another business within the meaning of this subdivision. Any fee obtained from the sale of an educational seminar shall not be considered as a fee for any tasting that may be offered during an educational seminar, provided that such tastings are available to persons who have not paid to attend the seminar and all tastings are conducted in accordance with section sixty-three-a of this article. For the purposes of this section, gift or promotional items shall only include those items that are complimentary and directly associated with the sale of wine or liquor they are promoting and shall mean: (i) items that are de minimis in value, but in no instance shall merchandise be valued at more than fifteen dollars in total; (ii) items that are imprinted with the wine or liquor brand logo on the gift or promotional item; and (iii) items that are included as part of a manufactured pre-sealed package with the wine or liquor that is being gifted or promoted. Further, for the purposes of this section, promotional items shall not include any food, non-alcoholic beverage, or other drink or food mix, nor shall these items be offered for sale to the general public as individual items.

5. Not more than one license shall be granted to any person under this section.

6. Determinations under this section with respect to the issuance of a new license or under section one hundred eleven with respect to the transfer to any other premises of a license issued hereunder, shall be made in accordance with public convenience and advantage.

§ 63-a. Liquor tasting. 1. (a) Any person licensed pursuant to section sixty-one or sixty-two of this article shall be permitted to conduct consumer tastings of liquor in establishments licensed under section sixty-three of this article to sell alcoholic beverages for off-premises consumption. (b) Any person holding a retail license to sell liquor under this chapter shall be permitted to conduct consumer tastings of liquor upon such person's licensed premises.

2. All consumer tastings of liquor shall be conducted subject to the following limitations:

(a) tastings of liquor shall be conducted by the licensee or an authorized agent of the licensee. Such licensee or agent shall be physically present upon the premises at all times during the conducting of the consumer tasting of liquor.

(b) no more than a total of three samples of liquor may be provided for tasting to a person in one calendar day.

(c) no sample of liquor for tasting may exceed one-quarter fluid ounce.

(d) any liability stemming from a right of action resulting from a consumer tasting of liquor authorized by this section and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the licensee, who conducted such tasting.

3. The state liquor authority shall promulgate rules and regulations regarding liquor tastings as provided for in this section.

§ 64. License to sell liquor at retail for consumption on the premises. 1. Notwithstanding the provisions of subdivision two of section seventeen of this chapter, any person may make an application to

the appropriate board for a license to sell liquor at retail to be consumed on the premises where sold, and such licenses shall be issued to all applicants except for good cause shown.

2. Such application shall be in such form and shall contain such information as shall be required by the rules of the liquor authority and shall be accompanied by a check or draft in the amount required by this article for such license.

3. Section fifty-four shall control so far as applicable the procedure in connection with such application.

4. Such license shall in form and in substance be a license to the person specifically licensed to sell liquors at retail, to be consumed upon the premises. Such license shall also be deemed to include a license to sell wine and beer at retail to be consumed under the same terms and conditions, without the payment of any additional fee.

5. No retail license under this section shall be granted except for such premises as are being conducted as a bona fide hotel provided that a restaurant is operated in such premises, restaurant, catering establishment, club, railroad car, vessel or aircraft being operated on regularly scheduled flights by a United States certificated airline.

5-a. Notwithstanding the provisions of subdivision five of this section, a liquor license may be issued under this section to an establishment designated and commonly known and operated as a "bed and breakfast" regardless of whether or not a restaurant is operated in such establishment, provided that such license shall only permit the sale of alcoholic beverages to overnight guests of such establishment.

6. Where an on-premise license shall be granted to the owner of a hotel situated in a town or village the liquor authority may in its discretion grant to such owner the right to sell liquor and wine for off-premise consumption under the same terms and conditions as apply to off-premise licenses upon the payment of an additional fee of sixty-two dollars and fifty cents; provided, however, that this permission shall

not be granted if an off-premise license has been granted for premises located within eight miles of such hotel.

6-a. The authority may consider any or all of the following in determining whether public convenience and advantage and the public interest will be promoted by the granting of licenses and permits for the sale of alcoholic beverages at a particular unlicensed location:

(a) The number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof.

(b) Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.

(c) Effect of the grant of the license on vehicular traffic and parking in proximity to the location.

(d) The existing noise level at the location and any increase in noise level that would be generated by the proposed premises.

(e) The history of liquor violations and reported criminal activity at the proposed premises.

(f) Any other factors specified by law or regulation that are relevant to determine the public convenience and advantage and public interest of the community.

7. No retail license for on-premises consumption shall be granted for any premises which shall be

(a) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship or

(b) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article;

(c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four-a,

sixty-four-b, sixty-four-c, and/or sixty-four-d of this article; except, however, that no renewal license shall be denied because of such restriction to any premises so located which were maintained as a bona fide hotel, restaurant, catering establishment or club on or prior to December fifth, nineteen hundred thirty-three; and, except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three; and except that this subdivision shall not be deemed to restrict the issuance of a hotel liquor license to a building used as a hotel and in which a restaurant liquor license currently exists for premises which serve as a dining room for guests of the hotel and a caterer's license to a person using the permanent catering facilities of a church, synagogue or other place of worship pursuant to a written agreement between such person and the authorities in charge of such facilities. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(d) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or of the premises

sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(d-1) Within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the

payment of funds to defray costs related to another party's use of the building.

(e) Notwithstanding the provisions of this chapter to the contrary, the authority may issue a license to sell liquor at retail to be consumed on premises to a club as such term is defined in subdivision nine of section three of this chapter whether or not the building in which the premises for which such license is to be issued is used exclusively for club purposes and whether or not such premises is within two hundred feet of a building used exclusively as a school, church, synagogue or place of worship if such club is affiliated or associated with such school, church, synagogue or place of worship and the governing body of such school, church, synagogue or other place of worship has filed written notice with the authority that it has no objection to the issuance of such license.

(e-1) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises and/or an overnight lodging facility located wholly within the boundaries of the borough of Manhattan in the city and county of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of 49th Street, distant 160 feet easterly from the corner formed by the intersection of the southerly side of 49th Street with the easterly side of 8th Avenue; running thence southerly, parallel with 8th Avenue and part of the distance through a party wall, 100 feet 5 inches to the center line of the block between 48th and 49th Streets; thence easterly along the center line of the block, 40 feet; thence northerly, parallel with 8th Avenue and part of the distance through a party wall, 100 feet 5 inches to the southerly side of 49th Street; thence westerly along the southerly side of 49th Street, 40 feet to the point or place of beginning. Premises known as 240 and 242 West 49th Street, New York City. Being the same premises described in deed made by Hotel Mayfair Inc. to Harry Etkin and Freda Rubin, dated 1/23/50 and recorded 1/27/50

in liber 4657 Cp. 250.

(e-2) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Ulster, bounded and described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements erected thereon, situated in the Village of Ellenville, Town of Wawarsing, County of Ulster and State of New York, being further bounded and described as follows:

Beginning at a three-quarter inch diameter iron rod found on the southwesterly bounds of Canal Street, marking the northeasterly corner of the lands, now or formerly, John Georges, as described in liber 2645 of deeds at page 278.

Thence along the southeasterly bounds of the lands of John Georges, passing 1.42 feet northwesterly from the southwesterly corner of the building situated on the premises described herein, South thirty-nine degrees, forty-one minutes, fifty-two seconds West, one hundred fifty and zero hundredths feet (S 39-41-52 W, 150.00') to the northeasterly bounds of the lands, now or formerly, Thomas Powers, as described in liber 1521 of deeds at page 749. Thence along the northeasterly bounds of the lands of Thomas Powers, South fifty degrees, thirty-nine minutes, sixteen seconds East, twenty-eight and zero hundredths feet (S 50-39-16 E, 28.00').

Thence passing 1.92 feet southeasterly from the southeasterly corner of the building situated on the premises described herein. North thirty-nine degrees, forty-one minutes, fifty-two seconds East, one hundred fifty and zero hundredths feet (N 39-41-52 E, 150.00') to the southwesterly bounds of Canal Street.

Thence along the southwesterly bounds of Canal Street, North fifty degrees, thirty-nine minutes, sixteen seconds West, twenty-eight and zero hundredths feet (N 50-39-16 W, 28.00') to the point of beginning.

Containing 4,199.92 square feet of land or 0.0996 of an acre of land.

Being the same premises as conveyed by deed dated September 2, 1999 from Chris M. Camio as Executor of the Last Will and Testament of Alice Manzo to Bill Lebach, John Eckert, Jeffrey Schneider, Jack Harris and Alfred S. Dannhauser and recorded in the Ulster County Clerk's Office on September 15, 1999 in Liber 2966 at page 291.

The undivided interests of John Harris and Alfred S. Dannhauser having been conveyed to Bill Lebach by deed dated August 21, 2001 and recorded in the Ulster County Clerk's Office in Liber 3213 p 65.

(e-3) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises and/or an overnight lodging facility located wholly within the boundaries of the borough of Manhattan in the city and county of New York, bounded and described as follows:

Beginning at a point on the southerly side of 46th street, distant three hundred fifty (350) feet westerly from the corner formed by the intersection of the westerly side of Sixth Avenue with the said southerly side of 46th street. Running thence southerly parallel with the said westerly side of Sixth Avenue and for part of the distance through a party wall, one hundred (100) feet four (4) inches; thence westerly parallel with the southerly side of 46th street, eighty (80) feet; thence northerly again parallel with the westerly side of Sixth Avenue, one hundred (100) feet four (4) inches to the southerly side of 46th street; and thence easterly along the said southerly side of 46th street, eighty (80) feet to the point or place of beginning. Premises known as 130 West 46th Street, New York City. Being the same premises described in deed made by Massachusetts Mutual Life Insurance Company to

West 46th Street Hotel, LLC, dated 12/22/06 and recorded 2/06/07 in the Office of the City Register, New York County, on February 6, 2007 as CFRN 2007000069808.

(e-4) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Ulster, bounded and described as follows:

THOSE THREE BUILDING LOTS situate on the northeasterly side of Union Avenue in the city of Kingston, between Thomas and Cornell Streets, known and distinguished upon a map of the property of the estate of said Thomas Cornell made by B.B. Codwise, Civil Engineer, bearing date April 11th, 1888, as lot five (5) six (6) and seven (7) upon said map, and bounded and described as follows:

BEGINNING at the west corner of lot seven which is also the corner of Cornell Street, where it intersects with Union Avenue, and runs from thence in the southerly bounds of Cornell Street, N. 48 degrees 10' east the distance of one hundred and thirty-eight (138) feet, to the south bounds of lot (8) eight as laid down upon said map, thence along in the south bounds of lot (8) aforesaid S. 41 degrees 50' east along the rear of lots seven, six and five (7, 6 & 5) as aforesaid the distance of seventy-two (72) feet to a lot of land owned by Max Oppenheimer and known on said map as lot four (4); thence in the division line between lot four and five as laid down upon said map, south 48 degrees 10' W. one hundred and twenty-two (122) feet, and fifty-four hundredths of a foot (122 54/100 feet) to the northeasterly bounds of said Union Avenue; thence along in said northeasterly bounds of said Union Avenue north 53 degrees 57' west along the front of said lots five, six and seven (5, 6 & 7) the distance of seventy-three feet and sixty-five hundredths of a foot (73 65/100 feet) to the place of beginning; and a part of said premises being a part of the same that was conveyed to Thomas Cornell by Jansen Hasbrouck and wife bearing date March 3, 1877 and recorded in the

office of the Clerk of Ulster County in book No. 204 of deeds at page 403 March 6th, 1877, the balance of the property hereinbefore described and herein intended to be conveyed was conveyed to Thomas Cornell by James E. Ostrander and wife by deed bearing date February 8th, 1869, and recorded in Ulster County Clerk's Office in book 175 of deeds at page 29, February 6th, 1872.

* (e-5) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a school, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the borough of Brooklyn in the county of Kings and the city of New York, bounded and described as follows:

Beginning at a point on the westerly side of Washington Avenue distant 636.45 feet southerly from the intersection of the southerly side of Eastern Parkway and westerly side of Washington Avenue, said point being the point of beginning; Running thence southerly along the westerly side of Washington Avenue, a distance of 345.43 feet; thence westerly along the line forming an interior angle with the previous course of 90 degrees 00 minutes 00 seconds, a distance of 122.68 feet; Thence northerly along the line forming an interior angle with the previous course of 58 degrees 50 minutes 53 seconds, a distance of 123.94 feet; Thence northerly along the line forming an exterior angle with the previous course of 159 degrees 18 minutes 33 seconds, a distance of 36.59 feet; Thence northerly along the line forming an exterior angle with the previous course of 169 degrees 36 minutes 23 seconds, a distance of 26.26 feet; Thence westerly along the line forming an exterior angle with the previous course of 123 degrees 49 minutes 33 seconds, a distance of 58.57 feet; Thence southwesterly along the line forming an exterior angle with the previous course of 129 degrees 53 minutes 13 seconds, a distance of 108.38 feet; Thence westerly, a distance of 84.05 feet along a curve to the right, which has a radius of 192.59 feet, and having a central angle of 25°00'14"; Thence westerly, a distance of 58.94 feet along a curve to the right, which has a radius of 181.42 feet, and having a central angle of 18°36'54". Thence westerly, a

distance of 354.56 feet; Thence northerly along the line forming an interior angle with the previous course of 90 degrees 14 minutes 09 seconds, a distance of 114.49 feet; Thence easterly along the line forming an exterior angle with the previous course of 286 degrees 53 minutes 22 seconds, a distance of 7.54 feet; Thence easterly along the line forming an interior angle with the previous course of 195 degrees 07 minutes 53 seconds, a distance of 159.88 feet; Thence easterly along the line forming an interior angle with the previous course of 193 degrees 52 minutes 57 seconds, a distance of 161.51 feet; Thence westerly along the line forming an interior angle with the previous course of 257 degrees 31 minutes 43 seconds, a distance of 116.17 feet; Thence northeasterly, a distance of 7.07 feet along a non-tangent curve to the right, having a radius of 4.50 feet, a central angle of 89°59'10" and a chord of 6.36 feet, which chord makes an interior angle with the previous course of 135 degrees 01 minutes 12 seconds; Thence easterly along the line forming an interior angle with the chord of the above-referenced curve of 135 degrees 01 minutes 17 seconds, a distance of 135.59 feet; Thence easterly, a distance of 81.93 feet along a non-tangent curve to the left, having a radius of 272.93 feet, a central angle of 17°11'59" and a chord of 81.63 feet, which chord makes an interior angle with the previous course of 186 degrees 52 minutes 37 seconds; Thence easterly along the line forming an interior angle with the chord of the above-referenced curve of 192 degrees 21 minutes 11 seconds, a distance of 38.24 feet; Thence easterly along the line forming an interior angle with the previous course of 183 degrees 09 minutes 51 seconds, a distance of 21.53 feet to the point of beginning.

* NB There are 2 par (e-5)'s

* (e-5) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Kings, bounded and described as follows:

ALL that certain plot, piece or parcel of land situate lying and being in the Borough of Brooklyn, County of Kings, City and State of New York,

bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Synder Avenue, with the easterly side of Bedford Avenue;

THENCE easterly along the southerly side of Synder Avenue, 99 feet 10 inches;

THENCE southerly parallel with Medford Avenue, 80 feet 11 1/6 inches to the center line of Union Street, as shown on the Bergen Map;

THENCE westerly along the center line of Union Street, as aforesaid, 99 feet 10 inches to the easterly side of Bedford Avenue;

THENCE northerly along the easterly side of Bedford Avenue, 81 feet 1/8 inches to the point or place of BEGINNING.

* NB There are 2 par (e-5)'s

* (e-6) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Kings, bounded and described as follows:

BEGINNING at a point on the northerly side of Grand Street, distant three hundred and nineteen feet and three inches easterly from the corner formed by the intersection of the northerly of Grand Street with the easterly side of Berry (formerly Third) Street, which point of beginning is where a line drawn along the easterly wall of the house now or formerly owned by one Schaefer intersects the northerly side of Grand Street; running thence northerly along the easterly wall of the house now or formerly owned by one Schaefer, seventy one feet and six inches; thence easterly nearly parallel with Grand Street, eighteen feet and five inches; thence southerly, seventy feet and seven inches to the northerly side of Grand Street at a point, sixteen feet easterly from the point of beginning; thence westerly along the northerly side of Grand Street, sixteen feet.

* NB There are 2 par (e-6)'s

* (e-6) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises

consumption for a premises provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the borough of Manhattan in the city and county of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Fulton Street with the westerly side of Broadway;

RUNNING THENCE southerly along the westerly side of Broadway, 78 feet 11 1/2 inches to an angle point, in said westerly side of Broadway;

THENCE southerly still along the westerly side of Broadway, 75 feet 3 inches to the corner formed by the intersection of the westerly side of Broadway with the northerly side of Dey Street;

THENCE westerly along the northerly side of Dey Street, 275 feet 6 3/4 inches;

THENCE northerly along a line which forms an angle on its westerly side with the northerly side of Dey Street of 91 degrees 21 minutes 50 seconds, 77 feet 5 1/2 inches;

THENCE easterly along a line which forms an angle on its southerly side with the last described course of 91 degrees 21 minutes 50 seconds, 75 feet 4 5/8 inches;

THENCE northerly along a line which forms an angle on its westerly side with the last described course of 91 degrees 00 minutes 00 seconds, 77 feet 5 1/4 inches to the southerly side of Fulton Street;

THENCE easterly along the southerly side of Fulton Street, 99 feet 8 inches to an angle point on said southerly side of Fulton Street;

THENCE easterly still along the southerly side of Fulton Street, 100 feet 2 1/2 inches to the point or place of BEGINNING.

TOGETHER with benefits and subject to the terms contained in that certain Easement and License Agreement dated as of April 20, 1993 between Kalikow Fulton Church Realty Company and 195 Property Company and recorded on May 10, 1993 in Reel 1969 page 1310.

* NB There are 2 par (e-6)'s

* (e-7) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a church, synagogue, or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for the consumption on the premises located wholly within the boundaries of the county of Ulster, bounded and described as follows:

All that piece or parcel of land, situate in the City of Kingston, County of Ulster and State of New York described as follows: Beginning at a spike in the concrete sidewalk on the south bounds of Main Street at its intersection with the west bounds of Fair Street; Thence south 8 degrees 10 hours 9 minutes east along the west bounds of Fair Street 105.31 feet to a spike in line with a three story brick building on lands now or formerly Norman G. Lebhar and John W. Krueger (L.1516 P.425); Thence south 83 degrees 26 hours 38 minutes west along said building and lands of Lebhar and Krueger 46.27 feet to a corner of said building; Thence north 8 degrees 4 hours 13 minutes west along lands now or formerly Lawrence A. Quilty and others (L.1422 P.123) and along the brick building on the herein described parcel 102.62 feet to a reinforcement rod set on the south bounds of Main Street; Thence north 80 degrees 6 hours 32 minutes east along said bounds of Main Street 46.10 feet to the point and place of beginning. Being the same premises as conveyed by Bernard R. Herzberg and the Estate of Rosalyn M. Nave, Margaret D. Huff, Executrix to Mark J. Berlanga by deed dated September 15, 1995 and recorded in the Ulster County Clerk's Office on September 20, 1995 in Liber 2525 of Deeds at Page 200.

* NB There are 2 par (e-7)'s

* (e-7) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred

feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Erie, bounded and described as follows:

ALL that certain plot, piece or parcel of land situate in the City of Buffalo, County of Erie and state of New York, being part of Lot No. 77, Township 11, Range 8 of the Holland Land Company's Survey, and further distinguished as parts of subdivision Lots 1 and 2 in Block "D" as shown on a map filed in the Erie County Clerk's Office under Cover No. 781 and more particularly bounded and described as follows:

BEGINNING at the point of intersection of the northerly line of Hertel Avenue as now laid out 100 feet wide with the easterly line of Saranac Avenue; thence northerly along the easterly line of Saranac Avenue 120 feet; thence easterly parallel with Hertel Avenue 100 feet; thence southerly parallel with Saranac Avenue and along the easterly line of said subdivision Lot No. 2, a distance of 120 feet to the northerly line of Hertel Avenue; thence westerly along said line of Hertel Avenue 100 feet to the point of beginning.

* NB There are 2 par (e-7)'s

(e-8) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Erie, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No.48, Township 11, Range 8 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the easterly line of Elmwood Avenue distant 191.1 feet north of the intersection of said easterly line of Elmwood

Avenue with the northerly line of Bird Avenue; running thence northerly along the said easterly line of Elmwood Avenue 63 feet; thence easterly at right angles with Elmwood Avenue 140 feet; thence southerly parallel with Elmwood Avenue 63 feet; thence westerly at right angles to Elmwood Avenue 140 feet to the said easterly line of Elmwood Avenue to the point or place of beginning.

All that Tract or Parcel of Land, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. Forty-Eight (48), Township Eleven (11) and Range Eight (8) of the Holland Land Company's survey and bounded and described as follows:

BEGINNING at a point in the easterly line of Elmwood Avenue One Hundred Sixty and one-tenth (160.10) feet northerly from its intersection with the northerly line of Bird Avenue, running thence northerly on said easterly line of Elmwood Avenue Thirty-one (31) feet; thence easterly at right angles to Elmwood Avenue One Hundred forty (140) feet; thence southerly parallel with Elmwood Avenue Thirty-one (31) feet; thence westerly at right angles to Elmwood Avenue, One Hundred forty (140) feet to the easterly line of Elmwood Avenue at the place of beginning.

All that Tract or Parcel of Land, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 48, Township 11, Range 8 of the Holland Land Company's Survey and bounded and described as follows:

BEGINNING at a point in the east line of Elmwood Avenue, distant 321.50 feet south from the intersection of said east line with the south line of Forest Avenue; thence south along the east line of Elmwood Avenue, 49 feet to a point; thence east at right angles to the east line of Elmwood Avenue, 140 feet to a point, thence north, parallel with the east line of Elmwood Avenue, 49 feet to a point; thence west in a straight line, 140 feet to the point of beginning.

* (e-9) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred

feet of a building occupied as a church, synagogue or other place of worship and a school, provided such premises constitute a premises for the Lewiston fire department located wholly within the boundaries of the county of Niagara, bounded and described as follows:

ALL that certain plot, piece or parcel of land situate in the Village of Lewiston, County of Niagara and state of New York, being New Lot "C" according to a map made by James M. McIntyre, Surveyor, on April 8, 2011 and filed in the Niagara County Clerk's Office on June 13, 2012 in Book 64 of Microfilmed Maps, at page 6441m showing re-subdivision of Old Sublots 169 and 170 on the east side of the North Fifth Street; and sublots 154, 155 and 156 on the south side of Onondaga Street as shown on Map of Part 1 of said Village made by J.P. Haines, C.E. in 1839 and filed with the Deed Atlas in Niagara County Clerk's Office, and bounded and described as follows:

BEGINNING at a point in the intersection of the south line of Onondaga Street and the west line of North Sixth Street; thence south along the west line of North Sixth Street, a distance of 264.00 feet; thence west at an interior angle of 90°10'33", a distance of 198.00 feet to the east line of North Fifth Street; thence north along the east lone of North Fifth Street, at an interior angle of 89°29'47", a distance of 132.00 feet; thence east at an interior angle of 90°10'33", a distance of 102.00 feet; thence north at an exterior angle of 90°10'33", a distance of 132.00 feet to the south line of Onondaga Street; thence east along the south line of Onondaga Street, a distance of 96.00 feet to the point of beginning.

* NB There are 2 par (e-9)'s

* (e-9) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Jefferson, bounded and described as follows:

ALL that certain lot, piece or parcel of land, situated in the City of Watertown, County of Jefferson and State of New York, described as follows:

BEGINNING in the westerly margin of Massey Street where it intersects the southerly margin of Prospect Street;

THENCE southerly along the margin of said Massey Street about 6 rods and 1/4 of a rod to land formerly owned by Ed. Bohl;

THENCE westerly at right angles along the northerly line of said Bohl lot to a point therein 34 feet from the southeasterly corner of a lot of land conveyed to Charles J. Gillingham by James A. Bell about 115 feet 7 inches;

THENCE northerly at right angles and parallel with the easterly line of said Gillingham's lot about 6 1/4 rods to Prospect Street;

THENCE easterly along the south margin of said Prospect Street to the place of beginning, and all the lands belonging to the land hereby conveyed and lying in front of the same Massey and Prospect Streets;

BEING the same premises conveyed to Vincent Cavallerio and Adrianna Cavallario by Joseph Scarabino, by deed dated May 27, 1977, and recorded in the Jefferson County Clerk's office on May 27, 1977 in Liber 881 of Deeds at page 418. Vincent Cavallario died in the City of Watertown on August 17, 1984;

ALSO BEING the same premises conveyed to Adriana Cavallario and Peter G. Cavallario, as Trustees of the living Trust of Adriana Cavallario, under agreement dated October 14, 1995, by Adriana Cavallaria, by warranty deed dated October 24, 1995 and recorded in the Jefferson County Clerk's office on November 8, 1995 in Liber 1483 at Page 15;

ALSO BEING the premises known as 133 North Massey Street, Watertown, New York.

* NB There are 2 par (e-9)'s

(e-10) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Washington, bounded and described as follows:

ALL THAT CERTAIN PARCEL OF LAND located at the southeasterly corner of the intersection of Main Street and Maple Street in the Village of Hudson Falls, Washington County, New York, and which said parcel in more particularly bounded and described as follows:

BEGINNING at a point marking the intersection of the easterly bounds of Main Street with the southerly bounds of Maple Street; running thence from the point of beginning in an easterly direction along the southerly bounds of Maple Street. South 86 degrees 47 minutes 40 seconds East for a distance of 229.47 feet to a point; running thence in a southerly direction, south 07 degrees 28 minutes 10 seconds West for a distance of 100.05 feet to a point; running thence in a northerly line of lands of the First Baptist Church of Hudson Falls; running thence in a westerly direction along the northerly line of said lands of said Church, North 84 degrees 58 minutes 20 seconds West for a distance of 206.70 feet to a point in the easterly bounds of Main Street; running thence in a northerly direction along the easterly bounds of Main Street, North 06 degrees 11 minutes 40 seconds West for a distance of 94.47 feet to the point of beginning. The same to contain 0.483 acres $\pm$.

REFERENCE to the above description is a survey map titled "Map of a Survey of Lands of the County of Washington" prepared by Charles T. Nancy, Licensed Land Surveyor, Dated August 4, 1994 and on file at the Washington County Clerk's Office in Drawer 31B of Maps and Map Number 31B-160.

ALL THAT CERTAIN LOT OR PARCEL OF LAND situated in the Village of Hudson Falls, Washington County, New York bounded and described as

follows:

BEGINNING at a point on the south line of Maple Street in said Village fifty feet westerly of a steel bolt in the northwest corner of the New York Telephone Co.'s Lot, which said point is at the west end of a retaining curbing to the south line of brick driveway, thence running north 75 degrees east along said south line of Maple Street fifty feet to a bolt driven in the ground for a monument as a marker; thence southerly one hundred and eight and seven tenths feet to an iron bolt driven in the ground fifty feet from the west line of lot hereby conveyed; thence easterly fifty-one feet to a large iron pipe driven in the ground for a monument; thence southerly about two feet easterly of the garage building on said property fifty-six feet to the location of the boundary line between lands formerly owned by Elisha Baker, and Samuel Tappin and U. Cornell Allen, the same being the southerly boundary line of the premises hereby conveyed; thence westerly on said boundary line one hundred and two feet to the east line of the Baptist Church lot, which lot last mentioned line is monumented; thence along the east line of said Church lot and the lot formerly owned by Crenville M. Ingalsbe one hundred and sixty-one feet to the place of beginning.

The above described premises are conveyed subject to a certain right of way over same heretofore granted by George H. Newton to Hudson River Telephone Co. by Deed dated July 10, 1915 and recorded in Washington County Clerk's Office in Liber 138 of Deeds at Page 134.

A more modern description of the above premises is as follows: Commencing in the southerly bounds of Maple Street at the northwest corner of premises formerly of New York Telephone Company; running thence along the westerly bounds of said lands formerly of New York Telephone Company; running thence along the westerly bounds of said lands formerly of New York Telephone Company on a course of south 7 degrees 29 minutes west for a distance of 108.66 feet to a point for a corner; running thence south 85 degrees 03 minutes east for a distance of 50.97 feet to an iron pipe found for a corner; running thence south 8 degrees 35 minutes west for a distance of 56.65 feet to an iron pipe found for a corner; running thence north 83 degrees 40 minutes west for

a distance of 101.94 feet along the northerly bounds of lands formerly of O.T. Griffin to a point for a corner in the easterly bounds of the Baptist Church lot; running thence north 8 degrees 17 minutes east for a distance of 162.10 feet to a point in the southerly bounds of Maple Street; running thence south 85 degrees 57 minutes east for a distance of 49.90 feet to the point and place of beginning. The aforescribed premises are depicted on a certain "Map of Lands of Village of Hudson Falls at "#8 Maple Street" dated November 2, 1953 by Leslie W. Coulter and filed in the Washington County Clerk's Office on January 11, 1954, as Map No. 02.

* (e-11) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises occupying the southernmost portion of the buildings and improvements further identified as suite two hundred ten and located wholly within the boundaries of the county of Westchester, bounded and described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the City of White Plains, County of Westchester, State of New York, more particularly described as follows:

BEGINNING at a point in the northerly side of Main Street as the same is now laid out and established where said northerly side of Main Street is intersected by the division line between the premises hereby described and land now or formerly of Henry E. Hartnett said point being at the southeasterly corner of the parcel hereby described;

THENCE RUNNING along the northerly side of Main Street as now established, South 76 degrees 38 minutes 54 seconds West 48.24 feet to a monument thence on a curve to the right forming the northeasterly corner of Main Street and Church Street said curve having a radius of 26.03 feet, a distance of 39.836 feet (39.84 feet per deed) to the easterly

side of Church Street;

THENCE RUNNING along the easterly side of Church Street North 15 degrees 40 minutes West 205.61 feet to the northwesterly corner of the premises hereby described and to the southerly line of a 12 foot driveway leading from land of Henry E. Hartnett to Church Street;

THENCE RUNNING along the southerly side of said driveway, North 74 degrees 18 minutes 50 seconds East 74.84 feet to the northeasterly corner of the premises hereby described and land of Henry E. Hartnett;

THENCE along said land of Henry E. Hartnett, South 15 degrees 15 minutes 30 seconds East 233.60 feet to the northerly side of Main Street, at the point or place of BEGINNING.

TOGETHER with the benefits of a certain Declaration of Easement made by Markbeth Building Corp dated October 28, 1981 and November 10, 1981 in Liber 7736 cp 262 as set forth therein.

* NB There are 3 par (e-11)'s

* (e-11) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Erie, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, and bounded and described as follows: being part of Lot number seventy-one (71), Township eleven (11), Range eight (8) of the Holland Land Company's survey and in a subdivision of part of said lots 71 and 72, made for Main Street Land and Improvement Co., by C.F. Witmer, surveyor, a map of which subdivision is on file in Erie County Clerk's Office under Cover 292. This premises hereby conveyed being designated as subdivision lot No. thirty-nine (39) in Block "C" and bounded and described as follows:

BEGINNING at a point in the westerly line of Main Street thirty-six and one-half (36-1/2) feet northerly from its intersection with the northerly line of Heath Street (formerly Morton Street). Running thence northerly along said line of Main Street thirty-six and one-half (36-1/2) feet; thence westerly at right angles with said line of Main Street to a sixteen (16) foot alley; thence southerly along the easterly line of said alley to a point where a line drawn at right angles with said line of Main Street would intersect said line of Main Street at the place of beginning and thence easterly at right angles with Main Street to the said line of Main Street at the place of beginning.

* NB There are 3 par (e-11)'s

* (e-11) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Broome, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Binghamton, County of Broome, State of New York, bounded and described as follows:

BEGINNING at a point at the intersection of the northerly street boundary of Henry Street and the easterly street boundary of Water Street, at the southwesterly corner of the premises herein described;

THENCE N 17°-02'-44" E along said easterly street boundary of Water Street a distance of 96.66 feet to a point;

THENCE N 19°-42'-08" E along said easterly street boundary of Water Street a distance of 25.28 feet to a 5/8 inch rebar with plastic yellow cap marked "Jennings" found at the southwesterly corner of lands owned by the City of Binghamton as recorded in the Broome County Clerk's Office in Liber 549 at page 418;

THENCE S 77°-19'-48" E along the southerly boundary of lands owned by said City of Binghamton a distance of 118.89 feet to a masonry nail found in the westerly boundary of lands owned by Samuel Diamond (Liber 1198, page 377);

THENCE S 17°-49'-47" W along said westerly boundary of lands owned by Diamond a distance of 14.00 feet to a 1/2 inch rebar found;

THENCE S 82°-36'-13" E along the southerly boundary of lands owned by said Diamond a distance of 5.06 feet to a point at the northwesterly corner of lands owned by Washington Building Management Company (Liber 1750, page 69);

THENCE S 15°-00'-17" W along the westerly boundary of lands owned by said Company a distance of 42.68 feet to a point;

THENCE, S 83°-53'-13" E along the southerly boundary of lands owned by said Company a distance of 28.00 feet to a point at the northwesterly corner of lands owned by Kenneth and Isabelle Mitchell (Liber 1316, page 33) on the exterior face of a building wall;

THENCE, along the westerly boundary of lands owned by said Mitchell the following three courses:

1. S 11°-52'-47" W along said wall a distance of 33.68 feet to a point in a party building wall;

2. S 84°-51'-13" E along said party wall a distance of 7.57 feet to a point;

3. S 14°-48'-47" W along the centerline of a party building wall a distance of 35.26 feet to a point in said northerly street boundary of Henry Street;

THENCE N 77°-32'-37" W along said northerly street boundary of Henry Street a distance of 165.87 feet to the point of beginning as surveyed by Paul B. Koerts, Professional Land Surveyor on March 11, 1996. The

bearings are referenced to record north for lands owned by said City of Binghamton (Liber 549, page 418).

Together with the following:

1. A right-of-way over the westerly 12.5 feet of so much of the premises described above as adjoins the premises formerly of Charles A. Wilkinson, now of Clare B. Risk, on the west (being the northerly 40 feet thereof, more or less), and adjoining the premises described above on the east, as granted in a deed from Charles A. Wilkinson, et al, to John Hull, Jr., et al, dated February 24, 1886 and recorded in the Broome County Clerk's Office on November 20, 1886 in Book 130 of Deeds at page 546.

2. The benefits contained in an agreement between Hull, Grummond & Co. and George F. O'Neil providing for the erection of a party wall recorded in the Broome County Clerk's Office on October 28, 1913 in Book 247 of Deeds at Page 313.

3. The benefits contained in an agreement between Mabel D. Eggleston and Hull-Grummond & Co., Inc. providing for the erection of a party wall recorded in the Broome County Clerk's Office on August 28, 1918 in Book 281 of Deeds at page 179.

* NB There are 3 par (e-11)'s

(e-12) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the Borough of Brooklyn, county of Kings, bounded and described as follows:

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Lafayette Avenue, distant 43 feet westerly from the corner formed by the intersection of the northerly side of Lafayette Avenue with the westerly side of St. Felix Street, which point is opposite the center line of a party wall on the premises herein described and the premises adjoining on the east;

RUNNING THENCE westerly along the northerly side of Lafayette Avenue, 21 feet 6 inches to a point opposite the center line of another party wall on the premises herein described and premises adjoining on the west;

THENCE northerly parallel with the westerly side of St. Felix Street, and part of the distance through a party wall, 100 feet to a point distant 63 feet westerly (deed) 64 feet 6 inches (tax map) from the westerly side of St. Felix Street measuring along a line drawn at right angles thereto from a point thereon distant 100 feet northerly from the corner formed by the intersection of the northerly side of Lafayette Avenue with the westerly side of St. Felix Street;

THENCE easterly parallel with the northerly side of Lafayette Avenue and at right angles to St. Felix Street, 21 feet 6 inches;

THENCE southerly parallel with St. Felix Street and part of the distance through a party wall, 100 feet to the northerly side of Lafayette Avenue at the point or place of BEGINNING.

For Information Only: Said premises are known as 33 Lafayette Avenue, Brooklyn, NY and designated as Block 2108 Lot 19 as shown on the Tax Map of the City of New York, County of Kings.

* (e-13) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the city of Niagara Falls, county of

Niagara, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 43 of the Mile Reserve and further distinguished as Lots Nos. 2 and 4 as shown on map made by Jesse P. Haines and filed on December 20, 1861 under Cover No. 389, being situate on the east line of Second Street, bounded and described as follows:

BEGINNING at the intersection of the north line of Rainbow Boulevard, formerly Jefferson Avenue and formerly Union Street, with the east line of Second Street; thence northerly along the east line of Second Street, a distance of about 106.56 feet to the south line of Lot No. 6; thence easterly along the south line of Lot No. 6, a distance of 132.52 feet to the west line of an alley which is also the east line of Lots Nos. 2 and 4; thence southerly along the west line of said alley, a distance of 186.8 feet to the north line of Rainbow Boulevard; thence westerly along the north line of Rainbow Boulevard, as distance of about 154.34 feet to the east line of Second Street and point of beginning.

* NB There are 3 par (e-13)'s

* (e-13) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the Village of Jeffersonville, Town of Callicoon, county of Sullivan, bounded and described as follows:

BEGINNING at a Point in the northwesterly bounds of New York State Route No. 52 (Main Street) at its northwesterly corner of Parcel II as described in the Deed Instrument 2019-9072, thence running North 47 degrees 46 minutes West 135.00 feet to an iron set on the southeasterly bounds of lands of Schnabele (Deed Instrument 2016-2475), thence running along the southeasterly bounds of said lands of Schnabele South 42 degrees 31 minutes West 60 feet to an iron rod found at the southerly corner of said lands of Schnabele, thence running along the

southwesterly bounds of said lands of Schnabele and a projection thereof North 53 degrees 51 minutes 00 seconds West 276.00 feet to a point in a twin hemlock tree on the easterly bounds of lands of Richard and Kathleen Herbert Irrevocable Trust (Deed Liber 3561 at page 360), thence running along said easterly bounds of lands of Richard and Kathleen Herbert Irrevocable Trust and running generally along a ditch South 12 degrees 52 minutes 44 seconds West 125 feet to an iron pipe set, said iron pipe set being approximately three feet easterly of an iron bar found at the northerly corner of lands of Yeung & Cheung (Deed Liber 1613 at page 46), thence running South 46 degrees 44 minutes 26 seconds East 255.50 feet to an iron spike set on the Northwesterly bounds of an eight foot right of way, thence running along said right of way bounds and running along the bounds of lands of Yeung & Cheung North 44 degrees 05 minutes East 3.00 feet to an iron rod found, thence South 47 degrees 21 minutes East 84 feet to a point on the approximate northwesterly bounds of New York State Route No. 52, thence running along said approximate northwesterly highway bounds North 44 degrees 12 minutes 18 seconds East 200.59 feet to the point or place of beginning and containing 1.3 acre of land to be the same more or less.

TOGETHER with the use of an eight foot wide right of way through the lands of Yeung & Cheung. The northeasterly bounds of said right of way being the above mentioned course of South 47 degrees 21 minutes East 84.00. See Deed Liber 430 at Page 404 and Deed Liber 1613 at Page 46.

SUBJECT any use, dedication, conveyance or easement(s) of record for public highway or public utility purposes.

Being and intended to be the same premises described in a deed from RCAIS HOLDINGS LLC to WLMC LLC dated December 2, 2016 and recorded on December 14, 2016 in the Sullivan county clerk's office as Instrument No. 2016-9588.

* NB There are 3 par (e-13)'s

* (e-13) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of

worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Saratoga, bounded and described as follows:

ALL THOSE CERTAIN PARCELS OF LAND and the improvements thereon situate in the City of Saratoga Springs, County of Saratoga, State of New York lying Northwesterly of and adjacent to Broadway, a.k.a. New York State Route #50 and U.S. Route 9, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line between the lands of Alice M. Bode as described in Book 808 of Deeds at Page 494 on the Northeast and other lands of Alice M. Bode as described in Book 808 of Deeds at Page 496 on the Southwest with the Northwesterly line of Broadway and runs thence along said division line North 56 degrees 40 minutes 20 seconds West in part passing through the middle of the brick wall between these premises and premises adjoining on South, a distance of 151.18 feet to its intersection with the Southeasterly line of Long Alley; thence along said Southeasterly line North 33 degrees 34 minutes 10 seconds East a distance of 34.38 feet to its intersection with the Southwesterly line of Walton Street; thence South 56 degrees 15 minutes 46 seconds East along said Southwesterly line a distance of 151.18 feet to its intersection with the Northwesterly line of Broadway; thence along said Northwesterly line South 33 degrees 34 minutes 10 seconds West a distance of 33.30 feet to the point of beginning.

BEING the same premises conveyed by Deed by John A. Slade, as Administrator of the goods, chattels and credit of Alice Maude Jenkins to Alice M. Bode dated January 1, 1967 and recorded in the Saratoga County Clerk's Office on June 5, 1967 in Liber 808 of Deeds at Page 494.

Subject to an easement granted by Alice M. Bode to Carolyn B. Siewers and Leslie J. Suprenant dated December 15, 1987 and recorded in the Saratoga County Clerk's Office in Liber 1222 of Deeds at Page 113 on December 15, 1987.

BEGINNING at the point of intersection of the division line between lands of Alice M. Bode as described in Book 808 of Deeds at Page 494 on the Northeast and other lands of Alice M. Bode as described in Book 808 of Deeds at Page 496 on the Southwest with the Northwesterly line of Broadway, a.k.a. New York State Route #50 and U.S. Route 9, and runs thence along said Northwesterly line South 33 degrees 34 minutes 10 seconds West a distance of 22.83 feet to its point of intersection with the division line between the lands of Alice M. Bode as described in Book 808 of Deeds at Page 496 on the Northeast and the lands of James W. and Christine Breitenfeld as described in Book 1085 of Deeds at Page 323 on the Southwest; thence along said division line and the division between the buildings located at 493 and 495 Broadway North 56 degrees 40 minutes 20 seconds West a distance of 106.98 feet to its point of intersection with the division line between said lands of Bode on the Southeast and the lands of John F. Baker as described in Book 1350 of Deeds at Page 773 on the Northwest; thence along said division line North 33 degrees 34 minutes 10 seconds East a distance of 22.83 feet to a point on the first herein described division line; thence along said division line South 56 degrees 40 minutes 20 seconds East, in part passing through the middle of the brick wall between these premises and premises adjoining on North, a distance of 106.98 feet to the point of beginning.

BEING a portion of the premises conveyed by Deed by John A. Slade, as Administrator of the goods, chattels and credit of Alice Maude Jenkins to Alice Bode dated January 1, 1967 and recorded in the Saratoga County Clerk's Office on June 5, 1967 in Liber 808 of Deeds at Page 496.

TOGETHER with the appurtenances and all the estate which the decedent had at the time of the decedent's death in the subject premises, and also the estate therein, which the Party of the First Part has or has power to convey and dispose of, whether individually, or otherwise.

* NB There are 3 par (e-13)'s

* (e-14) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of

worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the city of Beacon, county of Dutchess, bounded and described as follows:

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the city of Beacon, County of Dutchess, State of New York, bounded and described as follows:

BEGINNING at a point on the northeasterly line of Main Street where the division line between Parcels 1 and 2 intersects said road line; thence northwesterly along the northeasterly line of Main Street N 47-13-26 W 35.30 feet to a point; thence northeasterly along the lands now or formerly of Molitoris Enterprises Inc. N 43-43-20 E 100.14 feet to a point; thence southeasterly along lands now or formerly Hill and lands now or formerly Mazzacone S 50-57-30 E 10.25 feet and S 46-11-30 E 25.73 feet to a point; thence southwesterly along Parcel 1 S 44-05-30 E 100.36 feet to the point or place of BEGINNING.

For Information Only: Said premises are known as 468-472 Main Street, Beacon NY- Grid No. 0200-6054-37-094741.

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the city of Beacon, County of Dutchess, State of New York, bounded and described as follows:

BEGINNING at a point on the northeasterly line of Main Street where the division line between Parcels 1 and 2 intersects said road line; thence northeasterly along Parcel 2 N 44-05-30 E 100.36 feet to a point; thence southeasterly along the lands now or formerly of Mazzacone S 43-01-43 E 26.32 feet to a point; thence southwesterly along land now or formerly of Main St. Realty S 49-39-32 W 18.68 feet and S 44-05-34 W 79.88 feet to the point on the northeasterly line of Main Street; thence northwesterly along the northeasterly line of Main Street N 47-13-26 W 24.48 feet to the point or place of BEGINNING.

For Information Only: Said premises are known as 472 Main Street, Beacon

NY- Grid No. 0200-6054-37-096740.

* NB There are 6 par (e-14)'s

* (e-14) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue, or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Wayne, bounded and described as follows:

All that certain parcel of land located just north of the intersection of North Main Street and Buffalo Street in the Town of Marion, Wayne County, New York and which aid parcel is more particularly bounded and described as follows:

The parcel is located at 3829 North Main Street, tax map ID # 543200-65114-12-849598. The property is on .16 acres with a Global Positioning System (GPS) location 43.14365, -77.18897 which is 43°08'37.1"N 77°11'20.3"W.

* NB There are 6 par (e-14)'s

* (e-14) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Erie, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 76, Township 11, Range 8 of the Holland Land Company's Survey and according to a map filed under Cover Number 613 is known as part of Subdivision Lots Numbers 56 and 57 in Block "C" and more fully described as follows:

BEGINNING at a point of intersection of the southerly line of Hertel

Avenue with the easterly line of North Park Avenue; running thence easterly along the southerly line of Hertel Avenue one hundred five (105) feet; thence southerly and parallel with North Park Avenue one hundred fifteen (115) feet; thence westerly and parallel with Hertel Avenue one hundred five (105) feet to the said easterly line of North Park Avenue and thence northerly along said easterly line of North Park Avenue one hundred fifteen (115) feet to the said southerly line of Hertel Avenue, the point or place of beginning.

* NB There are 6 par (e-14)'s

* (e-14) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the borough of Manhattan in the city and county of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Greenwich Street, distant 82 feet 8 inches southerly from the corner formed by the intersection of the easterly side of Greenwich Street with the southerly side of Thames Street;

RUNNING THENCE southerly along the easterly side of Greenwich Street, 178 feet 2 inches to the northerly face of the northerly wall of the building erected on the premises adjoining on the south;

THENCE easterly along the northerly face of the northerly wall of the building on the premises adjoining on the south and on a line in continuation thereof, 107 feet 1 1/4 inches;

THENCE northwesterly on a line forming an angle in the north west quadrant of 84 degrees 12 minutes 20 seconds with the last mentioned course, 47 feet 8 1/4 inches to the centre of a party wall;

THENCE easterly along the centre of said party wall, 52 feet 2 1/2 inches to the westerly side of Trinity Place;

RUNNING THENCE northerly along the westerly side of Trinity Place, 124 feet 7 3/4 inches to the southerly face of the southerly wall of the building erected on the premises adjoining on the north;

THENCE westerly along the southerly face of said wall and on a line drawn in continuation thereof, 74 feet 5 inches;

THENCE northerly, 4 inches;

THENCE westerly and partly along the southerly face of the southerly wall of the building adjoining on the north, 107 feet 1 3/4 inches to the point or place of BEGINNING; and

BEGINNING at the corner formed by the intersection of the easterly side of Greenwich Street with the southerly side of Thames Street;

RUNNING THENCE easterly along the southerly side of Thames Street, 119 feet 3 1/2 inches to the ground now or late belonging to James Walker and formerly leased to E. Devoe and M. Williams;

THENCE southerly along the same, 79 feet 8 inches to the southerly line of land conveyed by the Rector, Church Wardens and Vestrymen of the Protestant Episcopal Church of St. Stephens of the City of New York to The Hamilton Building Company by Deed dated February 1, 1907 and recorded February 4, 1907 in Liber 110 Cp. 42 Sec. 1 in the Office of the Register of the County of New York;

THENCE westerly along the same, 106 feet 10 inches, more or less, to the easterly side of Greenwich Street; and

THENCE northerly along the said easterly side of Greenwich Street, 82 feet 7 inches to the point or place of BEGINNING.

* NB There are 6 par (e-14)'s

* (e-14) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a

building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the Borough of Manhattan, county of New York, City and State of New York, bounded and described as follows:

PARCEL I:

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 the corner formed by the intersection of the westerly side of Broadway with the southerly side of Thames Street, as shown on certain map entitled, "Map or Plan of the closing and discontinuing of that part of Thames Street between Broadway and Trinity Place or Church Street and of that part of Temple Street the north side of Thames Street and a new street laid out between Broadway and Trinity Place or Church Street, to be known as Thames Street and that part of Temple Street, between the north side of said new street and the south side of Cedar Street, as widened, and the laying out of a new street between Broadway and Trinity Place or Church Street, to be known as Thames Street, and the widening of Cedar Street at the southerly side thereof between Broadway and Trinity Place or Church Street in the First Ward, Borough of Manhattan, City of New York, dated April 25, 1906, Jos. O.B. Webster, Engineer of street opening", filed in the Office of the Register of the County of New York on May 1, 1906, as Map No, 1109-A; and

RUNNING THENCE Westerly along the southerly side of Thames Street as shown on said map, two hundred sixty-six and seventy-eight one hundredths feet to the easterly side of Trinity Place;

THENCE Southerly along the easterly side of Trinity Place, seventy-five and thirty one-hundredths feet to the northerly side of Trinity Church Property;

THENCE Easterly along the northerly side of Trinity Church Property, two hundred sixty and fifty-four one-hundredths feet to the westerly side of Broadway; and

THENCE Northerly along the westerly side of Broadway, sixty-nine and eight-one-hundredths feet, to the point or place of BEGINNING.

PARCEL II:

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 the corner formed by the intersection of the westerly side of Broadway with the new line of the southerly side of Cedar Street, as shown on a certain map entitled, "Map or Plan of the closing and discontinuing of that part of Temple Street between Broadway and Trinity Place or Church Street and that part of Temple Street between the north side of Thames Street and a new street and the south side of Cedar Street, as widened, and the laying out of a new street between Broadway and Trinity Place or Church Street, to be known as Thames Street, and the widening of Cedar Street on the southerly side thereof between Broadway and Trinity Place or Church Street in the First Ward, Borough of Manhattan, City of New York, dated April 25, 1906, Jos. O.B. Webster, Engineer of street opening", filed in the Register of the County of New York on May 1, 1906, as Map No. 1109-A; and

RUNNING THENCE Westerly along the said new line of Cedar Street, two hundred seventy-five and thirty-one one hundredths feet to the easterly side of Trinity Place;

THENCE Southerly along the easterly side of Trinity Place, sixty-one eleven one-hundredths feet to the northerly side of Thames Street, as shown on the above described map;

THENCE Easterly along the northerly side of Thames Street, two hundred sixty-nine and sixty one-hundredths feet to the westerly side of

Broadway; and

THENCE Northerly along the westerly side of Broadway, sixty-one and five one-hundredths feet to the point or place of BEGINNING.

PARCEL III:

TOGETHER WITH those certain rights and privileges in favor of Parcels I and II, as contained in the Revocable Consent Agreement given by the New York City Department of Transportation, as grantor, to Trinity Centre LLC, as grantee, dated February 10, 2006 and recorded in the New York City Register's Office on April 21, 2006, as CRFN 2006000225366.

PARCEL IV:

TOGETHER WITH those certain rights and privileges in favor of Parcels I and II, as contained in the Revocable Consent Agreement given by the New York City Department of Transportation, as grantor, to Trinity Centre LLC, as grantee, dated February 10, 2006 and recorded in the New York City Register's Office on April 21, 2006, as CRFN 2006000225398.

* NB There are 6 par (e-14)'s

* (e-14) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Onondaga, bounded and described as follows:

Beginning at the intersection of the southwesterly boundary of Court Street with the easterly boundary of Windham Avenue, said point also being the northwesterly corner of said Lot No.314 of Lyncourt Lawns;

Thence S. 67°14'-30" E., along said southwesterly boundary of Court Street, a distance of 225.86 feet to the northeasterly corner of said Lot No.3;

Thence S. 22°-45'-28" W., along the easterly boundary of said Lot No.3 of Lyncourt Knolls, a distance of 112.01 feet to the northerly boundary of Lot No.5 of Lyncourt Knolls;

Thence N. 79°-00'-48" W., along said northerly boundary of Lot No.5 of Lyncourt Knolls, a distance of 107.26 feet to the easterly boundary of Lot No.313 of Lyncourt Lawns;

Thence N. 10°-43'-54" E., through said Lot No.1 of Lyncourt Knolls, a distance of 81.52 feet to the easterly prolongation of the northerly face of an existing concrete pad;

Thence N. 75°-58'-26" W., along said easterly prolongation and along said northerly face of the existing concrete pad and its westerly prolongation, a distance of 105.0 feet to a point in the easterly boundary of Windam Avenue;

Thence N. 22°-41'-00" E., along said easterly boundary of Windham Avenue, a distance of 70.10 feet to the point of beginning.

* NB There are 6 par (e-14)'s

* (e-15) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Onondaga, bounded and described as follows:

All that tract of parcel of land situate in the City of Syracuse, County of Onondaga and State of New York, being part of Lot 16 and Lot 17 in Block 112 of said City and being more particularly bounded and described as follows:

Beginning at the intersection of the westerly line of Montgomery Street with the northerly line of East Jefferson Street;

Thence N. 89-48'10" W., along the northerly boundary of line of East Jefferson Street, a distance of 199.72 feet to a point situate therein, said point being S. 89-48'-10" E., a distance of 132.0 feet from the southwesterly corner of Block 112 as measured along said northerly line of East Jefferson Street;

Thence N. 00-03'-30" E., along the westerly line of Lot 17 and continuing along the westerly line of Lot 16, a distance of 120.0 feet to a point situate therein;

Thence S. 89-48'-10" E., parallel with the northerly line of East Jefferson Street along the centerline of a party wall as described in a deed recorded in the Onondaga County Clerk's in Liber of Deeds #349 at page #148, a distance of 45.58 feet to a point therein;

Thence S. 00-03'-30" W., a distance of 5.0 feet more or less to a point;

Thence S. 89-48'-10" E., parallel with the northerly line of East Jefferson Street, a distance of 12.0 feet to a point situate in the westerly line of lands conveyed by deed to Young Men's Christian Association and recorded in the Onondaga County Clerk's in Liber of Deeds #361 at page#363 & c;

Thence S. 00-00'-50" E., along the westerly line of said lands conveyed to Young Men's Christian Association, s distance of 38.0 feet to a point;

Thence S. 89-48'-10" E., a distance of 142.0 feet to a point situate in the westerly of Montgomery Street;

Thence S. 00-00'-50" E., along the westerly line of Montgomery Street, a distance of 77.0 feet to the point of beginning.

The hereinbefore described parcel of land is subject to and together with any and all easements, restrictions and/or rights of way of record.

* NB There are 8 par (e-15)'s

* (e-15) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue, and/or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Suffolk, bounded and described as follows:

All that certain parcel of land, situate, lying and being in the incorporated Village of Northport, Town of Huntington, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the Northerly side of Main Street, distance 403 feet (tax map distance) from the corner formed by the intersection of the Northerly side of Main Street with the Westerly side of Woodside Avenue, said point also being where the Northerly line of land now or formerly of O. Hartt intersects the Northerly side of Main Street;

RUNNING THENCE South 77 degrees 26 minutes 20 seconds West along the Northerly side of Main Street, 50.00 feet to land now or formerly of Annie S. Wild;

THENCE North 12 degrees 20 minutes 20 seconds West along said land of Annie S. Wild, 199.99 feet to land now or formerly of Charles M. Wild and Frances E. Wild;

THENCE along said last mentioned land, North 77 degrees 26 minutes 20 seconds East, 50.00 feet to land now or formerly of John W. Hiltman;

THENCE South 12 degrees 29 minutes 40 seconds East and along the land now or formerly of John W. Hiltman, 50.00 feet to land now or formerly of O. Hartt;

THENCE South 12 degrees 17 minutes 00 seconds East and along the land now or formerly of O. Hartt, 149.99 feet to the Northerly side of Main

Street at the point or place of BEGINNING.

* NB There are 8 par (e-15)'s

* (e-15) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the city of Newburgh, county of Orange, bounded and described as follows:

All that plot, piece, or parcel of land situate, lying and being in the City of Newburgh, Orange County, New York, bounded and described as follows:

Beginning at a point on the southerly side of Washington Street, said point being in the division line between Lot 266 on the west and lands now or formerly Agnello (Lot 267) Liber 6001 Page 317 on the east, and running; thence

1. Along lands now or formerly Agnello (Lot 267), S. $04^{\circ}53'-32''$ W. 100.00' to a point in Lot 209; thence

2. Along Lots 209 and 210, N. $85^{\circ}13'-58''$ W. 50.00' to a point in Lot 264; thence

3. Along Lot 264, N. $04^{\circ}53'-32''$ E. 100.00' to a point on the southerly side of Washington Street; thence

4. Along the southerly side of Washington Street, S. $85^{\circ}13'-58''$ E. 50.00' to the BEGINNING POINT.

CONTAINING: 5000 Square Feet or 0.115 Acres.

* NB There are 8 par (e-15)'s

* (e-15) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred

feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the borough of Brooklyn, county of Kings, bounded and described as follows:

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

BEGINNING at the corner formed by intersection of the easterly side of Flatbush Avenue and the southerly side of Clarendon road;

RUNNING THENCE easterly along the southerly side of Clarendon Road, 100 feet;

THENCE southerly parallel with Flatbush Avenue, 21 feet 1-3/4 inches to a point distant 20 feet southerly from the southerly side of Clarendon Road, measured on a line at right angles thereto;

THENCE westerly and parallel with Clarendon Road and part of the distance through a party wall, 100 feet to the easterly side of Flatbush Avenue;

THENCE northerly along the easterly side of Flatbush Avenue, 21 feet 1-5/8 inches to the corner, the point or place of BEGINNING.

SAID PREMISES known as 1135 Flatbush Avenue, Brooklyn, New York.

* NB There are 8 par (e-15)'s

* (e-15) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the village of Malverne, town of Hempstead, county of Nassau, state of New York being Lots 4, 5, 7 and a

portion of Lots 3 and 6 on a certain map entitled "Map No. 2 of Malverne Estates situate at Malverne, L.I. adjoining Lynbrook, Nassau County, N.Y. owned by Amsterdam Development and Sales Co. Inc., 1269 Broadway, 534 6th Avenue, N.Y.C. surveyed and mapped by Fairfield and Dow, Engineers, Mineola, N.Y. April 1914" bounded and described as follows:

ALL THOSE CERTAIN plots, pieces or parcels of land, with improvements thereon, situate, lying and being on Hempstead Avenue, in the city of Malverne, county of Nassau, state of New York, all more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Nottingham Road with the new westerly side of Hempstead avenue; running thence westerly along the northerly side of Nottingham Road on the arc of a curve concave to the north, having a radius of 28.00 feet, a central angle of 24 degrees 16 minutes and a chord distance of 11.77 feet which bears north 80 degrees 26 minutes 40 seconds west, thence westerly along the arc of said curve a distance of 11.86 feet; thence north 68 degrees 22 minutes 07 seconds west still along the northerly side of Nottingham Road, a distance of 110.00 feet; thence north 21 degrees 37 minutes 53 seconds east, a distance of 99.65 feet; thence south 67 degrees 41 minutes 01 seconds east, a distance of 20.00 feet; thence south 21 degrees 37 minutes 53 seconds west, a distance of 49.41 feet; thence south 68 degrees 22 minutes 07 seconds east, a distance of 117.95 feet to the westerly side of Hempstead Avenue; thence south 40 degrees 42 minutes 30 seconds west along the westerly side of Hempstead Avenue, 50.30 feet to the point of beginning. Said premises also known as 269 Hempstead Avenue, Malverne, N.Y.

* NB There are 8 par (e-15)'s

* (e-15) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the Borough of Queens, county of Queens, City and State of New York, bounded and described as follows:

AS TO LOT 3

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at a point on the Northerly side of Hempstead Avenue, 100 feet wide, distant 40.01 feet Easterly from the corner formed by the intersection of the Northerly side of Hempstead Avenue and the Easterly side of 220th Street;

RUNNING THENCE Northerly parallel with 220th Street and part of the distance through a party wall, 100.28 feet;

THENCE Easterly at right angles to the last mentioned course, 19.58 feet;

THENCE Southerly parallel with 220th Street and part of the distance through a party wall 100.68 feet to the Northerly side of Hempstead Avenue;

THENCE Westerly along the Northerly side of Hempstead Avenue, 19.58 feet to the point or place of BEGINNING.

Being and intended to be the same premises described in a deed from Leroy Brown and Vernetta Brown to Dannie Lomas dated November 30, 2007 and recorded on December 5, 2007 in the City Registers Queens County City Register File Number 2007000600283.

* NB There are 8 par (e-15)'s

* (e-15) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a school, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the

boundaries of the county of Queens, bounded and described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND situated lying and being in the Borough and County of Queens, City and State of New York bounded and described as follows;

The location of the Museum would include the Premises, identified as Block 644, p/o Lot 1 on the Tax Map for the Borough of Queens, New York and known as "Building 13" with legal description as,

BEGINNING a point on the easterly side of 36th Street (60 feet wide), distant 82.35 feet northerly from the corner fanned by the intersection of the easterly side of 36th Street with the northerly side of 35th Avenue (80 feet wide);

RUNNING THENCE easterly parallel with the northerly side of 35th Avenue, 30.54 feet to a point;

THENCE northerly parallel with the easterly side of 36th Street, 34.95 feet to a point;

THENCE easterly parallel with the northerly side of 35th Avenue, 61.92 feet to a point;

THENCE northerly parallel with the easterly side of 36th Street, 7.83 feet to a point;

THENCE easterly parallel with the northerly side of 35th Avenue, 107.75 feet to the westerly side of 37th Street (60 feet wide);

THENCE northerly along the westerly side of 37th Street, 61.32 feet to a point;

THENCE westerly at right angles to the westerly side of 37th Street, 200.21 feet to the easterly side of 36th Street;

THENCE southerly along the easterly side of 36th Street, 104.10 feet

to the point or place of BEGINNING.

In addition with additional land identified as Block 644, p/o Lot 1, as the Expansion Premises,

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND situate lying and being in the Borough and County of Queens, City and State of New York bounded and described as follows;

BEGINNING at a point on the easterly side of 36th Street (60 feet wide), distant 178.45 from the corner fanned by the intersection of the easterly side of 36th Street, with the northerly side of 35th Avenue (80 feet);

RUNNING THENCE easterly at right angles to the easterly side of 36th Street, 200.21 feet to the westerly side of 37th Street;

THENCE northerly along the westerly side of 37th Street (60 feet), 8.00 feet to a point;

THENCE westerly at right with the westerly side of 37th Street, 200.21 feet to the easterly side of 39th Street;

THENCE southerly along the westerly side of 37th Street, 8.00 feet to the point or place of the BEGINNING.

* NB There are 8 par (e-15)'s

* (e-15) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail located wholly within the boundaries of the borough of Manhattan, city of New York, county of New York, bounded and described as follows:

The Condominium Unit ("Unit") known as Unit B or the Non-Residential Unit in the building ("Building") known as the One Wall Street

Condominium ("Condominium") and by the street number One Wall Street, Borough of Manhattan, County of New York, City and State of New York, said Unit being designated and described as the Non-Residential Unit in a certain declaration dated March 9, 2018, made by MIP One Wall Street Acquisition LLC pursuant to Article 9-B of the Real Property Law of the State of New York ("Condominium Act") establishing a plan for condominium ownership of the Building and the land ("Land") upon which the Building is situate (which Land is more particularly described below), which declaration was recorded in the Office of the Register of the City of New York of the County of New York ("Register's Office") on June 29, 2018, as CRFN# 2018000215497 ("Declaration"). The Unit is also designated as Tax Lot 1002 in Block 23 of the Borough of Manhattan on the Tax Map of the Division of Land Records of the City of New York and on the Tax Lot Drawings of the Building, certified by SLCE Architects on April 19, 2018, and filed with the Department of Finance of the City of New York on June 20, 2018, as Condominium Plan No. 2751 and also filed in the Register's Office on June 29, 2018, as CRFN# 2018000215498;

TOGETHER with an undivided 17.4195% interest in the Common Elements (as such term is defined in the Declaration), the land upon which the Building containing the Unit is situate is described as:

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:

PARCEL A:

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

BEGINNING at the corner formed by the intersection of the easterly side of Broadway with the southerly side of Wall Street;

RUNNING THENCE southerly, along the easterly side of Broadway 178 feet, 8-3/4 inches to the northerly face of the northerly wall of the

building on the premises adjoining on the south;

HENCE easterly, along a line which makes an angle of 89 degrees, 17 minutes, and 30 seconds on its northerly side with the preceding course, 52 feet, 1 inch;

THENCE continuing easterly, along a line which makes an angle of 180 degrees, 24 minutes, 30 seconds on its northerly side with the preceding course, 35 feet, 10 inches;

THENCE still easterly, along a line which makes an angle of 191 degrees 7 minutes and 30 seconds on its northerly side with the preceding course, 12 feet, 10 inches;

THENCE still easterly, along a line which makes an angle of 166 degrees, 36 minutes on its northerly side with the preceding course, and an angle of 86 degrees, 32 minutes, and 30 seconds with the westerly side of New Street, 17 feet, 2 inches to the westerly side of New Street;

THENCE northerly, along the westerly side of New Street on a line which makes an interior angle with the last preceding course of 86 degrees, 32 minutes, 30 seconds, 44 feet, 2-3/4 inches;

THENCE still northerly, along the said westerly side of New Street, on a line which makes an interior angle with the last preceding course of 181 degrees, 14 minutes and 0 seconds, 135 feet, 4-1/2 inches to the corner formed by the intersection of the southerly side of Wall Street with the westerly side of New Street;

THENCE westerly, along the said southerly side of Wall Street, the following three courses and distances:

1. along a line which makes an interior angle with the last mentioned course of 99 degrees, 46 minutes, and 50 seconds, 42 feet, 10-1/2 inches;

2. along a line which makes an interior angle with the said last mentioned course of 175 degrees, 5 minutes, and 10 seconds, 19 feet, 3 inches; and

3. along a line which makes an interior angle with the last preceding course of 175 degrees, 29 minutes and 10 seconds, 39 feet, 10 inches to the corner first above mentioned, as the point or place of BEGINNING.

PARCEL B:

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

BEGINNING at the corner formed by the intersection of the easterly side of Broadway with the northerly side of Exchange Place;

RUNNING THENCE northerly along the easterly side of Broadway 184 feet to the northerly face of the northerly wall of the building on premises described herein, which point is the southerly line of land now of The Bank of New York (as successor by merger to Irving Trust Company);

THENCE along the land now of The Bank of New York (as successor by merger to Irving Trust Company); the courses and distances following;

1. Easterly along a line which makes an angle of 89 degrees 17 minutes 30 seconds on its northerly side with the easterly side of Broadway, 52 feet 1 inch;

2. Continuing easterly along a line which makes an angle of 180 degrees 24 minutes 30 seconds on its northerly side with the preceding course, 35 feet 10 inches;

3. Still easterly along a line which makes an angle of 191 degrees 7 minutes 30 seconds on its northerly side with the preceding course 12 feet 10 inches;

4. Still easterly along a line which makes an angle of 166 degrees 36 minutes on its northerly side with the preceding course and an angle of 86 degrees 32 minutes and 30 seconds with the westerly side of New Street 17 feet 2 inches to the westerly side of New Street;

THENCE southerly along the westerly side of New Street 177 feet 7-1/2 inches to the northerly side of Exchange Place;

THENCE westerly along the northerly side of Exchange Place; 132 feet 6 inches to the easterly side of Broadway, to the point or place of BEGINNING.

* NB There are 8 par (e-15)'s

* (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the Borough of Queens, county of Queens, City and State of New York, bounded and described as follows:

All that lot or parcel of land, situate, lying and being in the fourth yard of the borough of Queens, County of Queens, City of New York, and state of New York, a certain plot of land being lots numbered five hundred fourteen (514), five hundred fifteen (515), and five hundred sixteen (516), in block fifteen (15) on a certain map entitled "Map of Rosedale Terrace," surveyed December 1905, and May 1906, by Evans Bronx, Jamaica, NY, and filed in the office of the Clerk of said county of Queens, on the 18th day of February, 1907, and known as Map number 418, No. 2. said premises being situated on the southeast corner of Brookville Boulevard, and Stratford Avenue, Rosedale, Queens County, New York being a plot with a frontage on Brookville Boulevard, of approximately sixty (60) feet and a frontage on Stratford Avenue, of approximately seventy-four (74) feet, irregular. Together with the appurtenances and all the estate and right of the length of that first part, in and to said premises.

Being and intended to be the same premises described in a deed from George Deutch and Angela Deutch to Rosedale-Laurelton American Legion Post 483 dated August 29th, 1934 and recorded with the Queens County Office of the Register August 31st, 1934 in the Queens County City Register File Number 18865.

* NB There are 9 par (e-16)'s

* (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision or paragraph (a) of subdivision three of section one hundred five of this chapter, the authority may issue retail licenses for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail located wholly within the boundaries of the borough of Manhattan, city of New York, county of New York, bounded and described as follows:

The Condominium Unit ("Unit") known as Unit B or the Non-Residential Unit in the building ("Building") known as the One Wall Street Condominium ("Condominium") and by the street number One Wall Street, Borough of Manhattan, County of New York, City and State of New York, said Unit being designated and described as the Non-Residential Unit in a certain declaration dated March 9, 2018, made by MIP One Wall Street Acquisition LLC pursuant to Article 9-B of the Real Property Law of the State of New York ("Condominium Act") establishing a plan for condominium ownership of the Building and the land ("Land") upon which the Building is situate (which Land is more particularly described below), which declaration was recorded in the Office of the Register of the City of New York of the County of New York ("Register's Office") on June 29, 2018, as CRFN# 2018000215497 ("Declaration"). The Unit is also designated as Tax Lot 1002 in Block 23 of the Borough of Manhattan on the Tax Map of the Division of Land Records of the City of New York and on the Tax Lot Drawings of the Building, certified by SLCE Architects on April 19, 2018, and filed with the Department of Finance of the City of New York on June 20, 2018, as Condominium Plan No. 2751 and also filed in the Register's Office on June 29, 2018, as CRFN# 2018000215498;

TOGETHER with an undivided 17.4195% interest in the Common Elements

(as such term is defined in the Declaration), the land upon which the Building containing the Unit is situate is described as:

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:

PARCEL A:

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

BEGINNING at the corner formed by the intersection of the easterly side of Broadway with the southerly side of Wall Street;

RUNNING THENCE southerly, along the easterly side of Broadway 178 feet, 8-3/4 inches to the northerly face of the northerly wall of the building on the premises adjoining on the south;

HENCE easterly, along a line which makes an angle of 89 degrees, 17 minutes, and 30 seconds on its northerly side with the preceding course, 52 feet, 1 inch;

THENCE continuing easterly, along a line which makes an angle of 180 degrees, 24 minutes, 30 seconds on its northerly side with the preceding course, 35 feet, 10 inches;

THENCE still easterly, along a line which makes an angle of 191 degrees 7 minutes and 30 seconds on its northerly side with the preceding course, 12 feet, 10 inches;

THENCE still easterly, along a line which makes an angle of 166 degrees, 36 minutes on its northerly side with the preceding course, and an angle of 86 degrees, 32 minutes, and 30 seconds with the westerly side of New Street, 17 feet, 2 inches to the westerly side of New Street;

THENCE northerly, along the westerly side of New Street on a line which makes an interior angle with the last preceding course of 86 degrees, 32 minutes, 30 seconds, 44 feet, 2-3/4 inches;

THENCE still northerly, along the said westerly side of New Street, on a line which makes an interior angle with the last preceding course of 181 degrees, 14 minutes and 0 seconds, 135 feet, 4-1/2 inches to the corner formed by the intersection of the southerly side of Wall Street with the westerly side of New Street;

THENCE westerly, along the said southerly side of Wall Street, the following three courses and distances:

1. along a line which makes an interior angle with the last mentioned course of 99 degrees, 46 minutes, and 50 seconds, 42 feet, 10-1/2 inches;

2. along a line which makes an interior angle with the said last mentioned course of 175 degrees, 5 minutes, and 10 seconds, 19 feet, 3 inches; and

3. along a line which makes an interior angle with the last preceding course of 175 degrees, 29 minutes and 10 seconds, 39 feet, 10 inches to the corner first above mentioned, as the point or place of BEGINNING.

PARCEL B:

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

BEGINNING at the corner formed by the intersection of the easterly side of Broadway with the northerly side of Exchange Place;

RUNNING THENCE northerly along the easterly side of Broadway 184 feet to the northerly face of the northerly wall of the building on premises

described herein, which point is the southerly line of land now of The Bank of New York (as successor by merger to Irving Trust Company);

THENCE along the land now of The Bank of New York (as successor by merger to Irving Trust Company); the courses and distances following;

1. Easterly along a line which makes an angle of 89 degrees 17 minutes 30 seconds on its northerly side with the easterly side of Broadway, 52 feet 1 inch;

2. Continuing easterly along a line which makes an angle of 180 degrees 24 minutes 30 seconds on its northerly side with the preceding course, 35 feet 10 inches;

3. Still easterly along a line which makes an angle of 191 degrees 7 minutes 30 seconds on its northerly side with the preceding course 12 feet 10 inches;

4. Still easterly along a line which makes an angle of 166 degrees 36 minutes on its northerly side with the preceding course and an angle of 86 degrees 32 minutes and 30 seconds with the westerly side of New Street 17 feet 2 inches to the westerly side of New Street;

THENCE southerly along the westerly side of New Street 177 feet 7-1/2 inches to the northerly side of Exchange Place;

THENCE westerly along the northerly side of Exchange Place; 132 feet 6 inches to the easterly side of Broadway, to the point or place of BEGINNING.

* NB There are 9 par (e-16)'s

* (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision or paragraph (a) of subdivision three of section one hundred five of this chapter, the authority may issue retail licenses for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages within the Town and Village of Mount Kisco, County of

Westchester and State of New York at retail located wholly within the boundaries of the bounded and described as follows:

BEGINNING at a point on the easterly side of East Main Street where the same is intersected by the division line between the premises hereinafter described and land now or formerly of Thresa Gonzales, Joan and Peter DiPaolo,

RUNNING THENCE along said division line, North 87 degrees 4'20" East 157.41 feet to a point on the westerly side of land now or formerly of Rilma Cabrebra,

THENCE along same, South 3 degrees 5'20" West 69.16 feet, and South 3 degrees 42'20" West 32.92 feet to a point on the northerly side of land now or formerly of Main Street Prime Properties;

THENCE along the same, South 60 degrees 31'10" West 60.41 feet to a point on the easterly side of land now or formerly of 159th East Main Street Associate;

THENCE along the easterly and northerly sides of said last mentioned land, North 29 degrees 28'50" West 25 feet, and South 60 degrees 31'10" West 67.58 feet to the easterly side of Main Street;

THENCE along the same the following courses and distances,

Northerly on a curve to the right, having a radius of 252.58 feet, a distance of 0.48 feet, and northerly on a curve to the right, having a radius of 350 feet, a distance of 82.81 feet, and North 7 degrees 26'40" West 55.01 feet to the point of BEGINNING.

* NB There are 9 par (e-16)'s

* (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located

wholly within the boundaries of the county of Saratoga, bounded and described as follows:

All that certain tract, piece or parcel of land, situate, lying and being in the city of Saratoga Springs, county of Saratoga and state of New York, bounded and described as follows:

Commencing at a point in the northerly line of Washington Street where the division line between the land hereby described and the land now or late of Peter V. Wiggins meets the said northerly line of Washington Street and running thence westerly along the said northerly line of Washington Street one hundred ten (110') feet more or less to the division line between the land hereby described and the land now or late of Edward R. Stevens thence northerly along the easterly line of the said now or late of Edward R. Stevens one hundred seventy-one feet and six inches more or less to the line of the land of the United States Hotel, thence easterly along the line of land of the United States Hotel, thence easterly along the line of the United States Hotel one hundred twelve feet more or less and thence southerly along the westerly line of said land of late Peter V. Wiggins two hundred feet more or less to the northerly line of Washington Street at the place of beginning.

Being the same premises described in an exclusive easement from the Universal Baptist Church of Saratoga Springs, New York to Saratoga Springs Universal Preservation Hall, dated January 26, 2004 and recorded in the Saratoga County Clerk's Office on February 25, 2004 in Book 1674 of Deeds at Page 268.

* NB There are 9 par (e-16)'s

* (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Onondaga, bounded and described as follows:

All that certain tract, piece or parcel of land, situate, lying and being in the village of North Syracuse, county of Onondaga and state of New York, bounded and described as follows:

Beginning at a drill hole in the sidewalk near the northwesterly corner of the building located at the southeasterly corner of South Main Street and Church Street, in the Village of North Syracuse, New York, thence south. twenty-eight degrees, fifty minutes west, along the easterly bounds of the street known as South Main Street, 48.81 feet to the continuation of the northerly edge of the concrete block building now leased to the American Stores Company; thence south. sixty-two degrees 51 minutes and 30 seconds east, 94.31 feet to a stake; thence south, eleven degrees 01 minutes and 50 seconds west, 31.58 feet to a stake; thence south, sixty-two degrees, fifty-eight minutes and ten seconds east, 45.97 feet to a stake set in the easterly line of Farm Lot No. 79 of the Town of Clay, being the Town Line between the Towns of Clay and Cicero. Onondaga County, New York; thence north, 5 degrees 40 minutes and 40 seconds East, 104.01 feet to a chisel mark in the south bounds of the sidewalk on the southerly side of Church Street; thence north, 72 degrees 05 minutes west, 10.96 feet, along the south bounds of the sidewalk to the point or place of beginning, together with all the lands lying between the boundaries above set forth and the center lines of Church and South Main Streets.

BEING the same premises conveyed by Deed from Joan M. France Conway, as Executrix of the Will of Pauline M. France to Joan M. France Conway dated December 12, 1992 and recorded February 17, 1993 in the Onondaga County Clerk's Office in Book 3827 at Page 56.

* NB There are 9 par (e-16)'s

* (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Kings in the Borough of Brooklyn in the city of New York, bounded and described as

follows:

ALL THAT CERTAIN PLOT, piece of parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings and State of New York, bounded and described as follows:

BEGINNING AT A POINT on the corner of easterly side of Hewes Street and the southerly side of South 5th Street;

RUNNING THENCE easterly the southerly side of South 5th Street 101 feet 7 inches (101 feet 6 inches tax map);

THENCE southerly parallel with Hewes Street 100 feet 2 1/8 inches description (100 feet 0 inches tax map);

THENCE westerly parallel with South 5th Street 101 feet 7 inches (101 feet 6 inches tax map) to the easterly side of Hewes Street;

THENCE northerly along the easterly side of Hewes Street 100 feet 2 1/8 inches (100 feet 0 inches description) to the southerly side of South 5th Street to the point or place of BEGINNING.

* NB There are 9 par (e-16)'s

* (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the borough of Manhattan, county of New York, city and state of New York, bounded and described as follows:

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

BEGINNING at the corner formed by intersection of the Northerly side of Twenty-Ninth Street with the Easterly side of Third Avenue and running thence Northerly along the Easterly Side of said Avenue Twenty-Four (24) feet and Four and One-Quarter (4-1/4) inches, thence Easterly and parallel with Twenty-Ninth Street and Fifty-Nine (59) Feet, thence Southerly parallel with said Avenue, Twenty-Four Feet and Four and One-Quarter (4-1/4) inches to Twenty-Ninth Street and thence Westerly along Twenty-Ninth Street, Fifty-Nine feet to the point of place of Beginning.

SAID PREMISES being known as and located at 415 Third Avenue, New York, New York and designated as Block 910 Lot 1 as shown on the Tax Map of the City of New York, County of New York.

SAID PREMISES being and intended to be the same premises conveyed to the party of the first part by deed dated 8/23/2013 and recorded on 11/15/2013 in the New York City Register's Office as CRFN 2013000471055.

- * NB There are 9 par (e-16)'s

- * NB Repealed unless licensee immediately obtains a leasehold upon sale or transfer of such parcel (see § 2 of chapter 278 of 2024)

- * (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Washington, bounded and described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being in the Village of Hudson Falls, County of Washington and the State of New York, more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Main Street at the northeasterly corner of the lands conveyed to C. Bruce Wetmore and Gary C. Wilson by deed dated August 12, 1988 and recorded in Book 580 of deeds at page 289; thence running South 75 degrees, 21 minutes and 12

seconds West to and along and beyond the face of the two story brick building on the premises described herein being also the northerly bounds of the lands of said Wetmore and Wilson, a distance of 77.00 feet to the northwesterly corner of said lands of Wetmore and Wilson; thence running North 14 degrees, 28 minutes and 43 seconds West, a distance of 28.22 feet along the lands now or formerly of Erskine Rogers, Jr., to the southerly bounds of the lands of Drake Brothers, Inc.; thence running North 75 degrees, 21 minutes and 47 seconds East along said lands to and along and beyond the face of the two story brick building on the premises herein described, a distance of 77.00 feet to the westerly bounds of said Main Street; thence running South 14 degrees, 28 minutes and 43 seconds East, a distance of 28.20 feet to the point and place of beginning.

Bearings given in the above description refer to the magnetic meridian as of November, 1970.

* NB There are 9 par (e-16)'s

* (e-16) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the city of Ithaca, county of Tompkins, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Ithaca, County of Tompkins and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point marked in the west street line of North Cayuga Street, which point is marked by a drill hole and which point is also located 214' +/- northerly along said street line from its intersection with the north street line of West Buffalo Street;

RUNNING THENCE North 00° 03' 52" East along the west street line of North Cayuga Street a distance of 185.96' to a point in the south street

line of West Court Street which point is 0.9' southwesterly of a point at which a traffic signal pole is located;

RUNNING THENCE South 89° 43' 33" West along the south street line of West Court Street a distance of 200.79' to a point in said street line that is marked by a nail found, which point is also the northeast corner of premises now or formerly of Tompkins County Senior Citizens Council, Inc. (hereinafter referred to as "TCSCC")(Liber 776 of Deeds at page 266);

RUNNING THENCE South 00° 03' 05" West along said premises now or formerly of TCSCC a distance of 100.00' to a point;

RUNNING THENCE North 87° 46' 28" West along said premises now or formerly of TCSCC a distance of 5.23' to a point, which point is South 87° 46' 28" East a distance of 12.27' from a point marked by a nail found in the east line of said premises now or formerly of TCSCC;

RUNNING THENCE South 00° 03' 52" West along the east line of said premises now or formerly of TCSCC a distance of 85.55' to a point marked by a pin found, which point is also the northwest corner of premises now or formerly of Seaney (Instrument No. 586336-005)

RUNNING THENCE North 89° 54' 16" East along the north line of said premises now or formerly of Seaney a distance of 205.99' to a point in the westt street line of North Cayuga Street and the point or place of beginning.

* NB There are 9 par (e-16)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Columbia, bounded and described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being in the City of Hudson, County of Columbia and the State of New York, more particularly bounded and described as follows:

BEGINNING at a point formed by the intersection on the presumed northeasterly line of Warren Street with the presumed southeasterly line of Fourth Street at or near the corner of the brick building on this property; thence running North 44 degrees, 15 minutes and 30 seconds East for a distance of 77.65 feet and North 44 degrees, 15 minutes and 30 seconds East for a distance of 42.35 feet to the presumed southwesterly line of Prison Alley; thence running South 45 degrees, 44 minutes and 30 seconds East for a distance of 20.29 feet, South 45 degrees, 44 minutes and 30 seconds East for a distance of 29.71 feet, and South 45 degrees, 44 minutes and 30 seconds East for a distance of 28.94 feet to the lands now or formerly of White Whale Limited known as 408-410 Warren Street and described in deed 749 page 1640; thence running South 44 degrees, 15 minutes and 30 seconds West for a distance of 120.00 feet to the presumed northeasterly line of Warren Street; thence running North 45 degrees, 44 minutes and 30 seconds West for a distance of 28.94 feet and North 45 degrees, 44 minutes and 30 seconds West for a distance of 50.00 feet to the point or place of beginning.

* NB There are 9 par (e-17)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the city of Rochester, county of Monroe, bounded and described as follows:

THAT TRACT OR PARCEL OF LAND in the City of Rochester, Monroe County, New York, known as Lot #7 of the Willian Horcheler Subdivision, of Lots 31 and 32 of the Munger Tract, situated on the south west corner of South Avenue and Gregory Street, as the same is laid down on a map thereof filed in Monroe County Clerk's Office in Liber 26 of Maps, page 34.

Said Lot #7 being 77 feet on the north side and 43.25 feet on the west end, 76.99 feet on the south side and 45.28 feet on the east end, as measured along the street line of South Avenue as will more fully appear by said map.

Also all the right, title and interest of the party of the first part in and to a certain easement granted to one William Horscheler by Henry Kroegr and Anna C. Kroeger, his with by instrument dated August 27, 1926, acknowledged the same day and recorded in Monroe County Clerk's Office August 30, 1926, in Liber 1379 of Deeds, page 210.

* NB There are 9 par (e-17)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Orange in the city of Middletown, bounded and described as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Middletown, County of Orange and State of New York, being shown and designated as Lot No. 10 on a certain map entitled, "Lands of Frank M. Stratton," which map was filed on January 2, 1896 in the Orange County Clerk's Office as Filed Map No. 222, bounded and described as follows:

BEGINNING at a point in the westerly line of North Street at the southeasterly corner of lands of 42 North Street LLC (Liber 14773 Page 760) and also being the northeasterly most corner of the herein described parcel;

THENCE from the said point or place of beginning and following along the westerly line of North Street, South 21 degrees 15 minutes 00 seconds West, 23.00 feet to a point;

THENCE along the line of lands of Rehoboth Christian Center, Inc. (Liber 4572 Page 146) and along a common party wall, North 68 degrees 45 minutes 00 seconds West, 100.25 feet to a point;

THENCE along an Alley Way, North 20 degrees 45 minutes 06 seconds East, 23.00 feet to point;

THENCE along the lands of said 42 North Street LLC and along a common party wall, South 68 degrees 45 minutes 00 seconds East, 100.45 feet to the point or place of BEGINNING.

* NB There are 9 par (e-17)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Orange in the city of Middletown, bounded and described as follows:

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the City of Middletown, County of Orange, State of New York, and being more accurately bounded and described as follows:

BEGINNING at a point in the easterly line of North Street at the northeasterly building corner which lies on the herein described parcel and at the southwesterly building corner which lies on the lands of Beakes; thence from the said point or place of beginning and following along a common brick party wall and along the line of lands of Beakes, South 62 degrees 17' 25" East a distance of 51.50 feet to a point; thence along the line of lands of City of Middletown and passing through a concrete wall, South 21 degrees 17' 35" West a distance of 16.83 feet to a point; thence still along the lien of lands of the City of Middletown and passing along a common brick party wall, North 61 degrees 51' 40" West a distance of 54.00 feet to a point in the easterly line of North Street; thence along the easterly line of North Street, North 29

degrees 52' 40" East a distance of 16.33 feet to the point or place of BEGINNING.

BEING and intended to be the same premises conveyed to Paul Wyman by deed from F.D. Kernochan, Inc., dated May 14, 1997 and recorded in the Orange County Clerk's Office on May 16, 1997, in Liber 4570, page 16.

* NB There are 9 par (e-17)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Orange in the city of Middletown, bounded and described as follows:

Schedule C

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

BEGINNING at a point on the southeasterly side of North Street, said point being the southwesterly corner of lands now or formerly of DeGraw Equity (liber 5208 page 260);

THENCE South 59 degrees 45 minutes 09 seconds East, a distance of 104.24 feet passing through a party wall and along the lands now or formerly DeGraw Equity (liber 5208 page 260) to a building corner;

THENCE along the lands now or formerly Glendening (liber 4778 pages 277 & 281) the following three (3) courses and distances:

1. South 59 degrees 42 minutes 20 seconds East, a distance of 30.00 feet;

2. South 30 degrees 47 minutes 00 seconds West, a distance of 23.89 feet;

3. South 34 degrees 37 minutes 40 seconds East, a distance of 26.38 feet to a building corner;

THENCE South 30 degrees 47 minutes 00 seconds West, a distance of 51.08 feet along the lands now or formerly Glendening (liber 4778 page 261) and Foley (liber 2334 page 295) to a point;

THENCE along the lands now or formerly Foley (liber 2334 page 295) the following four (4) courses and distances:

1. North 61 degrees 09 minutes 30 seconds West, a distance of 60.00 feet;

2. North 82 degrees 02 minutes 01 seconds West, a distance of 20.03 feet;

3. South 30 degrees 46 minutes 54 seconds West, a distance of 0.94 feet;

4. North 59 degrees 50 minutes 59 seconds West, a distance of 84.24 feet passing through a party wall to a point;

THENCE North 30 degrees 47 minutes 04 seconds East, a distance of 89.54 feet along the southeasterly side of North Street to the point or place of BEGINNING.

* NB There are 9 par (e-17)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the Borough of Brooklyn, county of Kings, bounded and described as follows:

ALL that certain plot, piece or parcel of land, with the buildings and

improvements thereon erect lying and being in the Borough of Brooklyn, County of Kings, City and state of New York, bounded and described as follows:

BEGINNING at a point on the Westerly side of flatbush Avenue distant an one hundred (100) feet Northerly from the corner formed by the intersection of the Northerly side of Avenue R with the Westerly side of Flatbush Avenue;

RUNNING THENCE Westerly parallel with Avenue R, one hundred (100) feet;

THENCE Northerly parallel with Flatbush Avenue, twenty-six feet 8 inches (26'8") to

THENCE Southerly along the Westerly side of Flatbush Avenue, twenty-six feet eight inches (26'8") to the point or Place of BEGINNING

Thence Easterly again parallel with Avenue R and part of the distance or distant through a party wall, one hundred (100) feet to the Westerly side of Flatbush Avenue; SAID PREMISES being known as by the Street number 2192-92A Flatbush Avenue, Brooklyn NY

BEING THE SAME premises convey to the grantor herein by deed 10/7/97 and recorded in Reel4035, page 1017

* NB There are 9 par (e-17)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the Borough of Brooklyn, county of Kings, bounded and described as follows:

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

BEGINNING at the corner formed by the intersection of the westerly side of Nostrand Avenue with the northerly side of Rutland Road;
RUNNING THENCE northerly, along the westerly side of Nostrand Avenue, 20 feet,
THENCE westerly, parallel with Rutland Road and part of the distance through party wall 80 feet;
THENCE southerly parallel with Nostrand Avenue, 20 feet to the northerly side of Rutland Road;
THENCE easterly along the northerly side of Rutland Road, 80 feet to the point or place of BEGINNING.

* NB There are 9 par (e-17)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Ontario, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Phelps Gorham Tract, Township 11, Range 1, Village of Phelps, Town of Phelps, County of Ontario, and State of New York, all of which is shown on a map prepared by David M. Clark, PLS entitled "Instrument Survey of Lands of Patricia R. Quigley" last dated November 4, 1995, Job No. 218.00, and being more particularly described as follows:

BEGINNING at a point in the apparent easterly street line of Church Street at the southwest corner of lands of Harold E. and Wilma B. Neff (Liber 684, Page 884), said point being 177 feet, more or less, south of the new existing southerly curb line of Main Street thence the following five courses and distances:

1. Thence, South 14-43-39 West along the apparent easterly street line of Church Street, a distance of 23.78 feet to a point at the northwest corner of lands of John F. Riley (Liber 951, Page 172);

2. Thence, South 74-38-00 East along the northerly line of lands of John F. Riley (liber 951, Page 172) a distance of 101.45 feet to an iron pin at the northeast corner of lands of said John F. Riley;

3. Thence, North 59-48-26- East along the westerly line of lands of Stephen T. Calloway (Liber 840, Page 384 a distance of 2.48 feet to an iron pin set:

4. Thence, North 38-12-53 East along the westerly line of lands of said Stephen T. Calloway and the westerly line of lands of the Town of Phelps (liber 858, Page 5) a distance of 25.12 feet to an iron pine set at the southwest corner of lands of Harold E. and Wilma B. Neff (liber 682, Page 914); and

5. Thence, North 75-10-57 West along the southerly line of lands of said Harold E. and Wilma B. Neff (Liber 682, P914) and along the southerly face of the building of lands of said Harold E. and Wilma B. Neff (L684, P884) a distance of 113.21 feet to a point in the apparent street line of Church Street, said point being the point and place of beginning.

* NB There are 9 par (e-17)'s

* (e-17) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Queens, bounded and described as follows:

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

BEGINNING at a point on the southerly side of Skillman Avenue, distant 44 feet easterly from the corner formed by the intersection of the easterly side of 48th Street, formerly Grosman Avenue, with the

southerly side of Skillman Avenue;

RUNNING THENCE southerly at right angles to Skillman Avenue and part of the distance through a party wall 74.20 feet;

THENCE Easterly parallel with the southerly side of Skillman Avenue, 19 feet;

THENCE northerly again at right angles to Skillman Avenue and part of the distance through a party wall 74.20 feet to the southerly side of Skillman Avenue;

THENCE westerly along the southerly side of Skillman Avenue, 19 feet to the point or place of BEGINNING.

TOGETHER with the Bakery over and improvement on the property immediately adjoining on the East which is subject to an Easement in favor of the owner on the West to maintain an encroachment of a part of the building as it now stands upon the Southwest portion of his premises immediately adjourning on the East more particularly bound and described in Deed dated October 15, 1970, recorded in Reel 433 page 874, by which conveyance title to the premises herein.

* NB There are 9 par (e-17)'s

* (e-18) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the borough of Manhattan, county of New York, city and state of New York, bounded and described as follows:

Any licensed retailer located on the first floor and basement of all that certain plot, piece or parcel of land with the buildings and improvements thereon erected, 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 formed by the intersection of the westerly side of Second Avenue with the northerly side of 53rd Street, running thence Northerly along the westerly side of Second Avenue, 25 feet 5 inches, thence Westerly and parallel with 53rd Street and through the center of a party wall, 61 feet 5 inches, thence Southerly parallel with Second Avenue, 25 feet 5 inches to the northerly side of 53rd Street, and thence Easterly along the northerly side of 53rd Street, 61 feet 5 inches to the point of place of beginning.

SAID PREMISES also being known as and by the street address 1003 Second Avenue, New York, New York and designated as Block 1327, Lot 21 as shown on the tax map of the City of New York, County of New York.

- * NB There are 7 par (e-18)'s

- * NB Repealed unless licensee immediately obtains a leasehold upon sale or transfer of such parcel (see § 2 of chapter 177 of 2026)

- * (e-18) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the borough of Manhattan, county of New York, city and state of New York, bounded and described as follows:

PARCEL I:

Subject tract now known as Lot 22 Block 1660 on the Tax Map of the City of New York, New York County State of New York and more particularly described as follows:

BEGINNING at a point on the westerly side of 2nd Avenue distant 25 feet 5 inches (25.17 feet tax map) northerly of the corner formed by the intersection of the northerly side of East 1 10th Street and the westerly side of 2nd Avenue;

RUNNING THENCE westerly parallel with northerly side East 110th Street and part of the distance through a party wall, 75 feet to a point;

THENCE northerly parallel with the westerly side of 2nd Avenue, 25 feet 3 inches (25.25 feet tax map) to a point;

THENCE easterly parallel with the northerly side of East 110th Street, 75 feet to the westerly side of 2nd Avenue to a point;

THENCE southerly along the westerly side of 2nd Avenue, 25 feet 3 inches (25.25 feet tax map) to the point or place of BEGINNING.

SAID PREMISES BEING KNOWN AS AND BY; 2143 2nd Avenue New York, New York 10029, Block 1660 Lot 22 New York County.

PARCEL II:

ALL that certain plot piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan and City, County, and State of New York bounded and being known as Lot 23 Block 1660 on the Tax Map of the City of New York, New York County State of New York and more particularly described as follows:

BEGINNING at a point on the westerly side of 2nd Avenue distant 50 feet 5 inches (50.42 feet tax map). northerly of the corner formed by the intersection of the northerly side of East 110th Street and the westerly side of 2nd Avenue;

RUNNING THENCE westerly parallel with northerly side East 110th Street and part of the distance through a party wall, 75 feet to a point;

THENCE northerly parallel with the westerly side of 2nd Avenue, 25 feet 3 inches (25.25 feet tax map) to a point;

THENCE easterly parallel with the northerly side of East 110th Street, 75 feet to the westerly side of 2nd Avenue to a point;

THENCE southerly along the westerly side of 2nd Avenue, 25 feet 3 inches (25.25 feet tax map) to the point or place of BEGINNING.

SAID PREMISES BEING KNOWN AS AND BY; 2145 2nd Avenue New York, New York 10029, Block 1660 Lot 23 New York County.

* NB There are 7 par (e-18)'s

* (e-18) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Manhattan, bounded and described as follows:

AS TO THE FEE PARCEL:

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

BEGINNING at the corner formed by the intersection of the Easterly side of Greenwich Street with the Southerly side of Thames Street;

RUNNING THENCE Easterly along the Southerly side of Thames Street, 119 feet 3-1/2 inches to the ground now or late belonging to James Walker and formerly leased to E. Devoe and M. Williams;

THENCE Southerly along the same, 79 feet 8 inches to the Southerly line of land conveyed by the Rector, Church Wardens and Vestrymen of the Protestant Episcopal Church of St. Stephens of the City of New York to The Hamilton Building Company by Deed dated February 1, 1907 and recorded February 4, 1907 in Liber 110 Cp 42 Sec. 1 in the Office of the Register of the County of New York;

THENCE Westerly along the same, 106 feet 10 inches, more or less (deed) 107.01 feet (actual) to the Easterly side of Greenwich Street; and

THENCE Northerly along the said Easterly side of Greenwich Street, 82 feet 7 inches to the point or place of BEGINNING.

AS TO THE EASEMENT PARCEL:

Easements, for the benefits of Fee Parcel, over the parcel of land described below, for light and air, and unobstructed view, above a lower limiting plane at an elevation of 129.38 feet above Datum Level (such Datum Level 2.75 feet above the United States Coast and Geodetic Survey Datum, mean sea level, Sandy Hook, New Jersey), as described in (and subject to the terms and conditions of) (i) Section 2(c) of that certain Zoning Lot Development and Easement Agreement dated September 7, 2012, between 86 Trinity Place LLC, as Owner, and 22 Thames Street LLC, as Developer, recorded 10/9/12 in CRFN 2012000398746 in the Office of the City Register of the City of New York and (ii) that certain Light and Air Easement Agreement dated September 7, 2012, between 86 Trinity Place LLC, as Grantor, and Henry II Thames LP, as Grantee, recorded 10/9/12 in CRFN 2012000398750 in the Office of the City Register of the City of New York.

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

BEGINNING at a point on the Easterly side of Greenwich Street, distant 82 feet 8 inches Southerly from the corner formed by the intersection of the Easterly side of Greenwich Street with the Southerly side of

Thames Street;

RUNNING THENCE Southerly along the Easterly side of Greenwich Street, 178 feet 2 inches to the Northerly face of the Northerly wall of the

building erected on the premises adjoining on the South;

THENCE Easterly along the Northerly face of the Northerly wall of the building on the premises adjoining on the South and on a line in continuation thereof, 107 feet 1-1/4 inches;

THENCE Northwesterly on a line forming an angle in the Northwest quadrant of 84 degrees 12 minutes 20 seconds with the last mentioned course, 47 feet 8-1/4 inches to the centre of a party wall;

THENCE Easterly along the centre of said party wall, 52 feet 2-1/2 inches to the Westerly side of Trinity Place;

THENCE Northerly along the Westerly side of Trinity Place, 124 feet 7-3/4 inches to the Southerly face of the Southerly wall of the building erected on the premises adjoining on the North;

THENCE Westerly along the Southerly face of said wall and on a line drawn in the continuation thereof, 74 feet 5 inches;

THENCE Northerly, 4 inches;

THENCE Westerly and partly along the Southerly face of the Southerly wall of the building adjoining on the North, 107 feet 1-3/4 inches to the point or place of BEGINNING.

* NB There are 7 par (e-18)'s

* (e-18) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the village of Lake Placid, town of North Elba, county of Essex, bounded and described as follows:

ALL THAT CERTAIN PIECE OR 0.35 ACRE PARCEL OF LAND situate in the

Village of Lake Placid, Town of North Elba, County of Essex, State of New York, being part of Lot 258, Township 11, Old Military Tract, Richards' Survey lying west of the center of Main Street, so called, aka NYS Route 86, S.H. No. 1511, and said parcel being more particularly bound and described as follows:

BEGINNING at a point in the east bounds of Main Street at the southeast corner of the premises herein described and being the northeast corner of the Episcopal Church of Lake Placid, located North 18° 08' 10" East, 129 feet, more or less, from the bounds of Hayes Street fka Park Street; thence North 69° 59' 28" West, 161.59 feet along the south line of the parcel to a point at the southwest corner marked by a 5/8 inch iron rod with a plastic cap, and said course passing through a 3/4 inch drill hole in a stone masonry retaining wall at a distance of 0.30 feet;

Thence, North 18° 27' 00" East, 90.24 feet along the west line of the premises marked by a decorative wire fence to a point at the northwest corner and marked by a 5/8 inch iron rod, and said point being in the south line of a twenty (20') foot wide right-of-way in common with others running east/west between Elm Street fka Woodland Terrace and Main Street, and known as Margaret Place;

Thence, South 72° 17' 47" East, 161.02 feet along the south line of said right-of-way, Margaret Place, to a point in the west bounds of Main Street, and said point passing through a 1 inch iron pipe line marker at a distance of 2.01 feet, a 5/8 inch iron rod marker at a distance of 98.66 feet, and a masonry nail line marker in the center of concrete capped retaining wall at a distance of 153.61 feet;

Thence, South 18° 08' 10" West, 96.73 feet along the west bounds of Main Street to the Point-of-Beginning and encompassing therein 0.35 acres, more or less.

TOGETHER WITH all right, title and interest in and to the center of Main Street as the north and south lines are extended easterly thereto.

TOGETHER WITH a twenty (20') foot wide right-of-way over Margaret Place, so called, from Main Street to Elm Street for the purposes of ingress and egress and the connection to public utilities located therein.

TOGETHER WITH AND SUBJECT TO the rights of the public in and to lands within any public street, any and all easements, restrictions and right(s) of way of record, as the same may affect said premises.

SAID PREMISES also being known as and by the street address 2442 Main Street, Lake Placid, New York.

BEING THE SAME PREMISES conveyed to CJDLP LLC from Kane Realty Management LLC by Deed dated June 30, 2025 and recorded in the Essex County Clerk's Office on August 14, 2025 in Book 2210 of Deeds at Page 272.

- * NB There are 7 par (e-18)'s

- * (e-18) Notwithstanding the provisions of paragraph (a) of this subdivision the authority may issue restaurant licenses for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue, or other place of worship, provided such premises is being conducted as a restaurant located wholly within the boundaries of the borough of Manhattan, city of New York, county of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of 16th Street with the westerly side of Irving Place: running thence westerly along the southerly side of 16th Street 100 feet; thence southerly parallel with Irving Place 103 feet 3 inches to the center line of the block; thence easterly along the center line of the block 20 feet; thence southerly parallel with the westerly side of Irving Place 40 feet 9 inches; thence easterly parallel with the southerly side of 16th Street and part of the way through a party wall 80 feet to the westerly side of Irving Place; thence northerly along the westerly side of Irving Place, 144 feet to the point or place of BEGINNING.

- * NB There are 7 par (e-18)'s

- * (e-18) Notwithstanding the provisions of paragraph (a) of this

subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of New York, bounded and described as follows:

All that certain piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, designated on the Tax Map of the City of New York, for the Borough of Manhattan, as said Tax Map was on June 5, 1973 as Section 7 Block 1912 Lot 30 bounded and described as follows:

BEGINNING at a point on the westerly side of Lenox Avenue, distant 20 feet Northerly from the corner formed by the intersection of the Northerly line of West 127th Street with the Westerly line of Lenox (formerly Sixth) Avenue;

RUNNING THENCE Northerly along the Westerly line of Lenox Avenue, 20 feet;

THENCE Westerly parallel with West 127th Street and part of the distance through a party wall, 100 feet;

THENCE and Southerly parallel with Lenox Avenue, 20 feet;

THENCE Easterly, 100 feet to the Westerly side of Lenox Avenue the point and place of BEGINNING.

* NB There are 7 par (e-18)'s

* (e-18) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied as a school, church, synagogue or other place of worship, provided such premises constitute a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Orange in the

village of Florida, at 22 N Main Street, bounded and described as follows:

ALL that lot of land with the building and improvements thereon situate in the Town of Warwick, Village of Florida, County of Orange and State of New York, bounded and described as follows:

BEGINNING on the West line of Main Street in Florida at the Northeast corner of L. B. Vail's Hotel; thence along said street North six degrees East, forty-one feet; thence North eighty-five degrees West, ninety feet; thence South six degrees West, forty feet; thence South eighty-four degrees forty-five minutes East, ninety feet; to the place of beginning.

TOGETHER with a right of way to pass and re-pass to the rear end of the said lot on the land lying between the store house of W. L. Vail and the land conveyed hereby; such right of way being about eleven and one half feet in width.

ALSO all that tract or parcel of land situate in the Town of Warwick, Village of Florida, County of Orange and State of New York, bounded and described as follows:

BEGINNING at an iron in the northwesterly corner of the lands of David Werner, said iron being S 37 degrees 50 minutes W, 90 feet from an iron in the westerly line of Main Street in the Village of Florida, and running from thence along the lands of Stanley Mioduszewski S 72 degrees no minutes W 49.87 feet to an iron; thence along the same S 83 degrees and 53 minutes W, 29.4 feet to the line of lands of Vail and Parkhurst; thence along the latter S 5 degrees 40 minutes E, 23.37 feet to a corner of lands formerly of W. J. Roe; thence along the latter N 88 degrees 37 minutes E 76.0 feet to a corner of the lands of David Werner; thence along the latter N 2 degrees 20 minutes W, 40.0 feet to the place of beginning.

TOGETHER with the use with others of a right of way extending from the abovedescribed parcel along the northerly line of lands of David Werner

to the westerly line of Main Street.

TOGETHER with rights of way as described in Liber 734 cp. 436.

SUBJECT to conditions, notes, and setbacks as shown on filed map, if any; easements, covenants, and restrictions of record; public utility easements; and rights of the public in and to any portion of the property lying in the bed of a public road.

BEING the same lands and premises described in a deed from Renee Weiss, as Administratrix of the Estate of Morris Werner, to Werner Realty of Florida, Ltd., and recorded in the Orange County Clerk's Office in Liber 4177 of Deeds, at page 133.

* NB There are 7 par (e-18)'s

(f) Notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days

in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

8. A license issued for such premises as are being conducted as a catering establishment shall authorize the holder thereof to sell alcoholic beverages at retail during such period of time as a function, occasion or event is in progress therein and then only to persons invited to and attending such function, occasion or event and only for consumption on the premises where sold.

9. A retail license under this section may be granted for a premises being conducted as a restaurant and located in the area leased by the city of New York to the New York World's Fair 1964-1965 pursuant to the provisions of chapter four hundred twenty-eight of the laws of nineteen hundred sixty as amended by chapter nine hundred nine of the laws of nineteen hundred sixty-one during the term or duration of such lease, notwithstanding the fact that said premises is not open to the general public as required by this chapter provided that such premises has been designated as an authorized facility of the New York World's Fair 1964-1965 Corporation and has been certified to the liquor authority by said corporation as such.

§ 64-a. Special license to sell liquor at retail for consumption on the premises. 1. On or before September first, nineteen hundred sixty-nine, any license issued under section sixty-four of this article may be converted into a special on-premises license under this section upon the granting of a request for conversion filed with the liquor authority by the holder of said license. Such a request shall be granted by the authority except for good cause shown. The granting of such a request shall constitute conversion of said license into a special

on-premises license subject to the provisions of this chapter applicable to special on-premises licenses issued under this section.

2. On or after October first, nineteen hundred sixty-four, any person may make an application to the appropriate board for a special license to sell liquor at retail to be consumed on the premises where sold.

3. Such application shall be in such form and shall contain such information as shall be required by the rules of the liquor authority and shall be accompanied by a check or draft in the amount required by this article for such license.

4. Section fifty-four shall control so far as applicable the procedure in connection with such application.

5. Such special license shall in form and in substance be a license to the person specifically licensed to sell liquor at retail to be consumed on the premises specifically licensed. Such license shall also be deemed to include a license to sell wine and beer at retail to be consumed under the same terms and conditions, without the payment of any additional fee.

* 6. No special on-premises license shall be granted except for premises in which the principal business shall be (a) the sale of food or beverages at retail for consumption on the premises or (b) the operation of a legitimate theatre, including a motion picture theatre that is a building or facility which is regularly used and kept open primarily for the exhibition of motion pictures for at least five out of seven days a week, or on a regular seasonal basis of no less than six contiguous weeks, to the general public where all auditorium seating is permanently affixed to the floor and at least sixty-five percent of the motion picture theatre's annual gross revenues is the combined result of admission revenue for the showing of motion pictures and the sale of food and non-alcoholic beverages, or such other lawful adult entertainment or recreational facility as the liquor authority, giving due regard to the convenience of the public and the strict avoidance of sales prohibited by this chapter, shall by regulation classify for eligibility.

* NB Effective until April 20, 2030

* 6. No special on-premises license shall be granted except for premises in which the principal business shall be (a) the sale of food or beverages at retail for consumption on the premises or (b) the operation of a legitimate theatre or such other lawful adult entertainment or recreational facility as the liquor authority, giving due regard to the convenience of the public and the strict avoidance of sales prohibited by this chapter, shall by regulation classify for eligibility. Nothing contained in this subdivision shall be deemed to authorize the issuance of a license to a motion picture theatre, except those meeting the definition of restaurant and meals, and where all seating is at tables where meals are served.

* NB Effective April 20, 2030

7. (a) No special on-premises license shall be granted for any premises which shall be

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship or

(ii) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article;

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section

and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(c) Notwithstanding paragraph (a) of this subdivision, a special on-premises license for a premises in which the principal business shall be the operation of a legitimate theater by a corporation organized pursuant to the not-for-profit corporation law may be granted notwithstanding the proximity of such premises to any school, provided that the availability of alcoholic beverages on such premises shall not be advertised in any way at such premises in any manner visible from such street or avenue.

(c-1) Notwithstanding the provisions of subparagraph (i) of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises and/or an overnight lodging facility located wholly within the boundaries of the borough of Manhattan in the city and county of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of 7th Avenue, distant 25 feet northerly from the northeasterly corner of 7th Avenue and 132nd Street; RUNNING THENCE easterly parallel with the northerly side of 132nd Street and part of the distance of the distance through a party wall, 75 feet; THENCE northerly parallel with 7th Avenue, 49 feet 11 inches; THENCE westerly parallel with 132nd Street 75 feet to the easterly side of 7th Avenue; THENCE southerly along the easterly side of 7th Avenue, 49 feet 11 inches to the point or place of BEGINNING, being the same premises located at 2247 Adam Clayton Powell, Jr. Boulevard (Seventh Avenue), block 1917, lot 2 described in deed made by 2247-49 ACP South realty LLC to AIMCO 2247-2253 ACP, LLC, dated June twenty-ninth, two thousand seven and recorded July seventh, two thousand seven in the Office of the City Register, New York County as document number 2007071001657001.

(c-2) Notwithstanding the provisions of subparagraph (i) of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the town of Bainbridge, county of Chenango, bounded and described as follows:

BEGINNING at an iron stake at the curb on the north side of North Main Street, which stake is in a line with the edge of the concrete sidewalk in front of the Ireland Hardware Block; thence to the joint corner of said hardware block and the concrete post at the southwest corner of the Central Hotel, twenty-seven (27) feet; thence along the foundation wall of said hotel forty (40) feet to an iron stake under a part of the

Ireland Hardware Store Building six (6) feet from the corner of said foundation wall and on a continuation of said line along the Hotel foundation; thence at an approximate right angle in a northeasterly direction along a line parallel to and six (6) feet distant from the foundation wall on the "ell" of the Hotel to a point six (6) feet distant from the foundation wall of the main building of the Hotel, fourteen (14) feet; thence again at a right angle in an approximately north-westerly direction on a line parallel to and six (6) feet distant from the foundation wall of said Hotel building forty-three (43) feet to an iron stake; thence in a northeasterly direction on a line from said stake touching the corner of the foundation wall to a point on the line of premises of the Vendor and premises now owned by Edward Danforth, known as the Danforth Block; thence in a southeasterly direction along said boundary line between said premises, which line is believed to be nine (9) feet distant southwesterly from the foundation wall of said Danforth Block, to the curb line; thence along said curb line in a southwesterly direction to the point or place of beginning.

Being known and designated on the Chenango County Tax Map for the Village and Town of Bainbridge as parcel 265.11-2-15 as said tax map was on the 15th day of June 2010.

(c-3) Notwithstanding the provisions of subparagraph (i) of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises and/or an overnight lodging facility located wholly within the boundaries of the borough of Manhattan in the city and county of New York, bounded and described as follows:

BEGINNING at the intersection formed by the easterly side of Fifth Avenue and the southerly side of East 117th Street; and

RUNNING THENCE easterly along the southerly side of East 117th Street, 110 feet 0 inches;

THENCE southerly at right angles to the last mentioned course, 100 feet 11 inches;

THENCE westerly at right angles to the last mentioned course, 110 feet 0

inches at right angles to the easterly side of Fifth Avenue;
THENCE northerly along the easterly side of Fifth Avenue at right angles to the last mentioned course, 100 feet 11 inches to the point or place of BEGINNING.

Being known and designated on the Tax Map of The City of New York, for the Borough of Manhattan, as Section 6, Block 1622 Lot 73 as said Tax Map was on the 26th day of November 1974.

(c-4) Notwithstanding the provisions of subparagraph (i) of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the city of Binghamton, county of Broome, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Binghamton, County of Broome, State of New York, more particularly bounded and described as follows:

BEGINNING at the intersection of the east line of Front Street and the south line of Main Street; thence easterly along the south line of Main Street making an interior angle of $100^{\circ} 54'$ with the east line of Front Street a distance of 35.36 feet to a point in the center line of a former ten-foot right of way; thence southerly making an interior angle of $79^{\circ} 15'$ with the last course a distance of 107 feet to a point in the north line of an alley; thence westerly along the north line of said alley and making an interior angle of $90^{\circ} 07'$ with the last course a distance of 35 feet to a point in the east line of Front Street; thence northerly along said east line of Front Street and making an interior angle of $89^{\circ} 44'$ with the last course a distance of 100.46 feet to the point of beginning. Hereby intending to describe the premises commonly known as 11 Main Street.

(c-5) Notwithstanding the provisions of subparagraph (i) of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue

or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the city of Binghamton, county of Broome, bounded and described as follows:

All that tract or parcel of land, situate in the City of Binghamton, County of Broome and State of New York, on the west side of the Chenango River at the west end of the Court Street Bridge, and bounded and described as follows: Commencing at the southeasterly corner of premises conveyed by Harry Smolensky and Anna Smolensky to Guilio Mattioli and Anthony F. Mattioli, Sr. by Full Covenant Deed dated February 28th, 1963 and recorded in the Broome County Clerk's office in Book 1063 of Deeds at page 731 and running thence northerly along the easterly line of premises so conveyed in a straight line to lands formerly the homestead property of Benjamin F. Sisson, the southerly part of which is the third parcel of land described in a Warranty Deed from Archie S. Beers by Roland F. Beers, his attorney in fact to Arthur Kradjian and Kenneth Kradjian dated April 18, 1967 and recorded in the Broome County Clerk's office in Book 1119 of Deeds at page 737; thence in an easterly direction along the south line of the said premises formerly of Arthur Kradjian and Kenneth Kradjian to the Chenango River; thence southerly along the westerly bank of the Chenango River as it winds and turns to the north side of Main Street; thence in a westerly direction along the north side of said Main Street to the point or place of beginning.

(c-6) Notwithstanding the provisions of subparagraph (i) of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the city of Binghamton, county of Broome, bounded and described as follows:

All that tract or parcel of land situate in the City of Binghamton, County of Broome and State of New York, being a strip of land twelve (12) feet wide, front and rear taken off the entire southerly side of premises described in 1936 as follows: All that tract or parcel of land

situate in the City of Binghamton, County of Broome and State of New York, and being the homestead property of Benjamin F. Sisson, deceased, situate on the east side of Front Street in said city and being about eighty-seven (87) feet wide front on Front Street and extending to the Chenango River and bounded as follows: on the north by lands of Carrie M. Waldron (formerly owned by Charles D. Rogers), on the south by lands of Conine & Gleason, C. F. & W. W. Sisson, Ida R. Buckingham and James W. Lyon; on the east by the Chenango River and on the west by Front Street, and including all the lands conveyed to Benjamin F. Sisson by three deeds, to wit: one from the Village of Binghamton dated April 10, 1867 and recorded in the Broome County Clerk's office in Book 74 of Deeds at page 125; one from Sarah R. Graves and Herman W. Graves dated July 9, 1875 and recorded in the Broome County Clerk's office in Book 93 of Deeds at page 174; and one from Charles D. Rogers and wife dated July 9, 1875 and recorded in the Broome County Clerk's office in Book 98 of Deed at page 369 and also includes the northerly part of lands conveyed to Benjamin F. Sisson by John S. Wells and wife by deed dated June 28, 1853 and recorded in the Broome County Clerk's office in Book 39 of Deeds at page 401 and 402 to all of which deed reference is had.

(c-7) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises which shall be located within two hundred feet of a building occupied exclusively as a school, church, synagogue, or other place of worship, provided such premises constitutes a premises for the sale of food or beverages at retail for consumption on the premises located wholly within the boundaries of the county of Greene, bounded and described as follows:

ALL that piece or parcel of land, situated in the Village of Catskill, County of Greene and State of New York, described as follows:

BEGINNING at the southeast corner of that parcel of land described as "Parcel 1" in deed recorded in Liber 613 of Deeds at Page 246, being on the north line of Church Street, thence N 89°02'07" W, 58.68 feet along the north line of said Church Street to a line 20.00 feet east from, when measured at right angles to, and parallel with the centerline of existing southbound Water Street;

THENCE N 03°03'19" W, 45.31 feet parallel with the centerline of said Water Street to the northwest corner of that parcel of land described as "Parcel 2" in said Liber 613 of Deeds at Page 246;

THENCE N 89°06'33" E, 62.32 feet along the north line of said "Parcel 2" and along the north line of said "Parcel 1" to the northeast corner of said "Parcel 1";

THENCE S 01°29'38" W, 47.22 feet along the east line of said "Parcel 1" to the point of the BEGINNING.

Being the same premises conveyed by Deed dated November 18, 2005, to Samuel D. Aldi from Dominic Joseph Cornelius, and recorded in the Greene County Clerk's Office on December 8, 2005, in Liber 1197 of Deeds at Page 193.

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting

regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

(e) Within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the

payment of funds to defray costs related to another party's use of the building.

* 8. Every special on-premises licensee shall regularly keep food available for sale to its customers for consumption on the premises. The availability of sandwiches, soups or other foods, whether fresh, processed, pre-cooked or frozen, shall be deemed compliance with this requirement. For motion picture theatres licensed under paragraph (b) of subdivision six of this section, food that is typically found in a motion picture theatre, including but not limited to: popcorn, candy, and light snacks, shall be deemed to be in compliance with this requirement. The licensed premises shall comply at all times with all the regulations of the local department of health. Nothing contained in this subdivision, however, shall be construed to require that any food be sold or purchased with any liquor, nor shall any rule, regulation or standard be promulgated or enforced requiring that the sale of food be substantial or that the receipts of the business other than from the sale of liquor equal any set percentage of total receipts from sales made therein.

* NB Effective until April 20, 2030

* 8. Every special on-premises licensee shall regularly keep food available for sale to its customers for consumption on the premises. The availability of sandwiches, soups or other foods, whether fresh, processed, pre-cooked or frozen, shall be deemed compliance with this requirement. The licensed premises shall comply at all times with all the regulations of the local department of health. Nothing contained in this subdivision, however, shall be construed to require that any food be sold or purchased with any liquor, nor shall any rule, regulation or standard be promulgated or enforced requiring that the sale of food be substantial or that the receipts of the business other than from the sale of liquor equal any set percentage of total receipts from sales made therein.

* NB Effective April 20, 2030

* 9. In the case of a motion picture theatre applying for a license under this section, any municipality required to be notified under section one hundred ten-b of this chapter may express an opinion with respect to whether the application should be approved, and such opinion may be considered in determining whether good cause exists to deny any

such application.

* NB Effective until April 20, 2030

* 9. The liquor authority may make such rules as it deems necessary to carry out the provisions of this section.

* NB Effective April 20, 2030

* 10. The liquor authority may make such rules as it deems necessary to carry out the provisions of this section.

* NB Effective until April 20, 2030

§ 64-b. License to sell liquor on premises commonly known as a bottle club. 1. It shall be unlawful for any person, partnership or corporation operating a place for profit or pecuniary gain, with a capacity for the assemblage of twenty or more persons to permit a person or persons to come to the place of assembly for the purpose of consuming alcoholic beverages on said premises, which alcoholic beverages are either provided by the operator of the place of assembly, his agents, servants or employees, or are brought onto said premises by the person or persons assembling at such place, unless an appropriate license has first been obtained from the state liquor authority by the operator of said place of assembly. Nothing in this section shall be construed as affecting the definition of place of assembly in this chapter or any other law. Nothing contained herein shall prohibit or restrict the leasing or use of such place of assemblage as defined herein by any organization or club enumerated in subdivision seven hereof.

2. Upon or after the effective date hereof any person may make an application to the appropriate board for a special license to operate a bottle club.

3. Such application shall be in such form and shall contain such information as shall be required by the rules of the liquor authority and shall be accompanied by a check or draft in the amount required by this article for such license.

4. Section fifty-four of this chapter shall control so far as applicable the procedure in connection with such application.

5. (a) No bottle club license shall be granted for any premises which shall be

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; or

(ii) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article;

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article or of

the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the

municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article.

(d) Within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the payment of funds to defray costs related to another party's use of the

building.

6. The liquor authority may make such rules as it deems necessary to carry out the provisions of this section.

7. This section shall not apply to any non-profit religious, charitable, or fraternal organization nor to a club as defined in section three, subdivision nine of this chapter, nor to a duly recognized political club, except that it shall be unlawful for any of the above to permit consumption of alcoholic beverages during the hours prohibited by or pursuant to section one hundred six of the alcoholic beverage control law.

§ 64-c. License to manufacture and sell alcoholic beverages in a premises commonly known as a restaurant-brewer. 1. Any person may make an application to the state liquor authority for a license to operate a restaurant-brewer.

2. Such application shall be in such form and shall contain such information as shall be required by the liquor authority and shall be accompanied by a check or draft in the amount required by this section for such license.

4. Section fifty-four of this chapter shall control so far as applicable the procedure in connection with such application.

5. Such restaurant-brewer license shall in form and in substance be a license to the person specifically licensed to operate a restaurant and sell liquor at retail to be consumed on the premises specifically licensed. Such license shall also be deemed to include a license to:

(a) sell wine and beer at retail to be consumed under the same terms and conditions, without the payment of any additional fee;

(b) sell beer brewed on the premises to other retail licensees, where such other retail license is held by the same person holding the restaurant-brewer license, or such other retail license is a commonly owned affiliate license, provided that such beer is sold through a New

York state licensed beer wholesaler;

(c) sell no more than two thousand barrels of beer brewed on the premises to other retail licensees, where such other retail license is not held by the same person holding the restaurant-brewer license, and such other retail license is not a commonly owned affiliate license, provided that such beer is sold through a New York state licensed beer wholesaler; provided however such licensee may sell at wholesale without the use of a licensed beer wholesaler up to two hundred fifty barrels of those two thousand barrels to other retail licensees, where such other retail license is not held by the same person holding the restaurant-brewer license, and such other retail license is not a commonly owned affiliate license; and

(d) sell no more than two thousand barrels of beer brewed on the licensed premises at retail to a person for consumption in their home and at retail in bulk by the keg, cask or barrel for consumption and not for resale.

6. A license under this section may only be granted to a person who regularly and in a bona fide manner brews beer on the premises.

7. Not more than five licenses shall be granted to any person under this section.

8. A person holding one or more licenses under this section may brew, in the aggregate, no more than twenty thousand barrels of beer per year.

9. On or within thirty days of the effective date of this section, any person who holds a brewer's license under section fifty-one of this chapter as well as a license to sell beer, wine and liquor at retail for consumption on the premises may file an application with the liquor authority to convert those licenses into a license under this section. Such an application shall be granted by the authority except for good cause shown. The granting of such an application shall constitute conversion of said license into a restaurant-brewer license subject to the provisions of this chapter applicable to restaurant-brewers licenses issued under this section.

10. (a) For purposes of sections one hundred one and one hundred six of this chapter, a person licensed under this section shall be deemed a "retailer" as that term is defined within section three of this chapter. Notwithstanding any provision of this chapter to the contrary, a person licensed under this section may also be licensed (or interested directly or indirectly in a license) to sell liquor at retail to be consumed on or off the premises under section fifty-four, fifty-four-a, fifty-five, fifty-five-a, seventy-nine or eighty-one of this chapter or sections sixty-four, sixty-four-a, sixty-four-b and sixty-four-d of this article.

(b) No manufacturer or wholesaler of alcoholic beverages may be granted a license to operate a restaurant-brewer pursuant to this section. Any person who has an interest in premises eligible for conversion under subdivision nine of this section shall not be issued any license under this section unless and until a conversion application has been filed with and approved by the authority.

11. (a) No restaurant-brewer license shall be granted for any premises which shall be:

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; or

(ii) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section or sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article; or

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church,

synagogue or other place of worship and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three.

(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and

file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are operating and licensed pursuant to this section or sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article.

(d) Within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of

a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the payment of funds to defray costs related to another party's use of the building.

12. The fee for an original and a renewal restaurant-brewer license shall be fifty-eight hundred fifty dollars in the counties of New York, Kings, Bronx and Queens; forty-three hundred fifty dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; thirty-six hundred dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of twenty-eight hundred fifty dollars elsewhere. Said license shall run for a period of three years. In addition to the license fees provided for in this subdivision, there shall be paid to the authority with each initial application a filing fee of two hundred dollars and with each renewal application a filing fee of one hundred dollars.

13. (a) A licensee or his or her employee may serve small samples of beer or malt beverages he or she produces at their licensed establishments.

(b) Each serving at such tasting shall be served only by the brewer or his or her employee and shall be limited to three ounces or less of a brand of beer or malt beverage produced by the brewer and no consumer of legal age shall be provided or given more than two servings of such brands offered for tasting.

(c) The authority is authorized and directed to promulgate such rules and regulations, as it deems necessary or appropriate to implement the provisions of this subdivision to protect the health, safety and welfare

of the people of this state.

14. Notwithstanding the provisions of subdivision six of this section or of subdivision thirteen of section one hundred six of this chapter, the authority may issue a restaurant brewer's license pursuant to this section for a premises which shall be located wholly within the town of Ulster, county of Ulster, state of New York, bounded and described as follows:

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of Ulster, County of Ulster and the State of New York, bounded and described as follows:

BEGINNING at a point on the Northeasterly side of City View Terrace, said point being the Westerly corner of the lands of the State of New York and a Southwesterly corner of the herein described parcel; THENCE from said point of beginning along the Northeasterly side of City View Terrace, North 43 degrees 36 minutes 03 seconds West, 109.02 feet to a point on the Southeasterly side of Forest Hill Drive; THENCE along the Southeasterly side of Forest Hill Drive the following course and distances, North 16 degrees 32 minutes 34 seconds West, 92.62 feet to a point; THENCE North 10 degrees 38 minutes 26 seconds East, 70.45 feet to a point; THENCE North 35 degrees 53 minutes 26 seconds East, 122.45 feet to a point; THENCE North 46 degrees 30 minutes 26 seconds East, 203.40 feet to a point; THENCE North 62 degrees 37 minutes 26 seconds East; 115.94 feet to a point; THENCE North 79 degrees 39 minutes 26 seconds East, 47.82 feet to a point; THENCE North 45 degrees 16 minutes 41 seconds East, 63.33 feet to a recovered bar; THENCE along the bounds of lands of now or formerly Skytop Village Associates, L. 1916-P. 134, the following courses and distances, South 37 degrees 08 minutes 02 seconds East, 196.33 feet to a recovered bar; THENCE South 65 degrees 47 minutes 02 seconds East, 90.63 feet to a point; THENCE North 77 degrees 23 minutes 58 seconds East, 233.85 feet to a recovered bar; THENCE North 85 degrees 29 minutes 58 seconds East, 297.09 feet to a recovered bar; THENCE South 63 degrees 30 minutes 02 seconds East, 108.50 feet to a recovered bar; THENCE along the bounds of lands of now or formerly

Robert D. Sabino, L. 1487-P. 397, and along a stone wall, South 32 degrees 24 minutes 04 seconds West, 353.51 feet to a point; THENCE leaving said stone and along the bounds of lands of now or formerly Stanley Amerling, L. 1440-P. 908, South 75 degrees 41 minutes 26 seconds West, 264.62 feet to a point; THENCE along the bounds of lands of Summit Properties, LLC, L. 2856-P. 82, the following courses and distances, North 41 degrees 29 minutes 34 seconds West, 50.00 feet to a point; THENCE South 71 degrees 10 minutes 26 seconds West, 89.84 feet to a point; THENCE South 59 degrees 51 minutes 26 seconds West, 251.72 feet to a point; THENCE South 13 degrees 15 minutes 34 seconds East, 90.20 feet to a point; THENCE along the bounds of lands of said State of New York, the following courses and distances, North 56 degrees 41 minutes 34 seconds West, 168.79 feet to a point; THENCE North 75 degrees 51 minutes 34 seconds West, 254.10 feet to the point and place of beginning. Being the same premises as conveyed to Skytop Motel, LLC by deed of Stewart Title, as agent of the grantor, Skytop Motel, Inc., dated April 29, 2003 and recorded in the office of the Ulster County Clerk on June 10, 2003 as document no. 2003-00016207, Receipt no. 48178, Bk-D VI-3621, pg-171.

15. Notwithstanding the provisions of subdivision six of this section or of subdivision thirteen of section one hundred six of this chapter, the authority may issue a restaurant brewer's license pursuant to this section for a premises which shall be located wholly within the city of Peekskill, county of Westchester, state of New York, bounded and described as follows:

Any such premises or business located on all that certain parcel of land situate in the City of Peekskill, County of Westchester and State of New York, that is a portion of Parcel I as it is shown on that certain map entitled, "Survey . . at Charles Point . . ." which was filed in the Westchester County Clerk's Office on October 23, 1980 as Map No. 20407 that is bounded and described as follows:

BEGINNING at a point on the easterly shoreline of the Hudson River and within the bounds of the said Parcel I as it is shown on the said Filed Map NO. 20407, which point occupies coordinate position:

North 464418.83 (y)

East 607401.00 (x)

of the New York State Coordinate System, East Zone and which point is distant, the following courses from the southerly corner of the Parcel shown on Map No. 20407 that occupies coordinate position

North 463520.804 (y)

East 608470.681 (x)

of the aforesaid New York State Coordinate System, East Zone:

North 47 degrees 30' 36" West 856.60 feet,

North 77 degrees 10' 53" West 488.18 feet,

North 41 degrees 17' 53" West 113.32 feet and

North 41 degrees 50' 16" East 169.08 feet;

THENCE from the said point of beginning along the said easterly shoreline (high water mark) of the east bank of the Hudson River:

Due North 16.17 feet,

North 53 degrees 58' 22" West 13.60 feet,

North 73 degrees 04' 21" West 24.04 feet,

North 63 degrees 26' 06" West 22.36 feet,

North 82 degrees 18' 14" West 37.34 feet,

North 64 degrees 47' 56" West 37.58 feet,

South 82 degrees 52' 30" West 16.12 feet,

North 61 degrees 41' 57" West 14.76 feet and

South 21 degrees 48' 05" West 9.71 feet;

THENCE leaving the high water mark and running across a peninsula of land and along the division line between Parcel I and Parcel II as shown on said Filed Map No. 20407, North 65 degrees 32' 43" West 30.18 feet to another point on the said easterly shoreline (high water mark) of the East Bank of the Hudson River;

THENCE northerly along the said high water mark, the following courses:

North 3 degrees 00' 46" West 17.54 feet,

North 13 degrees 45' 39" West 50.45 feet,

North 10 degrees 49' 23" West 69.23 feet,

North 0 degrees 47' 22" West 52.48 feet to a point which is the point of beginning of the hereinafter described 40 foot easement which point occupies coordinate position

North 464676.48 (y)

East 607189.28 (x)

of the New York State Coordinate System, East Zone;

THENCE continuing along the aforesaid easterly shoreline (high water mark) of the East Bank of the Hudson, the following courses:

North 10 degrees 18' 17" West 23.91 feet,

North 39 degrees 04' 58" West 21.39 feet,

North 20 degrees 13' 30" West 21.74 feet,

North 39 degrees 02' 08" West 95.27 feet,

North 13 degrees 08' 02" West 30.81 feet,

North 18 degrees 26' 06" West 53.76 feet,

North 28 degrees 10' 43" West 63.53 feet,

North 18 degrees 26' 06" West 50.60 feet,

North 37 degrees 14' 05" West 31.40 feet,

North 21 degrees 15' 02" West 96.57 feet,

North 32 degrees 00' 19" West 47.17 feet,

North 1 degree 18' 07" West 44.01 feet and

North 17 degrees 14' 29" East 29.32 feet to a point on the southerly line of lands under lease to the County of Westchester (Resco Site);

THENCE along the said County of Westchester (Resco Site) lands: Due East 432.31 feet to a point on the westerly line of an easement and a right-of-way leading to Charles Point Avenue;

THENCE along the said westerly and southwesterly line of the said right-of-way leading to Charles Point Avenue: Due South 241.16 feet and South 27 degrees 13' 00" East 406.90 feet to a point;

THENCE leaving the said easement and running along other lands now or formerly of The City of Peekskill Industrial Development Agency, South 41 degrees 50' 16" West 270.01 feet to the aforementioned easterly shoreline (high water mark) of the East Bank of the Hudson River and the

point or place of beginning.

TOGETHER with an easement over all that parcel of land situate in the City of Peekskill, County of Westchester and State of New York that is more particularly bounded and described as follows:

BEGINNING at a point on the westerly line of Charles Point Avenue with the said westerly line is intersected by the line dividing the easement herein described on the south from lands under lease to the County of Westchester (Resco Site) on the north which point occupies coordinate position:

North 464719.99 (y)

East 608004.15 (x)

of the New York State Coordinate System, East Zone;

THENCE from the said point of beginning southerly along the said westerly line of Charles Point Avenue, South 14 degrees 54' 00" West 103.48 feet to a point;

THENCE westerly along other lands of the City of Peekskill Industrial Development Agency: Due West 396.44 feet to a point which is the easterly most corner of the lands of Point Associates, the grantee herein;

THENCE along the northeasterly line of the said Point Associates' land, North 27 degrees 13' 00" West 406.90 feet and Due North 241.16 feet to a point on the southerly line of the aforementioned lands leased to the County of Westchester (Resco Site);

THENCE easterly along the said southerly line Due East 75.00 feet to a point;

THENCE southeasterly and easterly still along the said lands leased to the County of Westchester (Resco Site) the following courses:

Due South 223.00 feet,

South 27 degrees 13' 00" East 314.87 feet and

Due East 390.14 feet to the aforementioned westerly line of Charles Point Avenue and the point or place of BEGINNING.

TOGETHER WITH a non-exclusive easement for utilities, and ingress and egress over that certain right of way leading from Charles Point Avenue, now known as John E. Walsh Boulevard, in a westerly and northwesterly direction to the above described premises and as more fully described in the Declaration of Easement recorded in Liber 8888 cp 35.

§ 64-d. License to sell liquor on premises commonly known as a cabaret. 1. Any person may make an application to the state liquor authority to operate a cabaret.

2. Such application shall be in such form and shall contain such information as shall be required by the liquor authority and shall be accompanied by a check or draft in the amount required by this article for such license.

4. Section fifty-four of this chapter shall control so far as applicable the procedure in connection with such application.

5. Such cabaret license shall in form and in substance be a license to the person specifically licensed to operate a cabaret and sell liquor at retail to be consumed on the premises specifically licensed. Such license shall also be deemed to include a license to sell wine and beer at retail to be consumed under the same terms and conditions, without the payment of any additional fee.

6. A license under this section shall be required of any licensee upon whose premises musical entertainment, singing, dancing or other forms of entertainment is permitted; provided, however, that this section shall

only apply to licensees whose premises have a capacity for the assemblage of six hundred or more persons. Nothing contained in this subdivision shall be construed as requiring a license under this section by an establishment licensed under section sixty-four or paragraph (b) of subdivision six of section sixty-four-a of this article.

7. The authority shall consider all of the following in determining whether public convenience and advantage and the public interest will be promoted by the granting of a license pursuant to this section:

(a) the number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof;

(b) evidence that applicants have secured all necessary licenses and permits from the state and all other governing bodies;

(c) the effect that the granting of the license will have on vehicular traffic and parking in the proximity of the location;

(d) the existing noise level at the location and any increase in noise level that would be generated by the proposed premises;

(e) the history of liquor violations and reported criminal activity at the proposed premises; and

(f) any other factors specified by law or regulation that are relevant to determine the public convenience or advantage and necessary to find that the granting of such license shall be in the public interest.

8. No cabaret license shall be granted for any premises which shall be:

(a) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship or

(b) in a city, town or village having a population of twenty thousand or more within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section, or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article.

(c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance

of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(d) within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of

the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(e) notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of a building or buildings wherein three or more premises are licensed

and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article.

(f) Within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the payment of funds to defray costs related to another party's use of the building.

9. On or within ninety days of the effective date of this section, any person who holds a license under section sixty-four of this article to sell beer, wine and liquor at retail for consumption on the premises and who operates pursuant to the provisions of subdivision six of this section shall file an application with the liquor authority to convert such license into a license under this section. Such an application

shall be granted by the authority except for good cause shown. The granting of such an application shall constitute conversion of said license into a cabaret license subject to the provisions of this chapter applicable to cabaret licenses issued under this section; provided, however, that no licensee applying for such conversion shall be denied on the grounds that such application fails to meet the requirements of subdivision eight of this section.

10. All other provisions of this chapter relative to licenses to sell liquor at retail for consumption on the premises shall apply as far as applicable.

§ 64-e. License to sell liquor at retail as an off-premises catering establishment. 1. Any person may make an application to the authority for a license to sell liquor at a site remote from the licensed premises of an off-premises catering establishment as defined pursuant to paragraph (b) of subdivision seven-a of section three of this chapter, and such licenses shall be issued to all applicants except for good cause shown.

2. Such application shall be in such form and shall contain such information as shall be required by the rules of the authority and shall be accompanied by a check or draft or other form of payment acceptable to the authority in the amount required by this article for such license.

3. Section fifty-four of this chapter shall control the procedure in connection with such application, so far as applicable.

4. Such license shall in form and in substance be a license to the person specifically licensed to sell liquors at retail, to be consumed only at sites at which a permit has been applied for and granted as provided for in section ninety-eight of this chapter. Such license shall also be deemed to include a license to sell wine and beer at retail to be consumed under the same terms and conditions, without the payment of any additional fee.

§ 64-f. License to sell liquor on premises commonly known as a for-profit club. 1. Any person may make an application to the state liquor authority to operate a "for-profit club" which is operated solely for a recreational, social, patriotic, political, benevolent, communal workspace, corporate dining space, or athletic purpose.

2. Such application shall be in such form and shall contain such information as shall be required by the liquor authority and shall be accompanied by a check or draft in the amount required by this article for such license. The fee for such license shall be twenty thousand dollars annually.

3. Section fifty-four of this chapter shall control so far as applicable the procedure in connection with such application. For-profit clubs that apply for a license pursuant to this section are also authorized to apply for a temporary retail permit as provided for in section ninety-seven-a of this chapter.

4. Such for-profit club license shall in form and in substance be a license to the person specifically licensed to operate a for-profit club and sell liquor at retail exclusively to members in good standing and their guests under the by-laws of the for-profit club to be consumed on the premises specifically licensed. Such license shall also be deemed to include a license to sell liquor, wine, beer, cider, mead and/or braggot at retail exclusively to members in good standing and their guests under the by-laws of the for-profit club to be consumed on the premises under the same terms and conditions, without the payment of any additional fee.

5. (a) A license under this section shall be required of any person, corporation, partnership, company, or any other for-profit entity which is the owner, lessee or occupant of a premises used exclusively for the for-profit club purposes, and which is operated solely for a recreational, social, patriotic, political, benevolent, communal workspace, corporate dining space, or athletic purpose. A "member" of a

for-profit club shall mean a person who whether a charter member or admitted in agreement with the by-laws of the for-profit club, has become a bona fide member thereof, who maintains membership by the payment of annual dues in a bona fide manner in accordance with the by-laws of the for-profit club and whose name and address is entered on the list of members of the for-profit club. A for-profit club must have one hundred or more members.

(b) For the purpose of a for-profit club license issued pursuant to this section solely for use as corporate dining space for their employees and clients shall:

(i) include only such space directly used for corporate dining purposes where food and beverages are regularly available to employees, clients, and guests;

(ii) authorize that licensees do not have to meet member requirements;

(iii) authorize contracts with a third party licensed by the authority to provide food and beverages so long as any third party contract is disclosed to the authority; and

(iv) be responsible for maintaining records, filing all necessary applications, and providing other such documentation required or deemed necessary to be submitted to the authority.

6. The authority shall consider all of the following in determining whether public convenience and advantage and the public interest will be promoted by the granting of a license pursuant to this section:

(a) the number, classes and character of licenses in proximity to the location and in the particular municipality or subdivision thereof;

(b) evidence that applicants have secured all necessary licenses and permits from the state and all other governing bodies;

(c) the effect that the granting of the license will have on vehicular traffic and parking in the proximity of the location;

(d) the existing noise level at the location and any increase in noise level that would be generated by the proposed premises;

(e) the history of liquor violations and reported criminal activity at the proposed premises;

(f) any purpose or intention of discrimination by the applicant or any individual, corporation, partnership, company, or any other for-profit entity which is the owner, lessee or occupant of the premises to be

licensed as a for-profit club premises; and

(g) any other factors specified by law or regulation that are relevant to determine the public convenience or advantage and necessary to find that the granting of such license shall be in the public interest.

7. No for-profit club license shall be granted for any premises which shall be:

(a) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; or

(b) in a city, town or village having a population of twenty thousand or more within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section, or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

(c) The measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises

to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(d) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(e) Notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons

therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

(f) Within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: (i) the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; (ii) the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the

congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; (iii) the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and (iv) use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the payment of funds to defray costs related to another party's use of the building.

8. All other provisions of this chapter relative to licenses to sell liquor at retail for consumption on the premises shall apply as far as applicable.

9. For purposes of this section, for-profit club licensees as authorized herein shall be responsible for any violations of this chapter or the rules of the authority occurring while the license is in effect. Liability under the provisions of sections 11-100 and 11-101 of the general obligations law shall accrue to the licensee.

10. All for-profit club licensees shall be subject to such rules and regulations by the authority as is deemed necessary and are in conformity with the provisions of this chapter.

§ 65. Prohibited sales. No person shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to

1. Any person, actually or apparently, under the age of twenty-one years;

2. Any visibly intoxicated person;

3. Any habitual drunkard known to be such to the person authorized to dispense any alcoholic beverages.

4. Neither such person so refusing to sell or deliver under this section nor his or her employer shall be liable in any civil or criminal action or for any fine or penalty based upon such refusal, except that such sale or delivery shall not be refused, withheld from or denied to any person on account of race, creed, color or national origin.

5. The provisions of subdivision one of this section shall not apply to a person who gives or causes to be given any such alcoholic beverage to a person under the age of twenty-one years, who is a student in a curriculum licensed or registered by the state education department and is required to taste or imbibe alcoholic beverages in courses which are part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during on-campus or off-campus courses conducted pursuant to such curriculum.

6. In any proceeding pursuant to section one hundred eighteen of this chapter to revoke, cancel or suspend a license to sell alcoholic beverages, in which proceeding it is alleged that a person violated subdivision one of this section;

(a) it shall be an affirmative defense that such person had produced a photographic identification card apparently issued by a governmental entity and that the alcoholic beverage had been sold, delivered or given to such person in reasonable reliance upon such identification. In evaluating the applicability of such affirmative defense, the authority shall take into consideration any written policy adopted and implemented by the seller to carry out the provisions of paragraph (b) of subdivision two of section sixty-five-b of this article; and

(b) it shall be an affirmative defense that at the time of such violation such person who committed such alleged violation held a valid certificate of completion or renewal from an entity authorized to give and administer an alcohol training awareness program pursuant to subdivision twelve of section seventeen of this chapter. Such licensee

shall have diligently implemented and complied with all of the provisions of the approved training program. In such proceeding to revoke, cancel or suspend a license pursuant to section one hundred eighteen of this chapter, the licensee must prove each element of such affirmative defense by a preponderance of the credible evidence. Evidence of three unlawful sales of alcoholic beverages by any employee of a licensee to persons under twenty-one years of age, within a two year period, shall be considered by the authority in determining whether the licensee had diligently implemented such an approved program.

7. In any proceeding pursuant to section one hundred eighteen of this chapter to revoke, cancel or suspend a license to sell alcoholic beverages, in which proceeding a charge is sustained that a person violated subdivision one or two of this section and the licensee has not had any adjudicated violation of this chapter at the licensed premises where the violation occurred within the previous five year period; and

(a) at the time of such violation the person that committed such violation held a valid certificate of completion or renewal from an entity authorized to give and administer an alcohol training awareness program pursuant to subdivision twelve of section seventeen of this chapter, the civil penalty related to such offense shall be recovery of, as provided for in section one hundred twelve of this chapter, the penal sum of the bond on file during the period in which the violation took place; or

(b) at the time of such violation the licensee has not had any adjudicated violations of this chapter at the licensed premises where the violation occurred within the previous five year period, any civil penalty imposed shall be reduced by twenty-five percent if the licensee submits written proof, within ninety days of the imposition of such civil penalty, that all of the licensee's employees involved in the direct sale or service of alcoholic beverages to the public at the licensed premises where the violation occurred have obtained a valid certificate of completion or renewal from an entity authorized to give and administer an alcohol training awareness program pursuant to subdivision twelve of section seventeen of this chapter.

For the purposes of this subdivision, the five year period shall be

measured from the dates that the violations occurred.

§ 65-a. Procuring alcoholic beverages for persons under the age of twenty-one years. Any person who misrepresents the age of a person under the age of twenty-one years for the purpose of inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person, is guilty of an offense and upon conviction thereof shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than five days, or by both such fine and imprisonment.

§ 65-b. Offense for one under age of twenty-one years to purchase or attempt to purchase an alcoholic beverage through fraudulent means. 1. As used in this section: (a) "A device capable of deciphering any electronically readable format" or "device" shall mean any commercial device or combination of devices used at a point of sale or entry that is capable of reading the information encoded on the magnetic strip or bar code of a driver's license or non-driver identification card issued by the commissioner of motor vehicles;

(b) "Card holder" means any person presenting a driver's license or non-driver identification card to a licensee, or to the agent or employee of such licensee under this chapter; and

(c) "Transaction scan" means the process involving a device capable of deciphering any electronically readable format by which a licensee, or agent or employee of a licensee under this chapter reviews a driver's license or non-driver identification card presented as a precondition for the purchase of an alcoholic beverage as required by subdivision two of this section or as a precondition for admission to an establishment licensed for the on-premises sale of alcoholic beverages where admission is restricted to persons twenty-one years or older.

2. (a) No person under the age of twenty-one years shall present or offer to any licensee under this chapter, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to

purchase any alcoholic beverage.

(b) No licensee, or agent or employee of such licensee shall accept as written evidence of age by any such person for the purchase of any alcoholic beverage, any documentation other than: (i) a valid driver's license or non-driver identification card issued by the commissioner of motor vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada, or (ii) a valid passport issued by the United States government or any other country, or (iii) an identification card issued by the armed forces of the United States. Upon the presentation of such driver's license or non-driver identification card issued by a governmental entity, such licensee or agent or employee thereof may perform a transaction scan as a precondition to the sale of any alcoholic beverage. Nothing in this section shall prohibit a licensee or agent or employee from performing such a transaction scan on any of the other documents listed in this subdivision if such documents include a bar code or magnetic strip that that may be scanned by a device capable of deciphering any electronically readable format.

(c) In instances where the information deciphered by the transaction scan fails to match the information printed on the driver's license or non-driver identification card presented by the card holder, or if the transaction scan indicates that the information is false or fraudulent, the attempted purchase of the alcoholic beverage shall be denied.

3. A person violating the provisions of paragraph (a) of subdivision two of this section shall be guilty of a violation and shall be sentenced in accordance with the following:

(a) For a first violation, the court shall order payment of a fine of not more than one hundred dollars and/or an appropriate amount of community service not to exceed thirty hours. In addition, the court may order completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law.

(b) For a second violation, the court shall order payment of a fine of not less than fifty dollars nor more than three hundred fifty dollars and/or an appropriate amount of community service not to exceed sixty hours. The court also shall order completion of an alcohol awareness

program as referenced in paragraph (a) of this subdivision if such program has not previously been completed by the offender, unless the court determines that attendance at such program is not feasible due to the lack of availability of such program within a reasonably close proximity to the locality in which the offender resides or matriculates, as appropriate.

(c) For third and subsequent violations, the court shall order payment of a fine of not less than fifty dollars nor more than seven hundred fifty dollars and/or an appropriate amount of community service not to exceed ninety hours. The court also shall order that such person submit to an evaluation by an appropriate agency certified or licensed by the office of alcoholism and substance abuse services to determine whether the person suffers from the disease of alcoholism or alcohol abuse, unless the court determines that under the circumstances presented such an evaluation is not necessary, in which case the court shall state on the record the basis for such determination. Payment for such evaluation shall be made by such person. If, based on such evaluation, a need for treatment is indicated, such person may choose to participate in a treatment plan developed by an agency certified or licensed by the office of alcoholism and substance abuse services. If such person elects to participate in recommended treatment, the court shall order that payment of such fine and community service be suspended pending the completion of such treatment.

(d) Evaluation procedures. For purposes of this subdivision, the following shall apply:

(i) The contents of an evaluation pursuant to paragraph (c) of this subdivision shall be used for the sole purpose of determining if such person suffers from the disease of alcoholism or alcohol abuse.

(ii) The agency designated by the court to perform such evaluation shall conduct the evaluation and return the results to the court within thirty days, subject to any state or federal confidentiality law, rule or regulation governing the confidentiality of alcohol and substance abuse treatment records.

(iii) The office of alcoholism and substance abuse services shall make available to each supreme court law library in this state, or, if no supreme court law library is available in a certain county, to the county court law library of such county, a list of agencies certified to

perform evaluations as required by subdivision (f) of section 19.07 of the mental hygiene law.

(iv) All evaluations required under this subdivision shall be in writing and the person so evaluated or his or her counsel shall receive a copy of such evaluation prior to its use by the court.

(v) A minor evaluated under this subdivision shall have, and shall be informed by the court of, the right to obtain a second opinion regarding his or her need for alcoholism treatment.

4. A person violating the provisions of paragraph (b) of subdivision two of this section shall be guilty of a violation punishable by a fine of not more than one hundred dollars, and/or an appropriate amount of community service not to exceed thirty hours. In addition, the court may order completion of an alcohol training awareness program established pursuant to subdivision twelve of section seventeen of this chapter where such program is located within a reasonably close proximity to the locality in which the offender is employed or resides.

5. No determination of guilt pursuant to this section shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination.

6. In addition to the penalties otherwise provided in subdivision three of this section, if a determination is made sustaining a charge of illegally purchasing or attempting to illegally purchase an alcoholic beverage, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license, in accordance with the following and for the following periods, if it is found that a driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase; provided, however, that where a person is sentenced pursuant to paragraph (b) or (c) of subdivision three of this section, the court shall impose such license suspension if it is found that a driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase:

(a) For a first violation of paragraph (a) of subdivision two of this

section, a three month suspension.

(b) For a second violation of paragraph (a) of subdivision two of this section, a six month suspension.

(c) For a third or subsequent violation of paragraph (a) of subdivision two of this section, a suspension for one year or until the holder reaches the age of twenty-one, whichever is the greater period of time.

Such person may thereafter apply for and be issued a restricted use license in accordance with the provisions of section five hundred thirty of the vehicle and traffic law.

7. (a) In any proceeding pursuant to subdivision one of section sixty-five of this article, it shall be an affirmative defense that such person had produced a driver's license or non-driver identification card apparently issued by a governmental entity, successfully completed the transaction scan, and that the alcoholic beverage had been sold, delivered or given to such person in reasonable reliance upon such identification and transaction scan. In evaluating the applicability of such affirmative defense, the liquor authority shall take into consideration any written policy adopted and implemented by the seller to carry out the provisions of this chapter. Use of a transaction scan shall not excuse any licensee under this chapter, or agent or employee of such licensee, from the exercise of reasonable diligence otherwise required by this section. Notwithstanding the above provisions, any such affirmative defense shall not be applicable in any other civil or criminal proceeding, or in any other forum.

(b) A licensee or agent or employee of a licensee may electronically or mechanically record and maintain only the information from a transaction scan necessary to effectuate the purposes of this section. Such information shall be limited to the following: (i) name, (ii) date of birth, (iii) driver's license or non-driver identification number, and (iv) expiration date. The liquor authority and the state commissioner of motor vehicles shall jointly promulgate any regulation necessary to govern the recording and maintenance of these records by a licensee under this chapter. The liquor authority and the commissioner of health shall jointly promulgate any regulations necessary to ensure

quality control in the use of transaction scan devices.

8. A licensee or agent or employee of such licensee shall only use the information recorded and maintained through the use of such devices for the purposes contained in paragraph (a) of subdivision seven of this section, and shall only use such devices for the purposes contained in subdivision two of this section. No licensee or agent or employee of a licensee shall resell or disseminate the information recorded during such scan to any third person. Such prohibited resale or dissemination includes, but is not limited to, any advertising, marketing or promotional activities. Notwithstanding the restrictions imposed by this subdivision, such records may be released pursuant to a court ordered subpoena or pursuant to any other statute that specifically authorizes the release of such information. Each violation of this subdivision shall be punishable by a civil penalty of not more than one thousand dollars.

§ 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-one years. 1. Except as hereinafter provided, no person under the age of twenty-one years shall possess any alcoholic beverage, as defined in this chapter, with the intent to consume such beverage.

2. A person under the age of twenty-one years may possess any alcoholic beverage with intent to consume if the alcoholic beverage is given:

(a) to a person who is a student in a curriculum licensed or registered by the state education department and the student is required to taste or imbibe alcoholic beverages in on-campus or off-campus courses which are a part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum; or

(b) to the person under twenty-one years of age by that person's parent or guardian.

3. Any person who unlawfully possesses an alcoholic beverage with

intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that nothing contained herein shall authorize, or be construed to authorize, a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or a police officer as defined in subdivision thirty-four of section 1.20 of such law to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge the court may impose a fine not exceeding fifty dollars and/or completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law and/or an appropriate amount of community service not to exceed thirty hours.

4. No such determination shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.

5. Whenever a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law shall observe a person under twenty-one years of age openly in possession of an alcoholic beverage as defined in this chapter, with the intent to consume such beverage in violation of this section, said officer may seize the beverage, and shall deliver it to the custody of his or her department.

6. Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage has been delivered shall, no earlier than three days following the return date for initial appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed. Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days notice to the official or department in possession of the beverage, apply to the court for an order preventing the destruction or

disposal of the alcoholic beverage seized and ordering the return of that beverage. The court may order the beverage returned if it is determined that return of the beverage would be in the interest of justice or that the beverage was improperly seized.

§ 65-d. Posting of signs. 1. The authority shall prepare, have printed and distribute across the state to all persons with a license to sell alcoholic beverages for consumption on the premises or a license to sell alcoholic beverages for consumption off the premises a sign or poster with conspicuous lettering that states the following:

"No person shall sell or give away any alcoholic beverages to:

1. any person under the age of twenty-one years; or
2. any visibly intoxicated person.

IT IS A VIOLATION PUNISHABLE UNDER LAW FOR ANY PERSON UNDER THE AGE OF TWENTY-ONE TO PRESENT ANY WRITTEN EVIDENCE OF AGE WHICH IS FALSE, FRAUDULENT OR NOT ACTUALLY HIS OWN FOR THE PURPOSE OF ATTEMPTING TO PURCHASE ANY ALCOHOLIC BEVERAGE".

Such sign or poster shall be captioned with the word "warning" in at least two inch lettering.

2. All persons with a license to sell alcoholic beverages for consumption on the premises or a license to sell alcoholic beverages for consumption off the premises shall display, in an upright position and in a conspicuous place, where it can be easily read by the clientele of the establishment, the sign or poster upon receiving it from the authority.

3. Any person with such license who violates the provisions of this section shall be subject to a civil penalty, not to exceed one hundred dollars for each day of violation.

§ 65-e. Posting of signs relating to human trafficking. 1. The authority shall require any person with a license to sell alcoholic beverages for consumption on the premises who indicated, pursuant to paragraph (f) of subdivision one of section one hundred ten of this chapter, that topless entertainment and/or exotic dancing, whether topless or otherwise, including but not limited to, pole dancing and lap dancing, would occur at the establishment, to display one or more signs or posters designated by the authority. Any sign or poster so designated shall meet the following specifications:

(a) Each sign or poster shall include information on human trafficking and the toll free telephone number of the National Human Trafficking hotline. The authority shall make any designated sign or poster available for download from its website or from one or more links posted on its website or on the website of the office of temporary and disability assistance as provided in section four hundred eighty-three-ff of the social services law.

(b) (i) Any sign or poster must be at least eight and one-half inches wide and eleven inches high.

(ii) If the National Human Trafficking hotline toll free number changes, the authority shall notify each licensee that is subject to the posting requirement of this section of the change and shall require the display of one or more signs or posters with the new toll free number within thirty days of such notification.

(iii) At a minimum, the licensee shall be required to display a bilingual version of the sign or poster in English and Spanish or to display one sign or poster in English and one sign or poster in Spanish. A licensee may be required to display signs or posters in other languages as determined by the authority.

(c) Any person with a license to sell alcoholic beverages for consumption on the premises that is subject to the posting requirement of this section shall display, in an upright position and in a conspicuous place where it can be easily read by clientele and employees of the establishment, any sign or poster required by the authority.

2. Any person with a license to sell alcoholic beverages for consumption on the premises that is subject to the posting requirement of this section who violates the provisions of this section shall be

subject to a civil penalty, not to exceed one hundred dollars for each day of violation.

§ 66. License fees. 1. The annual fee for a distiller's license, class A, shall be twelve thousand dollars.

1-a. The annual fee for a distiller's license, class A-1, shall be two hundred fifty dollars.

2. The annual fee for a distiller's license, class B, shall be eight thousand dollars.

2-a. The annual fee for a distiller's license, class C, shall be one hundred twenty-eight dollars.

2-b. The annual fee for a distiller's license, class B-1, shall be three hundred twenty dollars.

2-c. The annual fee for distiller's license, class D, shall be one hundred twenty-eight dollars.

3. The annual fee for a license to sell liquor at wholesale shall be sixty-four hundred dollars.

3-a. The annual fee for an importer's license shall be one hundred twenty-five dollars.

3-b. The annual fee for a brand owner's license shall be one hundred twenty-five dollars.

4. The annual fee for a license, under section sixty-four or sixty-four-a of this article, to sell liquor at retail to be consumed on the premises where sold shall be twenty-one hundred seventy-six dollars in the counties of New York, Kings, Bronx and Queens; fifteen hundred thirty-six dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million;

twelve hundred sixteen dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of eight hundred ninety-six dollars elsewhere; except that the license fees for catering establishments and off-premises catering establishments shall be two-thirds the license fee specified herein and for clubs, except luncheon clubs and golf clubs, shall be seven hundred fifty dollars in counties of New York, Kings, Bronx and Queens; five hundred dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; three hundred fifty dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of two hundred fifty dollars elsewhere. The annual fees for luncheon clubs shall be three hundred seventy-five dollars, and for golf clubs in the counties of New York, Kings, Bronx, Queens, Nassau, Richmond and Westchester, two hundred fifty dollars, and elsewhere one hundred eighty-seven dollars and fifty cents. Notwithstanding any other provision of law to the contrary, there shall be no annual fee for a license, under section sixty-four, to sell liquor at retail to be consumed on the premises where the applicant is an organization organized under section two hundred sixty of the military law and incorporated pursuant to the not-for-profit corporation law. Provided, however, that where any premises for which a license is issued pursuant to section sixty-four or sixty-four-a of this article remain open only within the period commencing April first and ending October thirty-first of any one year, or only within the period commencing October first and ending the following April thirtieth, the liquor authority may, in its discretion, grant a summer or winter license effective only for such appropriate period of time, for which a license fee shall be paid to be pro-rated for the period for which such license is effective, at the rate provided for in the city, town or village in which such premises are located, except that no such license fee shall be less than one-half of the regular annual license fee; provided further that where the premises to be licensed are a race track or a golf course or are licensed pursuant to section sixty-four or sixty-four-a of this article, the period of such summer license may commence March first and end November thirtieth.

Where a hotel, restaurant, club, golf course or race track is open

prior to April first and/or subsequent to October thirty-first by reason of the issuance of a caterer's permit or permits issued by the authority, such fact alone shall not affect the eligibility of the premises or the person owning or operating such hotel, restaurant, club, golf course or race track for a summer license.

5. The annual fee for a license to sell liquor at retail not to be consumed on the premises where sold shall be thirteen hundred sixty-six dollars in the counties of New York, Kings, Bronx and Queens; eight hundred fifty-four dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; and elsewhere the sum of five hundred twelve dollars.

6. The annual fee for a license to sell liquor upon any railroad car to be consumed on such car or any car connected therewith shall be one hundred ninety-two dollars for each railroad car licensed.

7. The annual fee for a license to sell liquor upon any vessel in this state to be consumed upon such vessel shall be sixteen hundred dollars for each vessel licensed, provided, however, that where a vessel is operated only within the period commencing April first and ending October thirty-first of any one year, the liquor authority may, in its discretion, grant for such vessel a summer license effective only for such period of time, for which a license fee of four hundred forty-eight dollars shall be paid.

8. The annual fee for a license to sell liquor upon an aircraft being operated on regularly scheduled flights by a United States certificated airline in this state shall be nineteen hundred twenty dollars per annum for an airline company operating up to and including twenty such aircraft and twenty-five hundred sixty dollars for such an airline operating more than twenty such aircraft.

9. The annual fee for a license for a bottle club shall be the same as the annual fee for a special license to sell liquor at retail to be consumed on the premises, as set forth in subdivision four of this section.

10. Notwithstanding any provision to the contrary, the annual fee for a license for an establishment defined as an owner-occupied residence providing at least three but no more than five rooms for temporary transient lodgers with sleeping accommodations and a meal in the forenoon of the day, known as a "bed and breakfast dwelling" as authorized by subdivision five-a of section sixty-four of this article, shall be two hundred dollars plus fifteen dollars per each available bedroom.

§ 67. License fees, duration of licenses; fee for part of year.

Effective April first, nineteen hundred eighty-three, licenses issued pursuant to sections sixty-one, sixty-two, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c and sixty-four-e of this article shall be effective for three years at three times that annual fee, except that, in implementing the purposes of this section, the liquor authority shall schedule the commencement dates, duration and expiration dates thereof to provide for an equal cycle of license renewals issued under each such section through the course of the fiscal year. Effective December first, nineteen hundred ninety-eight, licenses issued pursuant to sections sixty-four, sixty-four-a and sixty-four-b of this article shall be effective for two years at two times that annual fee, except that, in implementing the purposes of this section, the liquor authority shall schedule the commencement dates, duration and expiration dates thereof to provide for an equal cycle of license renewals issued under each such section through the course of the fiscal year. Notwithstanding the foregoing, commencing on December first, nineteen hundred ninety-eight and concluding on July thirty-first, two thousand two, a licensee issued a license pursuant to section sixty-four, sixty-four-a or sixty-four-b of this article may elect to remit the fee for such license in equal annual installments. Such installments shall be due on dates established by the liquor authority and the failure of a licensee to have remitted such annual installments after a due date shall be a violation of this chapter. For licenses issued for less than the three-year licensing period, the license fee shall be levied on a pro-rated basis. The entire license fee shall be

due and payable at the time of application. The liquor authority may make such rules as shall be appropriate to carry out the purpose of this section.

§ 68. Direct interstate liquor shipments. 1. Authorization.

Notwithstanding any provision of law, rule or regulation to the contrary, any holder of a license to manufacture liquor in any other state that is equivalent in class and/or production capacity per year to those licenses authorized to make direct intrastate liquor shipments under section sixty-nine of this article, who obtains an out-of-state direct shipper's license, as provided in this section, may ship no more than thirty-six cases (no more than nine liters each case) of liquor produced by such license holder per year directly to a resident of New York who is at least twenty-one years of age, for such resident's personal use and not for resale, provided the state in which such person is so licensed affords lawful means for shipments of liquor to be received by a resident thereof who is at least twenty-one years of age, for such resident's personal use and not for resale, from a person licensed in this state as a manufacturer and, provided further, that the state in which such out-of-state distillery is located affords to New York state licensed manufacturers with the privilege of producing liquor reciprocal shipping privileges, meaning shipping privileges that are substantially similar to the requirements in this section. No person shall place an order for shipment of liquor unless they are twenty-one years of age or older. Any common carrier with a permit issued pursuant to this chapter to whom such out-of-state shipper's license is presented is authorized to make delivery of shipments provided for hereunder in this state in compliance with this section.

2. License. Before sending any shipment hereunder to a resident in this state, the out-of-state shipper shall first obtain a license from the authority under procedures prescribed by rules and regulations of the authority and after providing the authority with a true copy of its current license to manufacture liquor in the applicant's state of domicile along with a copy of the applicant's federal basic permit after payment of an annual fee of one hundred twenty-five dollars.

Notwithstanding the provisions of section one hundred ten of this chapter, the authority in its discretion, may excuse an out-of-state distillery from the submission of such information.

3. Licensee's responsibilities. The holder of an out-of-state direct shipper's license:

(a) shall ship no more than thirty-six cases (no more than nine liters each case) per year of liquor produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) may ship within the same packaging any and all alcoholic beverages it lawfully produces and which it sells in accordance with its shipping privileges and responsibilities pursuant to the provisions of this section and sections thirty-five, fifty-nine-b, and seventy-nine-c of this chapter, as applicable;

(c) shall ensure that the outside of each shipping container used to ship liquor directly to a New York resident is conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York state liquor authority;

(d) shall maintain records in such manner and form as the authority may direct, showing the total amount of liquor shipped into the state each calendar year; the names and addresses of the purchasers to whom the liquor was shipped, the date purchased, the name of the common carrier used to deliver the liquor, and the quantity and value of each shipment;

(e) shall in connection with the acceptance of an order for a delivery of liquor to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the liquor being purchased will not be resold or introduced into commerce;

(f) shall require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this article;

(ii) require a recipient to sign an electronic or paper form or other

acknowledgement of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by subparagraph (i) of this paragraph;

(g) shall file returns with and pay to the New York state department of taxation and finance all state and local sales taxes and excise taxes due on sales into this state in accordance with the applicable provisions of the tax law relating to such taxes, the amount of such taxes to be determined on the basis that each sale in this state was at the location where delivery is made;

(h) shall keep all records required by this section for three years and provide copies of such records, upon written request, to the authority or the department of taxation and finance;

(i) shall permit the authority or the department of taxation and finance to perform an audit of such out-of-state shipper upon request;

(j) shall execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning enforcement of this section and any related laws, rules, or regulations, including tax laws, rules or regulations; and

(k) shall prior to obtaining an out-of-state direct shipper's license, obtain a certificate of authority pursuant to section eleven hundred thirty-four of the tax law and a registration as a distributor pursuant to sections four hundred twenty-one and four hundred twenty-two of the tax law.

4. Situs. Delivery of a shipment in this state by the holder of an out-of-state direct shipper's license shall be deemed to constitute a sale in this state at the place of delivery and shall be subject to all excise taxes levied pursuant to section four hundred twenty-four of the tax law and all sales taxes levied pursuant to articles twenty-eight and twenty-nine of such law.

5. Renewal. The out-of-state shipper may annually renew its license with the authority by paying a one hundred twenty-five dollar renewal fee, providing the authority with a true copy of its current license in such other state as an alcoholic beverage manufacturer and by complying with such other procedures as are prescribed by rule of the authority.

6. Rules and regulations. The authority and the department of taxation and finance may promulgate rules and regulations to effectuate the purposes of this section.

7. Enforcement. The authority may enforce the requirements of this section including the requirements imposed on the common carrier, by administrative proceedings to suspend or revoke an out-of-state shipper's license and the authority may accept payment of an administrative fine in lieu of suspension, such payments to be determined by rules or regulations promulgated by the authority. In addition, the authority or the attorney general of the state of New York shall report violations of this section, where appropriate, to the United States department of treasury, tax and trade bureau, for administrative action to suspend or revoke the federal basic permit.

8. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

§ 69. Direct intrastate liquor shipments. Any person having applied for and received a class A-1, class B-1, class C, or class D distiller license under section sixty-one of this article may ship no more than thirty-six cases (no more than nine liters per case) of liquor produced by such licensee per year directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale.

1. Licensee's shipping responsibilities. Notwithstanding any provision to the contrary contained in this chapter, any above referred licensee:

(a) shall ship no more than thirty-six cases (no more than nine liters per case) per year of liquor produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) may ship within the same packaging any and all alcoholic beverages it lawfully produces and which it sells in accordance with its shipping

privileges and responsibilities pursuant to the provisions of this section and sections thirty-six, fifty-nine-c, and seventy-nine-d of this chapter, as applicable;

(c) shall ensure that the outside of each shipping container used to ship liquor directly to a New York state resident is conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York state liquor authority;

(d) shall maintain records in such manner and form as the authority may direct showing the total amount of liquor shipped in the state each calendar year, the names and addresses of the purchasers to whom the liquor was shipped, the date purchased, the name of the common carrier used to deliver the liquor, and the quantity and value of each shipment. Such records shall be kept for three years and, upon written request, be provided to the authority or the department of taxation and finance;

(e) shall in connection with the acceptance of an order for a delivery of liquor to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the liquor being purchased will not be resold or introduced into commerce; and

(f) shall require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this article;

(ii) require a recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by paragraph (a) of this subdivision.

2. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

ARTICLE 6

SPECIAL PROVISIONS RELATING TO WINE

- Section 75. Kinds of licenses.
- 76. Winery license.
 - 76-a. Farm winery license.
 - 76-c. Special winery license.
 - 76-d. Special farm winery license.
 - 76-e. Special provisions relating to wineries and farm wineries holding a distiller's license.
 - 76-f. Roadside farm market license.
 - 77. Custom winemakers' center.
 - 78. Wholesaler's wine license.
 - 79. Seven day license to sell wine at retail for consumption off the premises.
 - 79-a. Authorization to sell wine products by certain licensees for consumption off the premises.
 - 79-b. Authorization to sell wine products by certain licensees for consumption on the premises.
 - 79-c. Direct interstate wine shipments.
 - 79-d. Direct intrastate wine shipments.
 - 80. Wine tasting.
 - 81. License to sell wine at retail for consumption on the premises.
 - 81-a. Special license to sell wine at retail for consumption on the premises.
 - 82. Prohibited sales.
 - 83. License fees.
 - 84. License fees; when due and payable; fee for part of year.
 - 85. Purchase from private collection.

§ 75. Kinds of licenses. The following licenses may be issued for the manufacture and sale of wine, to wit:

1. Winery license;

1-a. Farm winery license;

1-b. Temporary winery or farm winery permit;

1-c. Micro-winery license;

2. Wholesaler's license;

3. Seven day license to sell wine at retail for consumption off the premises subject to paragraph (a) of subdivision fourteen of section one hundred five of this chapter.

4. License to sell wine at retail for consumption on the premises;

5. Roadside farm market license.

§ 76. Winery license. 1. Any person may apply to the liquor authority for a winery license as provided for in this article. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules.

2. A winery license shall authorize the holder thereof:

(a) to operate a winery for the manufacture of wine and mead at the premises specifically designated in the license;

(b) to receive and possess wine and mead from other states consigned to a United States government bonded winery, warehouse or storeroom located within the state;

(c) to sell in bulk from the licensed premises the products manufactured under such license and wine and mead received by such licensee from any other state to any winery licensee, or meadery license any distiller licensee or to a permittee engaged in the manufacture of products which are unfit for beverage use and to sell or deliver such wine or mead to persons outside the state pursuant to the laws of the place of such sale or delivery;

(d) to sell from the licensed premises to a licensed wholesaler or retailer, or to a corporation operating railroad cars or aircraft for consumption on such carriers, wine and mead manufactured or received by the licensee as above set forth in the original sealed containers of not more than fifteen gallons each and to sell or deliver such wine and mead to persons outside the state pursuant to the laws of the place of such sale or delivery. All wine and mead sold by such licensee shall be securely sealed and have attached thereto a label setting forth such information as shall be required by this chapter;

(e) to sell from the licensed premises to licensed farm wineries, farm cideries, farm distilleries and farm breweries New York state labelled wine manufactured by the licensee in the original sealed containers of not more than fifteen gallons each; and

(f) to operate, or use the services of, a custom crush facility as defined in subdivision nine-a of section three of this chapter.

3. (a) Any person having applied for and received a license as a winery under this section may conduct wine tastings of New York state labelled wines in establishments licensed under sections sixty-three and seventy-nine of this chapter to sell wine for off-premises consumption. Such winery may charge a fee for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

(a-1) Any person having applied for and received a license as a winery under this section may conduct wine tastings of New York state labelled wines and apply to the liquor authority for a permit to sell wine produced by such winery by the bottle, during such tastings in establishments licensed under section sixty-four, section sixty-four-a, section eighty-one or section eighty-one-a of this chapter to sell wine for consumption on the premises. Such winery may charge a fee of no more than twenty-five cents for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

(b) Tastings shall be conducted subject to the following limitations:

(i) wine tastings shall be conducted by an official agent, representative or solicitor of one or more wineries. Such agent, representative or solicitor shall be physically present at all times

during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a wine tasting as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the winery licensee.

(c)(i) Any person having applied for and received a license as a winery under this section may conduct wine tastings of New York state labelled wines and sell such wine by the bottle, during such tasting, for off-premises consumption at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision fourteen of section one hundred five of this chapter, sponsored by a bona fide charitable organization. For the purposes of this paragraph, a bona fide charitable organization shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in subdivision five of section one hundred eighty-six of the general municipal law.

(ii) Upon application, the liquor authority shall issue an annual permit authorizing such winery to participate in outdoor or indoor gatherings, functions, occasions or events sponsored by a charitable organization. The winery must give the authority written or electronic notice of the date, time and specific location of each tasting at least fifteen days prior to the tasting. A winery that obtains a permit to conduct such wine tastings does not need to apply for or obtain a temporary beer or wine permit pursuant to section ninety-seven of this chapter or any other permit to conduct such a tasting or to sell wine by the bottle for off-premises consumption at such tastings.

(iii) Such winery may charge a fee for each wine sample tasted. Tastings shall be conducted by an official agent, representative or solicitor of such winery. The state liquor authority may promulgate rules and regulations regarding such tastings as provided for in this subdivision.

4. A licensed winery may at the licensed premises, conduct tastings

of, and sell at retail for consumption on or off the licensed premises, any wine or wine product manufactured by the licensee or any New York state labeled wine or New York state labeled wine product or any New York state labeled cider. Provided, however, for tastings and sales for on-premises consumption, the licensee shall regularly keep food available for sale or service to its retail customers for consumption on the premises. A licensee providing the following shall be deemed in compliance with this provision: (i) sandwiches, soups or other such foods, whether fresh, processed, pre-cooked or frozen; and/or (ii) food items intended to complement the tasting of alcoholic beverages, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking, including but not limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on or off the premises shall apply so far as applicable to such licensee.

4-a. A licensed winery may operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine, mead and wine products manufactured by the licensee and any New York state labeled wine, mead or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

5. Notwithstanding any provision of this chapter to the contrary, any one or more winery licensees, singly or jointly, may apply to the liquor authority for a license or licenses to sell wine at retail for consumption off the premises. For licensees applying singly, the duration of such license shall be coextensive with the duration of such licensee's winery license, and the fee therefor shall be five hundred

dollars if such retail premises is located in cities having a population of one million or more; in cities having less than one million population and more than one hundred thousand, two hundred fifty dollars; and elsewhere, the sum of one hundred twenty-five dollars. Such license shall entitle the holder thereof to sell at retail for consumption off the premises any New York state labelled wine. Such license shall also entitle the holder thereof to conduct wine tastings. Such license shall also authorize the sale by the holder thereof of New York state labelled wine, in sealed containers for off-premises consumption, from the specially licensed premises of any person licensed pursuant to section eighty-one-a of this article to sell wine at retail for consumption on premises in which the principal business is the operation of a legitimate theater or such other lawful adult entertainment or recreational facility as the liquor authority may classify for eligibility pursuant to subdivision six of section sixty-four-a of this chapter. Not more than five such licenses shall be issued, either singly or jointly, to any licensed winery. All other provisions of this chapter relative to licenses to sell wine at retail for consumption off the premises shall apply so far as applicable to such application. The liquor authority is hereby authorized to adopt such rules as it may deem necessary to carry out the purpose of this subdivision, provided that all licenses issued pursuant to this subdivision shall be subject to the same rules and regulations as are applicable to the sale of wine at retail for consumption off the premises of the winery licensee.

6. Any winery licensed pursuant to this section is authorized to engage in what is commonly known as wine by wire services whereby a winery within the state may make deliveries on behalf of other wineries within the state.

7. Notwithstanding any provision of this chapter to the contrary, a licensed winery may apply to the liquor authority for a permit to sell New York state labelled wine, by the bottle, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis. As a condition of the permit, an agent, representative, or solicitor from the winery must be present at the time

of sale.

8. Any winery may sell or deliver such wine produced by the winery to persons outside the state pursuant to the laws of the place of such sale or delivery.

10. Notwithstanding any provision of this chapter to the contrary, and upon payment to the liquor authority of an additional annual fee of one hundred twenty-five dollars, the liquor authority may in its discretion and upon such terms and conditions as it may prescribe, issue to a licensed winery upon application therefor a certificate authorizing such winery to sell wine at retail in sealed containers to a regularly organized church, synagogue or religious organization for sacramental purposes.

11. (a) A licensed winery may manufacture, bottle and sell fruit juice, fruit jellies and fruit preserves, tonics, salad dressings and unpotable wine sauces on and from licensed premises.

(b) Such license shall authorize the holder thereof to store and sell gift items in a tax-paid room upon the licensed premises. These gift items shall be limited to the following categories:

(i) Non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages.

(ii) Food items for the purpose of complementing wine tasting shall mean a diversified selection of food which is ordinarily consumed without the use of tableware and can conveniently be consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads and crackers.

(iii) Food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises. Such food items may be combined into a package containing wine or wine product.

(iv) Wine supplies and accessories, which shall include any item utilized for the storage, serving or consumption of wine or for decorative purposes. These supplies may be sold as single items or may be combined into a package containing wine or a wine product.

(v) Souvenir items, which shall include, but not be limited to

artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region.

(vi) New York state labelled wine produced or manufactured by any other New York state winery or farm winery licensee. Such wine may be purchased outright by the licensee from a New York winery or farm winery licensee or obtained on a consignment basis pursuant to a written agreement between the selling and purchasing licensee.

(c) Notwithstanding any provision of this chapter to the contrary, any winery licensee may charge:

- (i) For tours of its premises; and
- (ii) For any wine tastings.

(d) Wine grape growers or wine producer organizations or associations, incorporated within the state for the purpose of wine or wine grape promotion may hold wine tastings for purposes of education in the production and proper use of wine products under the same rules applying to winery licensees.

(e) The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this subdivision.

(f) A licensed winery may engage in any other business on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. In prescribing such rules and regulations, the liquor authority shall promote the expansion and profitability of wine production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands. Further, such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the winery licensee.

12. A licensed winery shall be permitted to remain open for the purposes of selling its products, in accordance with the provisions of subdivisions two and four of this section, and/or conducting wine tasting at the winery, and/or conducting public tours of its winery and/or to sell New York state labelled wine, by the bottle, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis in accordance with the provisions of this section on Sunday between the hours of ten o'clock in the morning and midnight.

The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this subdivision.

13. Notwithstanding any other provision of law to the contrary, a winery licensed pursuant to this section may engage in custom wine production allowing individuals to assist in the production of wine or mead for sale for personal or family use, provided, however, that (a) the wine or mead must be purchased by the individual assisting in the production of such wine or mead; and (b) the owner, employee or agent of such winery shall be present at all times during such production.

14. Any person licensed under this section shall manufacture at least fifty gallons of wine and/or mead per year.

§ 76-a. Farm winery license. 1. Any person may apply to the liquor authority for a farm winery license as provided for in this article. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules.

2. A farm winery license shall authorize the holder thereof to:

(a) operate a farm winery for the manufacture of wine, New York state labeled mead or New York state labeled cider at the premises specifically designated in the license;

(b) sell in bulk from the licensed premises the products manufactured under such license to any winery licensee, any other farm winery licensee, any distiller licensee or to a permittee engaged in the manufacture of products which are unfit for beverage use and to sell or deliver such wine to persons outside the state pursuant to the laws of the place of such sale or delivery;

(c) sell from the licensed premises to a licensed winery, farm distiller, farm brewery, farm cidery, farm meadery, wholesaler or retailer, or to a corporation operating railroad cars or aircraft for

consumption on such carriers, or at retail for consumption off the premises, wine, cider, or mead manufactured by the licensee as above set forth and to sell or deliver such wine or cider to persons outside the state pursuant to the laws of the place of such sale or delivery. All wine, cider, or mead sold by such licensee for consumption off the premises shall be securely sealed and have attached thereto a label setting forth such information as shall be required by this chapter;

(d) operate, or use the services of, a custom crush facility as defined in subdivision nine-a of section three of this chapter;

(e) conduct tastings of and sell at the licensed premises, at retail for consumption on or off the licensed premises alcoholic beverages manufactured by the licensee or any other licensed farm winery; New York state labeled wine manufactured by any licensed winery; New York state labeled beer manufactured by any licensed brewer or farm brewery; New York state labeled cider manufactured by any licensed cider producer, farm cidery or farm brewery; New York state labeled mead manufactured by any licensed farm meadery, winery or farm winery; New York state labeled braggot manufactured by any licensed meadery, brewery or farm brewery and New York state labeled liquor manufactured by any licensed distiller or farm distillery;

(f) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine, cider, and mead manufactured by the licensee and any New York state labeled wine, New York state labeled cider, New York state labeled mead or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee.

Notwithstanding any other provision of law, the licensed farm winery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

3. (a) Any person having applied for and received a license as a farm winery under this section may conduct wine tastings of New York state labelled wines in establishments licensed under section sixty-three of this chapter and section seventy-nine of this article to sell wine for

off-premises consumption. Such farm winery may charge a fee for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

(b) Any person having applied for and received a license as a farm winery under this section may conduct wine tastings of New York state labelled wines and apply to the liquor authority for a permit to sell wine produced by such farm winery, by the bottle, during such tastings in establishments licensed under sections sixty-four and sixty-four-a of this chapter and section eighty-one or section eighty-one-a of this article to sell wine for consumption on the premises. Such farm winery may charge a fee of no more than twenty-five cents for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

(c) Tastings shall be conducted subject to the following limitations:

(i) wine tastings shall be conducted by an official agent, representative or solicitor of one or more farm wineries. Such agent, representative or solicitor shall be physically present at all times during the conduct of the tastings; and

(ii) any liability stemming from a right of action resulting from a wine tasting as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm winery.

(d) (i) Any person having applied for and received a license as a farm winery under this section may conduct wine tastings of New York state labelled wines and sell such wine by the bottle, during such tasting, for off-premises consumption at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision fourteen of section one hundred five of this chapter, sponsored by a bona fide charitable organization. For the purposes of this paragraph, a bona fide charitable organization shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in subdivision five of section one hundred eighty-six of the

general municipal law.

(ii) Upon application, the liquor authority shall issue an annual permit authorizing such farm winery to participate in such outdoor or indoor gatherings, functions, occasions or events sponsored by a charitable organization. The farm winery must give the authority written or electronic notice of the date, time and specific location of each tasting at least fifteen days prior to the tasting. A farm winery that obtains a permit to conduct such wine tastings does not need to apply for or obtain a temporary beer or wine permit pursuant to section ninety-seven of this chapter or any other permit to conduct such a tasting or to sell wine by the bottle for off-premises consumption at such tastings.

(iii) Such farm winery may charge a fee for each wine sample tasted. Tastings shall be conducted by an official agent, representative or solicitor of such farm winery. The state liquor authority may adopt rules and regulations regarding such tastings as provided in this subdivision.

4. (a) A farm winery license shall authorize the holder thereof to manufacture, bottle and sell fruit juice, fruit jellies and fruit preserves, tonics, salad dressings and unpotable wine sauces on and from the licensed premises.

(b) Such license shall authorize the holder thereof to store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of wine. These gift items shall be limited to the following categories:

(1) Non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages.

(2) Food items for the purpose of complimenting wine tastings, shall mean a diversified selection of food which is ordinarily consumed without the use of tableware and can conveniently be consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads and crackers.

(3) Food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises. Such food items may be combined into a package containing wine or a wine product.

(4) Wine supplies and accessories, which shall include any item utilized for the storage, serving or consumption of wine or for decorative purposes. These supplies may be sold as single items or may be combined into a package containing wine or a wine product.

(5) Souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region.

(6) New York state labelled wine or liquors produced or manufactured by any other New York state winery or farm winery licensee or by the holder of any distiller's license. Such wine or liquors may be purchased outright by the licensee from a New York winery or farm winery licensee or the holder of any distiller's license or obtained on a consignment basis pursuant to a written agreement between the selling and purchasing licensee.

(7) Wine-making equipment and supplies including, but not limited to, grapes, grape juice, grape must, home wine-making kits, presses, pumps, bottling equipment, filters, yeasts, chemicals and other wine additives, wine storage or fermenting vessels, barrels, and books or other written material to assist wine-makers and home wine-makers to produce and bottle wine.

(c) The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this subdivision.

(d) A licensed farm winery may engage in any other business on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. In prescribing such rules and regulations, the liquor authority shall promote the expansion and profitability of wine production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands. Further, such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm winery licensee.

(e) Notwithstanding any provision of this chapter to the contrary, any farm winery licensee may charge:

- (i) For tours of its premises; and
- (ii) For any wine tastings.

5. (a) Except as provided in paragraph (b) of this subdivision, no licensed farm winery shall manufacture or sell any wine not produced exclusively from grapes or other fruits or agricultural products grown or produced in New York state.

(b) In the event that the commissioner of agriculture and markets, after investigating and compiling information pursuant to subdivision forty-two of section sixteen of the agriculture and markets law, determines that a natural disaster, act of God, or continued adverse weather condition has destroyed no less than forty percent of a specific grape varietal grown or produced in New York state and used for winemaking, the commissioner, in consultation with the chairman of the state liquor authority, may give authorization to a duly licensed farm winery to manufacture or sell wine produced from grapes grown outside this state. No such authorization shall be granted to a farm winery licensee unless such licensee certifies to the commissioner the quantity of New York grown grapes unavailable to such licensee due to such natural disaster, act of God or continuing adverse weather condition and satisfies the commissioner that reasonable efforts were made to obtain grapes from a New York state source for such wine making purpose. No farm winery shall utilize an amount of out-of-state grown grapes or juice exceeding the amount of New York grown grapes that such winery is unable to obtain due to the destruction of New York grown grapes by a natural disaster, act of God or continuing adverse weather condition as determined by the commissioner of agriculture and markets pursuant to this subdivision. For purposes of this subdivision, the department of agriculture and markets and the state liquor authority are authorized to adopt rules and regulations as they may deem necessary to carry out the provisions of this subdivision which shall include ensuring that in manufacturing wine farm wineries utilize grapes grown or produced in New York state to the extent they are reasonably available, prior to utilizing grapes or juice from an out-of-state source for such purpose.

(c) The commissioner of agriculture and markets shall make available to farm wineries and to the public each specific grape varietal loss determination issued pursuant to paragraph (b) of this subdivision on or before August twentieth of each year.

(d) In the event that the continuing effects of a natural disaster, act of God, or adverse weather condition which occurred prior to August

twentieth of each year or the effects of a natural disaster, act of God, or adverse weather condition which occurs subsequent to August twentieth each year results in any grape varietal loss which meets the standards provided in paragraph (b) of this subdivision, the commissioner of agriculture and markets, in consultation shall with the chairman of the state liquor authority, may issue additional grape varietal loss determinations and shall expeditiously make available to farm wineries and to the public each specific grape varietal loss determination issued pursuant to this paragraph prior to October tenth of each year.

6. (a) Except as provided in paragraph (b) of this subdivision, no licensed farm winery shall manufacture or sell any cider other than New York state labeled cider.

(b) In the event that the commissioner of agriculture and markets, after investigating and compiling information pursuant to subdivision forty-two of section sixteen of the agriculture and markets law, determines that a natural disaster, act of God, or continued adverse weather condition has destroyed at least thirty percent of the apple crop necessary for producing cider, the commissioner of agriculture and markets, in consultation with the chairman of the authority, may give authorization to a duly licensed farm winery to manufacture or sell cider produced from such apples designated as necessary for producing cider and grown outside this state. No such authorization shall be granted to a farm winery licensee unless such licensee certifies to the commissioner of agriculture and markets the quantity of such New York state apples designated as necessary for producing cider unavailable to such licensee due to such natural disaster, act of God, or continuing adverse weather condition and satisfies the commissioner of agriculture and markets that reasonable efforts were made to obtain such apples from a New York state source for such cider making purpose. No farm winery shall utilize an amount of out-of-state grown apples exceeding the amount of such designated New York grown apples that such cidery is unable to obtain due to the destruction of New York grown apples by a natural disaster, act of God, or continuing adverse weather condition as determined by the commissioner of agriculture and markets pursuant to this subdivision. For purposes of this subdivision, the department of agriculture and markets and the authority are authorized to adopt rules

and regulations as they may deem necessary to carry out the provisions of this subdivision which shall include ensuring that in manufacturing cider farm cideries utilize apples grown in New York state to the extent they are reasonably available, prior to utilizing apples from an out-of-state source for such purpose.

(c) The commissioner of agriculture and markets shall make available to farm wineries and to the public each specific apple loss determination issued pursuant to paragraph (b) of this subdivision on or after August twentieth of each year.

(d) In the event that the continuing effects of a natural disaster, act of God, or adverse weather condition which occurred prior to August twentieth of each year or the effects of a natural disaster, act of God, or adverse weather condition which occurs subsequent to August twentieth of each year results in any apple crop loss which meets the standards provided in paragraph (b) of this subdivision, the commissioner of agriculture and markets, in consultation with the chairman of the authority, may issue additional apple crop loss determinations and shall expeditiously make available to farm wineries and to the public the loss determination issued pursuant to this paragraph prior to October tenth of each year.

7. Notwithstanding any other provision of this chapter, a farm winery license shall authorize the holder thereof to:

(a) Offer for sale or solicit any order in the state for the sale of any New York state labelled wine manufactured by the licensee or any other winery or farm winery licensed pursuant to this article.

(b) Engage as a broker in the purchase and sale of New York state labelled wines for a fee or commission for or on behalf of any winery or farm winery licensed pursuant to this article.

(c) Maintain a warehouse on the premises pursuant to section ninety-six of this chapter for the warehousing of any New York state labelled wines manufactured by any winery or farm winery licensed pursuant to this article. Any winery or farm winery that maintains such a warehouse must comply with the provisions of section ninety-six of this chapter.

(d) Deliver or transport any New York state labelled wine manufactured or produced by the licensee or any other winery or farm winery licensed

pursuant to this article in any vehicle owned, leased or hired by the licensee. The New York state labelled wine can be delivered, transported or sold by the licensee to any holder of: (i) a winery or farm winery license, (ii) a license to sell alcoholic beverages for consumption on the premises, (iii) a license to sell alcoholic beverages for consumption off the premises, (iv) or any person that can receive or purchase wine from a farm winery. The licensee is not required to obtain from the liquor authority a trucking permit or pay any fees pursuant to section ninety-four of this chapter.

(e) Sell for consumption off the premises New York state labelled liquors manufactured by the holder of a class A-1, B-1, or C distiller's license.

8. The holder of a license issued under this section may operate up to five branch offices located away from the licensed farm winery. Such locations, although not required to be on a farm, shall be considered part of the licensed premises and all activities allowed at and limited to the farm winery may be conducted at the branch offices. Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic beverages at retail. Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the authority may issue a permit for the operation of same. Such branch offices shall not be subject to the provisions of subdivision two, three or four of section seventy-nine of this article or the provisions of subdivisions two and three, and paragraphs (b) and (c) of subdivision ten of section one hundred five of this chapter.

9. (a) No licensed farm winery shall manufacture in excess of two hundred fifty thousand finished gallons of wine, cider, and mead annually.

(b) Any person licensed under this section shall manufacture at least fifty gallons of wine, cider, and mead per year.

10. Notwithstanding any other provision of law to the contrary, a farm winery licensed pursuant to this section may engage in custom production

allowing individuals to assist in the production of New York state labeled wine, cider and mead for sale for personal or family use, provided, however, that (a) the wine, cider and mead must be purchased by the individual assisting in the production of such wine, cider or mead; and (b) the owner, employee or agent of such winery shall be present at all times during such production.

11. Notwithstanding any other provision of this chapter, a farm winery license shall authorize the holder thereof to sell wines manufactured or produced by such licensee to a roadside farm market pursuant to section seventy-six-f of this article.

12. Notwithstanding any provision of law to the contrary, another business or other businesses may operate on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm winery premises, provided however that a retail business licensed under this chapter shall not be permitted to operate at a licensed manufacturing premises.

§ 76-c. Special winery license. 1. Any person may apply to the liquor authority for a license to operate a special winery on the premises of an existing winery licensee. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules.

2. The provisions of section seventy-six of this article relating to the operation of a winery shall also apply to the holder of a license under this section.

3. Notwithstanding any other provision of this chapter, a special

winery license shall authorize the holder thereof to sell wines manufactured or produced by such licensee to a roadside farm market pursuant to section seventy-six-f of this article.

§ 76-d. Special farm winery license. 1. Any person may apply to the liquor authority to operate a special farm winery on the premises of an existing farm winery licensee as provided for in this article. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules.

2. The provisions of section seventy-six-a of this article relating to the operation of a farm winery shall also apply to the holder of a license under this section.

§ 76-e. Special provisions relating to wineries and farm wineries holding a distiller's license. 1. Any person who holds a winery license pursuant to section seventy-six of this article or a farm winery license pursuant to section seventy-six-a of this article and, in addition to such license, holds a distiller's license pursuant to section sixty-one of this chapter, and who conducts wine tastings pursuant to the provisions of such sections seventy-six and seventy-six-a of this article, shall be authorized to conduct tastings of brandy manufactured by such licensed winery or licensed farm winery, at such wine tastings.

2. All consumer tastings of brandy shall be conducted subject to the following limitations:

(a) Tastings of brandy shall be conducted by an official agent of one or more persons licensed pursuant to section sixty-one of this chapter. Such agent shall be physically present upon the premises at all times during the conducting of the consumer tasting of brandy.

(b) No such person or persons licensed pursuant to section sixty-one

of this chapter, and no official agent thereof, may provide, directly or indirectly: (i) more than a total of three samples of brandy for tasting to a person in one calendar day; or (ii) a sample of brandy for tasting equal to more than one-quarter fluid ounce.

(c) Any liability stemming from a right of action resulting from a consumer tasting of brandy authorized by this section and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the persons licensed pursuant to section sixty-one of this chapter, who conducted such tasting.

3. The state liquor authority shall promulgate rules and regulations regarding brandy tastings as provided for in this section.

4. Any person who holds a winery license pursuant to section seventy-six of this article or a farm winery license pursuant to section seventy-six-a of this article, and who is authorized to sell wine for consumption off the premises pursuant to the provisions of such sections seventy-six and seventy-six-a of this article, shall be authorized to sell brandy manufactured by such licensed winery or licensed farm winery for consumption off the premises. Such sale of brandy for consumption off the premises shall only occur at the licensed winery or farm winery and not at any other off-premises locations licensed to the winery or farm winery, pursuant to subdivision four of section seventy-six of this article. The sale of brandy at a winery or farm winery shall also be subjected to the same hours of operation as set forth for the sale of wine at a winery or farm winery. The authority shall promulgate rules and regulations for the sale of brandy at wineries or farm wineries for off-premises consumption.

§ 76-f. Roadside farm market license. 1. Any person owning or operating a roadside farm market may apply to the liquor authority for a roadside farm market license to sell wine pursuant to this section. Such application shall be in writing and verified, and shall contain such information as the liquor authority shall require and shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application,

it shall issue a license in such form as shall be determined by its rules, and the license shall remain in effect for one year.

2. For the purposes of this section, the term "roadside farm market" means a building or structure located on a farm operation, as defined in subdivision eleven of section three hundred one of the agriculture and markets law, except for a commercial horse boarding operation, in which New York agricultural products are primarily sold by producers, growers or farmers of such agricultural products to the general public, and the term "New York agricultural product" means any agricultural or aquacultural product of the soil or water that has been grown, harvested or produced within the state, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, and Christmas trees.

3. A roadside farm market license shall authorize the holder thereof to sell wine manufactured or produced by up to two duly licensed farm or special wineries or micro-wineries that are located within twenty miles of the roadside farm market by the bottle for off-premises consumption; provided that such market's owner, operator or representative shall be present at all times during which wine is being offered for sale. Such market shall be deemed to possess a warehouse permit and be permitted to warehouse up to twenty cases of wine; provided that such market shall abide by all rules and regulations promulgated pursuant to section ninety-six of this chapter and any other rules and regulations promulgated by the liquor authority to implement the provisions of this section to ensure that wine stored or kept by such market is segregated and kept in a safe and secure location when such market is closed for business.

4. The sale of wine pursuant to this section shall occur only within the hours fixed by or pursuant to subdivision fourteen of section one hundred five of this chapter. Notwithstanding the provisions of section eighty of this article or any other provision of law, no wine tastings shall be conducted at a roadside farm market that sells wine for

off-premises consumption pursuant to the provisions of this section.

5. The liquor authority, in consultation with the department of agriculture and markets, shall promulgate any rules and regulations necessary to implement the provisions of this section.

§ 77. Custom winemakers' center. 1. Any person may apply to the authority on or before December thirty-first, two thousand nineteen for a custom winemakers' center license as provided for in this section to operate a custom winemakers' center facility and provide individuals with rental space, the use of equipment and storage facilities, and/or fruit for the production of wine by such individuals for personal household use and not for resale in accordance with state and federal laws, rules, and regulations authorizing such production. Such application shall be in writing and verified and shall contain such information as the authority shall require, provided, however, the holder of such license under this section may renew such license on or after December thirty-first, two thousand nineteen. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to operate such center to manufacture wine for personal household use in the premises therein specifically licensed.

2. For the purposes of this section, "fruit" shall mean grapes, other fruits, fruit juices, and other agricultural products including, but not limited to, honey and flowers, that are grown or produced in the state of New York.

3. A custom winemakers' center license shall authorize the holder thereof to operate a facility for individuals to rent space, equipment, and storage facilities and, if necessary, to purchase fruit to manufacture wine for personal household use provided that the manufacture and production of wine for personal household consumption

and use is done in accordance with state and federal laws and regulations. Such a license shall also authorize the licensee, provided such activities are permitted by the federal Alcohol and Tobacco Tax and Trade Bureau for the manufacture of tax exempt wine for personal household use, to:

- (a) conduct training classes on how to manufacture wine; and

- (b) conduct wine tastings for those individuals taking such classes and/or using such facilities for the production of wine at the licensed facility provided that the tastings shall be subject to the following limitations:

- (i) tastings shall be conducted by the licensee or by an official agent of the licensee. Such licensee or agent shall be physically present at all times during the conduct of the tastings; and

- (ii) any liability stemming from a right of action resulting from a tasting of wine as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to such center.

4. The custom winemakers' center licensee shall be subject to the supervision of the authority to ensure that the licensee and the individuals utilizing such center are in compliance with the provisions of this chapter, state laws, rules, and regulations, and the laws, rules, and regulations of the federal Alcohol and Tobacco Tax and Trade Bureau.

5. The licensee or an official agent of the licensee shall be physically present at all times during the facility's hours of operations.

6. The annual aggregate production of wine at any such center for all individuals making wine at such premises, pursuant to a custom winemakers' center license, shall not exceed the production limits set forth by the authority that are commensurate with a non-commercial production facility. Provided that such aggregate production limit shall not be offset by wine produced at such facility under a winery's license or farm winery license.

7. Notwithstanding any other provision of this chapter, the authority may issue a custom winemakers' center license to the holder of a farm winery or winery license for use at such licensee's existing licensed premises.

8. The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section.

9. The licensee must maintain a record of the name, address, and contact information of the individual or individuals that have used such facility and the annual amount of wine produced by each individual at the facility pursuant to the rules of the authority.

§ 78. Wholesaler's wine license. 1. The procedure contained in section sixty-two hereof shall apply so far as applicable to applications for a wholesaler's wine license. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell wine at wholesale in the premises therein specifically licensed in the original sealed containers of not more than fifteen gallons each to duly licensed manufacturers, wholesalers, retailers and permittees in this state, and to sell or deliver such wine to persons outside the state pursuant to the laws of the place of such sale or delivery.

2. Upon payment to the liquor authority of an additional annual fee of one hundred twenty-five dollars, the liquor authority may in its discretion and upon such terms and conditions as it may prescribe, issue to a wholesale wine licensee upon application therefor a certificate authorizing such wholesaler to sell wine at retail in sealed containers to a regularly organized church, synagogue or religious organization for sacramental purposes.

§ 79. Seven day license to sell wine at retail for consumption off the premises. 1. The procedure set forth in section sixty-three of this

chapter shall apply so far as applicable to applications for seven day licenses to sell wine at retail for off-premise consumption. Such seven day license shall in form and in substance be a license to the person specifically licensed to sell wine at retail for off-premise consumption.

1-a. The liquor authority shall convert all current licenses to sell wine at retail for consumption off the premises to seven day licenses to sell wine at retail for consumption off the premises pursuant to subdivision three of section seventy-five of this article. However, the conversion of the license to the seven day license shall not affect licenses other than licenses issued pursuant to subdivision three of section seventy-five of this article prior to the effective date of part W3 of chapter 62 of the laws of 2003.

2. Not more than one license shall be granted to any person under this section.

3. No licensee under this section shall be engaged in any other business in the premises licensed. The sale of those items specifically enumerated in subdivision four of section sixty-three of this chapter shall not constitute engaging in another business within the meaning of this subdivision.

4. Determinations under this section with respect to the issuance of a new license or under section one hundred eleven with respect to the transfer to any other premises of a license issued hereunder shall be made in accordance with public convenience and advantage.

§ 79-a. Authorization to sell wine products by certain licensees for consumption off the premises. 1. Any person licensed to sell beer at retail for consumption off the premises, pursuant to section fifty-four of this chapter, shall, by virtue of such license and upon payment to the liquor authority of an additional fee in the sum of one hundred sixty-five dollars in cities having a population of one hundred thousand or over and eighty-three dollars elsewhere, be granted authorization to

sell from the licensed premises wine products in sealed containers for consumption off such premises. Upon receipt of such additional fee, the liquor authority shall promptly issue a permit authorizing such sales by the licensee.

2. Notwithstanding any other provisions of this chapter, any person receiving a permit pursuant to this section shall be subject to such provisions of this chapter as are applicable to persons licensed pursuant to section fifty-four of this chapter, and not to those provisions which are applicable only to persons licensed pursuant to sections sixty-three and seventy-nine of this chapter.

§ 79-b. Authorization to sell wine products by certain licensees for consumption on the premises. 1. Any person licensed to sell beer at retail for consumption on the premises, pursuant to section fifty-five of this chapter, shall, by virtue of such license and upon payment to the liquor authority of an additional fee in the sum of one hundred ninety-two dollars in cities having a population of one hundred thousand or over and ninety-six dollars elsewhere, be granted authorization to sell from the licensed premises wine products in sealed containers at retail for consumption on or off such premises. Upon receipt of such additional fee, the liquor authority shall promptly issue a permit authorizing such sales by the licensee.

1-a. Any person licensed to sell beer at retail for consumption on the premises, pursuant to section fifty-five-a of this chapter, shall, by virtue of such license and upon payment to the liquor authority of an additional fee in the sum of one hundred ninety-two dollars in cities having a population of one hundred thousand or over and ninety-six dollars elsewhere, be granted authorization to sell from the licensed premises wine products in sealed containers at retail for consumption on such premises. Upon receipt of such additional fee, the liquor authority shall promptly issue a permit authorizing such sales by the licensee.

2. Notwithstanding any other provisions of this chapter, any person receiving a permit pursuant to this section shall be subject to such

provisions of this chapter as are applicable to persons licensed pursuant to section fifty-five of this chapter, and not to those provisions which are applicable only to persons licensed pursuant to sections sixty-four and eighty of this chapter.

§ 79-c. Direct interstate wine shipments. 1. Authorization.

Notwithstanding any provision of law, rule or regulation to the contrary, any holder of a license to manufacture wine in any other state who obtains an out-of-state direct shipper's license, as provided in this section, may ship no more than thirty-six cases (no more than nine liters each case) of wine produced by such license holder per year directly to a resident of New York who is at least twenty-one years of age, for such resident's personal use and not for resale, provided the state in which such person is so licensed affords lawful means for shipments of wine to be received by a resident thereof who is at least twenty-one years of age, for such resident's personal use and not for resale, from a person licensed in this state as a manufacturer and, provided further, that the state in which such out-of-state winery is located affords to New York state winery and farm winery licensees reciprocal shipping privileges, meaning shipping privileges that are substantially similar to the requirements in this section. No person shall place an order for shipment of wine unless they are twenty-one years of age or older. Any common carrier with a permit issued pursuant to this chapter to whom such out-of-state shipper's license is presented is authorized to make delivery of shipments provided for hereunder in this state in compliance with this section.

2. License. Before sending any shipment hereunder to a resident in this state, the out-of-state shipper shall first obtain a license from the authority under procedures prescribed by rules and regulations of the authority and after providing the authority with a true copy of its current license to manufacture wine in the applicant's state of domicile along with a copy of the applicant's federal basic permit after payment of an annual fee of one hundred twenty-five dollars. Notwithstanding the provisions of section one hundred ten of this chapter, the authority in its discretion, may excuse an out-of-state winery from the submission of

such information.

3. Licensee's responsibilities. The holder of an out-of-state direct shipper's license:

(a) shall ship no more than thirty-six cases (no more than nine liters each case) per year of wine produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) may ship within the same packaging any and all alcoholic beverages it lawfully produces and which it sells in accordance with its shipping privileges and responsibilities pursuant to the provisions of this section and sections thirty-five, fifty-nine-b, and sixty-eight of this chapter, as applicable;

(c) shall ensure that the outside of each shipping container used to ship wine directly to a New York resident is conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York state liquor authority;

(d) shall maintain records in such manner and form as the authority may direct, showing the total amount of wine shipped into the state each calendar year; the names and addresses of the purchasers to whom the wine was shipped, the date purchased, the name of the common carrier used to deliver the wine, and the quantity and value of each shipment;

(e) shall in connection with the acceptance of an order for a delivery of wine to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the wine being purchased will not be resold or introduced into commerce;

(f) shall require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this chapter;

(ii) require a recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as

required by subparagraph (i) of this paragraph;

(g) shall file returns with and pay to the New York state department of taxation and finance all state and local sales taxes and excise taxes due on sales into this state in accordance with the applicable provisions of the tax law relating to such taxes, the amount of such taxes to be determined on the basis that each sale in this state was at the location where delivery is made;

(h) shall keep all records required by this section for three years and provide copies of such records, upon written request, to the authority or the department of taxation and finance;

(i) shall permit the authority or the department of taxation and finance to perform an audit of such out-of-state shipper upon request;

(j) shall execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning enforcement of this section and any related laws, rules, or regulations, including tax laws, rules or regulations; and

(k) shall prior to obtaining an out-of-state direct shipper's license, obtain a certificate of authority pursuant to section eleven hundred thirty-four of the tax law and a registration as a distributor pursuant to sections four hundred twenty-one and four hundred twenty-two of the tax law.

4. Situs. Delivery of a shipment in this state by the holder of an out-of-state direct shipper's license shall be deemed to constitute a sale in this state at the place of delivery and shall be subject to all excise taxes levied pursuant to section four hundred twenty-four of the tax law and all sales taxes levied pursuant to articles twenty-eight and twenty-nine of such law.

5. Renewal. The out-of-state shipper may annually renew its license with the authority by paying a one hundred twenty-five dollar renewal fee, providing the authority with a true copy of its current license in such other state as an alcoholic beverage manufacturer and by complying with such other procedures as are prescribed by rule of the authority.

6. Rules and regulations. The authority and the department of taxation and finance may promulgate rules and regulations to effectuate the

purposes of this section.

7. Enforcement. The authority may enforce the requirements of this section including the requirements imposed on the common carrier, by administrative proceedings to suspend or revoke an out-of-state shipper's license and the authority may accept payment of an administrative fine in lieu of suspension, such payments to be determined by rules or regulations promulgated by the authority. In addition, the authority or the attorney general of the state of New York shall report violations of this section, where appropriate, to the United States department of treasury, tax and trade bureau, for administrative action to suspend or revoke the federal basic permit.

8. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

§ 79-d. Direct intrastate wine shipments. Any person having applied for and received a license as a winery or farm winery under sections seventy-six, seventy-six-a, seventy-six-b, seventy-six-c, seventy-six-d and seventy-six-f of this article may ship no more than thirty-six cases (no more than nine liters per case) of wine produced by such winery or farm winery per year directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale.

1. Licensee's shipping responsibilities. Notwithstanding any provision to the contrary contained in this chapter, any above referred licensee:

(a) shall in the case of a farm winery licensee or a winery licensee, ship no more than thirty-six cases (no more than nine liters) per year of wine produced by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

(b) may ship within the same packaging any and all alcoholic beverages it lawfully produces and which it sells in accordance with its shipping privileges and responsibilities pursuant to the provisions of this

section and sections thirty-six, fifty-nine-c, and sixty-nine of this chapter, as applicable;

(c) shall ensure that the outside of each shipping container used to ship wine directly to a New York state resident is conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York state liquor authority;

(d) shall maintain records in such manner and form as the authority may direct showing the total amount of wine shipped in the state each calendar year, the names and addresses of the purchasers to whom the wine was shipped, the date purchased, the name of the common carrier used to deliver the wine, and the quantity and value of each shipment. Such records shall be kept for three years and, upon written request, be provided to the authority or the department of taxation and finance;

(e) shall in connection with the acceptance of an order for a delivery of wine to a New York resident, require the prospective customer to represent that he or she has attained the age of twenty-one years or more and that the wine being purchased will not be resold or introduced into commerce; and

(f) shall require common carriers to:

(i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this chapter;

(ii) require a recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the authority; and

(iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by paragraph (a) of this subdivision.

2. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

§ 80. Wine tasting. 1. Except as otherwise provided for in this chapter, any person licensed to sell wine pursuant to this article, or

section sixty-three or section seventy-nine of this chapter, shall be permitted to conduct wine tastings only upon the licensed premises. Wine tastings which are conducted under the auspices of an official agent of a farm winery, winery, wholesaler, or importer and where such agent is physically present at all times during the conduct of the tasting, then, in that event, any liability stemming from a right of action resulting from a wine tasting as authorized herein, and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm winery, winery, wholesaler, or importer.

2. In addition to such other wine tastings permitted under this chapter, licensed farm wineries, wineries, and wine wholesalers may apply for a permit, pursuant to paragraph k of subdivision one of section ninety-nine-b of this chapter, to conduct wine tastings. Such permits shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.

§ 81. License to sell wine at retail for consumption on the premises.

1. The procedure set forth in section sixty-four hereof shall apply so far as applicable to applications for licenses to sell wine at retail for consumption on the premises, except as provided in subdivision two of this section.

2. No such license shall be issued to any person for any premises other than premises for which a license may be issued under section sixty-four of this chapter or a hotel or premises which are kept, used, maintained, advertised or held out to the public to be a place where food is prepared and served for consumption on the premises in such quantities as to satisfy the liquor authority that the sale of wine intended is incidental to and not the prime source of revenue from the operation of such premises. Such license may also include such suitable space outside the licensed premises and adjoining it as may be approved by the liquor authority.

3. Such license shall in form and in substance be a license to the person specifically licensed to sell wine at retail, to be consumed upon the premises. Such license shall also be deemed to include a license to sell beer, soju and shochu at retail to be consumed under the same terms and conditions without the payment of any additional fee. For the purposes of this subdivision:

(a) "soju" shall mean an imported Korean alcoholic beverage that contains not more than twenty-four per centum alcohol, by volume, and is derived from agricultural products.

(b) "shochu" shall mean an imported Japanese alcoholic beverage that contains not more than twenty-four per centum alcohol, by volume, and is derived from agricultural products.

4. A restaurant licensed to sell wine under this section may permit a patron to remove one unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with such meal on the restaurant premises. For the purposes of this subdivision the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subdivision shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises, in a bag such that it is visibly apparent that such resealed bottle of wine has not been tampered with. Such licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

§ 81-a. Special license to sell wine at retail for consumption on the premises. 1. On or after the effective date hereof, any person may make an application to the appropriate board for a special license to sell wine at retail to be consumed on the premises where sold.

2. Such special license shall in form and in substance be a license to the person specifically licensed to sell wine at retail to be consumed on the premises specifically licensed. Such license shall also be deemed

to include a license to sell beer at retail to be consumed under the same terms and conditions, without the payment of any additional fee.

3. The provisions contained in subdivisions three, four, six, eight and nine of section sixty-four-a shall apply to applicants for licenses under this section.

4. a. No such license shall be issued to any person for any premises other than premises for which a license may be issued under section sixty-four of this chapter or a hotel or premises which are kept, used, maintained, advertised or held out to the public to be a place where food is prepared and served for consumption on the premises in such quantities as to satisfy the liquor authority that the sale of wine intended is incidental to and not the prime source of revenue from the operation of such premises. Such license may also include such suitable space outside the licensed premises and adjoining it as may be approved by the liquor authority.

b. Notwithstanding paragraph a of this subdivision, a special on-premises license for a premises in which the principal business shall be the operation of a legitimate theater by a corporation organized pursuant to the not-for-profit corporation law may be granted notwithstanding the proximity of such premises to any school, provided that the availability of alcoholic beverages on such premises shall not be advertised in any way at such premises in any manner visible from such street or avenue.

§ 82. Prohibited sales. The restrictions contained in section sixty-five hereof shall apply to persons licensed to sell wine at retail.

§ 83. License fees. 1. The annual fee for a winery license shall be six hundred twenty-five dollars.

1-a. The annual fee for a farm winery license shall be one hundred

twenty-five dollars, provided that the annual fee for a farm winery manufacturing no more than fifteen hundred finished gallons of wine annually shall be fifty dollars.

1-d. The fee for each license issued for a winery or farm winery licensee's authority to conduct wine tastings and the sale of New York state labelled wines for off-premises consumption pursuant to paragraph (c) of subdivision two of section seventy-six of this article shall be forty dollars.

2. The annual fee for a license to sell wine at wholesale shall be eight hundred dollars.

3. The annual fee for a license to sell wine at retail, not to be consumed on the premises, shall be six hundred forty dollars for each such place where such business is carried on in cities having a population of one million or more; in cities having less than one million population and more than one hundred thousand, three hundred twenty dollars; and elsewhere, the sum of one hundred forty-five dollars.

4. The annual fee for selling wine at retail, to be consumed on the premises where sold, shall be as follows:

(a) In cities having a population of one hundred thousand or over the sum of four hundred eighty dollars per year; and

(b) Elsewhere, the sum of two hundred forty dollars per year.

4-a. The annual fee for a license to sell wine at retail to be consumed on the premises where sold where the premises to be licensed remain open only within the period commencing April first and ending October thirty-first of any one year or only within the period commencing October first and ending the following April thirtieth, the liquor authority, in its discretion, may grant a summer or winter license effective only for such appropriate period of time, for which an annual fee of one hundred twelve dollars shall be paid.

5. The annual fee for a special license to sell wine at retail, to be

consumed on the premises where sold, shall be as follows:

(a) In cities having a population of one hundred thousand or over, the sum of five hundred seventy-six dollars per year; and

(b) Elsewhere, the sum of two hundred seventy dollars per year.

6. The annual fee for a special winery license shall be six hundred twenty-five dollars.

7. The annual fee for a special farm winery license shall be one hundred twenty-five dollars.

8. The annual fee for a roadside farm market license shall be one hundred dollars.

9. The annual fee for a license to operate a custom winemakers' center shall be three hundred twenty dollars.

§ 84. License fees; when due and payable; fee for part of year. The provisions contained in section sixty-seven shall apply to all licenses issued pursuant to this article.

§ 85. Purchase from private collection. Notwithstanding any other provisions of this chapter any nonlicensed person owning bottled wine is authorized to sell that wine to a wholesale or retail licensee authorized to sell wine. The licensee involved in such sale shall ensure that each bottle of wine sold from a private collection has a permanently affixed label stating that the wine was acquired from a private collection.

ARTICLE 7

SPECIAL PERMITS

Section 90. Kinds of permits.

91. Industrial alcohol permit.

91-a. Industrial alcohol manufacturers' permits.

- 92. Alcohol permit.
- 92-a. Alcohol distributors' permits.
- 93. Solicitor's permit.
- 93-a. Broker's permit.
- 94. Trucking permit.
- 95. Drug store permit.
- 96. Warehouse permit.
- 96-a. Bottling permit.
- 96-b. Reconditioning permit.
- 97. Temporary beer and wine permit.
- 97-a. Temporary retail permit.
- 97-b. Sale of alcoholic beverages at the New York state fair.
- 97-c. Temporary manufacturing permit.
- 97-d. Temporary wholesale permit.
- 98. Caterer's permit.
- 99. Special permit to remain open during certain hours of the morning.
- 99-a. Charitable permits.
- 99-b. Miscellaneous permits.
- 99-d. Miscellaneous fees.
- 99-e. Change in duration of permits.
- 99-f. Special permits for minors to entertain.
- 99-g. Sale of privately held wines and liquors.
- 99-h. Sunday on-premises sales permit.

§ 90. Kinds of permits. The following kinds of permits may be issued for carrying on the activities enumerated in this article with respect to alcoholic beverages, alcohol or spirits. No person shall engage in any of such activities without having obtained the appropriate permit required hereby therefor:

- 1. Industrial alcohol permit.
- 2. Alcohol permit.
- 2-a. Alcohol distributors' permits.

3. Solicitor's permit.

3-a. Broker's permit.

4. Trucking permit.

5. Drug store permit.

6. Warehouse permit.

7. Temporary outdoor permit.

8. Caterer's permit.

9. Special permit to remain open during certain hours of the morning.

10. Bottling permit.

11. Reconditioning permit.

12. Miscellaneous permits.

§ 91. Industrial alcohol permit. 1. An industrial alcohol permit may be issued by the liquor authority entitling the applicant to purchase alcohol intended for use in the manufacture and sale of any of the following, when they are unfit for beverage purposes, namely:

(a) Denatured alcohol purchased and used pursuant to acts of Congress and regulations promulgated thereunder.

(b) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.

(c) Flavoring extracts, syrups and food products.

(d) Scientific, chemical, mechanical and industrial products.

2. Such permit shall be in such form as prescribed by the rules of the liquor authority and shall permit the purchaser to use said alcohol for

the purpose named in such permit and in accordance with the terms and conditions of such permit and the rules of the liquor authority.

3. Such permit shall be issued for a calendar year, and the fee therefor shall be sixty-four dollars per year, or for any part thereof.

4. Any person who shall knowingly sell any of the products enumerated in this section for beverage purposes, or who shall sell any of the same under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purposes, shall be subject to the penalties provided for in this chapter.

§ 91-a. Industrial alcohol manufacturers' permits. 1. An industrial alcohol manufacturer's permit may be issued by the liquor authority entitling the applicant to manufacture alcohol intended for use and/or used for the following purposes:

For scientific, chemical, mechanical, industrial, medicinal and culinary purposes.

For use by those authorized to procure alcohol tax-free, as provided by the acts of congress and regulations promulgated thereunder.

In the manufacture of denatured alcohol as provided by the acts of congress and regulations promulgated thereunder.

In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products, unfit for beverage purposes.

In the manufacture of flavoring extracts and syrups, unfit for beverage purposes.

In the manufacture of ethanol from biomass feedstock for use as fuel (including but not limited to motor fuel, heating fuel or fuel for process heat).

2. Such permit shall be in such form as prescribed by the rules of the liquor authority and shall permit the manufacturer to manufacture and distribute said alcohol to holders of industrial alcohol permits, alcohol permits, distributors' alcohol permits class A, distributors' alcohol permits class B and distributors' alcohol permits class C but nothing contained herein shall authorize the manufacturing and distribution of said alcohol for beverage purposes.

3. The annual fee for an industrial alcohol manufacturer's permit shall be eight hundred dollars, except that:

(a) no holder of a class A distiller's license shall be required to obtain such permit or pay such fee;

(b) no fee shall be required from any applicant who certifies that he will manufacture, solely from biomass feedstock, ethanol for his own use as fuel;

(c) no fee shall be required from any applicant who certifies that he will manufacture, solely from biomass feedstock, less than one hundred thousand gallons of ethanol annually for use as a fuel;

(d) no fee shall be required from any applicant who certifies that he will manufacture, solely from biomass feedstock other than food crops, ethanol for use as fuel; and

(e) no fee shall be required from any applicant who certifies that he is the holder of an experimental distilled spirits plant permit, as provided by federal law and regulation, for the manufacture of ethanol for his own use as fuel.

Any permit issued pursuant to paragraph (b), (c), (d) or (e) of this subdivision shall clearly state the conditions upon which it is granted.

4. Such industrial alcohol manufacturer's permit shall be effective for a license year expiring on the thirty-first day of December following the date of issue, and the fee prescribed therefor by this section shall be the fee due and payable therefor, and shall be paid in advance at the time the application shall be made as provided by this section.

When application for any permit under this section is made, after the first day of January in any year, the fee therefor shall, for the balance of the year, be in proportion as the remainder of such year shall bear to the whole year, except, that it shall in no case be for less than one-half of such year.

§ 92. Alcohol permit. 1. The liquor authority is hereby authorized to issue special permits for the purchase of alcohol to the superintendent, or duly authorized officer, of a hospital, museum, laboratory, art, charitable, educational, or similar public institution, or to a drug store, or licensed physician, dentist, veterinarian, optometrist and chiropodist, or to a manufacturing establishment using alcohol in its processes of manufacture.

2. Such permit shall be issued in such form as prescribed by the liquor authority and shall permit the purchase and use of such alcohol for the purpose named in such permit and in accordance with the terms and conditions thereof and the rules of the liquor authority.

3. Such permit shall be issued for a calendar year, and the fee therefor shall be six dollars per year or for any part thereof.

4. Any person who shall knowingly sell any alcohol for beverage purposes or who shall sell the same under circumstances from which he might reasonably deduce the intention of the purchaser to use it for such purposes, shall be subject to the penalties provided for in this chapter.

§ 92-a. Alcohol distributors' permits. 1. The following kinds of permits may be issued for the sale and distribution of alcohol.

- (a) Distributor's alcohol permit---class a.
- (b) Distributor's alcohol permit---class b.
- (c) Distributor's alcohol permit---class c.
- (d) Distributor's alcohol permit---class d.

2. (a) A class "a" permit shall authorize the holder thereof to sell and distribute to licensed rectifiers alcohol which is to be used for beverage purposes and to all holders of permits issued pursuant to this section or sections ninety-one and ninety-two of this chapter. (b) A class "b" permit shall authorize the holder thereof to sell and distribute alcohol to holders of a class "c" alcohol distributor's permit or to holders of permits issued pursuant to section ninety-one and section ninety-two of this chapter. (c) A class "c" permit shall authorize the holder thereof to sell and distribute alcohol to holders of permits issued pursuant to section ninety-two of this chapter and to use alcohol in the preparation by him of any of the products enumerated in section ninety-one of this chapter. Such a permit may be applied for by and shall be issued only to a wholesale druggist. (d) A class "d" permit shall authorize the holder thereof to sell and distribute alcohol to the holder of winery licenses. Such permits shall be issued only to a person holding a winery license under this chapter.

Such permits shall be issued in such form as may be prescribed by the liquor authority, and the privileges granted thereby shall be exercised in accordance with the terms and conditions thereof and the rules of the liquor authority.

3. The annual fee for a distributor's alcohol permit, class "a," shall be sixteen hundred dollars.

4. The annual fee for a distributor's alcohol permit, class "b," shall be eight hundred dollars.

5. The annual fee for a distributor's alcohol permit, class "c," shall be one hundred sixty dollars.

6. The annual fee for a distributor's alcohol permit, class "d," shall be three hundred eighty-four dollars.

7. Such distributors' alcohol permits shall be effective for a license year expiring on the thirty-first day of December following the date of issuance, and the fee prescribed therefor by this section shall be the

fee due and payable therefor, and shall be paid in advance at the time the application shall be made as provided by this section.

When application for any permit under this section is made, after the first day of January in any year, the fee therefor shall, for the balance of the year, be in proportion as the remainder of such year shall bear to the whole year, except, that it shall in no case be for less than one-half of such year.

§ 93. Solicitor's permit. 1. No individual shall offer for sale or solicit any order in the state for the sale of any alcoholic beverage irrespective of whether such sale is to be made within or without the state, unless such person shall have a solicitor's permit. Provided, however, that no permit under this section shall be required for an individual who is soliciting orders on behalf of a micro-brewery, farm brewery, farm cidery, farm winery, micro-farm winery, micro-distillery, micro-rectifier, or farm distillery licensed under this chapter.

2. Such a permit shall authorize the permittee to offer for sale or to solicit orders for the sale of any alcoholic beverages, and shall set forth the name, address and license number of the licensee whom the solicitor represents, and such solicitor shall not represent any licensee whose name does not appear upon such permit.

3. The license fee for such permit shall be twenty-six dollars per year, or for any part thereof, and the permit shall be issued for the calendar year.

4. Notwithstanding the foregoing provisions of this section, any duly licensed manufacturer or wholesaler may apply to the liquor authority for an annual temporary solicitor's employment permit. Such permit shall authorize such manufacturer or wholesaler to employ one or more persons as a solicitor for a period of not exceeding six months provided that within sixty days after such employee has been employed as a solicitor such employee shall file his application for a solicitor's permit with the liquor authority. The license fee for such permit shall be

thirty-eight dollars per year, or for any part thereof, and the permit shall be issued for the calendar year. Such permit and the exercise of the privileges hereby granted thereunder, shall be subject to such terms and conditions as may be prescribed by the liquor authority.

5. Notwithstanding any provision of this chapter to the contrary, a licensed winery or licensed farm winery may obtain from the liquor authority a solicitor's permit authorizing the licensee to offer for sale or solicit any order for any New York state labelled wine. The authority shall not charge an application or permit fee for the issuance of a solicitor's permit to a licensed winery or farm winery.

§ 93-a. Broker's permit. 1. No person shall engage as a broker in the purchase and sale of alcoholic beverages in this state unless such person shall have a broker's permit.

2. Such permit shall authorize the permittee to act as a broker in the purchase and sale of alcoholic beverages for a fee or commission, for or on behalf of a person authorized to manufacture or sell at wholesale alcoholic beverages within or without the state. Such permittee shall not buy or sell any alcoholic beverages for his own account, or take or deliver title to such alcoholic beverages, and shall not receive or store any alcoholic beverages in his own name in this state, or offer, agree to offer or sell any alcoholic beverages to any retailer within this state.

3. Such permit shall be issued either for one transaction or for a calendar year and the exercise of the privileges granted thereby shall be subject to such rules and conditions by the liquor authority as it deems necessary.

4. The fee for a broker's permit shall be fixed by the liquor authority, but shall not exceed twenty-six dollars for a permit valid for one transaction nor two hundred fifty-six dollars for a permit issued for a calendar year.

§ 94. Trucking permit. 1. No vehicle shall be used in this state for the trucking or transportation of any alcoholic beverage unless such vehicle shall be registered with the liquor authority by a permit issued by it and shall have affixed thereto a sign to be approved by the liquor authority, containing the registration number of such vehicle. In lieu of such sign a vehicle may have in its cab a photostatic copy of its current permit issued by the Authority. This provision shall not apply to vehicles owned or hired and operated by a licensee.

2. Such permit shall be issued for the calendar year, and may cover one or more trucks and in cities having a population of one million or less to duly licensed taxicabs used to deliver only wine or liquor sold at retail and the fee therefor shall be at the rate of fifty-one dollars per truck or such duly licensed taxicab per year.

2-a. In lieu of such permits, the liquor authority may issue a fleet permit for an annual fee of sixty-four hundred dollars. Such fleet permit shall cover any and all vehicles owned or hired, and operated, by such permittee. In lieu of the sign required to be affixed to each vehicle pursuant to subdivision one of this section, the holder of a fleet permit may have in the cab of such vehicle a photostatic copy of its current fleet permit issued by the authority.

2-b. In lieu of such permits, the liquor authority may issue a company permit to a licensed manufacturer or wholesaler licensed pursuant to section fifty-three of this chapter for an annual fee of sixty-four hundred dollars. Such company permit shall cover any and all vehicles over sixty-five thousand pounds hired or contracted for a term by such permittee. In lieu of the sign required to be affixed to each vehicle pursuant to subdivision one of this section, the holder of the company permit may have in the cab of such hired or contracted vehicle a photostatic copy, noting the time and date alcoholic beverages departed the company and its intended delivery time and date of destination of its company permit issued by the authority.

3. If such application is made after July first in any one year, the

fee shall be one-half of the annual fee herein provided for.

§ 95. Drug store permit. The liquor authority may issue a drug store permit to sell liquor and/or wine for off-premises consumption pursuant to this section.

1. Application must be made upon a form to be provided by the liquor authority and shall be filed with the appropriate board. Section fifty-four shall control so far as applicable the procedure in connection with such application.

2. Such permit shall authorize the permittee to sell liquor or wine in the original sealed package only upon a written prescription of a regularly licensed physician in a quantity not exceeding one pint of liquor and one quart of wine; such prescription shall state the date thereof; the name of the person for whom prescribed and shall be preserved by the vendor and pasted in a book kept for the purpose and be but once filled. Such package shall not be opened after sale nor its contents consumed on the premises where sold.

3. No such permittee shall have, keep or offer for sale, or sell in the premises designated in the permit any liquor which is not of the strength, quality and purity prescribed in the latest United States Pharmacopoeia.

4. Such permit shall be issued for a calendar year and the fee therefor shall be at the rate of fifty-one dollars per year for each place where such traffic is carried on except that where application shall be filed after July first in any year the fee to be paid shall be the sum of twenty-six dollars for the balance of such year.

§ 96. Warehouse permit. 1. (a) No alcoholic beverage shall be stored or kept in or upon any premises which shall not be duly licensed as provided for in this chapter, provided, however, that the liquor authority may issue a permit in such form as prescribed by its rules,

for the storage of alcoholic beverages in other than licensed premises, except that no such permit shall be issued to any person licensed pursuant to the provisions of section fifty-four or fifty-four-a of this article, nor shall any such person licensed pursuant to the provisions of section fifty-four or fifty-four-a of this article store or cause to be stored any alcoholic beverages in other than its licensed premises.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, a person licensed pursuant to section fifty-four or fifty-four-a of this article may be issued a permit pursuant to this section for the storage of a private label brand or brands of beer for which the licensee is the registered owner or for a brand or brands of beer of which the licensee is the exclusive retail seller in the state.

2. The authority is hereby empowered upon application therefor to issue a special retail warehouse permit for the storage of beer. Such permit may be issued to a person licensed pursuant to section fifty-four or section fifty-four-a of this article on an annual basis and shall be issued in such form as prescribed by the rules of the authority for the storage of beer in other than such licensee's licensed premises. No more than five such permits may be issued by the authority on a statewide basis at any time and such permits may only be issued to persons who own licensed premises having no more than twenty-five hundred square feet of retail space per each such premises and employing no more than five people on each premises during any period of operation.

3. Such permit shall be issued for the calendar year and the fee therefor shall be at the rate of two hundred fifty-six dollars per annum, except that where the application shall be filed after July first in any year the fee shall be one hundred twenty-eight dollars for the remainder of such period.

§ 96-a. Bottling permit. 1. No liquor or wine may be bottled in this state except by the manufacturer thereof or as hereinafter provided.

2. The liquor authority is hereby authorized to issue a bottling permit to a wholesale wine or liquor licensee to bottle, recask, filter

or clarify wine or liquor, respectively, imported in bulk from a foreign country, on the premises of a United States customs bonded warehouse for which a warehouse permit has been issued under this chapter or in a foreign trade zone established pursuant to federal law. Such permit and the exercise of the privileges granted thereunder shall be subject to the laws of the United States and the rules of the federal agency having jurisdiction thereunder, and such other rules as the state liquor authority deems necessary.

3. The liquor authority is hereby authorized to issue a bottling permit to a person to bottle, on the premises designated in the permit or in a United States customs bonded warehouse for which a warehouse permit has been issued under this chapter, liquor manufactured outside of the state of New York or wine produced in a foreign country and received in this state in bulk. Such bottling may be performed for or on behalf of wholesale liquor or wine licensees or for persons authorized to sell liquor or wine at wholesale pursuant to the laws and regulations of any other state, territorial possession of the United States or foreign country. Such permit shall also authorize the holder thereof to rebottle or recondition liquors and wines manufactured outside of the state of New York and received in this state, for or on behalf of wholesale liquor or wine licensees, or for persons authorized to sell liquor or wine at wholesale pursuant to the laws and regulations of any other state, territorial possession of the United States or foreign country. Such permit and the exercise of the privileges granted thereunder shall be subject to the laws of the United States and the rules of the federal agency having jurisdiction thereunder, and such other rules as the state liquor authority deems necessary.

4. Such permit shall be issued in the form prescribed by the liquor authority and shall be issued for the calendar year and the fee for a permit issued under subdivision two of this section shall be at the rate of four hundred eighty dollars per annum, except that where the application shall be filed after July first in any year the fee shall be two hundred forty dollars for the remainder of such period. The fee for a permit under subdivision three of this section shall be at the rate of sixteen hundred dollars per annum, except that where the application

shall be filed after July first in any year the fee shall be eight hundred dollars for the remainder of such period.

§ 96-b. Reconditioning permit. 1. The liquor authority may issue a reconditioning permit to a wholesale liquor licensee to recondition wines and liquors manufactured outside of the state of New York including filtering, clarifying, rebottling, labeling, relabeling or repacking such wines and liquors. Such permit may be issued to a wholesale wine licensee to recondition such wines under the same terms and conditions as provided herein. Only wines purchased in sealed containers not exceeding fifteen gallons in content or liquor in sealed containers not exceeding one quart in content may be so reconditioned. Such reconditioning shall be done on such premises and under such conditions as the liquor authority may prescribe.

2. Each such permit and the exercise of the privilege granted thereby shall be subject to the laws of the United States and the rules of the federal agency having jurisdiction thereunder and the rules and regulations to be promulgated by the liquor authority and operations conducted pursuant thereto shall be performed under such supervision as the liquor authority shall require.

3. Each such permit shall be issued in such form as shall be prescribed by the liquor authority and shall be valid for one day only. The fee for each such permit shall not exceed twenty-six dollars.

§ 97. Temporary beer and wine permit. 1. The liquor authority is hereby authorized to issue temporary permits effective for a period not to exceed twenty-four consecutive hours to authorize the sale of beer, wine, cider, mead and/or braggot, and liquor at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which

such gathering, function, occasion or event is held. The fee for such permit shall be twenty-six dollars. Such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.

2. The liquor authority is hereby authorized to issue an annual permit to brewers and beer wholesalers authorizing such licensees to sell beer for consumption at outdoor or indoor gatherings, functions, occasions or events, provided that such gatherings are not open to admission to the general public nor is admission thereto made contingent upon the payment of an admission fee, donation or contribution, and further provided that such beer is not resold at such gatherings. Every brewer or beer wholesaler to whom a permit shall be issued hereunder shall require every person to whom beer shall be sold for use at such gatherings to make, execute and file with such brewer or beer wholesaler, upon a form to be prescribed by the liquor authority, a statement, that the beer purchased by such person will not be sold or offered for sale by such person. Such statement shall be accepted for all purposes as the equivalent of an affidavit, and if false, shall subject the person making and executing the same to the same penalties as if he had been duly sworn. Such permit shall be issued in the form prescribed by the liquor authority and shall run concurrently with the annual term of the brewer's license or of the wholesale beer license, and the fee for such permit shall be sixty-four dollars. Such a permit and the exercise of the privileges granted thereunder shall be subject to such rules by the liquor authority as it deems necessary. The provisions hereof shall not apply to the sale of beer for consumption in the home.

4. The liquor authority is hereby authorized to issue a temporary permit effective for a period not to exceed twenty-four consecutive hours to any holder of a license to manufacture wine in this or any other state, to sell wine at outdoor or indoor gatherings, functions, occasions, or events, provided that such manufacturer produces not more than one hundred fifty thousand gallons of wine annually. The fee for such permit shall be twenty-six dollars.

5. The authority is authorized to allow a brewer, once per annum, and

after the property owner obtains a permit under this section, to sell or offer at no cost beer, beginning at eight antemeridian and ending at the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, at the following two locations in the city of Utica, county of Oneida, and bounded and described as follows:

PARCEL I

Beginning at the northwest corner of the beer storage building at the corner of Edward Street and Wasmer Street and proceeding northerly for a distance of 76 feet 1 inch; thence 128 feet 5 inches easterly along Wasmer Street; thence continuing along said Wasmer Street northeasterly for a distance of 202 feet 10 inches to the corner of Wasmer Street and Hamilton Street.

Thence northerly along Hamilton Street for a distance of 46 feet 8 inches to the intersection of Columbia Street. Thence northwesterly along Columbia Street for a distance of 233 feet 6 inches. Thence southwesterly for a distance of 77 feet 7 inches to a fence. Thence northwesterly for a distance of 62 feet and thence southwesterly a distance of 10 feet 6 inches to the southeastern corner of the brewery garage.

Thence, following the garage's perimeter: first in a southwesterly direction for a distance of 133 feet 2 inches to the southwest corner of the garage; thence in a northwesterly direction for a distance of 22 feet 5 inches; and thence in a northeasterly direction for a distance of 11 feet 2 inches, then in a northwesterly direction for a distance of 100 feet, to a fence just before the sidewalk on Schuyler Street; thence southwesterly for a distance of 234 feet 5 inches to the Brewery main complex.

Thence following the perimeter of the brewery complex buildings southeast for a distance of 82 feet 8 inches, northeasterly for a distance of 81 feet 11 inches; thence southeasterly for a distance of 85 feet 3 inches; thence northeasterly for a distance of 21 feet 6 inches; and thence southeasterly for a distance of 96 feet 8 inches to the northwestern corner of the shipping office.

From the northwestern corner of the shipping office, southeasterly for a distance of 33 feet 9 inches; thence southwesterly for a distance of 37

feet 8 inches; thence southeasterly for a distance of 65 feet 8 inches; thence southerly for a distance of 27 feet 4 inches; thence easterly for a distance of 33 feet, to the point or place of beginning.

PARCEL II

Beginning at the iron fence which is 26 feet northwest of the southwest corner of the tour center on Court Street; thence 66 feet, 7 inches northeast, 11 feet 7 inches northwest to the west corner of the tour center parking lot stairs. Proceeding northeasterly 71 feet 10 inches, thence northwesterly 19 feet 10 inches to the southeastern corner of the boiler room building. Thence northwesterly 161 feet; south by southwest 80 feet; southwest 58 feet 5 inches and finally southeast 155 feet to the point or place of beginning.

§ 97-a. Temporary retail permit. 1. The authority is hereby authorized to issue a temporary retail permit:

(a) to the transferee of a retail license to continue the operations of a retail premises during the period that the transfer application for the license from person to person at the same premises is pending; or

* (b) to the applicant for a new retail license.

* NB Repealed October 12, 2027

2. Such a permit may be issued if all of the following conditions are met:

(a) the applicant for the temporary permit shall have filed with the authority an application for a retail license at such premises, together with all required filing and license fees;

(b) the applicant shall have filed with the authority an application for a temporary retail permit, accompanied by a nonrefundable filing fee of one hundred twenty-eight dollars for all retail beer licenses or six hundred forty dollars for all other retail licenses;

(c) in the case of a transfer application, the premises shall have been operated under a retail license within thirty days of the date of filing the application for a temporary permit;

(d) at the time the permit is issued the current license, if any, in effect for said premises shall have been surrendered to, placed into safekeeping with, or otherwise deemed abandoned by the authority.

3. A temporary retail permit under paragraph (b) of subdivision one of this section may not be issued for any premises that is subject to the provisions of section sixty-three or seventy-nine of this chapter; a temporary retail permit under paragraph (b) of subdivision one of this section shall not be issued for a premises subject to the provisions of paragraph (b) of subdivision seven of section sixty-four, subparagraph (ii) of paragraph (a) of subdivision seven of section sixty-four-a, subparagraph (ii) of paragraph (a) of subdivision eleven of section sixty-four-c, or paragraph (b) of subdivision eight of section sixty-four-d, unless and until a recommendation that there be a finding of public interest has been made by an administrative law judge pursuant to paragraph (f) of subdivision seven of section sixty-four, paragraph (d) of subdivision seven of section sixty-four-a, paragraph (c) of subdivision five of section sixty-four-b, paragraph (c) of subdivision eleven of section sixty-four-c, or paragraph (e) of subdivision eight of section sixty-four-d of this chapter. Provided however, any premises granted a temporary retail permit pursuant to this subdivision in a city with a population of one million or more people shall only be allowed to operate on the premises under the following conditions: the closing time any day of the week shall be no later than midnight; provided however that the closing time of any outdoor space shall be no later than ten o'clock post-meridian Sunday through Thursday and eleven o'clock post-meridian Friday and Saturday; no outdoor music; indoors shall have recorded background music only, with no live music, DJ's, karaoke, or similar forms of music; and no dancing. The authority shall automatically lift such restrictions if the authority issues a retail license for the premises, and replace such restrictions with other restrictions, if any, imposed by the authority in accordance with the public interest standard. Further provided however, a temporary retail permit may not be issued pursuant to this subdivision in a city with a population of one million or more people if a retail license at the location was canceled, suspended or revoked by the authority for two consecutive licensees at such location. The foregoing restriction on the issuance of a temporary retail permit pursuant to this subdivision in a city with a population of one million or more people if a retail license at the location was canceled, suspended or revoked by the authority for

two consecutive licensees at such location shall not apply to any location at which an active retail license shall have existed subsequent to a prior retail license being canceled, suspended or revoked by the authority for two consecutive licensees at such location, so long as such subsequent retail license was not canceled, suspended or revoked in the past five years.

3-a. A notice for a public hearing pursuant to paragraph (f) of subdivision seven of section sixty-four, paragraph (d) of subdivision seven of section sixty-four-a, paragraph (c) of subdivision five of section sixty-four-b, paragraph (c) of subdivision eleven of section sixty-four-c, or paragraph (e) of subdivision eight of section sixty-four-d of this chapter shall also include notification that a temporary retail permit may be issued to the premises by the authority after a recommendation that there be a finding of public interest has been made in proceedings conducted pursuant to subdivision three of this section.

4. A temporary retail permit issued by the authority pursuant to this section shall be for a period not to exceed one hundred eighty days. A temporary permit may be extended at the discretion of the authority, for an additional thirty day period upon payment of an additional fee of sixty-four dollars for all retail beer licenses and ninety-six dollars for all other temporary permits and upon compliance with all conditions required in this section. The authority may, in its discretion, issue additional thirty day extensions upon payment of the appropriate fee.

5. A temporary retail permit is a conditional permit and authorizes the holder thereof:

(a) in the case of a transfer application to purchase and sell such alcoholic beverages as would be permitted to be purchased and sold under the privileges of the retail license for which the transfer application has been filed;

(b) in the case of all other retail applications, to purchase and sell such alcoholic beverages as would be permitted to be purchased and sold under the privileges of the license applied for; and

(c) to sell such alcoholic beverages to consumers only and not for

resale.

6. The holder of a temporary retail permit shall purchase alcoholic beverages only by payment in currency or check for such alcoholic beverages on or before the day such alcoholic beverages are delivered, provided, however, that the holder of a temporary permit issued pursuant to this section who also holds one or more retail licenses and is operating under such retail license or licenses in addition to the temporary retail permit, and who is not delinquent under the provisions of section one hundred one-aa of this chapter as to any retail license under which he operates, may purchase alcoholic beverages on credit under the temporary permit.

7. Notwithstanding any other provision of law, a temporary retail permit may be summarily cancelled or suspended at any time if the authority determines that good cause for such cancellation or suspension exists. The authority shall promptly notify the holder of a temporary retail permit in writing of such cancellation or suspension and shall set forth the reasons for such action.

8. The application for a temporary permit shall be on such form as the authority shall prescribe.

9. Approval of, or extension of, a temporary retail permit shall not be deemed as an approval of the retail application.

10. Notwithstanding any inconsistent provision of law to the contrary, the authority may promulgate such rules and regulations as may be necessary to carry out the provisions of this section.

§ 97-b. Sale of alcoholic beverages at the New York state fair. 1. For purposes of this section, the New York state fair and New York state fairgrounds shall have the same meaning and purpose as in article two-a of the agriculture and markets law.

2. In addition to any license issued pursuant to section fifty-five,

sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one or eighty-one-a of this chapter for a premises located upon the New York state fairgrounds, the liquor authority is hereby authorized to issue a temporary permit to the holder of a concessionaire's license issued by the division of the New York state fair in the department of agriculture and markets.

3. (a) Such permit shall allow for the sale of alcoholic beverages by the permit holder for consumption upon the premises known as the New York state fairgrounds during the annual New York state fair for the calendar year such permit is issued.

(b) Such a permit shall also allow the holder thereof to store alcoholic beverages upon the New York state fairgrounds, in areas designated by the concessionaire's license, during the seven days immediately preceding and the seven days immediately following the state fair for which the permit has been issued.

(c) Such permit holder must display its permit at all locations as authorized by the concessionaire's license and the authority.

4. The holder of an on-premises license issued for a premises located upon the New York state fairgrounds may exercise the privileges of a permit issued under this section without the need to obtain such permit. Provided, however, that the licensee may only sell such alcoholic beverages as may be sold under the terms of its license.

5. The holder of a manufacturing license issued pursuant to section thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-eight-c, seventy-six or seventy-six-a of this chapter or subdivision two-c of section sixty-one of this chapter may exercise the privileges of a permit issued under this section without need to obtain such permit. Provided, however, that the licensee: (a) holds a concessionaire's license issued by the division of the New York state fair in the department of agriculture and markets; and (b) may only sell such alcoholic beverages as may be sold for on-premises consumption at its licensed premises under the terms of its license.

6. The exercise of the privileges of a permit under this section shall

be subject to: (a) such rules of the liquor authority as it deems necessary; and (b) the provisions of a concessionaire's agreement between the permit holder or licensee and the division of the New York state fair in the department of agriculture and markets.

7. The fee for such permit shall be two hundred sixty dollars.

§ 97-c. Temporary manufacturing permit. 1. Any person may apply to the liquor authority for a temporary permit to operate any alcoholic beverage manufacturing facility as may be licensed under this chapter. Such application shall be in writing and verified and shall contain information as the liquor authority shall require. Such application shall be accompanied by a check or draft in the amount of one hundred twenty-five dollars for such permit.

2. Upon application, the liquor authority may issue such temporary permit when:

(a) the applicant has a manufacturing license application at the same premises pending before the liquor authority, together with all required filing and license fees; and

(b) the applicant has obtained and provided evidence of all permits, licenses and other documents necessary for the operation of such a business; and

(c) any current license in effect at the premises has been surrendered or placed in safekeeping, or has been deemed abandoned by the authority.

3. The liquor authority in granting such permit shall ensure that:

(a) issuance of the permit will not inordinately hinder the operation or effective administration of this chapter; and

(b) the applicant would in all likelihood be able to ultimately obtain the manufacturing license being applied for; and

(c) the applicant has substantially complied with the requirements necessary to obtain such license.

4. The application for a permit shall be approved or denied by the liquor authority within forty-five days after the receipt of such

application.

5. A temporary permit shall authorize the permittee to operate a manufacturing facility for the manufacture and sale of alcoholic beverages according to the laws applicable to the type of manufacturing license being applied for.

6. Such temporary permit shall remain in effect for six months or until the manufacturing license being applied for is approved and the license granted, whichever is shorter. Such permit may be extended at the discretion of the liquor authority for additional three-month periods of time upon payment of an additional fee of fifty dollars for each such extension.

7. Notwithstanding any provision of law to the contrary, a temporary permit may be summarily cancelled or suspended at any time if the liquor authority determines that good cause for cancellation or suspension exists. The liquor authority shall promptly notify the permittee in writing of such cancellation or suspension and shall set forth the reasons for such action.

8. The liquor authority in reviewing such application shall review the entire record and grant the temporary permit unless good cause is otherwise shown. A decision on an application shall be based on substantial evidence in the record and supported by a preponderance of the evidence in favor of the applicant.

§ 97-d. Temporary wholesale permit. 1. Any person may apply to the liquor authority for a temporary permit to operate any alcoholic beverage wholesale facility as may be licensed under this chapter. Such application shall be in writing and verified and shall contain information as the liquor authority shall require. Such application shall be accompanied by a check or draft in the amount of one hundred twenty-five dollars for such permit.

2. Upon application, the liquor authority may issue such temporary

permit when:

(a) the applicant has a wholesale license application at the same premises pending before the liquor authority, together with all required filing and license fees;

(b) the applicant has obtained and provided evidence of all permits, licenses and other documents necessary for the operation of such a business; and

(c) any current license in effect at the premises has been surrendered or placed in safekeeping, or has been deemed abandoned by the authority.

3. The liquor authority in granting such permit shall ensure that:

(a) issuance of the permit will not inordinately hinder the operation or effective administration of this chapter;

(b) the applicant would in all likelihood be able to ultimately obtain the wholesale license being applied for; and

(c) the applicant has substantially complied with the requirements necessary to obtain such license.

4. The application for a permit shall be approved or denied by the liquor authority within forty-five days after the receipt of such application.

5. A temporary permit shall authorize the permittee to operate a wholesale facility for the purchase, warehousing, and sale of alcoholic beverages according to the laws applicable to the type of wholesale license being applied for.

6. Such temporary permit shall remain in effect for six months or until the wholesale license being applied for is approved and the license granted, whichever is shorter. Such permit may be extended at the discretion of the liquor authority for additional three-month periods of time upon payment of an additional fee of fifty dollars for each such extension.

7. Notwithstanding any provision of law to the contrary, a temporary wholesale permit may be summarily cancelled or suspended at any time if the liquor authority determines that good cause for cancellation or

suspension exists. The liquor authority shall promptly notify the permittee in writing of such cancellation or suspension and shall set forth the reasons for such action.

8. The liquor authority in reviewing such application shall review the entire record and grant the temporary permit unless good cause is otherwise shown. A decision on an application shall be based on substantial evidence in the record and supported by a preponderance of the evidence in favor of the applicant.

§ 98. Caterer's permit. 1. The liquor authority is hereby authorized to issue to a retail licensee for on-premises consumption or a licensed off-premises caterer furnishing provisions and service for use at a particular function, occasion or event in a hotel, restaurant, club, ballroom or other premises a temporary permit effective for a period not to exceed twenty-four consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event within the hours, fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such function, occasion or event is held. The fee therefor shall be thirty-eight dollars. Such a permit and the exercise of the privilege granted thereby may be subjected to such rules by the liquor authority as it deems necessary and such rules as are in conformity with the provisions of subdivision two of this section. Such a permit may also be issued for functions, occasions or events at premises for which a summer license has been previously issued pursuant to this chapter.

2. Except for good cause shown, the liquor authority shall issue upon proper application and payment of fee, an on-premises caterer's permit to a club licensed pursuant to the provisions of this chapter upon the club premises if it is shown:

a. That the club has not solicited the event, nor advertised such

affair in any manner as open to the public and the alcoholic beverages shall be sold only to persons invited to and attending such function, occasion or event; and

b. (see, also, par. b below) That the particular function or event is to be held by a sodality, an auxiliary or other organization affiliated with the licensed club and also other organizations not affiliated with a licensed club, provided the function or event being held is in conjunction with the use of the primary athletic or sports facilities of the licensed club; and

b. (see, also, par. b above) The particular function or event is to be held by a sodality or auxiliary affiliated with the club, or a particular charitable or non-profit function or event is to be held by a charitable or non-profit organization and such organization has one or more members who are also members of the club.

3. The liquor authority may issue upon proper application and payment of fee, an on-premises caterer's permit to a club licensed pursuant to the provisions of this chapter if the facts set forth in the application establish to the satisfaction of the authority that no other suitably licensed premises authorized to sell alcoholic beverages to the public is available within a reasonable distance.

4. A caterer's permit will not be granted to a club licensed for a function to be held off the club premises except where such is exclusively for the use and benefit of the club members only and is so restricted.

5. Notwithstanding any other provision of this chapter or any rule of the liquor authority, the liquor authority is hereby authorized to issue, to caterers and other persons furnishing provisions and services for use at a particular function or occasion or event to be held at a winery or farm winery, a temporary indoor and/or outdoor permit effective for a period not to exceed twenty-four consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event within the hours as fixed by or pursuant to

subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such function, occasion or event is held. The issuance of a caterer's permit under this section shall in no way prohibit or suspend the lawful operation of the winery or farm winery licensed under this chapter. For purposes of this subdivision, both the permittee and the winery or farm winery licensee shall be responsible for any violations of this chapter or the rules of the authority occurring while the permit is in effect. Liability under the provisions of sections 11-100 and 11-101 of the general obligations law shall accrue to both the permittee and the winery or farm winery licensee. The fee for the permit shall be thirty-eight dollars, provided, however, that no fee shall be charged to a licensed off-premises caterer. Such a permit and the exercise of the privilege granted thereby may be subjected to such rules by the liquor authority as it deems necessary.

§ 99. Special permit to remain open during certain hours of the morning. 1. Any person licensed to sell alcoholic beverages for consumption on the premises pursuant to this chapter may apply to the liquor authority for a special permit to remain open on any week day between the hours of four o'clock a.m. or the closing hour prescribed by a rule adopted in a county on or before April first, nineteen hundred ninety-five or pursuant to subdivision eleven of section seventeen of this chapter, and eight o'clock a.m. The fee for such permit shall be fifty-one dollars per day.

2. The liquor authority may, in its discretion, issue to any such licensed person, whose premises are located within a trade area, a special permit to remain open during such hours of the morning on week-days. The fee for such permit shall be at the rate of two hundred fifty-six dollars per annum.

3. Such permits and the exercise of the privileges granted thereunder may be subjected by the liquor authority to such rules as it may deem

necessary.

4. Notice of intent to apply for a permit pursuant to this section must be sent to the local police department or, if there is no local police department then to the county sheriff's office, and such notice must also be sent to the local community board.

§ 99-a. Charitable permits. 1. The liquor authority is hereby authorized to issue a charitable permit to an organization to sell alcoholic beverages, at auction or otherwise, where the authority is satisfied: (a) that contributions made by an individual donor to such organization are deductible for Federal income tax purposes; (b) that the funds so raised will be used for the non-profit purposes of the organization; (c) that all such alcoholic beverages shall be in sealed containers; and (d) that not more than eighty cases shall be sold. Such permit shall be valid for a twenty-four hour period commencing at eight o'clock a.m. and only during the hours when such alcoholic beverages may lawfully be sold by retail licensees in the county in which the auction or sale is held. No alcoholic beverages sold pursuant to such permit shall be consumed on the premises at which they are sold.

2. The fee for a one-day charitable permit shall be twenty dollars.

§ 99-b. Miscellaneous permits. 1. The liquor authority is hereby authorized to issue a permit to:

a. A sheriff, marshal, assignee for the benefit of creditors, trustee or receiver in bankruptcy, executor or administrator of an estate, to sell the stock of alcoholic beverages which came into his possession pursuant to judicial process.

b. A steamship company or company operating aircraft, or its duly authorized agent, to purchase from a manufacturer or wholesaler in this state alcoholic beverages for ship's stores for consumption outside the territorial jurisdiction of the state, and not for purposes of resale in

this state.

c. A person engaged in the manufacture of products which are unfit for beverage use and classified by the United States treasury department, as exempt from special and commodity taxes to purchase liquor, wine or beer from licensed wholesalers and manufacturers for use only in the process of manufacture of such products.

d. A fire insurance company or fire salvage company, under the supervision of the New York state department of financial services, to sell to licensees alcoholic beverages which came into its possession as a result of a fire on licensed premises.

e. A hospital, which shall mean a place for overnight care of the sick, conducted or licensed by the state or a political subdivision thereof or subject to visitation and inspection by the state board of social welfare to purchase liquor, wine or beer for medicinal use only in the treatment of bona fide patients of such hospital.

f. A licensee who is liquidating or selling its business, or a former licensee whose license has been surrendered, revoked, cancelled or has expired, to sell its entire stock of alcoholic beverages to other licensees, provided, however, that no such permit shall be issued to a licensee or former licensee who is delinquent under the provisions of section one hundred one-aa or section one hundred one-aaa of this chapter. A former licensee whose license has been surrendered, revoked, cancelled, or has expired, may not transfer its stock of alcoholic beverages to any other person unless it obtains such a permit.

g. A warehouseman, railroad company, steamship company, or other person who has acquired a lien pursuant to law for the storage or carriage of alcoholic beverages, to sell such alcoholic beverages to a licensee.

i. A bank or trust company incorporated under articles three, seven or twelve of the banking law or a foreign banking corporation licensed by superintendent of financial services of this state or a banking

corporation organized under the laws of the United States and doing business in this state, to sell warehouse receipts pertaining to alcoholic beverages which it has accepted as collateral security for a loan to a licensee and which it acquired through default in the payment of such loan.

j. A person duly licensed outside the state of New York to manufacture or sell alcoholic beverages at wholesale, or his duly authorized representative, to negotiate and consummate contracts or agreements with licensed wholesalers in this state for the establishment of operating agency relationships for the sale of its products in this state.

k. A person to purchase, receive or sell alcoholic beverages or receipts, certificates, contracts or other documents pertaining to alcoholic beverages, in cases not expressly provided for by this chapter, when in the judgment of the liquor authority it would be appropriate and consistent with the purpose of this chapter.

l. (1) Licensed wineries and licensed farm wineries to sell New York state labelled wine, by the bottle, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis.

(2) The permit shall be valid for the length of the event, but not for a period to exceed one year.

(3) No fee shall be charged for permits issued pursuant to this subdivision.

m. An institution of higher education operating under authority granted by the state education department, to deliver or cause to be delivered alcoholic beverages to a person who is at least twenty-one years of age enrolled in a single class or course of classes authorized by the institution of higher education and conducted by an instructor or instructors engaged by the institution of higher education, provided that such person's imbibing or tasting of such alcoholic beverages is a required part of the class or course of classes, and provided that such person's imbibing or tasting of such alcoholic beverages is only for instructional purposes. No alcoholic beverage shall be delivered, or shall be permitted to be delivered, to a person under twenty-one years

of age during any class conducted under the authority of such permit, and the provisions of subdivision five of section sixty-five and paragraph (a) of subdivision two of section sixty-five-c of this chapter shall not apply to any delivery made during any class conducted under the authority of such permit.

2. Each such permit and the exercise of the privilege granted thereby may be subjected to such rules and conditions by the liquor authority as it deems necessary.

3. Each such permit shall be issued in such form as shall be prescribed by the liquor authority and shall be valid for one transaction only, except that a permit issued pursuant to paragraph b, c, e, j, or m of subdivision one of this section may be issued either for one transaction or for a calendar year. The liquor authority may, by rule, fix the quantity of alcoholic beverages to be involved in a single transaction under a permit issued pursuant to paragraph k of subdivision one of this section, but no single transaction so authorized shall involve more than twenty cases of alcoholic beverages. The fee for each such permit shall be fixed by the liquor authority, but shall not exceed ninety dollars for a permit valid for one transaction only nor two hundred fifty-six dollars for a permit issued for a calendar year.

§ 99-d. Miscellaneous fees. 1. Before any substantial alteration to a licensed premises may be undertaken by or on the behalf of any licensee except a micro-winery, a farm winery or a roadside farm market, the licensee shall make an application to the liquor authority for permission to effect such alteration. A substantial alteration shall include any enlargement or contraction of a licensed premises whether indoors or outdoors; any physical change that reduces the visibility that existed at the time of licensing; any other physical changes in the interior of a licensed premises that materially affect the character of the premises; and, in the case of establishments licensed for consumption on the premises, any material changes to the dining or kitchen facilities, or any change in the size or location of any bar within the contemplation of subdivision four of section one hundred of

this chapter at which alcoholic beverages are dispensed. A minor alteration shall be deemed to be one costing and valued at less than ten thousand dollars, which does not materially affect the character of the premises or the physical structure that existed at the time of licensing. Before commencing work on the alteration, any licensee other than a micro-winery, a farm winery or a roadside farm market licensee, shall request permission to effect such minor alteration and shall submit an affidavit to the liquor authority by filing the same in person or by certified mail return receipt requested or overnight delivery service with proof of mailing on forms prescribed by the authority. A winery, micro-winery, farm winery or roadside farm market licensee is not required to obtain permission from the authority to make a minor alteration to its premises. The affidavit shall include but not be limited to a description of the proposed alteration, the cost and value of the alteration, and the source of money making the alteration possible. Upon receipt of such affidavit, the authority shall have twenty days in which to review the proposed alteration and notify the licensee of any objection to the same by certified mail return receipt requested. If no such objection is made within such period permission shall be deemed to have been granted. Work may commence on such alteration if no objection is received by the twenty-fifth day after filing such affidavit. The cost of an alteration, for purposes of this subdivision, shall be equal to the total sum expended to complete the proposed alteration excluding professional fees.

2. Before any change in the members of a limited liability company or the transfer or assignment of a membership interest in a limited liability company or any corporate change in stockholders, stockholdings, alcoholic beverage officers, officers or directors, except officers and directors of a premises licensed as a club or a luncheon club under this chapter can be effectuated for the purposes of this chapter, there shall be filed with the liquor authority an application for permission to make such change and there shall be paid to the liquor authority in advance upon filing of the application a fee of one hundred twenty-eight dollars.

(a) The provisions of this section shall not be applicable where there are ten or more stockholders and such change involves less than ten per

centum of the stock of the corporation and the stock holdings of any stockholder are not increased thereby to ten per centum or more of the stock.

(b) Where the same corporation operates two or more premises separately licensed under this chapter a separate corporate change shall be filed for each such licensed premises, except as otherwise provided for by rule of the liquor authority. The corporate change fee provided for herein shall not be applicable to more than one license held by the same corporation.

(c) Notwithstanding any corporate change approved by the authority, a licensed corporation or limited liability company shall be bound by the representations set forth in the original application and any amendments thereto approved by the authority.

3. Before any removal of a license to any premises other than the licensed premises or to any other part of the building containing the licensed premises, the licensee shall make an application to the liquor authority for permission to effect such removal and shall pay to the liquor authority in advance upon filing of the application a fee of one hundred ninety-two dollars where the base license fee is five hundred dollars or more and thirty-two dollars in all other instances.

4. The liquor authority may make such rules as it deems necessary to carry out the provisions of this section.

§ 99-e. Change in duration of permits. The liquor authority is authorized to change the periods during which permits authorized by sections ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, ninety-four, ninety-five, ninety-six, ninety-six-a and ninety-nine-b of this article, shall be effective and to establish the commencement dates, duration and expiration dates thereof, provided that no such permit shall be effective for a period in excess of three years. When any change or changes are made in the duration of any such permit, the permit fee shall be equal to the annual permit fee specified in this article multiplied by the number of years for which such permit is issued. Any other provision of any other law to

the contrary notwithstanding, an applicant, other than a not-for-profit organization as defined in section one hundred seventy-nine-q of the state finance law, shall not be issued a temporary permit pursuant to section ninety-seven of this article for events to take place upon any premise for which the authority has issued any license, or has issued a permit more than four times within any one year period, provided however that the authority may, in its sole discretion, issue additional single permits if it shall determine upon the issuance of each that (a) the application for such permit is not an attempt to circumvent licensing provisions of this chapter, and (b) the issuance of such permit would not be a detriment to the community or the surrounding neighborhood as such shall be determined by the authority after consultation with municipal authorities and police agencies and community boards for the purpose of reviewing community or neighborhood or police agency complaints, or violations of state or local laws. The liquor authority may make such rules as shall be appropriate to carry out the purpose of this section.

§ 99-f. Special permits for minors to entertain. The liquor authority is hereby authorized to issue special permits to any person under the age of eighteen years for the purpose of enabling such person to appear as an entertainer on any premises licensed for retail sale hereunder. The provisions of this section shall apply to persons under the age of eighteen years who are not otherwise eligible to act as an entertainer pursuant to the provisions of subdivision two-b of section one hundred of this chapter. Such special permit shall be issued, in the discretion of the authority, upon the application of such minor. No such special permit shall be granted unless the written consent of both parents or the lawful guardian or guardians of such minor shall appear upon such application. The liquor authority may require the personal appearance at an office of the authority of such applicant and his parents or legal guardians at the time such application is made or at any other time prior to the consideration of such application by the authority upon written notice to the applicant and/or his parents or legal guardians. Such personal appearance, if requested, shall be for the purpose of enabling the authority to establish that the entertainment that the

applicant is intending to perform is not contrary to the best interests of the minor. The liquor authority is hereby authorized and directed to promulgate rules and regulations for the orderly implementation and administration of the provisions of this section. Such rules and regulations shall provide for a reasonable limitation upon the types of entertainment for which an application for a special permit shall be granted and may provide for conditions or limitations which may be attached to the granting of such special permit. In addition to any conditions or limitations as may be so imposed, such rules or regulations shall impose as a condition for the granting of such special permit that a parent or legal guardian of the minor shall be present during such minor's appearance as an entertainer. Such special permit shall be subject to revocation, after a hearing upon a determination by the authority that the conditions or limitations attached upon such special permit have been violated. Such special permits shall be issued for limited periods not to exceed one year. The liquor authority may impose a fee for the issuance of such special permit. Such fee shall not exceed sixty-four dollars if issued for an annual period nor shall such fee exceed six dollars per month or any lesser period thereof for which a special permit has been issued. The liquor authority may waive such fee. The liquor authority shall revoke any special permit upon the written request of the parents or legal guardians of such minor.

§ 99-g. Sale of privately held wines and liquors. 1. (a) Any nonlicensed person legally owning wine and/or liquor is authorized to sell that wine and/or liquor to a licensed person or through a licensed person to an individual or group of individuals by any lawful method of sale or by means of an auction by a licensed person conducted pursuant to this section. The licensee involved in such sale shall ensure that each bottle of wine and/or liquor sold from a private collection has a permanently affixed label stating that the wine and/or liquor were acquired from a private collection.

(b) For purposes of this section, if wine is offered at an auction, "licensed person" means any person licensed under section sixty-three or seventy-nine of this chapter, if liquor is offered at an auction "licensed person" means any person licensed under section sixty-three of

this chapter, and in any auction a "licensed person" shall have been so licensed for a period of ten years or more.

2. (a) The liquor authority is hereby authorized to issue a wine and liquor auction permit to a licensed person to conduct auctions of wines and/or liquors. The wine and liquor auction permit shall be in addition to any permit requirements imposed by local law, ordinance or resolution by any municipality in which the auctioneer seeks to operate.

(b) A wine and liquor auction permit shall be issued for a calendar year. A wine and liquor auction permit shall allow the holder to conduct twenty-four auctions of wine and/or liquor during the period the wine and liquor auction permit shall be in effect.

(c) The fee therefor shall be thirty-two hundred dollars for each year or part thereof.

(d) The permit shall be in the form prescribed by the authority.

3. A person owning, controlling or possessing wines and/or liquors may ship the wines and/or liquors from within or without New York state to a wine and liquor auction permittee or licensee; provided that such permittee or licensee shall ensure that each bottle is labelled in accordance with the provisions of paragraph (a) of subdivision one of this section. Although the wines and/or liquors to be offered at auction may not be owned by a wine and liquor auction permittee, upon receipt of the wines and/or liquors the permittee shall be responsible for the storage and warehousing of the wines and/or liquors, as well as be responsible for the delivery of the wines and/or liquors to the purchasers at auction and shall be responsible for the payment of all applicable state and local taxes.

4. Notwithstanding any other provision of this chapter, any person authorized to sell wine at wholesale or retail may purchase any wine offered at an auction conducted pursuant to this section and may resell any wine so purchased in accordance with the terms of his or her license, and any person authorized to sell liquor at wholesale or retail may purchase any liquor offered at an auction conducted pursuant to this section and may resell any liquor so purchased in accordance with the terms of his license; provided that such licensee shall ensure that each

bottle is labelled in accordance with the provisions of paragraph (a) of subdivision one of this section.

5. A wine and liquor auction permittee shall be permitted to hold wine tastings at an auction at which wine is offered, and to hold liquor tastings at an auction at which liquor is offered, on the premises of any location approved by the authority for conducting an auction.

6. A wine and liquor auction permittee shall be subject to all restrictions, regulations, and provisions heretofore set forth in the appropriate sections of this chapter governing the sale of wine or liquor for off-premises consumption, provided those provisions are not inconsistent with the provisions created pursuant to this section.

7. (a) Wine tastings which are conducted under this auspices of an official agent of a farm winery, winery, wholesaler or importer and where such agent is physically present at all times during the conduct of the tasting, then, in that event, any liability stemming from a right of action resulting from a wine tasting as authorized herein, and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm winery, winery, wholesaler, importer, or licensee.

(b) Liquor tastings which are conducted under the auspices of an official agent of a distiller, wholesaler or importer and where such agent is physically present at all times during the conduct of the tasting, then, in that event, any liability stemming from a right of action resulting from a liquor tasting as authorized herein, and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the distiller, wholesaler, importer, or licensee.

8. The authority shall adopt any rules consistent with and in furtherance of the implementation of this section.

§ 99-h. Sunday on-premises sales permit. 1. A permit issued under this section shall authorize a person licensed to sell alcoholic beverages

for consumption on the premises pursuant to this chapter to sell alcoholic beverages for on-premises consumption on Sunday between the hours of eight o'clock a.m. and ten o'clock a.m.

2. A permit under this section shall be issued for one calendar day.

3. The fee for such a permit shall be twenty-five dollars, together with a filing fee of ten dollars.

4. An applicant for a permit under this section shall provide notice to the local municipality of such application as provided in section one hundred ten-b of this chapter.

5. No more than twelve permits under this section may be issued to the same licensee in any calendar year.

6. A permit under this section shall not be available for any licensed premises located in a city with a population of one million or more.

7. Such permit and the exercise of the privileges granted thereunder shall be subject to such rules that the authority may deem necessary.

ARTICLE 8

GENERAL PROVISIONS

Section 100. Alcoholic beverages generally.

101. Manufacturers and wholesalers not to be interested in retail places.

101-aa. Terms of sale.

101-aaa. Terms of sale; beer or wine products.

101-b. Unlawful discriminations prohibited; filing of schedules; schedule listing fund.

102. General prohibitions and restrictions.

103. Provisions governing manufacturers.

104. Provisions governing wholesalers.

104-a. Provisions governing vendors.

105. Provisions governing licensees to sell at retail for

- consumption off the premises.
- 105-b. Posting of certain signs.
- 106. Provisions governing licensees to sell at retail for consumption on the premises.
- 106-a. Notice of arrest and convictions.
- 106-b. Provisions for governing sports facilities operators and retail licenses to sell at certain sporting events for consumption on premises.
- 107. Advertising and forms of notices of the issuance of licenses.
- 107-a. Labeling containers of alcoholic beverages.
- 108. Restrictions upon licensees.
- 109. Renewals of licenses and permits.
- 110. Information to be requested in applications for licenses or permits.
- 110-a. Notice of application for certain licenses to be published by applicant.
- 110-b. Notification to municipalities.
- 110-c. Public license query.
- 111. License to be confined to premises licensed.
- 111-a. Use of contiguous and non-contiguous municipal public space for on-premises alcoholic beverage sales by certain licensees.
- 112. Bonds of licensees and permittees.
- 113. Premises for which no license shall be granted.
- 114. Licenses, publication, general provisions.
- 114-a. License or permit issuance and registration approval.
- 115. Rules need not be uniform.
- 116. Deliveries of alcoholic beverages.
- 117. Transportation of alcoholic beverages.
- 117-a. Unlimited drink offerings prohibited.
- 117-b. Possession or use of alcohol vaporizing devices prohibited.
- 118. Revocation of licenses for cause.
- 119. Procedure for revocation or cancellation.
- 120. Decisions by liquor authority.
- 120-a. Corporate change; hearing on application.

- 121. Review by courts.
- 122. Continuance of business by receiver or other representative.
- 123. Injunction for unlawful manufacturing, sale or consumption of liquor, wine or beer.
- 124. Liquor authority to be necessary party to certain proceedings.
- 125. Disposition of moneys received for license fees.
- 126. Persons forbidden to traffic in alcoholic beverages.
- 127. Surrender and cancellation of licenses; payment of refunds; notice to police officials.
- 127-a. Surrender and cancellation of permits; payment of refunds; notice to police officials.
- 127-b. Payment of refunds on special permits and notice to police officers.
- 127-c. Refunds on licenses and permits erroneously or unlawfully cancelled, revoked or suspended.
- 127-d. Refunds on over-payment of fees; permit not issued.
- 128. Certain officials not to be interested in manufacture or sale of alcoholic beverages.
- 128-a. Police officers allowed to work in licensed premises in certain cases.
- 128-b. Police officers allowed to serve as an officer of a volunteer firefighters' organization.
- 128-c. Police officers allowed to serve as an officer of veterans' organization.
- 129. Surrender of license; notice to police officials.
- 130. Penalties for violations of chapter.
- 131. New York alcoholic beverage control problem premises task force.

§ 100. Alcoholic beverages generally. 1. No person shall manufacture for sale or sell at wholesale or retail any alcoholic beverage within the state without obtaining the appropriate license therefor required by this chapter.

1-a. No person shall sell, offer for sale, or otherwise provide for the consumption of any powdered or crystalline alcoholic product.

2. No manufacturer and no wholesaler shall sell, or agree to sell or deliver in this state any alcoholic beverage for the purposes of resale to any person who is not duly licensed pursuant to this chapter to sell such beverages, at wholesale or retail, as the case may be, at the time of such agreement and sale.

2-a. No retailer shall employ, or permit to be employed, or shall suffer to work, on any premises licensed for retail sale hereunder, any person under the age of eighteen years, as a hostess, waitress, waiter, or in any other capacity where the duties of such person require or permit such person to sell, dispense or handle alcoholic beverages; except that: (1) any person under the age of eighteen years and employed by any person holding a grocery or drug store beer license shall be permitted to handle and deliver beer and wine products for such licensee, (2) any person under the age of eighteen employed as a cashier by a person holding a grocery or drug store beer license shall be permitted to record and receive payment for beer and wine product sales when in the presence of and under the direct supervision of a person eighteen years of age or over, (2-a) any person under the age of eighteen years and employed by a person holding a grocery store or drug store beer license as either a cashier or in any other position to which handling of containers which may have held alcoholic beverages is necessary, shall be permitted to handle the containers if such have been presented for redemption in accordance with the provisions of title ten of article twenty-seven of the environmental conservation law, and (3) any person under the age of eighteen years employed as a dishwasher, busboy, or other such position as to which handling of containers which may have held alcoholic beverages is necessary shall be permitted to do so under the direct supervision of a person of legal age to purchase alcoholic beverages in the state.

2-b. Subject to the provisions of section ninety-nine-f of this chapter no retailer shall permit or suffer to appear as an entertainer, on any premises licensed for retail sale hereunder, any person under the

age of eighteen years, except that a person under the age of eighteen years may appear as such entertainer, provided that:

(a) the parents or lawful guardian of such person expressly consent in writing to such appearance;

(b) the appearance is for a special function, occasion, or event;

(c) the appearance is approved by and made under the sponsorship of a primary or secondary school;

(d) the appearance takes place in the presence and under the direct supervision of a teacher of such school; and

(e) the appearance does not take place in a tavern. Failure to restrain such a person from so appearing shall be deemed to constitute permission.

3. Nothing contained in this chapter shall be construed to require that any food be sold or purchased with or in order to obtain any alcoholic beverage for consumption on the premises where sold.

4. Alcoholic beverages may be sold to be consumed on the premises at a bar, counter or similar contrivance. Only one such bar, counter or contrivance shall be permitted in any licensed premises, except that not more than two additional bars, counters or contrivances may be permitted by the liquor authority for good cause shown to it, and upon the payment to it of a fee, for each additional bar, equivalent to the amount of the annual license fee paid by the licensee or, in the case of an additional bar, counter or contrivance operated on a seasonal basis, a fee equivalent to the amount of the annual license fee paid by the licensee prorated for the number of months that the seasonal bar is in operation. Provided however that:

(a) if the licensed premises is a legitimate theatre or concert hall, or contiguous to and used in conjunction with a legitimate theatre or concert hall, additional bars, counters or contrivances may be permitted by the liquor authority upon payment to it of an annual fee of one hundred dollars for each such additional bar, counter or contrivance so permitted, in addition to the annual license fee paid by such licensee;

(b) if such licensed premises be located at a baseball park, race track, or either outdoor or indoor athletic field, facility, arena or stadium, additional bars, counters or contrivances where beer shall be

sold at retail for consumption on the premises may be permitted by the liquor authority, upon payment to it of the annual fee of thirty dollars for each such additional bar, counter or contrivance so permitted, in addition to the amount of the annual license fee paid by the licensee; and

(c) temporary portable bars, counters or contrivances shall be permitted in a ballroom, meeting room or private dining-room on the licensed premises of a hotel, restaurant or club during such time as said ballroom, meeting room or private dining-room is used for a private dinner, entertainment, meeting or similar affair to which members of the general public are not admitted.

4-a. At race meetings, authorized by the state gaming commission, notwithstanding any inconsistent provision of law, additional bars, counters or contrivances where alcoholic beverages shall be sold at retail for consumption on the premises may be permitted by the liquor authority, upon payment to it of a fee equivalent to the amount of the annual or summer license fee paid by the licensee for each such additional bar, counter or contrivance so permitted in addition to the amount of the annual or summer license fee paid by the licensee.

4-b. Notwithstanding any inconsistent provision of law, for venues being operated or to be operated under a license to sell alcoholic beverages for consumption on the premises, and having a capacity for one thousand or more persons, the liquor authority may issue licenses for bars, counters, or similar contrivances in such numbers as the authority may determine in the exercise of its discretion.

5. No retail licensee for off-premises consumption shall sell, deliver or give away, or cause, permit or procure to be sold, delivered or given away any alcoholic beverage, other than as provided herein, on credit: a retail licensee for off-premises consumption, except a winery licensee, may accept third party credit cards for the sale of any alcoholic beverage for which it is licensed; a winery licensee having the right to sell wine at retail for off-premises consumption may accept third party credit cards for the sale of said beverages at the winery premises only; and any person duly authorized to sell wine at retail for consumption

off the premises may sell on credit to any regularly organized church, synagogue or religious organization, wines to be used for sacramental purposes only. For purposes of this subdivision, beer and wine products that are delivered and left at the residence of a consumer without payment of the balance due thereon shall not constitute a sale on credit.

6. Notwithstanding any provision of law, rule or regulation to the contrary, a retail licensee for off-premises consumption may sell, deliver or give away, or cause, permit or procure to be sold, delivered or given away any alcoholic beverage on credit to a business or corporation, provided that the business or corporation is permitted to purchase from such retail licensee under this chapter. Such credit period shall not exceed thirty days.

7. No licensee shall sell or purchase any receipts, certificates, contracts or other documents issued for the storage of alcoholic beverages except as provided by the rules of the liquor authority. The liquor authority shall prescribe such rules for the purchase and sale of such receipts, certificates, contracts or other documents issued for the storage of alcoholic beverages which, in its opinion, will best accomplish

- (1) Elimination of fraudulent and deceptive transactions;
- (2) Protection of purchasers against defaults by sellers;
- (3) The delivery of the alcoholic beverages represented by such receipts or documents, and
- (4) The payment of all taxes due thereon to the state.

8. Within ten days after filing a new application to sell liquor at retail under section sixty-three of this chapter, a notice thereof, in the form prescribed by the authority, shall be posted by the applicant in a conspicuous place at the entrance to the proposed premises. The applicant shall make reasonable efforts to insure such notice shall remain posted throughout the pendency of the application. The provisions hereof shall apply only where no retail liquor license has previously been granted for the proposed premise and shall, specifically, not be applicable to a proposed sale of an existing business engaged in the

retail sale of liquor. The authority may adopt such rules as it may deem necessary to carry out the purpose of this subdivision.

9. (a) Within ten days after filing a new application or an application for renewal to sell liquor under section sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d or sixty-four-e of this chapter, a notice thereof shall be posted by the applicant in a conspicuous place at the entrance to the establishment or proposed establishment where it can be easily read by passers-by. Said notice shall be in a form prescribed by the authority, provided however that said notice shall be either printed or highlighted in a pink ink of a neon, luminous or fluorescent variety. The notice shall specify the application date, the type of license, any identifying number assigned by the authority, if available at the time of posting such notice, and how to contact the state liquor authority to give a response to the application. The applicant shall make reasonable efforts to insure such notice shall remain posted throughout the pendency of such application. Additionally, within ten days of the applicant's receipt of a written request from the authority, the applicant shall re-post such notice. The authority may adopt such rules as it may deem necessary to carry out the purpose of this paragraph.

(b) Within ten days of the applicant's receipt of written notice of a hearing scheduled pursuant to section sixty-four, sixty-four-a or sixty-four-c of this chapter, the applicant shall post a copy of such notice in a conspicuous place at the entrance to the establishment or proposed establishment where it can be easily read by passers-by. This notice shall include in clear and concise language a statement of the use and capacity of the establishment. The applicant shall make reasonable efforts to insure such notice shall remain posted until the date of the hearing or public meeting specified in such notice. Additionally, within ten days of the applicant's receipt of a written request from the authority, the applicant shall re-post such notice. The authority may adopt such rules as it may deem necessary to carry out the purpose of this paragraph.

§ 101. Manufacturers and wholesalers not to be interested in retail

places. 1. It shall be unlawful for a manufacturer or wholesaler licensed under this chapter to

(a) Be interested directly or indirectly in any premises where any alcoholic beverage is sold at retail; or in any business devoted wholly or partially to the sale of any alcoholic beverage at retail by stock ownership, interlocking directors, mortgage or lien or any personal or real property, or by any other means. The provisions of this paragraph shall not apply to (i) any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of the town of North Elba, county of Essex, township eleven, Richard's survey, great lot numbers two hundred seventy-eight, two hundred seventy-nine, two hundred eighty, two hundred ninety-eight, two hundred ninety-nine, three hundred, three hundred eighteen, three hundred nineteen, three hundred twenty, three hundred thirty-five and three hundred thirty-six, and township twelve, Thorn's survey, great lot numbers one hundred six and one hundred thirteen, as shown on the Adirondack map, compiled by the conservation department of the state of New York - nineteen hundred sixty-four edition, in the Essex county atlas at page twenty-seven in the Essex county clerk's office, Elizabethtown, New York, provided that such facility maintains not less than two hundred fifty rooms and suites for overnight lodging, (ii) (A) all that tract or parcel of land situate in the City of Canandaigua, County of Ontario, State of New York, all as shown on a map entitled "Meridian Automotive Systems Subdivision Plan", prepared by Costich Engineering, P.C., having drawn number 3203-01, last dated 8/4/2003, and is to be filed in the Ontario County Clerk's Office and being more particularly bounded and described as follows:

Beginning at a point on the east right-of-way line of North Bloomfield Road said point also being the northwest corner of lands now or formerly owned by Donald and Jean Baier having T.A. # 070.19-01-06; thence

1. N60°57;16"W, along said east right-of-way line of North Bloomfield Road a distance of 1,266.75 feet to a point; thence

2. N50°14'22"W, along said east right-of-way line of North Bloomfield Road a distance of 143.38 feet to a point; thence

3. N31°52'21"W, along said east right-of-way line of North Bloomfield Road a distance of 187.27 feet to a point on the south right-of-way line of North Street; thence

4. N46°08'48"E, along said south right-of-way line of North Street a distance of 119.22 feet to a point; thence

5. N63°01'14"E, along said south right-of-way line of North Street a distance of 741.98 feet to a point; thence

6. N86°19'13"E, along said south right-of-way line of North Street a distance of 19.24 feet to a point; thence

7. N65°53'43"E, along said south right-of-way line of North Street a distance of 404.05 feet to a point; thence

8. N61°36'29"E, along said south right-of-way line of North Street a distance of 169.25 feet to a point; thence

9. N22°28'53"E, along said south right-of-way line of North Street a distance of 36.46 feet to a point; thence

10. N63°01'14"E, along said south right-of-way line of North Street a distance of 3.25 feet to a point; thence

11. N62°49'02"E, along said south right-of-way line of North Street a distance of 37.27 feet to a point; thence

12. S32°33'19"E, a distance of 325.41 feet to a point; thence

13. S50°20'56"E, a distance of 218.92 feet to a point, thence

14. S77°44'52"E, a distance of 213.31 feet to a point, thence

15. Southerly along a curve to the right having a delta angle of 03°50'08", a radius of 5,720.16 feet, and an arc length of 382.93 feet, said curve also having a chord of S47°19'56"E, 382.85 feet to a point;

thence

16. S45°26'16"E. a distance of 510.13 feet to a point; thence

17. S62°47'34"W. a distance of 1,052.60 feet to a point, thence

18. N52°52'16"W, a distance of 185.00 feet to a point, thence

19. S43°29'44"W. a distance of 190.00 feet to a point and place of beginning. Containing 48,584 acres of land, more or less.

(B) all that piece or parcel of land situate in part of Lot 35, Second Division, Township 13, Seventh Range of the Phelps and Gorham Purchase, in the City of Rochester, County of Monroe, State of New York and more particularly described as follows:

Commencing at the intersection of the northerly right-of-way Line of University Avenue and the easterly right-of-way line of Culver Road; thence southeasterly along the northerly right-of-way line of University Avenue a distance of 1012.49 feet to the southwesterly most property corner of lands now or formerly of University Avenue, LLC as laid forth in Liber 11267 of deeds page 398; thence continuing southeasterly along the northerly right-of-way line of University Avenue a distance of 391.30 feet to a point, said point being the true point and place of beginning. Thence the following courses and distance:

1. Thence northerly making an interior angle turning to the left of 89°52'00" with said northerly right-of-way line of University Avenue a distance of 174.75 feet to a point;

2. Thence easterly making an interior angle of 90°09'40" a distance of 21.70 feet to a point;

3. Thence northeasterly making an interior angle of 228°45'07" a distance of 15.43 feet to a point;

4. Thence southeasterly making an interior angle of 90°00'00" a distance of 13.15 feet to a point;

5. Thence northeasterly making an interior angle of 270°00'00" a distance of 14.05 feet to a point;

6. Thence southeasterly making an interior angle of 90°00'00" a distance of 14.40 feet to a point;

7. Thence southerly making an interior angle of 131°14'53" a distance of 4.00 feet to a point;

8. Thence easterly making an interior angle of 270°00'00" a distance of 59.15 feet to a point;

9. Thence southerly making an interior angle of 89°50'45" a distance of 136.60 feet to a point;

10. Thence easterly making an interior angle of 269°35'35" a distance of 1.10 feet to a point;

11. Thence southerly making an interior angle of 90°00'00" a distance of 38.20 feet to a point on the aforementioned northerly right-of-way line of University Avenue;

12. Thence westerly along said northerly right-of-way line of University Avenue a distance of 121.85 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe a portion of an existing building located at 1344 University Avenue Rochester, New York, having an area of 21,489 square feet or 0.493 acres.

(B-1) all that piece or parcel of land situate in part of Lot 35, Second Division, Township 13, Seventh Range of the Phelps and Gorham Purchase, in the City of Rochester, County of Monroe, State of New York and more particularly described as follows:

Commencing at the intersection of the northerly right-of-way Line of University Avenue and the easterly right-of-way line of Culver Road;

thence southeasterly along the northerly right-of-way line of University Avenue a distance of 1012.49 feet to the southwesterly most property corner of lands now or formerly of University Avenue, LLC as laid forth in Liber 11267 of deeds page 398; thence continuing southeasterly along the northerly right-of-way line of University Avenue a distance of 391.30 feet to a point, said point being the true point and place of beginning. Thence the following courses and distance:

1. Thence northerly making an interior angle turning to the left of $89^{\circ}52'00''$ with said northerly right-of-way line of University Avenue a distance of 174.75 feet to a point;
2. Thence easterly making an interior angle of $90^{\circ}09'40''$ a distance of 21.70 feet to a point;
3. Thence northeasterly making an interior angle of $228^{\circ}45'07''$ a distance of 15.43 feet to a point;
4. Thence southeasterly making an interior angle of $90^{\circ}00'00''$ a distance of 13.15 feet to a point;
5. Thence northeasterly making an interior angle of $270^{\circ}00'00''$ a distance of 14.05 feet to a point;
6. Thence southeasterly making an interior angle of $90^{\circ}00'00''$ a distance of 14.40 feet to a point;
7. Thence southerly making an interior angle of $131^{\circ}14'53''$ a distance of 4.00 feet to a point;
8. Thence easterly making an interior angle of $270^{\circ}00'00''$ a distance of 59.15 feet to a point;
9. Thence southerly making an interior angle of $89^{\circ}50'45''$ a distance of 136.60 feet to a point;
10. Thence easterly making an interior angle of $269^{\circ}35'35''$ a distance

of 1.10 feet to a point;

11. Thence southerly making an interior angle of 90°00'00" a distance of 38.20 feet to a point on the aforementioned northerly right-of-way line of University Avenue;

12. Thence westerly along said northerly right-of-way line of University Avenue a distance of 121.85 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe a portion of an existing building located at 1344 University Avenue Rochester, New York, having an area of 21,489 square feet or 0.493 acres.

* (C) PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND, situate on the east side of North Bloomfield Road in the City of Canandaigua, County of Ontario and State of New York, bounded and described as follows:

Beginning at the southwest corner of lands of the grantor which point of beginning marked by an iron in the east highway boundary of said Road 882.14 feet northwesterly from the north line of Buffalo Street in said City; running thence N 74° 22' 10" E a distance of 1108.20 feet to a point in the west line of lands of the New York Central & Hudson River Railroad Batavia Branch, marked by an existing iron; running, thence N 34° 34' 20" W along the westerly bounds of said Railroad a distance of 412.38 feet to a point, marked by an existing iron; running thence S 74° 01' 20" W a distance of 1241.03 feet, through an existing iron, to a point, marked by a spike in the east line of said North Bloomfield Road; running thence S 50° 34' 20" E and along the east highway boundary of said North Bloomfield Road a distance of 466.65 feet to the point and place of beginning.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND, lying to the east of the parcel above described, and also west of lands of said New York Central & Hudson River Railroad Auburn Branch in said City of Canandaigua, County of Ontario and State of New York, bounded and described as follows:

Beginning at a point, marked by an iron, in the east line of lands of the New York Central & Hudson River Railroad Batavia Branch, which point

is at the northwest corner of other lands of the grantee, said point being N 69° 14' 50" E a distance of 68.94 feet from the easterly terminus of the first course in the description of Parcel 1, running thence N 70° 49' 40" E and along other lands of the grantee, a distance of 726.63 feet to a point, marked by an iron in the west boundary of lands of the New York Central & Hudson River Railroad Auburn Branch; running thence N 19° 17' 20" W and along the westerly bounds of said Railroad a distance of 391.29 feet to a point, marked by an iron; running thence S 70° 41' 30" W a distance of 856.10 feet to a point, marked by an existing iron in the easterly bounds of said New York Central & Hudson River Railroad Batavia Branch; running thence S 37° 40' 30" E along the easterly bounds of said New York Central & Hudson River Railroad Batavia Branch a distance of 410.47 feet to the point or place of beginning.

PARCEL 3

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario and State of New York, bounded and described as follows:

Commencing at a point in the north line of Buffalo Street where the same is intersected by the west line of the Penn Central Railroad Auburn Branch and thence running (1) S 70° 25' 10" W, along the north line of Buffalo Street a distance of 516.06 feet to a point in the east line of the Penn Central Railroad Batavia Branch; thence (2) N 37° 42' 55" W along the easterly line of Batavia Branch of the railroad a distance of 758.52 feet to a point; thence (3) N 70° 25' 10" E a distance of 743.79 feet to a point in the west line of the Auburn Branch of the railroad; thence (4) S 19° 36' 35" E along said west line of the Auburn Branch of the railroad distance of 379.37 feet to a point; thence (5) N 70° 25' 10" E a distance of 8.00 feet to a point; thence (6) S 19° 36' 35" E a distance of 341.48 feet to a point on the north line of Buffalo Street and the place of beginning.

PARCEL 4

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario and State of New York, bounded and described as follows:

Beginning at a point at a corner in the general easterly line of land of Canandaigua Industries Co., Inc., distant 341.48 feet measured N 19° 36' 36" W along said easterly line, from the northerly line of Buffalo Street at a point therein distant 1200 feet, more or less, measured westwardly, along said line of Buffalo Street, from the westerly line of Main Street;

Extending from said beginning point the following eight courses and distances, the first four thereof being along said general easterly line of lands of Canandaigua Industries Co., Inc.: (1) S 70° 25' 10" W 8.00 feet to an iron; (2) N 19° 36' 35" W, 379.37 feet to a spike set in a railroad tie; (3) S 70° 25' 10" W, 17.00 feet to an iron stake; and (4) N 19° 38' 00" W, 164.00 feet to an iron stake; thence the following four courses and distances by remaining land of Penn Central Transportation Company: (5) N 70° 22' 00" E, 33.00 feet to an iron stake; (6) S 19° 38' 00" E, 164.02 feet to an iron stake; (7) S 19° 36' 35" E, 379.37 feet to an iron stake; and (8) S 70° 23' 25" W, 8.00 feet to the place of beginning.

PARCEL 5

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario, State of New York, all as shown on a map entitled "8.512 acre parcel to be conveyed to Constellation Brands, Inc. by Meridian Automotive Systems, Inc.", prepared by Costich Engineering, P.C., having drawing number 3203-A, dated 6/18/2003, and being more particularly bounded and described as follows:

Commencing at a point on the south right-of-way line of North (66.0' R.O.W.) Street said point being the northwest corner of lands now or formerly owned by Cambridge Acquisition Corp, having T.A. # 070.19-01-04.2 and the northeast corner of lands now or formerly owned by Cambridge Acquisition Corp having T.A. 070.19-01-03; thence A. S38°37'53"E, along the aforementioned common property line a distance of 772.95 feet to the point and place of beginning; thence 1. S38°37'53"E, a distance of 772.95 feet to a point; thence 2. S62°34'17"W, a distance of 440.56 feet to a point; thence 3. N45°24'43"W, a distance of 531.72 feet to a point of curvature; thence 4. Northwesternly on a curve to the left having a delta angle of 02°38'31", a radius of 5,786.16 feet, and an arc length of 266.80 feet, said curve also having a chord of

N46°44'17"W, 266.78 feet to a point; thence S 62°29'47"E, a distance of 542.77 feet to the point and place of beginning. Containing 8.512 acres of land, more or less.

PARCEL 6

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua, County of Ontario, State of New York, bounded and described as follows: Beginning at a point in the west line of Finger Lakes Railway Corp., said point being the northwest corner of a parcel of land conveyed by George P. Baker, Richard C. Bond and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor to Canandaigua Wine Company, Inc., Liber 729 of Deeds at page 95 and proceeding thence, N 19° 38' 00" W, along the west line of Finger Lakes Railway Corp., for a distance of 227.29 feet to a point in the north line of lands of Ontario County Industrial Development Agency, Liber 1096 of Deeds at page 335; thence, N 70° 17' 00" E, for a distance of 38.00 feet to a point; thence, S 19° 38' 00" E, through lands of Finger Lakes Railway Corp. for a distance of 227.35 feet to a point; thence, S 70° 22' 00" W, for a distance of 38.00 feet to the point and place of beginning and containing 0.198 acre of land.

PARCEL 7

ALL THAT PROPERTY situate in the City of Canandaigua, County of Ontario and State of New York and being all of the right, title and interest of The Owasco River Railway, Inc., in and to all those certain pieces or parcels of land and premises, easements, rights of way and any other rights of any kind whatsoever appurtenant thereto or used in conjunction therewith on and along that portion of a branch of railroad known as the Holcomb Branch which lies north of the north line of West Avenue and extends in a northwesterly direction for a distance of 7370 feet, more or less, to the center line of North Street, in said City of Canandaigua. Excepting from this conveyance so much of the said property which lies south of the south line of Buffalo Street. Excepting from this conveyance so much of the said property as described in that certain deed from Ontario County Industrial Development Agency to Meridian Automotive Systems-Composites Operation, Inc, dated November 12, 2003 and recorded in the Ontario County Clerk's Office on January

23, 2004 in Liber 1112 of Deeds at page 316. Excepting from this conveyance so much of said property lying north of the above mentioned exception parcel conveyed to Meridian Automotive Systems-Composites Operation, Inc. and the center line of North Street.

* NB Repealed upon end of termination of lease for licensee (See chapter 218 of 2020 § 5)

(iii) any such premises or business constituting the overnight lodging facility located wholly within the boundaries of that tract or parcel of land situated in the borough of Manhattan, city and county of New York, beginning at a point on the northerly side of west fifty-fourth street at a point one hundred feet easterly from the intersection of the said northerly side of west fifty-fourth street and the easterly side of seventh avenue; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the center line of the block; running thence easterly and parallel with the northerly side of west fifty-fourth street and along the center line of the block fifty feet to a point; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the southerly side of west fifty-fifth street at a point distant one hundred fifty feet easterly from the intersection of the said southerly side of west fifty-fifth street and the easterly side of seventh avenue; running thence easterly along the southerly side of west fifty-fifth street thirty-one feet three inches to a point; running thence southerly and parallel with the easterly side of the seventh avenue one hundred feet five inches to the center line of the block; running thence easterly along the center line of the block and parallel with the southerly side of west fifty-fifth street, one hundred feet; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the southerly side of west fifty-fifth street; running thence easterly along the southerly side of west fifty-fifth street twenty-one feet ten and one-half inches to a point; running thence southerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the center line of the block; running thence westerly along the center line of the block and parallel with the northerly side of west fifty-fourth street three feet one and one-half inches; running thence southerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the northerly side of

west fifty-fourth street at a point distant three hundred feet easterly from the intersection of the said northerly side of west fifty-fourth street and the easterly side of seventh avenue; running thence westerly and along the northerly side of west fifty-fourth street two hundred feet to the point or place of beginning, provided that such facility maintains not less than four hundred guest rooms and suites for overnight lodging, (iv) any such premises or business located on that tract or parcel of land, or any subdivision thereof, situate in the Village of Lake Placid, Town of North Elba, Essex County, New York; it being also a part of Lot No. 279, Township No. 11, Old Military Tract, Richard's Survey; it being also all of Lot No. 23 and part of Lot No. 22 as shown and designated on a certain map entitled "Map of Building Sites for Sale by B.R. Brewster" made by G.T. Chellis C.E. in 1892; also being PARCEL No. 1 on a certain map of lands of Robert J. Mahoney and wife made by G.C. Sylvester, P.E. & L.S. # 21300, dated August 4, 1964, and filed in the Essex County Clerk's Office on August 27, 1964, and more particularly bounded and described as follows; BEGINNING at the intersection of the northerly bounds of Shore Drive (formerly Mirror Street) with the westerly bounds of Park Place (formerly Rider Street) which point is also the northeast corner of Lot No. 23, from thence South 21°50' East in the westerly bounds of Park Place a distance of 119 feet, more or less, to a lead plug in the edge of the sidewalk marking the southeast corner of Lot No. 23 and the northeast corner of Lot No. 24; from thence South 68°00'50" West a distance of 50.05 feet to an iron pipe set in concrete at the corner of Lots 23 and 22; from thence South 65°10'50" West a distance of 7.94 feet along the south line of Lot No. 22 to an iron pipe for a corner; from thence North 23°21'40" West and at 17.84 feet along said line passing over a drill hole in a concrete sidewalk, and at 68.04 feet further along said line passing over an iron pipe at the southerly edge of another sidewalk, and at 1.22 feet further along said line passing over another drill hole in a sidewalk, a total distance of 119 feet, more or less, to the northerly line of Lot. No. 22; from thence easterly in the northerly line of Lot 22 and 23 to the northeast corner of Lot No. 23 and the point of beginning. Also including the lands to the center of Shore Drive included between the northerly straight line continuation of the side lines of the above described parcel, and to the center of Park Place, where they abut the

above described premises SUBJECT to the use thereof for street purposes. Being the same premises conveyed by Morestuff, Inc. to Madeline Sellers by deed dated June 30, 1992, recorded in the Essex County Clerk's Office on July 10, 1992 in Book 1017 of Deeds at Page 318; (v) any such premises or business located on that certain piece or parcel of land, or any subdivision thereof, situate, lying and being in the Town of Plattsburgh, County of Clinton, State of New York and being more particularly bounded and described as follows: Starting at an iron pipe found in the easterly bounds of the highway known as the Old Military Turnpike, said iron pipe being located 910.39 feet southeasterly, as measured along the easterly bounds of said highway, from the southerly bounds of the roadway known as Industrial Parkway West, THENCE running S 31° 54' 33" E along the easterly bounds of said Old Military Turnpike Extension, 239.88 feet to a point marking the beginning of a curve concave to the west; thence southerly along said curve, having a radius of 987.99 feet, 248.12 feet to an iron pipe found marking the point of beginning for the parcel herein being described, said point also marked the southerly corner of lands of Larry Garrow, et al, as described in Book 938 of Deeds at page 224; thence N 07° 45' 4" E along the easterly bounds of said Garrow, 748.16 feet to a 3"x4" concrete monument marking the northeasterly corner of said Garrow, the northwesterly corner of the parcel herein being described and said monument also marking the southerly bounds of lands of Salerno Plastic Corp. as described in Book 926 of Deeds at Page 186; thence S 81° 45' 28" E along a portion of the southerly bounds of said Salerno Plastic Corp., 441.32 feet to an iron pin found marking the northeasterly corner of the parcel herein being described and also marking the northwest corner of the remaining lands now or formerly owned by said Marx and DeLaura; thence S 07° 45' 40" W along the Westerly bounds of lands now of formerly of said Marx and DeLaura and along the easterly bounds of the parcel herein being described, 560.49 feet to an iron pin; thence N 83° 43' 21" W along a portion of the remaining lands of said Marx and DeLaura, 41.51 feet to an iron pin; thence S 08° 31' 30" W, along a portion of the remaining lands of said Marx and DeLaura, 75.01 feet to an iron pin marking northeasterly corner of lands currently owned by the Joint Council for Economic Opportunity of Plattsburgh and Clinton County, Inc. as described in Book 963 of Deeds at Page 313; thence N 82° 20' 32" W along

a portion of the northerly bounds of said J.C.E.O., 173.50 feet to an iron pin; thence 61° 21' 12" W, continuing along a portion of the northerly bounds of said J.C.E.O., 134.14 feet to an iron pin; thence S 07° 45' 42" W along the westerly bounds of said J.C.E.O., 50 feet to an iron pin; thence S 66° 48' 56" W along a portion of the northerly bounds of remaining lands of said Marx and DeLaura, 100.00 feet to an iron pipe found on the easterly bounds of the aforesaid highway, said from pipe also being located on a curve concave to the west; thence running and running northerly along the easterly bounds of the aforesaid highway and being along said curve, with the curve having a radius of 987.93 feet, 60.00 feet to the point of beginning and containing 6.905 acres of land. Being the same premises as conveyed to Ronald Marx and Alice Marx by deed of CIT Small Business Lending Corp., as agent of the administrator, U.S. Small Business Administration, an agency of the United States Government dated September 10, 2001 and recorded in the office of the Clinton County Clerk on September 21, 2001 as Instrument #135020; or (vi) any such premises or business located on the west side of New York state route 414 in military lots 64 and 75 located wholly within the boundaries of that tract or parcel of land situated in the town of Lodi, county of Seneca beginning at an iron pin on the assumed west line of New York State Route 414 on the apparent north line of lands reputedly of White (lib. 420, page 155); said iron pin also being northerly a distance of 1200 feet more or less from the centerline of South Miller Road; Thence leaving the point of beginning north 85-17'-44" west along said lands of White a distance of 2915.90 feet to an iron pin Thence north 03-52'-48" east along said lands of White, passing through an iron pin 338.36 feet distant, and continuing further along that same course a distance of 13.64 feet farther, the total distance being 352.00 feet to a point in the assumed centerline of Nellie Neal Creek; Thence in generally a north westerly direction the following courses and distances along the assumed centerline of Nellie Neal Creek; north 69-25'-11" west a distance of 189.56 feet to a point; north 63-40'-00" west a distance of 156.00 feet to a point; north 49-25'-00" west a distance of 80.00 feet to a point; south 80-21'-00" west a distance of 90.00 feet to a point; north 72-03'-00" west a distance of 566.00 feet to a point; north 68-15'-00" west a distance of 506.00 feet to a point; north 55-16'-00" west a distance of 135.00 feet to a point; south 69-18'-00" west a

distance of 200.00 feet to a point; south 88-00'-00" west a distance of 170.00 feet to a point on a tie line at or near the high water line of Seneca Lake; Thence north 25-17'-00" east along said tie line a distance of 238.00 feet to an iron pipe; Thence south 82-04'-15" east along lands reputedly of M. Wagner (lib. 464, page 133) a distance of 100.00 feet to an iron pin; Thence north 06-56'-47" east along said lands of M. Wagner a distance of 100.00 feet to an iron pipe; Thence north 09-34'-28" east along lands reputedly of Schneider (lib. 429, page 37) a distance of 50.10 feet to an iron pipe; Thence north 07-49'-11" east along lands reputedly of Oney (lib. 484, page 24) a distance of 50.00 feet to an iron pipe; Thence north 82-29'-40" west along said lands of Oney a distance of 95.30 feet to an iron pipe on a tie line at or near the highwater line of Seneca Lake; Thence north 08-15'-22" east along said tie line a distance of 25.00 feet to an iron pin; Thence south 82-28'-00" east along lands reputedly of Yu (lib. 405, page 420) a distance of 96.53 feet to an iron pipe; Thence north 34-36'-59" east along said lands of Yu a distance of 95.00 feet to a point in the assumed centerline of Van Liew Creek; Thence in generally an easterly direction the following courses and distances along the assumed centerline of Van Liew Creek; north 72-46'-37" east a distance of 159.98 feet to a point; north 87-53'-00" east a distance of 94.00 feet to a point; south 71-12'-00" east a distance of 52.00 feet to a point; south 84-10'-00" east a distance of 158.00 feet to a point; south 59-51'-00" east a distance of 160.00 feet to a point; south 83-29'-00" east a distance of 187.00 feet to a point; Thence north 01-33'-40" east along lands reputedly of Hansen (lib. 515, page 205) passing through an iron pipe 32.62 feet distant, and continuing further along that same course passing through an iron pin 205.38 feet farther, and continuing still further along that same course a distance of 21.45 feet farther, the total distance being 259.45 feet to the assumed remains of a White Oak stump; Thence north 69-16'-11" east along lands reputedly of Schwartz (lib. 374, page 733) being tie lines along the top of the south bank of Campbell Creek a distance of 338.00 feet to a point; Thence south 57-17'32" east along said tie line a distance of 136.60 feet to a point; Thence south 74-45'-00" east along said tie line a distance of 100.00 feet to an iron pin; Thence north 04-46'-00" east along said lands of Schwartz a distance of 100.00 feet to a point in the assumed centerline

of Campbell Creek; Thence in generally an easterly direction the following courses and distances along the assumed centerline of Campbell Creek; south 71-34'-00" east a distance of 330.00 feet to a point; north 76-53'-00" east a distance of 180.00 feet to a point; north 83-05'-00" east a distance of 230.00 feet to a point; south 66-44'-00" east a distance of 90.00 feet to a point; south 81-10'-00" east a distance of 240.00 feet to a point; south 45-29'-15" east a distance of 73.18 feet to a point; Thence south 05-25'-50" west along lands reputedly of Stanley Wagner (lib. 450, page 276) a distance of 135.00 feet to a point on the assumed north line of Military Lot 75; Thence south 84-34'-10" east along said lands of Wagner and the assumed north line of Military Lot 75 a distance of 1195.06 feet to an iron pin; Thence south 06-57'-52" west along said lands of M. Wagner (lib. 414, page 267) passing through an iron pin 215.58 feet distant, and continuing further along that same course a distance of 20.59 feet farther, the total distance being 236.17 feet to a point in the assumed centerline of Campbell Creek; Thence in generally a south easterly direction the following course and distances along the assumed centerline of Campbell Creek; north 78-23'-09" east a distance of 29.99 feet to a point; south 46-09'-15" east a distance of 65.24 feet to a point; north 85-55'-09" east a distance of 60.10 feet to a point; south 61-59'-50" east a distance of 206.91 feet to a point; north 63-58'-27" east a distance of 43.12 feet to a point; south 28-51'-21" east a distance of 47.72 feet to a point; south 15-14'-08" west a distance of 33.42 feet to a point; south 79-16'-32" east a distance of 255.15 feet to a point; south 62-19'-46" east a distance of 75.82 feet to a point; north 76-10'-42" east a distance of 99.60 feet to a point; north 82-12'-55" east a distance of 86.00 feet to a point; south 44-13'-53" east a distance of 64.08 feet to a point; north 67-52'-46" east a distance of 73.98 feet to a point; north 88-13'-13" east a distance of 34.64 feet to a point on the assumed west line of New York State Route 414; Thence south 20-13'-30" east along the assumed west line of New York State Route 414 a distance of 248.04 feet to a concrete monument; Thence south 02-10'-30" west along said road line a distance of 322.90 feet to an iron pin; Thence 13-14'-50" west along said road line a distance of 487.41 feet to an iron pin, said iron pin being the point and place of beginning;

Comprising an area of 126.807 acres of land according to a survey completed by Michael D. Karlsen entitled "Plan Owned by Stanley A. Wagner" known as Parcel A of Job number 98-505.

This survey is subject to all utility easements and easements and right-of-ways of record which may affect the parcel of land.

This survey is also subject to the rights of the public in and to lands herein referred to as New York State Route 414.

This survey intends to describe a portion of the premises as conveyed by Ruth V. Wagner to Stanley A. Wagner by deed recorded February 10, 1989 in Liber 450 of deeds, at Page 286.

This survey also intends to describe a portion of the premises as conveyed by Stanley W. VanVleet to Stanley A. Wagner by deed recorded April 30, 1980 in Liber 385 of Deeds, at Page 203.

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND SITUATE on the east side of New York State Route 414 in Military Lot 75 in the Town of Lodi, County of Seneca, State of New York bounded and described as follows:

Beginning at an iron pin on the assumed east line of New York State Route 414, said iron pin being north 50-44'-57" east a distance of 274.92 feet from the south east corner of the parcel of land herein above described; Thence leaving the point of beginning north 00-26'01" east along a mathematical tie line a distance of 504.91 feet to an iron pin; Thence south 37-00'-20" east along lands reputedly of Tomberelli (lib. 419, page 243) passing through an iron pin 176.00 feet distant, and continuing further along that same course a distance of 2.01 feet farther, the total distance being 178.01 feet to a point; Thence south 09-03'-55" west along lands reputedly of M. Wagner (lib. 491, page 181) a distance of 68.19 feet to an iron pipe; Thence south 15-36'-04" west along said lands of M. Wagner a distance of 300.15 feet to an iron pipe; Thence south 72-04'-59" west along said lands of M. Wagner a distance of 20.49 feet to an iron pin, said iron pin being the point and place of beginning.

Comprising an area of 0.727 acre of lands according to a survey completed by Michael D. Karlsen entitled "Plan of Land Owned by Stanley A. Wagner" known as Parcel B of job number 98-505.

This survey is subject to all utility easements and easements and right-of-ways of record which may affect this parcel of land.

This survey is also subject to the rights of the public in and to lands herein referred to as New York State Route 414.

This survey intends to describe the same premises as conveyed by Henry W. Eighmey as executor of the Last Will and Testament of Mary C. Eighmey to Stanley A. Wagner by deed recorded July 2, 1996 in liber 542, page 92.

This survey also intends to describe a portion of the premises as conveyed by Ruth V. Wagner to Stanley A. Wagner by deed recorded February 10, 1989 in Liber 450 of deeds, at Page 286. The provisions of this paragraph shall not apply to any premises or business located wholly within the following described parcel: ALL THAT TRACT OR PARCEL OF LAND situate in the City of Corning, County of Steuben and State of New York bounded and described as follows: Beginning at an iron pin situate at the terminus of the westerly line of Townley Avenue at its intersection with the southwesterly line of New York State Route 17; thence S 00° 45' 18" E along the westerly line of Townley Avenue, a distance of 256.09 feet to a point; thence S 89° 02' 07" W through an iron pin placed at a distance of 200.00 feet, a total distance of 300.00 feet to an iron pin; thence N 00° 59' 17" W a distance of 47.13 feet to an iron pin; thence S 89° 02' 07" W a distance of 114.56 feet to a point situate in the southeast corner of Parcel A-2 as set forth on a survey map hereinafter described; thence N 14° 18' 49" E a distance of 124.40 feet to an iron pin situate at the southeast corner of lands now or formerly of Cicci (Liber 923, Page 771); thence N 14° 18' 49" E a distance of 76.46 feet to an iron pin; thence N 00° 57' 53" W a distance of 26.25 feet to an iron pin marking the southeast corner of parcel A-1 as set forth on the hereinafter described survey map; thence N 00° 58' 01" W a distance of 166.00 to an iron pin situate at the northeast

corner of said Parcel A-1, which pin also marks the southeast corner of lands now or formerly of Becraft (Liber 1048, Page 1086); thence N 00° 57' 53" W a distance of 106.00 feet to an iron pin situate in the southerly line of lands now or formerly of the United States Postal Service; thence N 89° 02' 07" E along the southerly line of said United States Postal Service a distance of 81.47 feet to a point; thence N 14° 18' 49" E along the easterly line of said United States Postal Service a distance of 114.29 feet to an iron pin situate in the southwesterly line of New York State Route 17; thence S 32° 00' 31" E along the southwesterly line of New York State Route 17, a distance of 358.93 feet to an iron pin; thence continuing along the southwesterly line of New York state Route 17, S 38° 30' 04" E a distance of 108.18 feet to the iron pin marking the place of beginning. Said premises are set forth and shown as approximately 4.026 acres of land designated as Parcel A (excluding Parcels A-1 and A-2) on a survey map entitled "As-Built Survey of Lands of New York Inn, LLC, City of Corning, Steuben County, New York" by Weiler Associates, dated December 27, 2001, designated Job No. 12462; or (vii) any such premises or businesses located on that certain plot, piece or parcel of land, situate, lying and being in the Second Ward of the City of Schenectady, on the Northerly side of Union Street, bounded and described as follows: to wit; Beginning at the Southeasterly corner of the lands lately owned by Elisha L. Freeman and now by Albert Shear; and running from thence Easterly along the line of Union Street, 44 feet to the lands now owned by or in the possession of James G. Van Vorst; thence Northerly in a straight line along the last mentioned lands and the lands of the late John Lake, 102 feet to the lands of one Miss Rodgers; thence Westerly along the line of the last mentioned lands of said Rodgers to the lands of the said Shear; and thence Southerly along the lands of said Shear 101 feet, 6 inches to Union Street, the place of beginning.

Also all that tract or parcel of land, with the buildings thereon, situate in the City of Schenectady, County of Schenectady, and State of New York, situate in the First, formerly the Second Ward of the said City, on the Northerly side of Union Street, which was conveyed by William Meeker and wife to Elisha L. Freeman by deed dated the second day of December 1843, and recorded in the Clerk's Office of Schenectady

County on December 5, 1843, in Book V of Deeds at page 392, which lot in said deed is bounded and described as follows: Beginning at a point in the Northerly line of Union Street where it is intersected by the Easterly line of property numbered 235 Union Street, which is hereby conveyed, and running thence Northerly along the Easterly line of said property, One Hundred Forty and Five-tenths (140.5) feet to a point sixteen (16) feet Southerly from the Southerly line of the new garage built upon land adjoining on the North; thence Westerly parallel with said garage, Forty-six and Seven-tenths (46.7) feet; thence Southerly One Hundred Forty and Eight-tenths (140.8) feet to the Northerly margin of Union Street; thence Easterly along the Northerly margin of Union Street, about Forty-eight and three-tenths (48.3) feet to the point or place of beginning.

The two above parcels are together more particularly described as follows:

All that parcel of land in the City of Schenectady beginning at a point in the northerly margin of Union Street at the southwesterly corner of lands now or formerly of Friedman (Deed Book 636 at page 423) which point is about 60 feet westerly of the westerly line of North College Street and runs thence N. 86 deg. 42' 20" W. 92.30 feet to the southeasterly corner of other lands now or formerly of Friedman (Deed Book 798 at page 498); thence N. 04 deg. 06' 48" E. 140.50 feet to the southwesterly corner of lands now or formerly of Stockade Associates (Deed Book 1038 at page 521); thence S. 87 deg. 05' 27" E. 46.70 feet to lands now or formerly of McCarthy (Deed Book 1129 at page 281); thence along McCarthy S. 00 deg. 52' 02" E. 3.69 feet to the northwesterly corner of lands now or formerly of SONYMA (Deed Book 1502 at page 621); thence along lands of SONYMA S. 02 deg 24' 56" W. 34.75 feet to a corner; thence still along lands of SONYMA and lands now or formerly of Magee (Deed Book 399 at page 165) S. 86 deg. 11' 52" E. 42.57 feet to a corner; thence still along lands of Magee and Lands of Friedman first above mentioned S. 03 deg. 10' 08" W. 102.00 feet to the point of beginning.

Excepting and reserving all that portion of the above parcel lying

easterly of a line described as follows:

All that tract or parcel of land, situated in the City of Schenectady and County of Schenectady and State of New York, on the Northerly side of Union Street bounded and described as follows:

Beginning at a point in the northerly line of Union Street, said point being in the division line between lands now or formerly of Electric Brew Pubs, Inc. (1506 of Deeds at page 763) on the West and lands now or formerly of Margaret Wexler and Donna Lee Wexler Pavlovic, as trustees under Will of Ruth F. Wexler (Street number 241 Union Street) on the East; thence North 03 deg. 04' 10" East, along the building known as Street No. 241 Union Street, a distance of 30.50 feet to a point; thence North 88 deg. 45' 45" West, along said building and building eve, a distance of 5.62 feet to a point; thence North 03 deg. 03' 30" East, along said building eve of Street No. 241 Union Street, a distance of 32.74 feet; thence South 88 deg. 45' 45" East, along said building eve, a distance of 1.2 feet to an intersection of building corner of Street No. 241 Union Street and a brick wall; thence north 03 deg. 37' 30" East, along said brick wall, a distance of 14.47 feet to a point in the corner of the brick wall, thence South 86 deg. 46' 45" East along said brick wall a distance of 4.42 feet to the intersection of brick wall with the boundary line between the Electric Brew Pubs, Inc. (aforesaid) on the West and lands of Margaret Wexler and Donna Lee Wexler Pavlovic, (aforesaid) on the East; thence North 03 deg 10' 08" East a distance of 0.62 feet to the Northeast corner of lands belonging to Margaret Wexler and Donna Lee Wexler Pavlovic.

Also all that tract or parcel of land commonly known as the Union Street School, located on the Northeasterly corner of Union and North College Streets in the First Ward of the City and County of Schenectady and State of New York, more particularly bounded and described as follows: Beginning at a point in the Northerly street line of Union Street where it is intersected by the Easterly street line of North College Street, and runs thence Northerly along the Easterly street line of North College Street, one hundred seven and five-tenths (107.5) feet to a point, thence easterly at an angle of ninety (90) degrees, one

hundred ninety-one and seventy-five hundredths (191.75) feet to a point in the Northwesterly street line of Erie Boulevard thence southwesterly along the Northwesterly street line of Erie Boulevard, one hundred twenty-three and eight-tenths (123.8) feet to its intersection with the Northerly street line of Union Street; thence Westerly along the Northerly street line of Union Street, one hundred twenty-four and fifty-five hundredths (124.55) feet to the point or place of beginning.

The above described parcel of property includes the Blue Line parcel of land, which is a portion of the abandoned Erie Canal Lands, located in the First Ward of the City of Schenectady, New York, and which Blue Line parcel lies between the Northwesterly line of Erie Boulevard as set forth in the above described premises and the Northeasterly lot line of the old Union Street School as it runs parallel with the Northwesterly line of Erie Boulevard as aforesaid.

The two above parcels are together more particularly described as follows: All that parcel of land in the City of Schenectady beginning at a point in the northerly margin of Union Street and the northwesterly margin of Erie Boulevard and runs thence along Union Street N. 86 deg. 42' 20" W. 124.55 feet to the easterly margin of North College Street; thence along North College Street N. 05 deg 04' 40" E. 107.50 feet to the southeasterly corner of lands now or formerly of McCarthy (Deed Book 1129 at page 279); thence along McCarthy, Cottage Alley and lands now or formerly of McGregor (Deed Book 912 at page 624) S. 84 deg. 55' 20" E. 191.75 feet to the northwesterly margin of Erie Boulevard; thence along Erie Boulevard S. 38 deg. 03' 53" W. 123.54 feet to the point of beginning; or (viii) any such premises or businesses located on that tract or parcel of land situate in the Town of Hopewell, Ontario County, State of New York, bounded and described as follows: Commencing at a 5/8" rebar found on the division line between lands now or formerly of Ontario County - Finger Lakes Community College (Liber 698 of Deeds, Page 466) on the north and lands now or formerly of James W. Baird (Liber 768 of Deeds, Page 1109) on the south; thence, North 43°-33'-40" West, on said division line, a distance of 77.32 feet to the Point of Beginning. Thence, North 43°-33'-40" West, continuing on said division line and through said lands of Ontario County, a distance of 520.45 feet

to a point on the southeasterly edge of an existing concrete pad; thence, South 74°-19'-53" West, along said edge of concrete and the projection thereof, a distance of 198.78 feet to a point on the easterly edge of pavement of an existing campus drive; thence, the following two (2) courses and distances along said edge of pavement: Northeasterly on a curve to the left having a radius of 2221.65 feet, a chord bearing of North 30°-16'-39" East, a chord distance of 280.79, a central angle of 07°-14'-47", a length of 280.98 feet to a point of reverse curvature; thence, Northeasterly on a curve to the right having a radius of 843.42 feet, a chord bearing of North 45°-25'-09" East, a chord distance of 534.08, a central angle of 36°-55'-01", a length of 543.43 feet to a point; thence, South 30°-04'-59" East, a distance of 18.28 feet to the corner of the property acquired by Ontario County (Liber 766 of Deeds, Page 1112), as shown on a map recorded in the Ontario County Clerk's Office as Map No. 6313; thence, the following four (4) courses and distances along said property line: South 30°-04'-59" East, a distance of 177.17 feet to a point; thence, South 02°-20'-33" East, a distance of 147.53 feet to a point; thence, South 41°-31'-35" East, a distance of 200.93 feet to a point; thence, South 23°-48'-53" West, along said property line, and the projection thereof, through the first said lands of Ontario County - Finger Lakes Community College (Liber 698 of Deeds, Page 466), a distance of 517.96 feet to Point of Beginning. Said parcel containing 7.834 acres, more or less, as shown on a map entitled "Proposed Lease Area - Friends of the Finger Lakes Performing Arts Center, Hopewell, NY", prepared by Bergmann Associates, drawing LM-01, dated June 10, 2005, last revised August 17, 2005. The related PAC Properties are shown on the Map denominated "FLCC Campus Property, FLPAC Ground Lease, Parking, Vehicular & Pedestrian Access", recorded in the Ontario County Clerk's Office on December 10, 2009 in Book 1237 of Deeds at page 9 and are comprised of the areas separately labeled as Parking Lot 'A', Parking Lot 'G', the Ticket Booth area, the Sidewalks, and the Entry Roads; or (ix) any such premises or businesses located on that tract or parcel of land situate lying and being in the Town of Oneonta, County of Otsego and State of New York and being a portion of Otsego County Tax Map Department Parcel Number 287.00-1-33 and bounded and described as follows: Beginning at a point 2.12 feet off the northeasterly corner of a one story building on the lands, now or

formerly, of Abner Doubleday, LLC, aka Cooperstown All Star Village, LLC, as owned by Martin and Brenda Patton, which point lies N 87°55'13" W a distance of 149.37' from the northeast corner of the Patton lands; thence N 74°30'18" W a distance of 51.50 feet to a point; thence S 15°29'42" W a distance of 2.00 feet to a point; thence N 74°30'18" W a distance of 14.00 feet to a point; thence S 15°29'42" W a distance of 19.20 feet to a point; thence S 74°30'18" E a distance of 14.20 feet to a point; thence S 15°29'42" W a distance of 4.20 feet; thence S 74°30'18" E a distance of 51.30 feet to a point; thence N 15°29'42" E a distance of 25.40 feet to a point to the point and place of beginning. Containing an area of 1576.06 square feet, or 0.036 acres with such bearings referencing Magnetic North 1995.

This survey is subject to any rights of way or easements which may have been granted to utility companies; or (x) Notwithstanding any other provision of law to the contrary, the state liquor authority may issue a license under section fifty-one-a of this chapter to the owner and/or operator of the parcel described in this subparagraph. The legal description for the parcel so identified as the site is as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the city of Syracuse, County of Onondaga and State of New York being more particularly described as follows:

Beginning at a point in the easterly line of North Clinton Street, said point being approximately 518.65 feet southerly along the easterly line of North Clinton Street from its intersection with the southerly line of Division Street; thence N. 76° 43' 56" E. a distance of 133.65 feet to a point; thence N. 53° 11' 01" E. a distance of 142.28 feet to a point; thence N. 71° 07' 02" E a distance of 16.99 feet to a point in the westerly line of Genant Drive; thence southeasterly along the westerly line of Genant Drive on a curve to the right with a radius of 643.94 feet, an arc length of 77.63 feet and a chord of S. 16° 43' 54" E. with a distance of 77.58' to the point of tangency; thence S. 13° 17' 52" E. a distance of 265.92 feet to a point; thence on a curve to the right with a radius of 55 feet, an arc length of 57.02 feet and a chord of S. 16° 23' 37" W. with a distance of 54.53 feet to the point of tangency; thence S. 59° 31' 29" W. a distance of 24.64 feet to a point;

thence S. 71° 26' 56" W. a distance of 142.18 feet to a point in the easterly line of N. Clinton Street; thence N. 28° 09' 10" W. a distance of 364.86 feet to the point and place of beginning. Said parcel being approximately 1.99 acres. The aforesaid described parcel is also shown as Lot "1B" (331 Genant Drive) according to a map entitled "A Map of Resubdivision of a portion of Block D in the Original Village of Syracuse into Lots 1A and 1B, City of Syracuse, Onondaga County, State of New York, Known as 431 and 311 Genant Drive" by James M. Zuccolotto, Licensed Land Surveyor, dated March 20, 2001 and last revised May 21, 2002, and filed in the Onondaga County Clerk's office on May 28, 2002 as Map No. 9408.

EXCEPTING AND RESERVING THEREFROM, a permanent easement and right-of-way benefiting Niagara Mohawk Power Corporation, its successors and assigns, upon and across that portion of the above described premises more particularly described as follows:

Beginning at a point in the easterly line of North Clinton Street, said point being approximately 518.65 feet southerly along the easterly line of North Clinton Street from its intersection with the southerly line of Division Street; thence N. 76° 43' 56" E. a distance of 133.65 feet to a point; thence N. 53° 11' 01" E. a distance of 142.28 feet to a point; thence N. 71° 07' 02" E a distance of 16.99 feet to a point in the westerly line of Genant Drive; thence southeasterly along the westerly line of Genant Drive on a curve to the right with a radius of 643.94 feet, an arc length of 68.17 feet to a point which is the northeast corner of the Multi-Story Brick Building located on Lot "1B" (311 Genant Drive) as shown on a map entitled "A Map of a Resubdivision of a portion Of Block D in the Original Village of Syracuse into Lots 1A and 1B, City of Syracuse, Onondaga County, State of New York, known as 431 and 311 Genant Drive" by James M. Zuccolotto, Licensed Land Surveyor, dated March 20, 2001 and last revised May 21, 2002, and filed in the Onondaga County Clerk's Office on May 28, 2002 as Map No. 9408 (the "Subdivision Map"); thence along the northerly line of said Multi-Story Brick Building S. 76° 52' 55" W. a distance 283.21 feet to the easterly line of North Clinton Street; thence N. 27° 59' 42" W. a distance of 9.8' to the point and place of beginning. Said easement and

right-of-way shall be a permanent easement appurtenant, creating a property right which shall run with the land, for the purpose of ingress and egress by Niagara Mohawk Power Corporation, its successors and assigns to the benefited parcel, identified as the Ash Street Substation located on lot 1A (431 Genant Drive) as shown on the Subdivision Map, and to access, maintain, repair, replace and remove the transformer and containment pad and the two vaults, shown on the Subdivision Map, and any appurtenant facilities or other property of Niagara Mohawk Power Corporation located within said easement, provided that the Multi-Story Brick Building, stairs and two air conditioning units shown on the Subdivision Map and located in the easement area are part of the real property conveyed herein and shall not be deemed to be property of Niagara Mohawk Power Corporation.

ALSO EXCEPTING AND RESERVING to Niagara Mohawk Power Corporation, its successors and assigns, from the parcel(s) described in this deed, the permanent right-of-way and easement to operate, maintain, replace and/or remove any and all existing gas and electric facilities, and all appurtenant facilities thereto, as are now erected upon the premises above described, including the full right, privileges and authority to cross lands of the party of the second part to gain access to said facilities, and also including the full right, privileges and authority to cut and remove all trees, structures, and other obstructions within the permanent right-of-way, together with the right to cut and remove any trees outside the permanent right-of-way which in the sole opinion of Niagara Mohawk Power Corporation, its successors and assigns, are deemed likely to interfere with or pose a hazard to the facilities, provided that the Multi-Story Brick Building, stairs and two air conditioning units shown on the Subdivision Map shall not be removed or modified by Niagara Mohawk Power Corporation, its successors and assigns, pursuant to this Right-of-Way and Easement.

ALSO, EXCEPTING AND RESERVING to Niagara Mohawk Power Corporation, its successors and assigns, the permanent right-of-way and easement to operate, maintain, build, construct, replace and/or remove electric and gas distribution facilities within ten (10) feet of the edge of any highway(s) abutting the premises herein deemed necessary by said Niagara

Mohawk Power Corporation, its successors and assigns, said easement to include the full right, privilege and authority to cut and remove all trees, structures, and obstructions within said easement deemed necessary by Niagara Mohawk Power Corporation, provided that the Multi-Story Brick Building shown on the Subdivision Map shall not be removed or modified by Niagara Mohawk Power Corporation, its successors and assigns, pursuant to this right-of-way and easement; or (xi) ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Greenburgh, County of Westchester and State of New York, being bounded and described as follows:

BEGINNING at a point on the easterly side of Saw Mill River Road where the same is intersected by the division line between premises hereinafter described and lands now or formerly of One Riverdale Ave. Development Co., Inc., said point being North 11 Degrees 23' 24" West 22.83 feet from the former North East corner of Saw Mill River Road and Hunter Lane;

THENCE along said division line, North 82 Degrees 18' 00" East 647.08 feet to land now or formerly of One Riverdale Ave. Development Co., Inc.;

THENCE northerly along same, North 7 Degrees 42' 00" West 351.52 feet and North 10 Degrees 15' 00" West 282.50 feet to the southeast corner of lands now or formerly of Hodes Daniels;

THENCE westerly along same, South 80 Degrees 34' 00" West 85.00 feet, South 9 Degrees 26' 00" East 40.52 feet, South 80 Degrees 35' 00" West 120.56 feet, and South 81 Degrees 15' 00" West 485.74 feet to the east side of Saw Mill River Road;

THENCE southerly along same, South 18 Degrees 17' 40" East 150.40 feet and South 11 Degrees 23' 24" East 431.17 feet to the point of BEGINNING; or

(xii) ALSO ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Tenth Ward of the City of Troy, County of Rensselaer and State of New York, known as Lots Number Seven (7), A Seven (A7), Six (6), A Six (A6), Five

(5), A Five (A5) and the southerly portions of Lots Four (4) and A Four (A4), as the same are laid down and described on a certain Map made by Frederick W. Orr, dated August 15, 1918, filed in the Office of the Clerk of the County of Rensselaer as Map No. 29 1/2, Drawer 18. The said premises hereby intended to be conveyed are bounded and described as follows:

COMMENCING at an iron rod in the westerly side of River Street at the most southeasterly corner of premises heretofore conveyed by Harry Goldberg and Norman Goldberg to Arthur E. Collins and another, by Deed dated November 8, 1940, recorded November 12, 1940 In the Office of the Clerk of the County of Rensselaer in Book 633 of Deeds at page 400 and running thence southerly along the westerly line of River Street 215.6 feet to a pipe in the most southeasterly corner of Lot No. A7; thence westerly along the southerly line of Lots Nos. A7 and 7, 163 feet more or less to the easterly shore of the Hudson River; thence northerly along the easterly shore of the Hudson River 216 feet more or less to the most southwesterly corner of land heretofore conveyed by the said Harry Goldberg and Norman Goldberg to Arthur E. Collins and another hereinbefore recited; thence along the southerly line of lands heretofore conveyed to said Collins and another easterly 31.75 feet; thence northerly 6.33 feet; thence easterly 18 feet; thence southerly 6.33 feet; thence easterly 150.57 feet to the point or place of beginning.

EXCEPTING THEREFROM that portion of the above described premises as were conveyed by John B. Garrett, Inc. to Cahill Orthopedic Laboratory, Inc. by deed dated June 22, 1993 and recorded in the Rensselaer County Clerk's Office on June 24, 1993 in Book 1690 of Deeds at Page 215,

Containing 17,600 square feet of land more or less.

BEARINGS refer to the magnetic meridian of 1993. Said premises are also described as follows: Ward & Plate: 1005500 669 RIVER ST: frontage and depth 115.60 x 220.00 being the same premises described in Book 6534 of Deeds at Page 256 in the Rensselaer County Clerk's Office and being the same premises in the 2009 City of Troy Assessment Rolls and

90.78-3-2.1 In Rem Serial No. AY0054 (RIVERVIEW PROPERTIES INC; CORINA, ANGELO; MCLAUGHLIN, JOHN D & VASIL, SCOTT); and being further bounded and described as follows: BEGINNING at a point marked by a capped iron rod where the division line between lands now or formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) on the northeast and lands herein described on the southwest intersects the northwesterly side of River Street; running thence South 40° 01' 52" West along the northwesterly side of River Street a distance of 100.00 feet to a point; thence North 49° 45' 31" West a distance of 41.97 feet to a point at the southwesterly corner of the building located on the herein described premises, said point also being the northeasterly corner of the building located on the property adjoining on the southwest; thence North 60° 59' 40" West along the building wall located on the property adjoining on the southwest and the northwesterly continuation of same a distance of 140.88 feet to the easterly shore of the Hudson River; thence North 30° 16' 52" East along the shore of the Hudson River a distance of 90.90 feet to a point; thence South 60° 44' 08" East along lands now or formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) a distance of 31.75 feet to a point; thence North 30° 16' 52" East continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East continuing along lands now or formerly of Walter Snyder Printer, Inc a distance of 18.00 feet to a point; thence South 30° 16' 52" West continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 149.40 feet to the point and place of beginning. Be the aforesaid dimensions in this clause more or less and encompassing lands considered to be a single contiguous parcel.

The provisions of this paragraph shall not apply to any premises licensed under section sixty-four of this chapter in which a manufacturer or wholesaler holds a direct or indirect interest, provided that: (I) said premises consist of an interactive entertainment facility which predominantly offers interactive computer and video entertainment attractions, and other games and also offers themed merchandise and food and beverages, (II) the sale of alcoholic beverages within the premises

shall be restricted to an area consisting of not more than twenty-five percent of the total interior floor area of the premises, (III) the retail licenses shall derive not less than sixty-five percent of the total revenue generated by the facility from interactive video entertainment activities and other games, including related attractions and sales of merchandise other than food and alcoholic beverages, (IV) the interested manufacturer or wholesaler, or its parent company, shall be listed on a national securities exchange and its direct or indirect equity interest in the retail licensee shall not exceed twenty-five percent, (V) no more than fifteen percent of said licensee's purchases of alcoholic beverages for sale in the premises shall be products produced or distributed by the manufacturer or wholesaler, (VI) neither the name of the manufacturer or wholesaler nor the name of any brand of alcoholic beverage produced or distributed by said manufacturer or wholesaler shall be part of the name of the premises, (VII) the name of the manufacturer or wholesaler or the name of products sold or distributed by such manufacturer or wholesaler shall not be identified on signage affixed to either the interior or the exterior of the premises in any fashion, (VIII) promotions involving alcoholic beverages produced or distributed by the manufacturer or wholesaler are not held in such premises and further, retail and consumer advertising specialties bearing the name of the manufacturer or wholesaler or the name of alcoholic beverages produced or distributed by the manufacturer or wholesaler are not utilized in any fashion, given away or sold in said premises, and (IX) except to the extent provided in this paragraph, the licensing of each premises covered by this exception is subject to all provisions of section sixty-four of this chapter, including but not limited to liquor authority approval of the specific location thereof. The provisions of this paragraph shall not prohibit (1) a manufacturer or wholesaler, if an individual, or a partner, of a partnership, or, if a corporation, an officer or director thereof, from being an officer or director of a duly licensed charitable organization which is the holder of a license for on-premises consumption under this chapter, nor (2) a manufacturer from acquiring any such premises if the liquor authority first consents thereto after determining, upon such proofs as it shall deem sufficient, that such premises is contiguous to the licensed premises of such manufacturer, and is reasonably necessary for the

expansion of the facilities of such manufacturer. After any such acquisition, it shall be illegal for a manufacturer acquiring any such premises to sell or deliver alcoholic beverages manufactured by him to any licensee occupying such premises; or

(xiii) any such premises or business located in the Town of Carmel, County of Putnam, State of New York, and being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of U.S. Route 6 where the same is intersected by Lot No. 1 as shown on "Minor Subdivision Plat Prepared for Hinckley Holdings LLC Between Tax Lots 55.10-1-1, 55.10-1-3 & 55.6-1-53," filed in the Putnam County Clerks' office on July 18, 2018 as filed map no. 3196 and lands now or formerly of the Putnam County Bike path; THENCE from said point of beginning along the westerly side of U.S. Route 6, S 14° 39' 25" E 16.79' to the intersection of Lot Nos. 1 & 3 as shown on the aforementioned filed map no. 3196; THENCE along the dividing line between Lot Nos. 1 & 3 as shown on the aforementioned filed map no. 3196, S 75° 20' 35" W 6.53' to a point on a curve to the right; THENCE along said curve to the right with a radius of 150.00', a length of 49.19' and a central angle of 18° 47' 25" to a point; thence N 85° 52' 00" W 743.76', S 2° 05' 46" W 866.14' and N 88° 19' 25" W 258.90' to a point at the intersection of Lot Nos. 1, 2, & 3 as shown on the aforementioned filed map no. 3196; THENCE along the dividing line between Lot Nos. 1 & 2 as shown on the aforementioned filed map no. 3196, N 28° 38' 52" W 218.96' and N 77° 16' 24" W 239.77' to a point on a curve to the right; THENCE along said curve to the right with a radial bearing of S 84° 14' 21" E, a radius of 150.00', a length of 14.91' and a central angle of 5° 41' 49" to a point; thence N 11° 27' 28" E 300.64' to a point on a curve to the left; THENCE along said curve to the left with a radius of 70.00', a length of 121.16' and a central angle of 99° 10' 18" to a point; THENCE N 87° 42' 50" W 58.65' to a point on the easterly side of Seminary Hill Road; THENCE along the easterly side of Seminary Hill Road, N 24° 43' 45" E 16.72', N 22° 06' 20" E 413.76', N 31° 12' 50" E 6.29', N 43° 03' 10" E 4.16' and N 42° 32' 19" E 6.72' to a point at the intersection of Lot No. 1 as shown on the aforementioned filed map no. 3196 and lands now or formerly of the Putnam County Bikepath; THENCE along the dividing line between Lot No. 1 as shown on

the aforementioned filed map no. 3196 and lands now or formerly of the Putnam County Bikepath, N 63° 24' 48" E 12.80', N 72° 52' 19" E 17.05', S 68° 45' 13" E 41.08', S 88° 19' 31" E 215.42', S 29° 05' 17" E 71.85', S 74° 05' 17" E 393.67' and S 85° 52' 00" E 617.85' to the point and place of BEGINNING. Containing within said bounds 13.003 acres of land more or less.

* (xiv) ALSO ALL THOSE TRACT OR PARCEL OF LAND, situate, lying and being in the Village of South Glens Falls, County of Saratoga and State of New York, being more particularly bounded and described as follows: BEGINNING at a point at the southwest corner of the herein described parcel. Also being the southeast corner of Lands of Village of South Glens Falls (L. 1448 P. 709) and being on the north boundary of West Marion Street, thence from said point of beginning: N 21-21'-57" E 150.72 feet along lands of the Village of South Glens Falls to a point on the south boundary of South Glens Falls, thence S 67-34'-02" E 189.04 feet along lands of Village of South Glens Falls and Mounir Rahal to a point at the southeast corner of Rahal and on the west boundary of U.S. Rte. 9, thence S 21-16'-27" W 150.81 feet along Rte. 9 to a point at the intersection of the west boundary of Rte. 9 and the north boundary of West Marion Street, thence North 67-32'-32" West 189.29 feet along West Marion Street to the point and place of beginning. Said parcel containing 0.507 plus or minus acres; or

* NB There are 3 sbpar (xiv)'s

* (xiv) any such premises or business constituting an alcoholic beverage manufacturer or wholesaler in the town of Hyde Park, county of Dutchess owned and operated by the Culinary Institute of America, a not-for-profit 501(c)(3) higher education institution chartered by the New York state board of regents located at:

SCHEDULE A

ALL that certain tract, lot and parcel of land lying and being in the Town of Hyde Park, County of Dutchess and State of New York, being more particularly described as follows:

BEGINNING at a point on the easterly side of Albany Post Road (NYS Route 9), said point being the southwesterly corner of the herein described premises and the northwesterly corner of lands now or formerly

of Traver; running thence along the said easterly side of Albany Post Road the following four (4) courses and distances: North 03° 15' 30" East 68.91 feet, North 09° 35' 20" East 31.09 feet, North 06° 53' 00" East 148.62 feet, and North 12° 25' 00" East 62.03 feet to the corner formed by the intersection of the said easterly side of Albany Post Road and the Southerly side of West Dorsey Lane; running thence along the said southerly side of West Dorsey Lane North 38° 26' 00" East 25.02 feet, North 63° 13' 00" East 37.83 feet, and North 67° 25' 00" East 121.38 feet to the northwest corner of lands now or formerly of Firneiss; running thence along the westerly and southerly line of lands now or formerly of Firneiss, South 03° 16' 59" East 179.57 feet and South 79° 13' 59" East 121.73 feet to lands now or formerly of Maidman; running thence along the westerly line of lands now or formerly of Maidman South 28° 34' 00" West 105.08 feet, South 32° 18' 00", East 12.15 feet, and South 35° 55' 00" West 193.04 feet to lands now or formerly of Traver; running thence along lands now or formerly of Traver North 68° 00' 00" West 188.12 feet to the said easterly side of Albany Post Road, the point or place of beginning.

EXCEPTING AND RESERVING THEREFROM:

ALL that piece or parcel of property hereinafter designated as Parcel No. 72, being a portion of Section 6063-02, Parcel 987506, as shown on the Official Tax Map, situate in the Town of Hyde Park, County of Dutchess, State of New York as shown on the accompanying map and described as follows:

PARCEL NO. 72

BEGINNING at a point on the southeasterly boundary of the existing West Dorsey Lane at the intersection of the said boundary with the division line between the property of Herbert Redl (reputed owner) on the west and the property of Michael Firneiss and Margaretha Firneiss (reputed owner) on the east, said point being 160+ feet distant easterly, measured at right angles, from station H2654-74+ of the hereinafter described survey baseline for the reconstruction of the Poughkeepsie-Hyde Park State Highway No. 453; thence southerly along

said division line 59+ feet to a point 168+ feet distant easterly, measured at right angles, from station H265+16+ of said baseline; thence through the property of Herbert Redl (reputed owner) the following two (2) courses and distances: (1) South 74° 03' -27" West 68+ feet to a point 101.00 feet distant easterly, measured at right angles, from station H265+08.00 of said baseline; and (2) North 30° 39' 40" West, 32+ feet to a point on the southerly boundary of said existing West Dorsey Lane, the last mentioned point being 86± feet distant easterly, measured at right angles, from station H265+37+ of said baseline; thence northeasterly along the last mentioned boundary of said existing West Dorsey Lane, 83+ feet to the point of beginning; being 3,327 square feet or 0.076 acre more or less.

The above mentioned survey baseline is a portion of the 1988 survey baseline for the reconstruction of the Poughkeepsie-Hyde Park, State Highway No. 453 as shown on a map and plan on file in the office of the State Department of Transportation and described as follows:

BEGINNING at a station H258+36.14; thence North 09° 19'45" West to station H267+62.73.

ALL bearings referred to TRUE NORTH at the 74' - 20' MERIDIAN OF WEST LONGITUDE.

SUBJECT to utility company agreements, easements, covenants, conditions and restrictions of record.

SUBJECT to the following restrictions, to run with the land in perpetuity and be enforceable at law or in equity by the party of the first part, its successors and assigns:

(i) the premises may not be used, in whole or in part, for any form of live entertainment including, but not limited to, bands or DJ's, at any time; provided however, this restriction shall automatically terminate five (5) years from the date of this deed; and

(ii) if the premises are used to serve any form of alcoholic beverage, the premises must be closed for business no later than 11:59 o'clock p.m. every day; provided, however, this restriction shall automatically

terminate five (5) years from the date of this deed.

The party of the second part waives and releases any claim that said restrictions are unenforceable for any reason, including the allegation that such restrictions constitute a restraint upon alienation, are an unreasonable restriction or restraint on business or economic development, are a violation of any law, regulation or right, or that they are not for the benefit of adjoining lands, or are not part of a common scheme or plan, it being clearly understood and expressly agreed by the parties that these restrictions are for the benefit of the party of the first part's other businesses and properties, for the term set forth above both now and hereafter, and that the lack of such restrictions will damage and harm the grantor, its successors and assigns. Without all of these restrictions, the party of the first part would not sell the premises to the party of the second part. In any proceeding to enforce said restrictions or prevent the violation thereof, the party of the first part shall be entitled to judgment for its costs and reasonable attorney's fees.

The parties execute this deed to acknowledge the preceding restrictions.

The premises are not in an agricultural district and are entirely owned by the transferor.

This conveyance was unanimously approved by the board of directors of the grantor corporation and all of its shareholders. This statement is made pursuant to Section 909 of the Business Corporation Law.

SCHEDULE B

ALL that plot, piece or parcel of land situate and being in the Town of Hyde Park, County of Dutchess and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly boundary of US Route 9, (AKA Albany Post Road), said point being the southeasterly corner of the herein described parcel and said point being the northeasterly corner of

the lands now or formerly of St Andrews Chapel; thence along the division line between the herein described parcel and said lands now or formerly of St Andrews Chapel; N 75°47'50" W 14.13 feet, N 88°00'00" W 19.26 feet, S 89°03'40" W 71.81 feet, N 85°27'10" W 26.53 feet, N 78°46'10" W 19.94 feet, N 67°29'50" W 16.69 feet, N 59°35'20" W 19.23 feet, N 38°17'40" W 23.84 feet, N 24°05'30" W 19.00 feet, N 09°55'10" W 37.76 feet, N 14°28'00" W 46.56 feet, N 27°34'30" W 37.18 feet, N 41°31'30" W 33.65 feet, N 49°50'10" W 23.03 feet, N 53°39'00" W 32.91 feet, S 14°48'10" W 3.06 feet, S 44°29'40" W 7.00 feet, S 44°31'13" W 59.42 feet, S 49°07'20" W 18.46 feet, S 71°48'50" W 21.08 feet, N 79°41'00" W 22.25 feet and 12°45'40" W 164.91 feet to a point on the northerly boundary of Marilyn C. Hoe as described in Liber 1859 of deeds at page 118; thence along the division line between the herein described parcel and said lands now or formerly of Hoe, N 77°14'20" W 144.93 feet, N 78°11'10" W 166.93 feet, N 77°46'10" W 113.88 feet, N 75°19'10" W 99.31 feet and N 76°27'50" W 255.82 feet to a point on the easterly bounds of the lands now or formerly of New York Central Lines LLC as described in deed document # 02-1999-5513; thence along the division line between the herein described parcel and said lands now or formerly of New York Central Lines LLC, N 07°10'10" E 386.40 feet, S 81°18'10" E 12.00 feet, N 08°41'50" E 600.00 feet, N 12°59'10" E 200.56 feet and N 08°41'50" E 151.13 feet to the point of curvature of a non-tangent curve to the right having a radius of 3010.00 feet; thence northeasterly along said curve an arc length of 240.05 feet, having a chord bearing N 10°57'40" E 239.98 feet to a point; thence N 76°46'30" W 10.00 feet, N 13°13'30" E 499.68 feet and N 02°20'30" E 132.97 feet to the point of curvature of a non-tangent curve to the left having a radius of 4077.00 feet; thence northeasterly along said curve an arc length of 249.92 feet, having a chord bearing N 11°02'44" E 249.88 feet to a point; thence N 25°43'50" E 134.21 feet, N 07°55'30" E 257.99 feet, N 07°21'10" W 285.52 feet, N 02°27'50" E 482.00 feet, N 47°10'10" W 26.25 feet, N 02°27'50" E 466.37 feet and N 87°32'10" W 20.00 feet to the point of curvature of a non-tangent curve to the left having a radius of 3165.00 feet; thence northwesterly along said curve an arc length of 293.54 feet, having a chord bearing N 00°11'31" W 293.43 feet to a point; thence N 01°22'30" E 110.01 feet to the point of curvature of a non-tangent curve to the left having a radius of 3175.00 feet; thence

northwesterly along said curve an arc length of 141.96 feet, having a chord bearing N 06°06'27" W 141.95 feet to a point; thence along the division line between the herein described parcel and the lands now or formerly of the United States of America as described in deed document 402-2002-4850 and designated as Lot 1 as shown on Filed Map #10481, S 36°25'00" E 87.53 feet, S 57°59'40" E 52.51 feet, S 77°19'10" E 166.22 feet, S 77°55'50" E 100.43 feet, S 77°40'40" E 107.11 feet, N 35°39'40" E 233.03 feet, N 36°54'30" E 105.52 feet, N 69°23'50" E 179.67 feet, N 35°19'50" E 60.26 feet, N 60°24'40" E 155.25 feet, N 08°43'28" E 923.94 feet, S 77°31'22" E 34.05 feet, N 28°59'38" E 583.86 feet and S 77°26'02" E 436.02 feet to a point; thence along the division line between the herein described parcel and the lands now or formerly of Gardner and Donna Van Valkenburg as described in deed document #02-2001-10201 and also along the lands now or formerly of Edwin D. Beck as described in Liber 1697 of deeds at page 301, S 14°34'48" W 95.96 feet, N 75°25'12" W 10.00 feet, S 14°34'48" W 125.00 feet, S 75°25'12" E 10.00 feet, S 14°34'48" W 325.00 feet and S 75°25'12" E 203.05 feet to a point on the westerly bounds of U.S. Route 9; thence along the westerly bounds of U.S. Route 9, S 14°12'43" W 366.41 feet, N 75°47'17" W 3.21 feet, S 16°51'36" W 357.10 feet, S 16°51'37" W 264.56 feet, S 17°21'41" W 200.79 feet, S 06°47'36" W 236.91 feet, S 03°54'03" E 113.84 feet, S 11°33'18" W 168.19 feet, S 11°33'18" W 144.66 feet, S 24°42'50" W 210.43 feet, S 14°35'17" W 42.95 feet, S 15°01'19" W 27.66 feet, S 11°16'33" E. 114.76 feet, S 11°22'40" W 1485.99 feet, S 02°37'22" W 92.32 feet, S 07°24'10" W 114.00 feet, S 11°34'59" W 200.60 feet, S 06°37'42" W 438.02 feet, S 09°11'00" W 460.65 feet, S 13°21'53" W 180.57 feet, S 18°59'07" W 45.72 feet, S 21°30'45" W 19.23 feet, S 10°46'21" W 148.66 feet, S 16°10'46" W 157.35 feet, S 09°41'50" W 135.29 feet, and S 16°37'07" W 229.64 feet to the point or place of beginning.

CONTAINING 171.33 ACRES OF LAND MORE OR LESS.

EXCEPTING and reserving all that plot, piece or parcel of land situate and being in the Town of Hyde Park, County of Dutchess and State of New York, known as St. Andrews Cemetery, bounded and described as follows:

BEGINNING at the southeasterly corner of the herein described parcel,

said point being located N 12°20'30" E 32.21 feet from the southwesterly corner of the lands of the Culinary Institute of America as described in Liber 1666 of deeds at page 607, thence along the division line between the herein described parcel and said lands of the Culinary Institute of America, N 77°39'30" W 331.51 feet, N 12°20'30" E 373.20 feet, S 77°39'30" E 331.51 feet and S 12°20'30" W 373.20 feet to the point or place of beginning.

CONTAINING 2.84 ACRES OF LAND MORE OR LESS.

* NB There are 3 sbpar (xiv)'s

* (xiv) ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Bay Shore, in the town of Islip, county of Suffolk and state of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Spur Drive North distant 143.78 feet westerly from the corner formed by the intersection of the northerly side of Spur Drive North and the westerly side of Fifth Avenue;

RUNNUNG THENCE South 86 degrees 45 minutes 15 seconds West along the northerly side of Spur Drive North 175.00 feet;

THENCE North 43 degrees 41 minutes 20 seconds West 32.44 feet to the easterly side of 5th Industrial Court;

THENCE North 5 degrees 52 minutes 00 seconds East along the easterly side of 5th Industrial Court 175.00 feet;

THENCE North 86 degrees 45 minutes 15 seconds East 200.00 feet;

THENCE South 5 degrees 52 minutes 00 seconds West 200 feet to the northerly side of Spur Dive North and the point or place of BEGINNING.

Being and intended to be the same premises as conveyed to the Grantor herein by deed January 7, 2000 and recorded January 24, 2000 in Liber 12015, page 422. Notwithstanding section one hundred seven-a of this article, the retail licensee and brand owner located at the premises described in subparagraph (xviii) of paragraph (a) of subdivision thirteen of section one hundred six of this article and further identified as Parcel A in such subparagraph may designate the manufacturer licensee located at the premises described in this subparagraph as owner of such brands for purposes of brand label registration and price scheduling under this chapter.

* NB There are 3 sbpar (xiv)'s

(xv) any such premises located on that certain tract or parcel of land, situate in the City of Rochester, County of Monroe and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly right-of-way line of East Avenue; said point being easterly 125.43 feet from the easterly right-of-way line of Alexander Street, as measured along said northerly right-of-way line of East Avenue; thence,

1. N 07° 17' 46" E, a distance of 218.26 feet to a point; thence,

2. N 39° 14' 18" W, a distance of 27.51 feet to a point; thence,

3. N 20° 00' 35" E, a distance of 121.48 feet to a point; thence,

4. N 39° 47' 19" W, a distance of 32.64 feet to a point; thence,

5. S 74° 12' 52" W, a distance of 30.93 feet to the point of intersection with the aforementioned easterly right-of-way line of Alexander Street; thence the following three (3) courses along said easterly right-of-way line.

6. N 20° 04' 36" E, a distance of 210.80 feet to an angle point; thence;

7. N 20° 23' 26" E, a distance of 48.84 feet to a point of intersection with the common line dividing lands at 390 East Avenue on the south and lands of 350 Alexander Street on the north; thence,

8. N 20° 23' 26" E, continuing along the easterly right-of-way line, a distance of 141.65 feet to a point; thence,

9. S 68° 41' 56" E, a distance of 81.10 feet to a point; thence,

10. S 21° 46' 08" W, a distance of 142.27 feet to a point; thence,

11. S 68° 13' 59" E, a distance of 92.32 feet to a point; thence,

12. S 20° 04' 36" W, a distance of 600.00 feet to a point of intersection with the aforementioned northerly right-of-way line of East Avenue; thence,

13. N 71° 32' 04" W, along said northerly right-of-way line, a distance of 44.84 feet to the Point of Beginning,

TOGETHER WITH THE BENEFITS and subject of the burdens of a certain Easement Agreement for Ingress, Egress & Parking by and between City East LLC and 384 East Avenue Inn of Rochester, LLC dated February 22, 2017 and recorded February 23, 2017 in Liber 11824 of Deeds, page 507, as amended by a certain Amended and Restated Easement Agreement for Ingress, Egress & Parking by and between City East LLC and 384 East Avenue Inn of Rochester, LLC dated October 10, 2019 and recorded October 15, 2019 in Liber 12254 of Deeds page 451.

(xvi) any such premises located on that certain piece or 2.68 acre parcel of land situate in the Village of Lake Placid, Town of North Elba, County of Essex, State of New York being part of Lot 279, Township 11, Old Military Tract, Richards' Survey lying northeast of Searle Lane, so-called, fka Park Place, Rider Street, New Street, and Shadyside, a partially opened street maintained by the Village of Lake Placid and Mirror Lake Drive, so-called fka Lake Placid Club Drive, Shore Drive, and Mirror Street, a village maintained street, and said parcel being more particularly described as follows:

Beginning at a point in the center of Searle Lane at the most southerly corner of the premises; Thence, North 36° 50' 00" West, 498.55 feet along the center of Searle Lane to a point in the bounds of Mirror Lake Drive, and being the most westerly corner of the premises; Thence, North 37° 10' 00" East, 255.37 feet along the bounds of Mirror Lake Drive to a point at the most northerly corner of the premises; Thence, South 52° 50' 00" East, 95.66 feet along a line parallel to and thirty-six feet (36') distant from the north wall of the "dorm", so-called, to a point; Thence, South 23° 43' 00" East, 80.00 feet along a line parallel to and thirty feet (30') distant from the east wall of the "dorm" to a point; Thence, South 00° 24' 00" East, 293.48 feet along the east line of the

premises to an angle point; Thence, South 36° 50' 00" East, 150.00 feet along the east line of the premises to an angle point and being the most easterly corner; Thence, South 53° 10' 00" West, 135.00 feet along the southeast line of the premises to the Point-of-Beginning and encompassing therein 2.68 acres more or less. All bearings are oriented to NYS Grid North, East Zone. Together with all right, title and interest in and to the land to the center of Mirror Lake Drive as it abuts the premises herein above described. Granting and Reserving all structures, wires, lines, easements of record, if any, for public utilities and highway purposes as the same now exist upon or affect the premises hereinabove described. Being part of the premises conveyed by Lake Placid Land Corporation to Placid Gold, LLC by deed dated the 24th day of May 1996 and recorded in the Essex County Clerk's Office in Deed Book 1113 at Page 302. The lands conveyed are subject to the Terms and Conditions of Adirondack Park Agency Permit Nos. 96-316, 96-316A, 96-316A, 97-38, 97-38A, 98-307, 98-307A which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees. Said parcel being the Dormitory lot and Lot Nos. 1, 2, 3 and 4 of the Executive Lodge Subdivision, Section 1, Lake Placid Resort, filed in the Essex County Clerk's Office as Map No. 3057 the 6th day of May 1981 and depicted on the 2010 Village of Lake Placid Tax Map No. 042.0HL in Block 7 as Parcel 29,000.

(xvii) any 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 southerly side of 72nd Street distant 179 feet easterly from the southerly corner of Amsterdam Avenue and 72nd Street; Running thence southerly and parallel with the easterly side of Amsterdam Avenue 102 feet 2 inches to the center line of the block; Thence easterly and parallel with the southerly side of 72nd Street 21 feet; Thence northerly and parallel with the easterly side of Amsterdam Avenue and part of the distance through a party wall 102 feet 2 inches to the southerly side of 72nd Street; Thence westerly along the southerly side of 72nd Street 21 feet to the point or place of Beginning.

* (xviii) 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 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.

* NB There are 3 sbpar (xviii)'s

* (xviii) ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of East Hampton, County of Suffolk and State of New York, known and designated as Lots 81 through 86, inclusive in Block 2, as shown on that certain map entitled, "Map of Montauk Manor, Section 1", which Map was filed in the Office of the Clerk of the County of Suffolk on September 1, 1911 as Map #518, said lots when taken together, are more particularly bounded and described as follows:

BEGINNING at a point of intersection of the easterly side of Washington Street and the division line between lands now or formerly of B & B Precision Realty, Inc., and the premises herein described;

RUNNING THENCE from said point of beginning along the last mentioned division line South 58 degrees 15 minutes 48 seconds East 100 feet to a point on the division line between lands now or formerly of B & B Precision Realty, Inc., lands now or formerly of Grace Friedman and the premises herein described;

RUNNING THENCE along the last mentioned division line South 32 degrees 39 minutes 17 seconds West 120.02 feet to a point on the division line between lands now or formerly of Hattie Jones and the premises herein described;

THENCE RUNNING along the last mentioned division line North 58 degrees 15 minutes 48 seconds West 100 feet to a point on the easterly side of Washington Avenue;

THENCE RUNNING along same North 32 degrees 39 minutes 17 seconds East

120.02 feet to the point or place of BEGINNING. Notwithstanding section one hundred seven-a of this article, the retail licensee and brand owner located at the premises described in subparagraph (xviii) of paragraph (a) of subdivision thirteen of section one hundred six of this article may designate the importer licensee located at the premises described in this subparagraph as owner of such brands for purposes of brand label registration and price scheduling under this chapter.

* NB There are 3 sbpar (xviii)'s

* (xviii) 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:

Parcel A

BEGINNING at the intersection of the southerly line of South Street, 135 feet wide, and the westerly line of Block 2 Lot 3;

THENCE RUNNING the following seven (7) courses and distances:

(1) Along said westerly line of Block 2 Lot 3, South 16 degrees 50 minutes 39 seconds East a distance of 145.30 feet to a point;

(2) THENCE still along said westerly line of Block 2 Lot 3, North 73 degrees 09 minutes 21 seconds East a distance of 28.67 feet to a point;

(3) THENCE still along said westerly line of Block 2 Lot 3, South 16 degrees 50 minutes 39 seconds East a distance of 419.26 feet to a point on the U.S. Pierhead Line approved by Secretary of War, February 25, 1918;

(4) THENCE along said U.S. Pierhead Line, South 73 degrees 09 minutes 21 seconds West a distance of 317.76 feet to a point;

(5) THENCE still along said U.S. Pierhead Line, South 87 degrees 11 minutes 44 seconds West a distance of 36.57 feet to a point on the easterly line of Block 2 Lot 1;

(6) THENCE along the northerly line of Block 2 Lot 1, North 15 degrees 30 minutes 29 seconds West a distance of 555.84 feet to a point on said southerly line of South Street; and

(7) THENCE along said southerly line of South Street, North 73 degrees 09 minutes 21 seconds East a distance of 311.61 feet to the point of BEGINNING.

EXCEPTING THEREFROM the slips, and those certain portions of the ground floor as delineated on the diagrams annexed to the Sublease (i) with the cross-hatching on the schematic drawing of the ground floor depicted on page 1 of Annex 1 and (ii) with black shading or cross-hatching on the schematic drawing of Annex 2.

Parcel B

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, State of New York:

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 westerly side of Broadway and the southerly side of Morris Street;

THENCE southerly along the westerly side of Broadway, 203 feet 1-3/4 inches Survey (203 feet 2-1/4 inches Deed more or less), to the northerly side of lands formerly belonging to Eve White;

THENCE westerly along the northerly side of said lands formerly belonging to Eve White 201 feet 2 inches Survey (200 feet 8 inches Deed more or less), to the easterly side of Greenwich Street;

THENCE northerly along the easterly side of Greenwich Street 231 feet 1-3/4 inch Survey (231 feet 1-3/4 inches Deed) to the southeasterly corner of Greenwich and Morris Streets; and

THENCE easterly along the southerly side of Morris Street, 248 feet 2 inches Survey (248 feet 3 inches Deed) to the point or place of BEGINNING.

Parcel C

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 the corner formed by the intersection of the easterly side of William Street and the southerly side of Wall Street;

RUNNING THENCE easterly along the southerly side of Wall Street 198.11 feet to the corner formed by the intersection of the westerly side of Hanover Street and the southerly side of Wall Street;

THENCE southerly along the westerly side of Hanover Street 52.33 feet to an angle point therein;

THENCE southerly still along the westerly side of Hanover Street 88.34 feet to the corner formed by the intersection of the westerly side of Hanover Street and the northerly side of Exchange Place;

THENCE westerly along the northerly side of Exchange Place 206.41 feet to the corner formed by the intersection of the northerly side of Exchange Place and the easterly side of William Street;

THENCE northerly along the easterly side of William Street 76.79 feet to an angle point therein;

THENCE northerly still along the easterly side of William Street 95.00 feet to the point or place of BEGINNING.

THE ABOVE LAND HAVING ALSO BEEN DESCRIBED PURSUANT TO A SURVEY PREPARED BY EARL B. LOVELL- S.P. BELCHER ORIGINALLY DATED NOVEMBER 5, 1952 AS FOLLOWS:

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 the corner formed by the intersection of the easterly side of William Street and the southerly side of Wall Street;

RUNNING THENCE easterly along the southerly side of Wall Street 197.94

feet to the corner formed by the intersection of the westerly side of Hanover Street and the southerly side of Wall Street;

THENCE southerly along the westerly side of Hanover Street 140.78 feet to the corner formed by the intersection of the westerly side of Hanover Street and the northerly side of Exchange Place;

THENCE westerly along the northerly side of Exchange Place 204.92 feet to the corner formed by the intersection of the northerly side of Exchange Place and the easterly side of William Street;

THENCE northerly along the easterly side of William Street 171.76 feet to the point or place of BEGINNING.

Parcel D

All THOSE PARCELS of land situate in the Borough of Manhattan, City, County and State of New York, below a horizontal plane drawn at an elevation of 500 feet above the NAVD 88 datum level, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of East 42nd Street and the easterly side of former Depew Place (now closed and discontinued);

THENCE RUNNING northerly along the said easterly side of former Depew Place, 340 feet 4 inches;

THENCE RUNNING westerly and parallel with the northerly side of East 42nd Street, 394 feet 4 inches to a point on the easterly side of Vanderbilt Avenue, which point is distant 340 feet 4 inches northerly from the corner formed by the intersection of the northerly side of East 42nd Street and the easterly side of Vanderbilt Avenue;

THENCE RUNNING southerly along the easterly side of Vanderbilt Avenue, 340 feet 4 inches to its intersection with the northerly side of East 42nd Street:

THENCE RUNNING easterly along the northerly side of East 42nd Street, 394 feet 4 inches to the corner, the point or place of BEGINNING.

Parcel E

ALL that plot of land (the "Land"), together with the improvements thereon, in the Borough of Manhattan, County of New York, City of New York and State of New York, said Land being bounded and described as follows:

BEGINNING at a point on the southerly side of 42nd Street distant one hundred twenty-five (125) feet westerly from the corner formed by the intersection of the southerly side of 42nd Street with the westerly side of Lexington Avenue; and running

THENCE Southerly and parallel with Lexington Avenue ninety-eight (98) feet nine (9) inches;

THENCE Westerly and parallel with 42nd Street fifty (50) feet to a point in the easterly line of premises conveyed by Pershing Square Building Corporation to The Bowery Savings Bank by deed dated January 4, 1921 and recorded in the Office of the Register of the County of New York on January 5, 1921 in Liber 3190 of Conveyances at Page 440;

THENCE Southerly along the easterly side of said premises on a line at right angles to the southerly side of 42nd Street ninety-eight (98) feet nine (9) inches to the northerly side of 41st Street;

THENCE westerly along the northerly side of 41st Street one hundred four (104) feet six (6) inches more or less to a point from which a line drawn northerly to the southerly side of 42nd Street and parallel with Park Avenue and at right angles with the northerly side of 41st Street would run through the center of the seventh row (reading easterly from Park Avenue) of column locations as shown by circular indications thereof upon map entitled: "State of New York, Transit Construction Commissioner, Engineering Department, Route Number 43, Section Number 1, Borough of Manhattan, Map or Plan showing property for resale east side of Park Avenue between East 41st Street and East 42nd Street, signed by

D. L. Turner, Chief Engineer, dated February 4, 1920 (as revised May 25, 1920) and designated as drawing number 175, file number 3801", which map is annexed to the deed above mentioned;

THENCE Northerly along said line one hundred ninety-seven (197) feet six (6) inches to the southerly side of 42nd Street; and

THENCE Easterly along the southerly side of 42nd Street one hundred fifty-four (154) feet six (6) inches more or less to the point or place of BEGINNING.

Parcel F

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

BEGINNING at the corner formed by the intersection of the southerly line of West 61st Street with the easterly line of Riverside Boulevard, as shown on the City Map;

RUNNING THENCE easterly, along to the southerly line of West 61st Street, 423 feet 6 inches to a point;

THENCE southerly, at right angles to the previous course, 74 feet 3-1/8 inches;

THENCE southwesterly, along a line forming an included angle of 169 degrees 40 minutes 47 seconds, 138 feet 7-3/4 inches;

THENCE westerly, along a line forming an included angle of 100 degrees 19 minutes 13 seconds, 445 feet 10-5/8 inches to a point on the easterly side of Riverside Boulevard;

THENCE northerly, along the easterly line of Riverside Boulevard which forms an included angle of 80 degrees 23 minutes 47 seconds, 13 feet 0-1/4 of an inch to a point of curvature;

THENCE northerly, along the easterly line of Riverside Boulevard on the arc of a circle curving to the right, having a radius of 1,548 feet 0 inches and an included angle of 4 degrees 41 minutes 14 seconds, 126 feet 7-5/8 inches to a point of tangency;

THENCE northerly, along the easterly line of Riverside Boulevard, 76 feet 4 inches to the point of place of BEGINNING.

Parcel G

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 the corner formed by the intersection of the northerly side of West 50th Street and the easterly side of 12th Avenue;

RUNNING THENCE northerly along the easterly side of 12th Avenue a distance of 100 feet 5 inches to a point on center line of the block between West 50th Street and West 51st Street;

THENCE easterly along the center line of the block between West 50th Street and West 51st Street parallel with the northerly side of West 50th Street a distance of 100 feet to a point;

THENCE southerly and parallel with the easterly side of 12th Avenue a distance of 100 feet 5 inches to a point on the northerly side of West 50th Street;

THENCE westerly along the northerly side of West 50th Street a distance of 100 feet to the corner formed by the intersection of the northerly side of West 50th Street and the easterly side of 12th Avenue, the point or place of beginning.

For Information Only: Premises being known as 678-682 12th Avenue a/k/a 637-641 West 50th Street New York, N.Y. and designated as Block 1098 Lot 11 as shown on Tax Map of the City of New York, County of New York.

Parcel H

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 the corner formed by the intersection of the southerly side of East 61st Street with the westerly side of Madison Avenue;

RUNNING THENCE westerly along the southerly side of East 61st Street, 150 feet;

THENCE southerly and parallel with the westerly side of Madison Avenue, 100 feet 5 inches to the center line of the block between East 61st and 60th Streets;

THENCE westerly along said center line of the block and parallel with southerly side of East 61st Street, 45 feet;

THENCE southerly and parallel with the westerly side of Madison Avenue and part of the distance through a party wall, 100 feet 5 inches to the northerly side of East 60th Street;

THENCE easterly along the said northerly side of East 60th Street, 100 feet;

THENCE northerly and parallel with the westerly side of Madison Avenue and part of the distance through another party wall, 73 feet 5 inches;

THENCE easterly and parallel with East 60th Street, 95 feet to the westerly side of Madison Avenue;

THENCE northerly along the westerly side of Madison Avenue, 127 feet 5 inches to the point or place of BEGINNING.

Parcel I

ALL that certain plot, piece or parcel of land, with the building and

improvements thereon erected, 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 easterly side of Fifth Avenue and the northerly side of 59th Street;

RUNNING THENCE northerly along the easterly side of Fifth Avenue 100 feet; THENCE easterly parallel with 59th Street 100 feet;

THENCE northerly parallel with Fifth Avenue 5 inches; THENCE easterly parallel with 59th Street 25 feet;

THENCE southerly parallel with Fifth Avenue 100 feet 5 inches to the northerly side of 59th Street; and

THENCE westerly along the northerly side of 59th Street 125 feet to the point or place of BEGINNING.

TOGETHER WITH the benefits of the easement for light and air recorded in Liber 5137 at Page 142.

Parcel J

ALL the following three parcels of land, together with the improvements thereon:

PARCEL J-1

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

BEGINNING at a point being the northwest corner of Broome and Laurens Street, as the said Laurens Street is now established by law as widened, being a point, distant 25 feet westwardly from the northwest corner of Broome and Laurens Street and measured from the old line thereof;

RUNNING THENCE westwardly along the northerly side of Broome Street, 18 feet 6 inches; THENCE northwardly, parallel with Laurens Street, 80 feet;

THENCE eastwardly, parallel with Broome Street, 18 feet 6 inches to the westerly line of Laurens Street, as the same is now established by law since the widening thereof;

THENCE southwardly along the said westerly line of Laurens Street, 80 feet to the point or place of

BEGINNING.

THE said Laurens Street being now known as West Broadway.

PARCEL J-2

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

BEGINNING at a point on the westerly side of West Broadway, formerly South Fifth Avenue, 80 feet northerly from the corner formed by the intersection of the westerly side of West Broadway, formerly South Fifth Avenue, and the northerly side of Broome Street;

RUNNING THENCE northerly along the westerly side of West Broadway, 20 feet;

THENCE westerly 67 feet 8 1/2 inches along the southerly side of Lot# 333 on map made by Commissioners in Partition of the Estate of Anthony Lispenard, deceased, to the rear of Lot #334 on said map;

THENCE southerly along the rear of said Lot #334, 20 feet;

THENCE easterly, 67 feet 7 3/4 inches to the point or place of BEGINNING.

PARCEL J-3

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

BEGINNING at a point on the northerly side of Broome Street, distant 18 feet 6 inches westerly from the corner formed by the intersection of the northerly side of Broome Street and the westerly side of West Broadway, formerly South Fifth Avenue;

RUNNING THENCE northerly parallel or nearly so with West Broadway, formerly South Fifth Avenue, 80 feet to land now or late of Randolph Brant;

THENCE westerly along the same land and parallel or nearly so with Broome Street, 21 feet 9 inches;

THENCE southerly parallel or nearly so with West Broadway and part of the distance through a party wall, 80 feet to the northerly side of Broome Street;

THENCE easterly along the said northerly side of Broome Street, 21 feet 9 inches to the point or place of BEGINNING.

Provided, however that, with respect to such manufacturer's or wholesaler's interest in a retail licensee located at premises described in this subparagraph the provisions of this paragraph shall not apply to any premises licensed under section sixty-four of this chapter in which manufacturer or wholesaler holds a direct or indirect interest, provided that: (A) such manufacturer or wholesaler may not sell alcoholic beverages directly to such retail licensee; and (B) 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; provided however, alcohol sales related to events catered by the retail licensee shall not be attributed to the fifteen percent annual sales value determination.

* NB There are 3 sbpar (xviii)'s

(b) Make, or cause to be made, any loan to any person engaged in the manufacture or sale of any alcoholic beverage at wholesale or retail.

(c) Make any gift or render any service of any kind whatsoever, directly or indirectly, to any person licensed under this chapter which in the judgment of the liquor authority may tend to influence such licensee to purchase the product of such manufacturer or wholesaler. The provisions of this paragraph shall not be construed to prevent a manufacturer or wholesaler from entertaining a licensee at lunch or dinner, or to prevent a manufacturer or wholesaler from participating in or supporting bona fide retailer association activities such as, but not limited to, associate memberships, dinners, conventions, trade shows, product tastings and product education where such participation is in reasonable amounts and does not reach proportions that indicate attempts to influence the purchase of products of contributing manufacturers and wholesalers by the members of such retailer associations.

(d) Enter into any contract with any retail licensee whereby such licensee agrees to confine his sales to alcoholic beverages manufactured or sold by one or more such manufacturers or wholesalers. Any such contract shall be void and subject the licenses of all parties concerned to revocation.

(e) The prohibitions and restrictions contained in paragraphs b, c and d above shall not apply to any contractual arrangements between a licensed manufacturer or wholesaler and a licensed retailer where such manufacturer or wholesaler has made a substantial investment, directly or through such retailer, in the construction, capitalization or furnishing of any exhibit, facility or installation in the area leased by the city of New York to New York World's Fair 1964-1965 Corporation, pursuant to chapter four hundred twenty-eight of the laws of nineteen hundred sixty, as amended, and such retailer is conducting his business as a part of such exhibit or installation or is responsible to such corporation for the construction, operation or maintenance of such exhibit, facility or installation. This modification to the prohibitions

and restrictions contained in this paragraph shall continue until November first, nineteen hundred sixty-five.

(f) The prohibitions and restrictions contained in paragraphs (b), (c) and (d) of this subdivision shall not apply to any contractual or other financial arrangements undertaken by the Culinary Institute of America for the education purposes of such institute, including student scholarships, academic building sponsorships, and Culinary Institute of America event sponsorships that further the academic mission of the Culinary Institute of America, where such contractual or other financial arrangements are between a licensed manufacturer, wholesaler, or retailer for on-premises consumption, and the Culinary Institute of America, operating within the metes and bounds established by subparagraph (xiv) of paragraph (a) of this subdivision.

1-a. The provisions of paragraph (a) of subdivision one of this section shall not apply to any licensed manufacturer or wholesaler located on the 35th floor of premises 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 easterly side of Washington Street and the southerly side of Barclay Street; running thence easterly along the southerly side of Barclay Street, the following three (3) courses and distances: (1) South 88 degrees 37 minutes 20 seconds East 161.04 feet; (2) South 88 degrees 39 minutes 01 seconds East 67.81 feet; and (3) South 88 degrees 36 minutes 50 seconds East 112.04 feet to the corner formed by the intersection of the southerly side of Barclay Street and the westerly side of West Broadway; thence southerly along the westerly side of West Broadway, the following three (3) courses and distances: (1) South 13 degrees 29 minutes 10 seconds West 33.54 feet; (2) South 88 degrees 37 minutes 31 seconds East 7.16 feet; and (3) South 13 degrees 29 minutes 10 seconds West 172.20 feet to the corner formed by the intersection of the westerly side of West Broadway and the northerly side of Vesey Street; thence westerly along the northerly side of Vesey Street, North 88 degrees 37 minutes 31 seconds West 233.48 feet to the corner formed by the intersection of the northerly side of Vesey Street and the easterly side of Washington Street; and thence northerly along the easterly side of Washington Street, North 18 degrees 10 minutes 00 seconds West 213.45 feet to the

point or place of beginning. Provided, however that, with respect to such manufacturer's or wholesaler's interest in a retail licensee located at premises described in paragraph (a-1) of subdivision thirteen of section one hundred six of this article: (i) such interest must have been acquired prior to the effective date of the chapter of the laws of two thousand nineteen which added this subdivision; (ii) such manufacturer or wholesaler may not sell alcoholic beverages directly to such retail licensee; and (iii) 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. Any lien, mortgage, or other interest or estate however, now held by a manufacturer or wholesaler on the real property of any licensee, which lien, mortgage, interest or estate was acquired on or before December thirty-first, nineteen hundred and thirty-two, shall not be included within the provisions of this section but the burden of establishing the time of the accrual of the interest comprehended by this subdivision shall be upon the person who claims to be entitled to the protection and exemption afforded hereby.

3. Any interest or estate mentioned in this section held by a manufacturer or wholesaler in an office building located in a city having a population of five hundred thousand or more and in which is located the licensed premises of such manufacturer or wholesaler shall not prohibit (1) the issuance of licenses pursuant to section sixty-four of this chapter for restaurant premises located in such building or (2) said manufacturer or wholesaler from being interested directly or indirectly in such restaurant premises, provided the building is not less than five stories in height, both the building and the interior of the restaurant premise have been granted landmark status in accordance with applicable state or local law and space within the building is also occupied by persons other than the manufacturer or wholesaler, and that the rental for the retail premises applied for shall be comparable to that for similar space in such building and similar buildings in the immediate neighborhood; and provided further that the provisions of this paragraph shall apply solely with respect to restaurant premises in a

building located on a parcel of land wholly within the boundaries of the borough of Manhattan, city and county of New York, and bounded and described as follows: beginning at a corner formed by the intersection of the northerly side of East Fifty-second Street and the easterly side of Park Avenue; running northerly along the easterly side of Park Avenue, two hundred feet ten inches; thence easterly along the southerly side of East Fifty-third Street; three hundred two feet; thence southerly parallel with the easterly side of Park Avenue, one hundred feet five inches to the center line of the block; thence westerly along the center line of the block at right angles, seven feet; thence southerly parallel with the easterly side of Park Avenue, one hundred feet five inches to the northerly side of East Fifty-second Street; and thence westerly along the northerly side of East Fifty-second Street two hundred ninety-five feet to the corner of the point or place of beginning. The exemption herein provided shall apply to only one building and shall not be extended to any other building in which such manufacturer or wholesaler shall have any interest or estate.

4. (a) Notwithstanding any other provision of law to the contrary, the state liquor authority shall issue a license under section seventy-six-a of this chapter to the New York State Wine and Culinary Center, Inc. ("center") situated at the premises known as: all that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Canandaigua, County of Ontario and State of New York and being more particularly described as follows: Being at an iron stake located on the northerly line of Village Lot No. 9 where the same intersects the westerly line of South Main Street; thence south 19 degrees 30' east along the westerly street line of South Main Street a distance of 60 feet to an iron stake which is the point and place of beginning; thence (1) south 69 degrees 54' west a distance of 284.26 feet to an iron stake; thence (2) south 19 degrees 30' east a distance of 248 feet to an iron stake; thence (3) south 17 degrees 21' 10" west a distance of 120.05 feet to an iron stake; thence (4) south 81 degrees 52' 20" east a distance of 236.63 feet to an iron stake; thence (5) north 8 degrees 10' east a distance of 30 feet to an iron stake; thence (6) south 81 degrees 50' east a distance of 100 feet to an iron stake; thence (7) north 8 degrees 10' east a distance of

94.97 feet to an iron stake located on the westerly street line of South Main Street; thence (8) north 19 degrees 30' west along the westerly street line of South Main Street a distance of 392.52 feet to an iron stake which is the point and place of beginning.

(b) The center may, but shall not be required to, produce wine as a condition of such license.

(c) No person shall be disqualified from acting as a director, officer, or employee of, or purveyor to, the center by reason of such person holding a license under this law, or being affiliated with a licensee under this law as a shareholder, partner, officer, director, or employee.

(d) No person shall be disqualified from being a lender or lessor to the center, or a donor, patron, contributor or sponsor from time to time of the center through contributions in cash or in kind, on terms agreed with the board of directors of the center, by reason of such person holding a license under this law, or being affiliated with a licensee under this law as a shareholder, partner, officer, director, or employee. Such persons shall be entitled, regardless of their licensing status under this law, to obtain all the benefits generally approved by the board of directors of the center and offered to donors of similar amounts.

(e) Notwithstanding any other provision of law to the contrary, the center is expressly authorized to:

(i) sell New York state produced wines, beers, ciders and distilled spirits for both on and off premise consumption;

(ii) offer tastings on the premises of such products and charge the general public such amounts as it deems fit for such tastings. For purposes of this section, tastings may be conducted in a common tasting area on the premises;

(iii) provide banquet and entertainment facilities for the general public for private parties in consideration of such fees as are established by the board of directors of the center from time to time, and to sell and serve at such events wines, ciders, malt beverages and distilled spirits selected by persons hiring the facilities; and

(iv) hold through a wholly owned subsidiary a branch office permit at the Finger Lakes Welcome Center situated at the premises known as:

All that tract or parcel of land situate in the City of Geneva, County of Ontario, State of New York, all as shown on a map entitled "Existing Building Exhibit Finger Lakes Welcome Center" prepared by Costich Engineering D.P.C dated February 28, 2018 having dwg # 4750 VE110 and being more particularly bounded and described as follows:

Beginning at the existing northwest corner of the One Story Frame Finger Lakes Welcome Center having grid coordinates of N1046012.35 E 714603.03 referenced to the New York State Plane Coordinate System of 1983 Central Zone; thence Easterly, and along the existing building face a distance of 52.3 feet to a point; thence Northerly, and along the existing building face a distance of 5.3 feet to a point; thence Easterly, and along the existing building face a distance of 40.3 feet to a point; thence Southerly, and along the existing building face a distance of 26.5 feet to a point; thence Easterly, and along the existing building face a distance of 5.4 feet to a point; thence Southerly, and along the existing building face a distance of 15.0 feet to a point; thence Easterly, and along the existing building face a distance of 8.5 feet to a point; thence Southerly, and along the existing building face a distance of 31.3 feet to a point; thence Westerly, and along the existing building face a distance of 28.1 feet to a point; thence Northerly, and along the existing building face a distance of 4.4 feet to a point; thence Westerly, and along the existing building face a distance of 26.1 feet to a point; thence Southerly, and along the existing building face a distance of 42.2 feet and continuing southerly on the building extension line a distance of 28 feet comprising a total distance of 70.2 feet to a point on the southerly limit of the existing patio area; thence Westerly, and along the southerly limits of the existing patio area a distance of 95 feet to a point; thence Northerly, and along the westerly limits of the existing patio area a distance of 11 feet to a point of curvature; thence Northerly, along a curve to the left and along the westerly limits of the existing patio area a distance of 19 feet to a point; thence Northerly, and along the westerly limits of the existing patio area a distance of 18 feet to a point; thence Easterly, and along the northerly limits of the existing patio area a distance of 27 feet to a point on the existing building face; thence Northerly, and along the existing

building face a distance of 45.7 feet to a point; thence Easterly, and along the existing building face a distance of 28.1 feet to a point; thence Northerly, and along the existing building face a distance of 44.9 feet to the point and place of beginning.

5. (a) Notwithstanding any other provision of law to the contrary, the state liquor authority shall issue a license under section seventy-six-a of this chapter to the Finger Lakes Wine Center, Inc. ("center") situated at the premises known as:

All that tract or parcel of land situate in the City of Ithaca, County of Tompkins and State of New York, bounded and described as follows:

PARCEL A:

BEGINNING at a point at the intersection of the easterly street line of South Cayuga Street with the northerly street line of East Clinton Street;

thence North 02 degrees 05 minutes 21 seconds West along the easterly street line of South Cayuga Street a distance of 273.47 feet to a point;

thence North 87 degrees 29 minutes 52 seconds East a distance of 77.84 feet to a point;

thence South 02 degrees 30 minutes 08 seconds East a distance of 108.17 feet to a point;

thence North 87 degrees 29 minutes 52 seconds East a distance of 46.83 feet to a point;

thence South 02 degrees 30 minutes 08 seconds East a distance of 107.31 feet to a point;

thence North 87 degrees 29 minutes 52 seconds East a distance of 12.17 feet to a point;

thence South 02 degrees 30 minutes 08 seconds East a distance of 24.70 feet to a point;

thence South 87 degrees 29 minutes 52 seconds West a distance of 12.17 feet to a point;

thence South 02 degrees 30 minutes 08 seconds East a distance of 33.50 feet to a point in the northerly street line of East Clinton Street;

thence South 87 degrees 35 minutes 39 seconds West a distance of 126.65 feet to the point of beginning, containing 0.680 acres of land.

SUBJECT to the following:

Restrictive covenants running with the land, contained in a Deed from the Ithaca Urban Renewal Agency to the City of Ithaca dated July 13, 1976 and recorded in said Clerk's Office on July 13, 1977 in Liber 558 of Deeds at page 672.

Restrictive covenants running with the land, contained in a Deed from the Ithaca Urban Renewal Agency to the City of Ithaca dated July 13, 1977 and recorded in said Clerk's Office on July 13, 1977 in Liber 558 of Deeds at page 684.

A right of way reserved to the Grantor to enter upon lands contained within the boundary lines of Six Mile Creek to make excavations, remove gravel and other material from the creek bed, erect walls and embankments, etc., as granted by instrument of Salem Twist, et. al. dated August 8, 1906 and recorded in the Tompkins County Clerk's Office on January 31, 1907 in Liber 166 of Deeds at page 163.

Right of way for ingress and egress conveyed by instrument by and between the Ithaca Urban Renewal Agency and D.M. Abbot Investors Corporation dated May 17, 1967 and recorded in said Clerk's Office in Liber 469 of Deeds at page 25.

The provisions of Exhibit A to the Air Rights Lease related to CDP's

access to the Premises for repairs and maintenance.

TOGETHER WITH:

1. A right of way for ingress and egress conveyed by instrument by and between D.M. Abbott Investors Corp. and the Ithaca Urban Renewal Agency dated November 24, 1967 and recorded in said Clerk's Office on January 21, 1969 in Liber 479 of Deeds at page 640; and

2. An easement in common with others over the premises shown as "Parcel B" on the below-referenced survey map for ingress from and egress to South Cayuga Street.

The above described premises are SHOWN AS "Parcel A" on a survey map entitled "Boundary Map Showing Property Bounded North by East Green Street, South by East Clinton Street, West by South Cayuga Street and Southeast by Six Mile Creek, Designated for a Proposed Project 'Cayuga Green at Six Mile Creek', City of Ithaca, Tompkins County, New York," dated November 20, 2003 and labeled as job number S02-530, prepared by T.G. Miller, P.C., Engineers and Surveyors, hereinafter referred to as "the Survey Map".

(b) The center may, but shall not be required to, produce wine as a condition of such license.

(c) No person shall be disqualified from acting as a director, officer, or employee of, or purveyor to, the center by reason of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, or employee.

(d) No person shall be disqualified from being a lender or lessor to the center, or a donor, patron, contributor or sponsor from time to time of the center through contributions in cash or in kind, on terms agreed with the board of directors of the center, by reason of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, or employee. Such persons shall be entitled, regardless of their licensing status under this chapter, to obtain all the benefits generally approved by the board of directors of the center and offered

to donors of similar amounts.

(e) The center is expressly authorized to:

(i) charge the general public such amounts as it sees fit for the tasting of New York state wines sold on the premises;

(ii) provide banquet and entertainment facilities for the general public for private parties in consideration of such fees as are established by the board of directors of the center from time to time and to sell and serve at such events wines, malt beverages and distilled spirits selected by persons hiring the facilities; and

(iii) provide for wine related and other educational classes as deemed appropriate by the center, either alone or in conjunction with other entities that conduct educational classes, and charge the general public such amounts as it sees fit for the purpose of carrying out the provisions of this subparagraph.

6. Notwithstanding any other provision of law to the contrary, the state liquor authority may issue a license under subdivision two-c of section sixty-one of this chapter to the owner and/or operator of the parcels described in this paragraph. The legal descriptions for the three parcels so identified as the site are as follows:

PARCEL A

All that piece or parcel of property situate in the Village of Lake George, County of Warren, State of New York and being bounded and described as follows:

BEGINNING at a point at the intersection of the southwesterly boundary of Beach Road with the southeasterly boundary of lands now or formerly of Holly RAJ Inc., and running thence southeasterly along the said southwesterly boundary of Beach Road and the southwesterly boundary of lands now or formerly of the Village of Lake George the following (9) nine courses and distances: 1) South 47° 49' 51" East 49.20 feet to a point; 2) South 41° 08' 51" East 50.18 feet to a point; 3) South 34° 19' 51" East 20.62 feet to a point; 4) South 34° 19' 51" East 29.38 feet to a point; 5) South 28° 23' 51" East 54.00 feet to a point; 6) South 23° 28' 51" East 75.29 feet to a point; 7) South 25° 57' 51" East 130.22 feet to a point; 8) South 30° 43' 21" East 109.09 feet to a point; and

9) South 29° 21' 51" East 140.00 feet to a point in the northwesterly boundary of the premises conveyed by The Counties of Warren and Washington Industrial Development Agency to The Fort William Henry Corporation by deed dated May 18, 1998 and recorded in the Warren County Clerk's Office on May 28, 1998 in Liber 1066 of Deeds at Page 279; thence South 60° 37' 18" West along the said northwesterly boundary of the premises conveyed by The Counties of Warren and Washington Industrial Development Agency to The Fort William Henry Corporation 70.01 feet to a point; thence northwesterly along the northeasterly boundary of said premises conveyed by The Counties of Warren and Washington Industrial Development Agency to The Fort William Henry Corporation the following (5) five courses and distances: 1) North 29° 21' 51" West 139.17 feet to a point; 2) North 30° 43' 21" West 111.17 feet to a point; 3) North 25° 55' 51" West 130.20 feet to a point; 4) North 26° 32' 41" West 145.00 feet to a point; and 5) North 42° 42' 21" West 120.00 feet to a point in the first mentioned southeasterly boundary of lands now or formerly of Holly RAJ Inc.; thence North 51° 01' 09" East along the said southeasterly boundary of lands now or formerly of Holly RAJ Inc. 70.00 feet to the point of beginning, containing 1.062 acres of land, being the same more or less.

PARCEL B

All that piece or parcel of property situate in the Village of Lake George, County of Warren, State of New York and being bounded and described as follows:

BEGINNING at a point at the intersection of the easterly boundary of New York State Route 9N with the northerly boundary of lands now or formerly of Charles R. Wood Foundation, and running thence northerly along the said easterly boundary of New York State Route 9N the following four (4) courses and distances: 1) North 03° 06' 51" West 54.12 feet to a point; 2) North 00° 54' 09" East 281.77 feet to a point; 3) North 01° 45' 09" East 59.83 feet to a point; and 4) North 02° 47' 35" West 51.87 feet to an iron pin in the southerly boundary of other lands now or formerly of Fort William Henry Corporation; thence easterly along the said southerly boundary of other lands now or formerly of Fort William Henry Corporation the following three (3)

courses and distances: 1) North 88°- 22'- 09" East 475.96 feet to a point; 2) North 60°- 07'- 09" East 66.22 feet to a point; and 3) North 47°- 47'- 09" East 315.47 feet to an iron pipe in the easterly boundary of lands now or formerly of the Village of Lake George; thence southerly along the said easterly boundary of lands now or formerly of The Village of Lake George the following three (3) courses and distances: 1) South 32°- 08'- 51" East 148.00 feet to a point; 2) South 37°- 04'- 51" East 221.91 feet to a point; and 3) South 32°- 47'- 51" East 83.60 feet to a point in the northerly boundary of the aforementioned lands now or formerly of Charles R. Wood Foundation; thence westerly along the said northerly boundary of lands now or formerly of Charles R. Wood Foundation the following four (4) courses and distances: 1) South 55°- 39'- 09" West 188.00 feet to a square head bolt; 2) South 68°- 08'- 09" West 115.00 feet to a point; 3) South 81°- 37'- 09" West 240.84 feet to a point; and 4) South 74°- 08'- 09" West 546.05 feet to the point of beginning, containing 8.558 acres of land, being the same more or less.

ALSO, ALL that certain piece or parcel of land situate lying and being in the Village of Lake George, County of Warren, State of New York, being more particularly described as follows:

COMMENCING at a point located on the westerly boundary of lands now or formerly of Warren County as described in Liber 281, Page 51, said point also being on the division line between lands now or formerly of Warren County (Liber 4390 Page 154) on the south and lands now or formerly of Fort William Henry Corp. (Liber 497 Page 222) on the north; thence along said division line South 40°27'30" West, 188.00 feet to the Point of Beginning; thence through said lands of Warren County the following three (3) courses and distances: 1) South 33°45'28" West, 74.95 feet to a point, 2) South 59°52'14" West, 108.57 feet to a point, and 3) North 75°07'46" West, 41.87 feet to a point on the division line between said lands of Warren County on the south and lands now or formerly of Fort William Henry Corp. (Liber 497 Page 222) on the north; thence along said division line North 66°25'30" East, 91.92 feet to a point; thence North 52°56'30" East, 115.00 feet to the point or place of beginning.

EXCEPTING AND RESERVING THEREFROM, ALL that certain piece or parcel of

land situate lying and being in the Village of Lake George, County of Warren, State of New York, being more particularly described as follows:

BEGINNING at a point located on the westerly boundary of lands now or formerly of Warren County as described in Liber 281, Page 51, said point also being on the division line between lands now or formerly of Warren County (Liber 4390 Page 154) on the south and lands now or formerly of Fort William Henry Corp. (Liber 497 Page 222) on the north; thence along said division line South 40°27'30" West, 188.00 feet to a point; thence through said lands now or formerly of Fort William Henry Corp. North 33°45'28" East, 102.84 feet to a point; thence North 40°27'30" East, 85.36 feet to a point on the aforementioned westerly boundary of lands now or formerly of Warren County (Liber 281, Page 51); thence along said westerly boundary South 51°54'30" East, 12.01 feet to the point or place of beginning.

PARCEL C

All that piece or parcel of property situate in the Village of Lake George, County of Warren, State of New York and being bounded and described as follows:

BEGINNING at an iron pin at the intersection of the easterly boundary of New York State Route 9N with the northerly boundary of other lands now or formerly of Fort William Henry Corporation; said pin being located the following four (4) courses and distances northerly from the intersection of the easterly boundary of New York State Route 9N with the northerly boundary of lands now or formerly of Charles R. Wood Foundation: 1) North 03°- 06' - 51" West 54.12 feet; 2) North 00°- 54' - 09" East 281.77 feet; 3) North 01°- 45' - 09" East 59.83 feet; and 4) North 02°- 47' - 35" West 51.87 feet, and running thence from said point of beginning northerly along the said easterly boundary of New York State Route 9N the following seven (7) courses and distances: 1) North 03°- 29' - 09" East 105.00 feet to a point; 2) North 09°- 11' - 09" East 60.10 feet to a point; 3) North 05°- 41' - 09" East 161.06 feet to a point; 4) North 09°- 28' - 34" East 124.23 feet to an iron pin; 5) North 14°- 08' - 27" East 150.26 feet to a square monument; 6) North 22°- 36' - 14" East 111.15 feet to a point; and 7) North 17°- 47' - 09" East 91.79

feet to an iron pipe in the southerly boundary of lands now or formerly of Adirondack Entertainment and Recreation, Inc.; thence South 59°- 07'- 51" East along the said southerly boundary of lands now or formerly of Adirondack Entertainment and Recreation, Inc. 40.70 feet to a point; thence North 51°- 01'- 09" East along the southeasterly boundary of said lands now or formerly of Adirondack Entertainment and Recreation, Inc. 167.30 feet to a point in the southwesterly boundary of lands now or formerly of The Adirondack Lakeview Corporation; thence southeasterly along the said southwesterly boundary of lands now or formerly of The Adirondack Lakeview Corporation the following five (5) courses and distances: 1) South 42°- 42'- 21" East 120.00 feet to a point; 2) South 26°- 32'- 41" East 145.00 feet to a point; 3) South 25°-55'- 51" East 130.20 feet to a point; 4) South 30°- 43'- 21" East 111.17 feet to a point; and 5) South 29°- 21'- 51" East 139.17 feet to a point; thence North 60°- 37'- 18" East along the southeasterly boundary of said lands now or formerly of The Adirondack Lakeview Corporation 70.01 feet to a point in the westerly boundary of lands now or formerly of the Village of Lake George; thence southerly along the said westerly boundary of lands now or formerly of The Village of Lake George the following two (2) courses and distances: 1) South 29°- 21'- 51" East 32.24 feet to a point; and 2) South 30°- 27'- 51" East 73.00 feet to an iron pipe in the northerly boundary of other lands now or formerly of Fort William Henry Corporation; thence westerly along the said northerly boundary of other lands now or formerly of Fort William Henry Corporation the following three (3) courses and distances: 1) South 47°- 47'- 09" West 315.47 feet to a point; 2) South 60°- 07'- 09" West 66.22 feet to a point; and 3) South 88°- 22'- 09" West 475.96 feet to the point of beginning, containing 9.398 acres of land, being the same more or less.

8. (a) Notwithstanding any other provision of law to the contrary, the state liquor authority shall issue a license under section seventy-six-a of this chapter to the Concord Grape Belt Heritage Association Inc. Grape Discovery Center ("center") situated at the premises known as: all that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Town of Westfield, County of Chautauqua and State of New York being parcels 209.00-2-13 and 209.00-2-14 and being more particularly described as

follows:

PARCEL A

All that tract or parcel of land, situate in the Town of Westfield, County of Chautauqua and State of New York, being part of Lot 13, Town 4 and Range 14 of the Holland Land Company's Survey and further bounded and described as follows:

Beginning at a set "MAG" nail on the south bounds of U.S. Route 20 also know as Main Road, also known as the Buffalo and Erie Road, said "MAG" nail being N 60 degrees 17' 18" E, 264.87 feet as measured along the south bounds of U.S. Route 20, from the northwest corner of premises described in deed from David S. Neill to Sam F. Nixon, dated January 30, 1916, and recorded in the Chautauqua County Clerk's Office in Liber 421 of Deeds at page 165; thence N 60 degrees 17' 18" E, along the south bounds of U.S. Route 20, a distance of 195.88 feet to a set "MAG" nail in asphalt; thence N 64 degrees 0' 0" E, and still along the south bounds of U.S. Route 20, a distance 70 feet to a set "MAG" nail in asphalt; thence S 1 degree 55' 0" W, 250 feet to an existing iron pin at the northwest corner of lands of Joanne W. Nixon, as described in a deed recorded in the Chautauqua County Clerk's Office in Liber 2182 of Deeds at page 196; thence continuing along the same course, S 1 degree 55' 0" W along the west line of lands of said Nixon, 78.8 feet to an existing iron stake at the northeast corner of lands of Joanne W. Nixon as described in a deed recorded in the Chautauqua County Clerk's Office in Liber 2418 of Deeds at page 341; thence S 62 degrees 58' 7" W, along the north line of lands of said Nixon, 173.3 feet to a point at the southeast corner of lands of Ed R. Burnside as described in a deed recorded in the Chautauqua County Clerk's Office in Liber 2639 of Deeds at page 336; thence N 13 degrees 36' 25" W, along the east line of lands of said Burnside, 287.68 feet to the point or place of beginning.

PARCEL B

Also all that tract or parcel of land, situate in the Town of Westfield, County of Chautauqua and State of New York, being part of Lot No. 13, Township 4 and Range 14 of the Holland Land Company's Survey and further bounded and described as follows:

Commencing at the northwest corner of premises described in deed from David S. Neill to Sam F. Nixon, dated January 30, 1916, and recorded in the Chautauqua County Clerk's Office in Liber 421 of Deeds at page 165; thence N 60 degrees 17' 18" E. along the south bounds of U.S. Route 20, also known as Main Road, also known as the Buffalo and Erie Road, 460.76 feet to a set "MAG" nail in asphalt; thence N 64 degrees 0' 0" E, and still along the south bounds of U.S. Route 20, a distance of 70 feet to a set "MAG" nail in asphalt at the point of beginning of the parcel hereinafter described; thence N 64 degrees 0' 0" E, along the south bounds of U.S. Route 20, a distance of 200 feet to a set "MAG" nail in asphalt at the northwest corner of lands of Joanne W. Nixon as described in a deed recorded in the Chautauqua County Clerk's Office in Liber 2182 of Deeds at page 196; thence S 1 degree 55' 0" W, along the west line of lands of said Nixon, 250 feet to a point; thence S 64 degrees 0' 0" W, along the north line of lands of said Nixon 200 feet to an existing iron pin in the northwest corner of lands of said Nixon; thence N 1 degree 55' 0" E, 250 feet to the point or place of beginning.

Subject to all easements, rights-of-way, and leases of record which may validly affect said premises.

(b) The center may, but shall not be required to, produce wine as a condition of such license.

(c) No person shall be disqualified from acting as a director, officer, or employee of, or purveyor to, the center by reason of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, or employee.

(d) No person shall be disqualified from being a lender or lessor to the center, or a donor, patron, contributor or sponsor from time to time of the center through contributions in cash or in kind, on terms agreed with the board of directors of the center, by reason of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, or employee. Such persons shall be entitled, regardless of their licensing status under this chapter, to obtain all the benefits generally approved by the board of directors of the center and offered

to donors of similar amounts.

(e) Notwithstanding any other provision of law to the contrary, the center is expressly authorized to:

(i) sell New York state produced wines, beers and distilled spirits for both on and off premise consumption;

(ii) offer tastings on the premises of such products and charge the general public such amounts as it deems fit for such tastings. For purposes of this section, tastings may be conducted in a common tasting area on the premises; and

(iii) provide banquet and entertainment facilities for the general public for private parties in consideration of such fees as are established by the board of directors of the center from time to time, and to sell and serve at such events wines, malt beverages and distilled spirits selected by persons hiring the facilities.

9. (a) Notwithstanding any other provision of law to the contrary, the state liquor authority shall issue a license under section sixty-one-a of this chapter to Cornell university on behalf of the New York state college of agriculture and life sciences and the New York state agricultural experiment station as defined in sections fifty-seven hundred twelve and fifty-seven hundred thirteen of the education law. Issuance of such a license shall not preclude or nullify other licenses granted to Cornell university, whether now or in the future, in all its locations in New York state in accordance with the provisions of this chapter. Issuance of such a license shall not restrict the ability of Cornell university, or the New York state college of agriculture and life sciences and the New York state agricultural experiment station to conduct research, teaching, education, extension and outreach, and economic development activities related to products that are not regulated by this chapter. For purposes of compliance with this chapter, the New York state college of agriculture and life sciences and the New York state agricultural experiment station as defined in sections fifty-seven hundred twelve and fifty-seven hundred thirteen of the education law shall be considered to be located on a farm.

(b) Cornell university, acting on behalf of the New York state college of agriculture and life sciences and the New York state agricultural experiment station may, but shall not be required to, produce wine,

beer, distilled spirits, distillates, cider, mead and other fermented products as a condition of such license.

(c) No person shall be disqualified from acting as a director, advisory council member, officer, or employee of, or purveyor to, Cornell university and the New York state college of agriculture and life sciences and the New York state agricultural experiment station by reason of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, or employee.

(d) No person shall be disqualified from being a donor, patron, contributor or sponsor from time to time of Cornell university and the New York state college of agriculture and life sciences and the New York state agricultural experiment station through contributions in cash or in kind, by reason of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, or employee.

(e) Notwithstanding any other provision of law to the contrary, Cornell university, acting through the New York state college of agriculture and life sciences and the New York state agricultural experiment station is expressly authorized to:

(i) manufacture New York state produced wines, beers, ciders, mead, distilled spirits and other fermented products for educational, workforce development and research purposes to include industrial product or non-consumable product research;

(ii) offer organoleptic tastings, on the premises, of such products only for the purposes of education, workforce development, and research and analysis. No fees may be imposed for such tastings, other than as part of the general cost of an educational course, workshop, or other instructional event;

(iii) provide educational courses, workforce development and experiential learning opportunities within the New York state college of agriculture and life sciences and the New York state agricultural experiment station and allow separately licensed entities to utilize facilities and equipment located at such places for the production of small-scale, pilot batches of wine, distilled spirits, cider, mead, beer and other fermented products not for further retail sale and for research purposes only; and

(iv) conduct product testing and technical analysis including, but not limited to, sensory analysis, of New York state and non-New York state manufactured wine, distilled spirits, cider, mead, beer, and other fermented products in accordance with an internally established fee schedule.

(f) Notwithstanding any other provision of law to the contrary, Cornell university may: (i) offer educational courses, workshops or other instructional events on wine, distilled spirits, cider, mead, beer and other fermented products through any of its colleges, schools or units, in accordance with internally established fee schedules and under appropriate licenses; and (ii) use its facilities, and provide the use of its facilities to third parties, for functions at which alcoholic beverages may be sold and served provided the university or third parties, as applicable, have obtained the appropriate permit or license from the authority.

10. (a) Notwithstanding any other provision of law to the contrary, the state liquor authority shall issue a license under section sixty-one-a of this chapter to the community college in Broome county, established pursuant to article one hundred twenty-six of the education law, in the city of Binghamton, and the Broome county culinary and events center on the premises described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the city of Binghamton, County of Broome, and State of New York, being more particularly described as follows:

Beginning at a point in the east side of Exchange Street at the south-west corner of the stone front building known as "Pope Block;" thence,

1. Southerly, along the easterly line of Exchange Street, 107.41 feet (one hundred and seven feet and five inches) to a point where the easterly line of Exchange Street intersects the north line of Congdon Place; thence,

2. Easterly, along the north line of Congdon Place, making a measured

interior angle of 93° 01' 02" with the east line of Exchange Street, a distance of 200.43 feet to a point, said point being 50 feet westerly from the west line of Myrtle Avenue; thence,

3. Northerly, along a line parallel with the west line Myrtle Avenue, making an interior angle of 88° 59' 55" with the north line of Congdon Place, a distance of 65.00 feet to a point; thence,

4. Westerly, along a line parallel with the north line of Congdon Place, making an interior angle of 91° 00' 05" with the last described line, a distance of 71.95 feet to a point; thence,

5. Northerly, along a line making an interior angle of 271° 03' 58" with the last described line a distance of 44.08 feet to a point; thence,

6. Westerly, along a line making an interior angle of 88° 09' 38" with the last described line, a distance of 133.93 feet to the Point of Beginning, said line forming a measured interior angle of 87° 45' 22" with the east line of Exchange street.

The above described parcel is shown on a map prepared by Passero Associates entitled "Boundary and Topographic Survey, Carnegie Library, 78 Exchange Street", Project No. 201410120.0003, Drawing No. TS-1, Dated April 20, 2016. Together with and subject to 8 foot wide right-of-way for ingress and egress along the easterly side of the above premises, which westerly 4 feet of said right-of-way is located on the above premises and easterly 4 feet is located on premises to the east, as recited in Liber 1992 of Deeds, page 243.

SNDA (Master Lease) - SUNY Broome 28865746v4

(b) The community college in Broome county and Broome county culinary and events center may, but shall not be required to, produce wine, beer, distilled spirits, cider and mead as a condition of such license.

(c) No person shall be disqualified from acting as a director, advisory council member, officer, or employee of, or purveyor to, the community college in Broome county and Broome county culinary and events

center by reason of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, or employee.

(d) No person shall be disqualified from being a donor, patron, contributor or sponsor from time to time of the community college in Broome county and Broome county culinary and events center through contributions in cash or in kind, by reason of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, or employee.

(e) Notwithstanding any other provision of law to the contrary, the community college in the Broome county and Broome county culinary and events center is expressly authorized to:

(i) sell New York state produced wines, beers, ciders, meads and distilled spirits for both on and off-premises consumption;

(ii) manufacture New York state produced wines, beers, ciders, meads and distilled spirits for educational, workforce development and research purposes to include industrial product or non-consumable product innovation research;

(iii) offer tastings, on the premises, of such products only for the purposes of education, workforce development, and research and analysis. For purposes of this subdivision, tastings may only be conducted on the premises of the community college in Broome county and Broome county culinary and events center described in paragraph (a) of this subdivision. No fees may be imposed for such tastings, other than as part of the general cost of an educational course, workshop, or other instructional event;

(iv) provide educational courses, workforce development and experiential learning opportunities within the community college in Broome county and Broome county culinary and events center; and

(v) provide banquet and entertainment facilities for the general public for private parties in consideration of such fees as are established by the community college in Broome county and Broome county culinary and events center from time to time, and to sell and serve at such events wines, ciders, beers, mead and distilled spirits selected by persons hiring the facilities.

(f) For purposes of compliance with this chapter, the community college in Broome county and the Broome county culinary and events

center shall be considered to be located on a farm.

§ 101-aa. Terms of sale. 1. As used in this section:

a. "Credit period" means a period beginning on the date alcoholic beverages are delivered and ending thirty days thereafter.

b. "payment period" means the period beginning on the date alcoholic beverages are delivered and ending on the thirtieth day following the date on which alcoholic beverages are delivered.

c. "Final payment date" means the last day of a payment period.

d. "Notification date" means, notwithstanding section twenty-five of the general construction law, for deliveries on:

(i) Monday, the Monday immediately following a final payment date;

(ii) Tuesday, the Tuesday immediately following the final payment date;

(iii) Wednesday, the Wednesday immediately following the final payment date;

(iv) Thursday, the Thursday immediately following the final payment date;

(v) Friday, the Friday immediately following the final payment date.

e. "Retail licensee" means a person licensed to sell liquor and/or wine at retail for on-premise consumption or for off-premise consumption (including a person holding a permit granted by the authority pursuant to subdivision six of section sixty-four of this chapter).

f. "Cash" means and includes currency and coin of the United States of America, certified check, money order, electronic funds transfer, bank officer's check or draft, or a check drawn on the account of the retail licensee payable to the manufacturer or wholesaler and dated no later than the date of delivery of the alcoholic beverages and which is honored upon presentment for payment, provided, however, that if any check or other instrument described herein tendered by a retail licensee

on the delinquent list is not honored upon presentment for payment, the license of such retail licensee may be suspended for not more than fifteen days for the first offense, and not more than sixty days for a subsequent offense, which penalty shall be in addition to the penalty provided for by the provisions of subdivision six of this section, and provided further, that nothing herein contained shall require a manufacturer or wholesaler to accept a check tendered by or drawn on the account of a retail licensee on the delinquent list unless the same has been certified.

2. No manufacturer or wholesaler licensed under this chapter shall sell or deliver any liquor or wine to any retail licensee except as provided for in this section:

(a) for cash to be paid at the time of delivery; or

(b) on terms requiring payment by such retail licensee for such alcoholic beverages on or before the final payment date of the credit period for which delivery is made.

3. Each such manufacturer and wholesaler is hereby required, on or before the respective notification dates for each retail license, to give written notice of default, by first class mail, to all such licensees therein who have failed to make payment to him or her on or before their final payment date for alcoholic beverages sold or delivered to them during a credit period ending on their final payment date. No retail licensee shall be placed in default if the wholesaler has issued an account credit to the licensee, which after application to all debts owed by the retail licensee, is equal to or greater than the amount of the default. Any such retail licensee receiving such notice shall not thereafter purchase alcoholic beverages except for cash until such time as the authority determines that his or her name shall not be published on the delinquent list as provided in subdivision four of this section, or until such time as the authority permits sales or deliveries to him or her as provided in subdivision five of this section. Each such manufacturer and wholesaler is hereby required to file with the authority, on or before each notification date, copies of the notices sent by him or her to all delinquent retail licensees as required in this subdivision, and in addition, if the authority shall so require, a

written list setting forth the names and addresses of all such delinquent licensees. The authority, in its discretion, may extend for a period not exceeding three days the date for giving written notice of default to delinquent retail licensees and extend for three days the date for filing with the authority the copies of notices sent to such licensees and/or the written list of delinquent retail licensees as required in this subdivision. The authority, in its discretion, may limit the documents to be filed to those relating to licensees who are to be added or deleted from the default list and direct that the manufacturer or wholesaler maintain copies of all other documents required under this section for future inspection by the authority. The authority shall, as soon as practicable after each notification date, compile and publish and furnish each manufacturer and wholesaler licensed under this chapter a list, to be designated the delinquent list containing the names and addresses of all retail licensees who have been reported by manufacturers and wholesalers pursuant to the provisions of this section or section one hundred one-aaa of this article as having failed to make payment as required by this section for alcoholic beverages sold or delivered to them, and no such manufacturer or wholesaler, on or after the fifth day after the receipt of such delinquent list, shall knowingly, wilfully or intentionally sell or deliver any alcoholic beverages to any such licensee whose name appears on such list, except for cash, until such time as the name of such licensee is removed therefrom, except as hereinafter permitted. The receipt of a delinquent list by a manufacturer or wholesaler shall constitute knowledge of the names of the retail licensees who have failed to make payment for alcoholic beverages as required by this section. The failure of any manufacturer or wholesaler to comply with the foregoing provisions of this section may, at the discretion of the authority, subject the license of such manufacturer or wholesaler to suspension for not more than five days for the first offense, and not more than thirty days for a subsequent offense. The authority may publish the delinquent list on its website; provided, however, that full access shall be restricted to those manufacturers and wholesalers licensed under this chapter and access to their specific status shall be provided to retailers licensed under this chapter. Such publication shall be considered receipt thereof by all manufacturers and

wholesalers.

4. In the event that any dispute shall exist between any manufacturer or wholesaler and a retail licensee to whom he shall have sold alcoholic beverages, either as to the fact of payment or as to the amount due for such alcoholic beverages or as to the quantity of the alcoholic beverages sold or delivered, which dispute cannot be adjusted between them, the authority is hereby authorized to receive statements from each of the parties to such dispute as to the facts and circumstances thereof and to determine whether or not such retail licensee's name should be published on the appropriate delinquent list.

5. The authority in the case of a retail licensee who has actually made payment for alcoholic beverages, or on good cause shown to it, may permit sales or deliveries to any retail licensee who has received notice of default or who is named on any delinquent list, on terms other than for cash, but within the limitations of this section, prior to the publication of the next appropriate delinquent list.

6. The license of any retail licensee who purchases or accepts delivery of alcoholic beverages on any terms, other than as provided in this section, may be suspended for not more than five days for the first offense and not more than thirty days for a subsequent offense. The failure of any such retail licensee to pay any amount in default before the expiration of the period of suspension shall be deemed and punishable as a subsequent offense until paid. In addition, the authority may require any such retail licensee, after default in making payment in accordance with the provisions of this section to make payment in cash for alcoholic beverages subsequently delivered.

7. a. All retail licensees who fail to pay manufacturers or wholesalers for alcoholic beverages sold or delivered to such retail licensees by such manufacturers or wholesalers subsequent to the effective date of this section, shall liquidate and pay such unpaid balances to such manufacturers or wholesalers in equal monthly installments over a period of three months from the date upon which such unpaid balances become due. The authority, shall not, however, because

of such an indebtedness or failure to pay such refuse to renew the license of any such licensee.

b. All retail licensees shall, on or before October tenth, nineteen hundred sixty-five, make payment in full to manufacturers and wholesalers of all unpaid balances for alcoholic beverages sold and delivered to such licensees during the month of September, nineteen hundred sixty-five. All retail licensees in groups two, three, four and one shall, on or before November tenth, nineteen hundred sixty-five, make payment in full to manufacturers and wholesalers of all unpaid balances for alcoholic beverages sold and delivered between October first and October seventh, fourteenth, twenty-first and thirty-first, nineteen hundred sixty-five, respectively. The authority may impose any penalty or condition otherwise authorized by this section in the case of any such retail licensee who fails or refuses to liquidate and pay unpaid balance becoming due under this subdivision.

8. Nothing herein contained shall be construed to require any manufacturer or wholesaler to extend credit to any retail licensee nor to restrain any manufacturer or wholesaler from seeking to enforce by legal action or otherwise, payment of any sum or sums of money due or alleged to be due to any such manufacturer or wholesaler for alcoholic beverages sold or delivered to any such retail licensee.

9. The state liquor authority is hereby authorized to do such acts, prescribe such forms and make such rules, regulations and orders as it may deem necessary or proper fully to effectuate the provisions of this section, including but not limited to the changing of any date on which any act or function pursuant to this section is to be performed by any licensee or by the liquor authority.

10. For the purpose of raising the moneys necessary to defray the expenses incurred in the administration of this section, on or before the tenth day after this section becomes a law, there shall be paid to the liquor authority by each manufacturer and wholesaler licensed under this chapter to sell to retailers liquor and/or wines or beer, a sum equivalent to ten per centum of the annual license fee prescribed by

this chapter for each such licensee. A like sum shall be paid by each person hereafter applying for any such license or the renewal of any such license, and such sum shall accompany the application and the license fee prescribed by this chapter for such license or renewal, as the case may be.

§ 101-aaa. Terms of sale; beer or wine products. 1. As used in this section:

a. "Credit period" means the following:

(1) A period beginning on Thursday, January first, two thousand four and ending on Sunday, January eighteenth, two thousand four; and

(2) A period beginning on the first Monday succeeding the concluding day of each prior period and ending on the second succeeding Sunday thereafter.

b. "Payment period" means the period ending on the twelfth day immediately following the last day of any credit period.

c. "Final payment date" means the last day of a payment period.

d. "Delinquent notice date" means the third business day immediately following a final payment date.

e. "Notification date" means the day immediately following a delinquent notice date.

f. "Retail licensee" means a person licensed pursuant to this chapter who purchases beer and/or wine products for resale for on or off premises consumption, except a person licensed to sell liquor and/or wine for off premises consumption.

g. "Cash" means and includes currency and coin of the United States of America, certified check, money order, electronic funds transfer, bank officer's check or draft, or a check drawn on the account of the retail licensee payable to the manufacturer or wholesaler and dated no later

than the date of delivery of the alcoholic beverages and which is honored upon presentment for payment; provided, however, that if any check or other instrument described in this paragraph tendered by a retail licensee on the delinquent list is not honored upon presentment for payment, the license of such retail licensee may be suspended for not more than fifteen days for the first offense, and not more than sixty days for a subsequent offense, which penalty shall be in addition to the penalty provided for by the provisions of subdivision six of this section, and provided further, that nothing in this section shall require a manufacturer or wholesaler to accept a check tendered by or drawn on the account of a retail licensee on the delinquent list unless the same has been certified.

h. "Business payment card" means: (1) any credit card issued to a retail licensee for business or commercial use pursuant to an agreement that allows the holder thereof to obtain goods and services on the credit of the issuer or a debit card that provides access to a bank account of a retail licensee; (2) a credit or debit card from an issuer accepted by the manufacturer or wholesaler as permitted by the authority in regulation; and (3) such credit card shall not include cards in which a manufacturer or wholesaler has a financial interest or cards by which their use benefits a manufacturer or wholesaler. Such card must be issued in the same name as a retail licensee and registered to the same address as the address on the retail license, or as otherwise permitted by the authority in regulation.

i. "Final cash invoice amount" means the amount charged by a manufacturer or wholesaler to a retail licensee pursuant to paragraphs (a) and (b) of subdivision two of this section.

j. "Final business payment card invoice amount" means the amount charged by a manufacturer or wholesaler to a retail licensee pursuant to paragraph (c) of subdivision two of this section; and shall equal the final cash invoice amount plus three percent of the final cash invoice amount. The three percent represents the surcharges and fees that are charged to the manufacturer or wholesaler by the business payment card issuer or a person or entity associated with the issuer.

2. No manufacturer or wholesaler licensed under this chapter shall sell or deliver any beer, mead, cider or wine products to any retail licensee except as provided for in this section:

(a) for cash to be paid at the time of delivery;

(b) on terms requiring payment by such retail licensee for such beer, mead, cider, or wine products on or before the final payment date of any credit period within which delivery is made; or

(c) by business payment card; provided that a manufacturer or wholesaler that exercises reasonable diligence to ensure the sale comports with the requirements of this section shall not be found to have violated this subdivision where a retail licensee uses a credit card other than a business payment card.

Provided, however, that the sale of wine products, mead, or cider to a retail licensee by a wholesaler licensed under section fifty-eight, sixty-two, or seventy-eight of this chapter, or a licensed manufacturer of liquor, mead or wine or a cider producer's license, shall be governed by the provisions of section one hundred-one-aa of this article.

2-a. A manufacturer or wholesaler that accepts business payment cards shall clearly state the final cash invoice amount and the final business payment card invoice amount on an invoice provided to a retail licensee. Nothing in this section shall preclude, or permit a manufacturer or wholesaler to prevent, a retail licensee that receives such an invoice from electing to use any other form of payment method permitted pursuant to subdivision two of this section following receipt of such invoice.

2-b. Nothing herein contained shall be construed to require any manufacturer or wholesaler to accept business payment cards as a method of payment by any retail licensee, provided that if such payment method is made available it shall be available on equal terms to all retail licensees.

3. Each such manufacturer and wholesaler shall, on or before the respective delinquent notice date, give written notice of default, by first class mail, to all such licensees who have failed to make payment

to the manufacturer or wholesaler on or before their final payment date for beer or wine products sold or delivered to such licensees during the previous credit period. Any such retail licensee receiving such notice shall not thereafter purchase beer or wine products except for cash until such time as the authority determines that its name shall not be published on the delinquent list as provided in this subdivision, or until such time as the authority permits sales or deliveries to such licensee as provided in subdivision five of this section. Each such manufacturer and wholesaler shall file with the authority, on or before each notification date, copies of the notices sent by it to all delinquent retail licensees, and in addition, if the authority shall so require, a written list setting forth the names and addresses of all such delinquent licensees. The authority, in its discretion, may extend for a period not exceeding three days the date for giving written notice of default to delinquent retail licensees and extend for three days the date for filing with the authority the copies of notices sent to such licensees and/or the written list of delinquent retail licensees. The authority shall, as soon as practicable after each notification date, compile, publish, and furnish each manufacturer and wholesaler licensed under this chapter a delinquent list containing the names and addresses of all retail licensees who have been reported by manufacturers and wholesalers pursuant to the provisions of this section or section one hundred one-aa of this article as having failed to make payment as required by this section or section one hundred one-aa of this article for beer or wine products sold or delivered to them, and no such manufacturer or wholesaler, on or after the fifth day after the receipt of such delinquent list, shall knowingly, wilfully or intentionally sell or deliver any beer or wine products to any such licensee whose name appears on such list, except for cash, until such time as the name of such licensee is removed therefrom, except as otherwise permitted by this section. The receipt of a delinquent list by a manufacturer or wholesaler shall constitute knowledge of the names of the retail licensees who have failed to make payment for beer or wine products as required by this section. The failure of any manufacturer or wholesaler to comply with the provisions of this section may, at the discretion of the authority, subject the license of such manufacturer or wholesaler to suspension for not more than five days for the first offense, and not

more than thirty days for a subsequent offense. The authority may publish the delinquent list on its website; provided, however, that access shall be restricted to those manufacturers and wholesalers licensed under this chapter. Such publication shall be considered receipt thereof by all manufacturers and wholesalers.

4. In the event that any dispute shall exist between any manufacturer or wholesaler and a retail licensee to whom such manufacturer or wholesaler shall have sold beer or wine products, either as to the fact of payment or as to the amount due for such beer or wine products or as to the quantity of the beer or wine products sold or delivered, which dispute cannot be adjusted between them, the authority is authorized to receive statements from each of the parties to such dispute as to the facts and circumstances thereof and to determine whether or not such retail licensee's name should be published on the delinquent list.

5. The authority in the case of a retail licensee who has actually made payment for beer or wine products, or on good cause shown to it, may permit sales or deliveries to any retail licensee who has received notice of default or who is named on any delinquent list, on terms other than for cash, but within the limitations of this section, prior to the publication of the next delinquent list.

6. The license of any retail licensee who purchases or accepts delivery of beer or wine products on any terms, other than as provided in this section, may be suspended for not more than five days for the first offense and not more than thirty days for a subsequent offense. The failure of any such retail licensee to pay any amount in default before the expiration of the period of suspension shall be deemed and punishable as a subsequent offense until paid. In addition, the authority may require any such retail licensee, after default in making payment in accordance with the provisions of this section to make payment in cash for beer or wine products subsequently delivered.

7. Nothing contained in this section shall be construed to require any manufacturer or wholesaler to extend credit to any retail licensee nor to restrain any manufacturer or wholesaler from seeking to enforce by

legal action or otherwise, payment of any sum or sums of money due or alleged to be due to any such manufacturer or wholesaler for beer or wine products sold or delivered to any such retail licensee.

8. There shall be paid to the liquor authority by each person applying after the effective date of this section for any license to sell beer or wine products to retailers or upon the renewal of such license, a sum equivalent to ten per centum of the annual license fee prescribed by this chapter for each such licensee. Such moneys shall be used by the authority to defray the expenses incurred in the administration of this section.

9. Notwithstanding the law in effect at the time of the sale, the final payment date for beer and/or wine products sold prior to the effective date of this section for which payment has not been made shall be the first final payment date as determined by the provisions of this section.

§ 101-b. Unlawful discriminations prohibited; filing of schedules; schedule listing fund. 1. It is the declared policy of the state that it is necessary to regulate and control the manufacture, sale, and distribution within the state of alcoholic beverages for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to the law. In order to eliminate the undue stimulation of sales of alcoholic beverages and the practice of manufacturers and wholesalers in granting discounts, rebates, allowances, free goods, and other inducements to selected licensees, which contribute to a disorderly distribution of alcoholic beverages, and which are detrimental to the proper regulation of the liquor industry and contrary to the interests of temperance, it is hereby further declared as the policy of the state that the sale of alcoholic beverages should be subjected to certain restrictions, prohibitions and regulations. The necessity for the enactment of the provisions of this section is, therefore, declared as a matter of legislative determination.

2. It shall be unlawful for any person who sells liquors or wines to

wholesalers or retailers

(a) to discriminate, directly or indirectly, in price, in discounts for time of payment or in discounts on quantity of merchandise sold, between one wholesaler and another wholesaler, or between one retailer and another retailer purchasing liquor or wine bearing the same brand or trade name and of like age and quality; (b) to grant, directly or indirectly, any discount, rebate, free goods, allowance or other inducement of any kind whatsoever, except a discount or discounts for quantity of liquor or for quantity of wine and a discount not in excess of one per centum for payment on or before ten days from date of shipment.

3. (a) No brand of liquor or wine shall be sold to or purchased by a wholesaler, irrespective of the place of sale or delivery, unless a schedule, as provided by this section, is transmitted to and received by the liquor authority, and is then in effect. Such schedule shall be transmitted to the authority in such form, manner, medium and format as the authority may direct; shall be deemed duly verified by the person submitting such schedule upon its transmission to the authority; and shall contain, with respect to each item, the exact brand or trade name, capacity of package, nature of contents, age and proof where stated on the label, the number of bottles contained in each case, the bottle and case price to wholesalers, the net bottle and case price paid by the seller, which prices, in each instance, shall be individual for each item and not in "combination" with any other item, the discounts for quantity, if any, and the discounts for time of payment, if any. Such brand of liquor or wine shall not be sold to wholesalers except at the price and discounts then in effect unless prior written permission of the authority is granted for good cause shown and for reasons not inconsistent with the purpose of this chapter. Such schedule shall be transmitted by (1) the owner of such brand, or (2) a wholesaler selling such brand and who is designated as agent for the purpose of filing such schedule if the owner of the brand is not licensed by the authority, or (3) with the approval of the authority, by a wholesaler, in the event that the owner of the brand is unable to transmit a schedule or designate an agent for such purpose.

(b) No brand of liquor or wine shall be sold to or purchased by a

retailer unless a schedule, as provided by this section, is transmitted to and received by the liquor authority, and is then in effect. Such schedule shall be transmitted to the authority in such form, manner, medium and format as the authority may direct; shall be deemed duly verified by the person submitting such schedule upon its transmission to the authority; and shall contain, with respect to each item, the exact brand or trade name, capacity of package, nature of contents, age and proof where stated on the label, the number of bottles contained in each case, the bottle and case price to retailers, the net bottle and case price paid by the seller, which prices, in each instance, shall be individual for each item and not in "combination" with any other item, the discounts for quantity, if any, and the discounts for time of payment, if any. Such brand of liquor or wine shall not be sold to retailers except at the price and discounts then in effect unless prior written permission of the authority is granted for good cause shown and for reasons not inconsistent with the purpose of this chapter. Such schedule shall be transmitted by each manufacturer selling such brand to retailers and by each wholesaler selling such brand to retailers.

(c) Provided however, nothing contained in this section shall require any manufacturer or wholesaler to list in any schedule to be filed pursuant to this section any item offered for sale to a retailer under a brand which is owned exclusively by one retailer and sold at retail within the state exclusively by such retailer.

(d) The authority may make available the schedules in paragraphs (a) and (b) of this subdivision to all licensed wholesaler or retail establishments by way of controlled internet access.

(e) As used in this subdivision the term "item" shall be deemed to include a sealed, pre-wrapped package consisting of a sealed container or containers of liquor, wine or wine products and other merchandise reasonably used in connection with the preparation, storage, promotion, gifting, or service of liquor, wine or wine products provided that such other merchandise shall not be potable or edible; provided however that any such wine, liquor or wine products sealed or pre-wrapped in combination with other items shall also be available individually for sale. For the purposes of this section, gift and promotional items shall only include those items that are complementary and directly associated with the sale of wine or liquor they are gifting or promoting and shall

mean: (1) items that are de minimis in value, but in no instance shall merchandise be valued at more than fifteen dollars in total; (2) items that are imprinted with the wine or liquor brand logo on the gift or promotional item; and (3) items that are included as part of a manufactured pre-sealed package with the wine or liquor that is being gifted or promoted. Further, for the purposes of this section, gift or promotional items shall not include any food, non-alcoholic beverage, or other drink or food mix, nor shall these items be offered for sale to the general public as individual items.

4. Each such schedule required by paragraph (a) of subdivision three of this section shall be filed on or before the twenty-fifth day of each month and the prices and discounts set forth therein shall become effective on the first day of the second succeeding calendar month and shall be in effect for such second succeeding calendar month. Each such schedule required by paragraph (b) of subdivision three of this section shall be filed on or before the fifth day of each month, and the prices and discounts set forth therein shall become effective on the first day of the calendar month following the filing thereof, and shall be in effect for such calendar month. Within ten days after the filing of such schedule the authority shall make them or a composite thereof available for inspection by licensees. Within three business days after such inspection is provided for, a wholesaler may amend his filed schedule for sales to retailers in order to meet lower competing prices and discounts for liquor or wine of the same brand or trade name, and of like age and quality, filed pursuant to this section by any licensee selling such brand, provided such amended prices are not lower and discounts are not greater than those to be met. Any amended schedule so filed shall become effective on the first day of the calendar month following the filing thereof and shall be in effect for such calendar month. All schedules filed shall be subject to public inspection, from the time that they are required to be made available for inspection by licensees, and shall not be considered confidential. Each manufacturer and wholesaler shall retain in his licensed premises for inspection by licensees a copy of his filed schedules as then in effect. The liquor authority may make such rules as shall be appropriate to carry out the purpose of this section.

4-a. No licensee shall refuse to sell any brand of liquor or wine to any licensee authorized to purchase such brand of liquor or wine from such licensee at the price listed in the schedule of prices of such brand of liquor or wine required to be filed by such licensee with the authority pursuant to this section, provided the purchaser pays cash therefor, and except as herein provided.

(a) A schedule of prices to wholesalers filed by the brand owner or its agent with the authority, pursuant to this section, may limit the distribution or resale of a brand to wholesalers by the filing by the brand owner or its agent with the authority of the names, addresses and license numbers of such wholesalers. Such list shall be filed each month together with the schedule of prices, and no name shall be added thereto or removed therefrom after filing except with permission of the authority.

(b) Only those wholesalers listed, pursuant to paragraph (a) of this subdivision, may schedule the price to retailers for such brand, except that when not inconsistent with the purpose of this section, the authority may authorize any other wholesaler to schedule a price after furnishing the quantity, source of purchase and any other information the authority may require.

(c) When distribution or resale of a brand has been restricted, pursuant to paragraph (a) of this subdivision, such brand shall not be sold or purchased by any wholesalers who are not listed in accordance with paragraph (a) of this subdivision.

(d) For good cause shown to the satisfaction of the authority, permission may be granted for the filing of schedules limiting the distribution or resale of a brand to retailers.

(e) Manufacturers and wholesalers may not require or compel retailers to purchase other brands in order to be able to buy a particular brand.

(f) Nothing contained in this subdivision shall be construed as authority for permitting any conduct or activity by any brand owner or its agent or any wholesaler of liquor or wine proscribed by the antitrust laws of this state or the United States.

(g) If any provision of any paragraph of this subdivision or any subdivision of this section or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent

jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of this subdivision or any subdivision of this section or the application of any part thereof to any other person or circumstance and to this end the provisions of each paragraph of this subdivision and each subdivision of this section are hereby declared to be severable.

5. (a) (i) Notwithstanding any other provision of law, each such schedule required by paragraph (a) of subdivision three of this section which is filed by a micro-winery, winery, or farm winery, or a class A, A-1, B, B-1, C, or D distiller shall be filed annually on or before the twenty-fifth day of November. The prices and discounts set forth therein shall become effective on the first day of the second succeeding calendar month and shall remain in effect for such twelve succeeding calendar months, unless a price change filing is made pursuant to subparagraph (ii) of this paragraph.

(ii) A micro-winery, winery, or farm winery, or a class A, A-1, B, B-1, C, or D distiller licensee may file a price schedule change at any time between the required annual filings. Each such price schedule change shall be filed on or before the twenty-fifth day of each month for a change in prices to become effective on the first day of the second succeeding calendar month and shall remain in effect until the effective date of the next filing.

(b) (i) Notwithstanding any other provision of law, each such schedule required by paragraph (b) of subdivision three of this section which is filed by a micro-winery, winery, or farm winery licensee, or a class A, A-1, B, B-1, C, or D distiller shall be filed annually on or before the fifth day of December. The prices and discounts set forth therein shall become effective on the first day of the calendar month following the filing thereof, and shall remain in effect for such twelve succeeding calendar months, unless a price change filing is made pursuant to subparagraph (ii) of this paragraph.

(ii) A micro-winery, winery, or farm winery, or a class A, A-1, B, B-1, C, or D distiller licensee may file a price schedule change at any time between the required annual filings. Each such price schedule change shall be filed on or before the fifth day of each month for a

change in prices to become effective on the first day of the calendar month following the filing thereof and shall remain in effect until the effective date of the next filing.

(c) Within ten days after the filing of such schedules the authority shall make them or a composite thereof available for inspection by licensees. Within three business days after such inspection is provided for, a wholesaler may amend his filed schedule for sales to retailers in order to meet lower competing prices and discounts for wine of the same brand or trade name, and of like age and quality, filed pursuant to this section by any licensee selling such brand, provided such amended prices are not lower and discounts are not greater than those to be met. Any amended schedule so filed shall become effective on the first day of the calendar month following the filing thereof and shall be in effect until the effective date of the next filing.

(d) All schedules filed shall be subject to public inspection, from the time that they are required to be made available for inspection by licensees, and shall not be considered confidential. Each manufacturer and wholesaler shall retain in his licensed premises for inspection by licensees a copy of his filed schedules as then in effect. The liquor authority may make such rules as shall be appropriate to carry out the purpose of this subdivision.

6. For the purpose of raising the moneys necessary to defray the expenses incurred in the administration of this section, on or before the tenth day after this act becomes a law, there shall be paid to the liquor authority by each manufacturer and wholesaler licensed under this chapter to sell to retailers liquors and/or wines, a sum equivalent to fifteen per centum of the annual license fee prescribed by this chapter for each such licensee. A like sum shall be paid by each person hereafter applying for any such license or the renewal of any such license, and such sum shall accompany the application and the license fee prescribed by this chapter for such license or renewal as the case may be. In the event that any other law requires the payment of a fee by any such licensee or applicant as set forth in this section for schedule listing, then and in such event the total fee imposed by this section and such other law or laws on each such licensee shall not exceed in the aggregate a sum equivalent to fifteen per centum of the annual license

fee prescribed by this chapter for such license.

7. The authority may revoke, cancel or suspend any license issued pursuant to this chapter, and may recover (as provided in section one hundred twelve of this chapter) the penal sum of the bond filed by a licensee, or both, for any sale or purchase in violation of any of the provisions of this section or for making a false statement in any schedule filed pursuant to this section or for failing or refusing in any manner to comply with any of the provisions of this section.

§ 102. General prohibitions and restrictions. 1. (a) Except as provided in section seventy-nine-c of this chapter, no alcoholic beverages shall be shipped into the state unless the same shall be consigned to a person duly licensed hereunder to traffic in alcoholic beverages. This prohibition shall apply to all shipments of alcoholic beverages into New York state and includes importation or distribution for commercial purposes, for personal use, or otherwise, and irrespective of whether such alcoholic beverages were purchased within or without the state, provided, however, this prohibition shall not apply to any shipment consigned to a New York resident who has personally purchased alcoholic beverages for his personal use while outside the United States for a minimum period of forty-eight consecutive hours and which he has shipped as consignor to himself as consignee. Purchases made outside the United States by persons other than the purchaser himself, regardless whether made as his agent, or by his authorization or on his behalf, are deemed not to have been personally purchased within the meaning of this paragraph.

(b) Except as provided in section seventy-nine-c of this chapter, no common carrier or other person shall bring or carry into the state any alcoholic beverages, unless the same shall be consigned to a person duly licensed hereunder to traffic in alcoholic beverages, provided, however, that alcoholic beverages may be delivered by a trucking permittee from a steamship or railroad station or terminal to a New York resident who has personally purchased alcoholic beverages for his personal use while outside the United States for a minimum period of forty-eight consecutive hours, and which he has shipped as consignor to himself as

consignee, and except as so stated, no trucking permittee shall accept for delivery, deliver or transport from a steamship or railroad station or terminal any shipment of alcoholic beverages consigned to a non-licensed person having his home or business in New York state. Purchases of alcoholic beverages made outside the United States by persons other than the purchaser himself, regardless whether made as his agent, or by his authorization or on his behalf, are deemed not to have been personally purchased within the meaning of this paragraph.

(c) Paragraphs (a) and (b) of this subdivision shall apply to alcoholic beverages, either in the original package or otherwise, whether intended for commercial or personal use, as well as otherwise, and to foreign, interstate, as well as intrastate, shipments or carriage, irrespective of whether such alcoholic beverages were purchased within or without the state.

(d) Nothing in this chapter shall be deemed to exempt from taxation the sale or use of any alcoholic beverages subject to any tax imposed under or pursuant to the authority of the tax law or to grant any other exemption from the provisions of such law.

2. No person holding any license hereunder, other than a license to sell an alcoholic beverage at retail for off-premises consumption or a license or special license to sell an alcoholic beverage at retail for consumption on the premises where such license authorizes the sale of liquor, beer and/or wine on the premises of a catering establishment, off-premises catering establishment, hotel, restaurant, club, or recreational facility, shall knowingly employ in connection with his business in any capacity whatsoever, any person, who has been convicted of a felony, or any of the following offenses, who has not subsequent to such conviction received an executive pardon therefor removing any civil disabilities incurred thereby, a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law, or other relief from disabilities provided by law, or the written approval of the state liquor authority permitting such employment, to wit:

(a) Illegally using, carrying or possessing a pistol or other dangerous weapon;

(b) Making or possessing burglar's instruments;

- (c) Buying or receiving or criminally possessing stolen property;
- (d) Unlawful entry of a building;
- (e) Aiding escape from prison;
- (f) Unlawfully possessing or distributing habit forming narcotic drugs;
- (g) Violating subdivisions six, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25 or 165.30 of the penal law;
- (h) Vagrancy or prostitution; or
- (i) Ownership, operation, possession, custody or control of a still subsequent to July first, nineteen hundred fifty-four.

If, as hereinabove provided, the state liquor authority issues its written approval for the employment by a licensee, in a specified capacity, of a person previously convicted of a felony or any of the offenses above enumerated, such person, may, unless he is subsequently convicted of a felony or any of such offenses, thereafter be employed in the same capacity by any other licensee without the further written approval of the authority unless the prior approval given by the authority is terminated.

The liquor authority may make such rules as it deems necessary to carry out the purpose and intent of this subdivision.

As used in this subdivision, "recreational facility" shall mean: (i) premises that are part of a facility the principal business of which shall be the providing of recreation in the form of golf, tennis, swimming, skiing or boating; and (ii) premises in which the principal business shall be the operation of a theatre, concert hall, opera house, bowling establishment, excursion and sightseeing vessel, or accommodation of athletic events, sporting events, expositions and other similar events or occasions requiring the accommodation of large gatherings of persons.

3-a. No licensee or permittee shall purchase or agree to purchase any alcoholic beverages from any person within the state who is not duly

licensed to sell such alcoholic beverage as the case may be, at the time of such agreement and sale nor give any order for any alcoholic beverage to any individual who is not the holder of a solicitor's permit, except as provided for in section eighty-five or ninety-nine-g of this chapter.

3-b. No retail licensee shall purchase, agree to purchase or receive any alcoholic beverage except from a person duly licensed within the state by the liquor authority to sell such alcoholic beverage at the time of such agreement and sale to such retail licensee, except as provided for in section eighty-five or ninety-nine-g of this chapter.

4. No licensee or any of his or its agents, servants or employees shall peddle any liquor and/or wine from house to house by means of a truck or otherwise, where the sale is consummated and delivery made concurrently at the residence or place of business of a consumer. This subdivision shall not prohibit the delivery by a licensee to consumers, pursuant to sales made at the place of business of said licensee.

5. No licensee shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any liquor and/or wine at the residence or place of business of such consumer, nor shall any licensee receive or accept any order, for the sale of any liquor and/or wine, which shall be solicited at the residence or place of business of a consumer. This subdivision shall not prohibit the solicitation by a wholesaler of an order from any licensee at the licensed premises of such licensee.

6. No alcoholic beverage shall be released for delivery from any warehouse located within the state, except upon a permit having first been obtained as provided by this chapter. Applications for such permits may be filed at the office of the liquor authority in New York, Albany or Buffalo, whichever is nearest to the location of the warehouse, and shall be upon a form to be prepared by the liquor authority. This provision shall not apply to alcoholic beverages, which are to be released for shipment outside of the state.

7. Each person owning or operating any warehouse located within the

state shall keep and maintain as part of his permanent records, treasury department forms fifty-two and fifty-two-a as heretofore required by the United States government.

8. No alcoholic beverage retail licensee shall sell cannabis, as defined in section three of the cannabis law, nor have or possess a license or permit to sell cannabis, on the same premises where alcoholic beverages are sold.

§ 103. Provisions governing manufacturers. 1. No manufacturer shall sell, or agree to sell or deliver in the state any liquors and/or wines, as the case may be, in any cask, barrel, keg, hogshead or other container, except in sealed containers containing quantities in accordance with federal size standards adopted pursuant to the federal alcohol administration act, as amended (27 U.S.C. 201 et. seq.); and provided further, that (a) Class A distillers may sell or deliver liquor in bulk to the holder of a Class A or B distiller's license or to a permittee engaged in the manufacture of products which are unfit for beverage use; (b) Class C distillers may sell or deliver fruit brandy in bulk to the holder of a winery license, a holder of a Class B distiller's license or to a permittee engaged in the manufacture of products which are unfit for beverage use; and (c) a winery licensee may sell or deliver wine in bulk to a holder of a winery license, the holder of a distiller's license of any class, or to a permittee engaged in the manufacture of products which are unfit for beverage use. Such containers shall have affixed thereto such labels as may be required by the rules of the liquor authority, together with all necessary federal revenue and New York state excise tax stamps, as required by law.

2. No manufacturer shall transport alcoholic beverages in any vehicle owned and operated or hired and operated by such manufacturer, unless there shall be attached to or inscribed upon both sides of such vehicle a sign, showing the name and address of the licensee, together with the following inscription: "New York State Distiller (or Brewer or Winery) License No. . .," in uniform letters not less than three and one-half inches in height. In lieu of such sign a manufacturer may have in the

cab of such vehicle a photostatic copy of its current license issued by the authority, and such copy duly authenticated by the authority.

3. No manufacturer shall deliver any alcoholic beverages, except in vehicles owned and operated by such manufacturer, or hired and operated by such manufacturer from a trucking or transportation company registered with the liquor authority, and shall only make deliveries at the licensed premises of the purchaser.

7. Each manufacturer shall keep and maintain upon the licensed premises, adequate books and records of all transactions involving the manufacture and sale of his or its products, which shall show the ingredients but not the formula or recipe used in the manufacture of such alcoholic beverages together with the quantity of alcoholic beverages manufactured by such manufacturer; the names, addresses, and the license numbers of the purchasers of such alcoholic beverages, together with the quantities involved in such purchases, whether the same shall be sold within or without the state. Each sale shall be recorded separately on a numbered invoice, which shall have printed thereon the number, the name of the licensee, the address of the licensed premises, and the current license number. Such manufacturer shall deliver to the purchaser a true duplicate invoice stating the name and address of the purchaser, the quantity of alcoholic beverages, description by brands and the price of such alcoholic beverages, and a true, accurate and complete statement of the terms and conditions on which such sale is made. Any terms and conditions of a sale not stated on said invoice shall constitute a service within the meaning of paragraph (c) of subdivision one of section one hundred one of this article. Such books, records and invoices shall be kept for a period of two years and shall be available for inspection by any authorized representative of the liquor authority. Provided, however, that any books and records required by this chapter to be maintained by a winery, farm winery, special winery, special farm winery or microwinery must be kept either upon the licensed premises or such other location as may be approved by the authority.

8. No manufacturer shall furnish or cause to be furnished to any

licensee, any exterior or interior sign, printed, painted, electric or otherwise, except as authorized by the liquor authority.

9. Nothing contained in this chapter shall prohibit a brewer from manufacturing, bottling or storing non-alcoholic carbonated beverages on the licensed premises provided such business was conducted by the licensee prior to July first, nineteen hundred thirty-nine.

10. Nothing shall prohibit a licensed manufacturer, in accordance with their license, from entering into a contract with a brand owner's licensee pursuant to section sixty-one-c of this chapter.

§ 104. Provisions governing wholesalers. 1. (a) No wholesaler shall be engaged in any other business on the premises to be licensed; except that nothing contained in this chapter shall: (1) prohibit a beer wholesaler from (i) acquiring, storing or selling non-alcoholic snack foods, as defined in paragraph (b) of this subdivision, (ii) manufacturing, bottling, storing, or selling non-alcoholic carbonated beverages, (iii) manufacturing, storing or selling non-alcoholic non-carbonated soft drinks, mineral waters, spring waters, drinking water, non-taxable malt or cereal beverages, juice drinks, fruit or vegetable juices, ice, liquid beverage mixes and dry or frozen beverage mixes, (iv) acquiring, storing or selling wine products, (v) the sale of promotional items on such premises, or (vi) the sale of tobacco products at retail by wholesalers who are licensed to sell beer and other products at retail; (2) prohibit a wholesaler authorized to sell wine from manufacturing, acquiring or selling wine merchandise, as defined in paragraph (d) of this subdivision; (3) prohibit a licensed winery or licensed farm winery from engaging in the business of a wine wholesaler for New York state labeled wines produced by any licensed winery or licensed farm winery or prohibit such wine wholesaler from exercising any of its rights pursuant to sections seventy-six and seventy-six-a of this chapter provided that the operation of such beer and wine wholesalers business shall be subject to such rules and regulations as the liquor authority may prescribe; (4) prohibit a beer wholesaler who is authorized to sell beer at retail from selling at retail: (i) candy,

chewing gum and cough drops; (ii) non-refrigerated salsa; (iii) cigarette lighters, lighter fluid, matches and ashtrays; (iv) barbecue and picnic-related products and supplies, which shall include, but not be limited to, charcoal, grills, propane gas, plastic and paper cups, paper or plastic tablecloths and coolers; (v) beer making and brewing supplies and publications, which shall include, but not be limited to, books, magazines, equipment and ingredients; (vi) steins, mugs and other glassware appropriate for the consumption of beer, malt beverages and wine products; (vii) items typically used to serve beer and malt beverages including, but not limited to, taps, kegerators, koozies and beer socks; (viii) lemons, limes and oranges, provided that no more than two dozen of each shall be displayed at any one time; (ix) rock salt, ice and snow melting compounds, snow shovels; windshield washer solvent; firewood; beach umbrellas; sunglasses and sun block; and (x) prepaid telephone cards; (5) prohibit the installation and operation of a single automated teller machine in the premises of a beer wholesaler who is authorized to sell beer at retail; or (6) prohibit a liquor or a wine wholesaler from transporting or selling gifts or promotional items associated with wine or liquor products as provided for in subdivision four of section sixty-three of this chapter. For the purposes of this subdivision, "automated teller machine" means a device which is linked to the accounts and records of a banking institution and which enables consumers to carry out banking transactions, including but not limited to, account transfers, deposits, cash withdrawals, balance inquiries and loan payments.

(b) "Non-alcoholic snack foods" as used in paragraph (a) of this subdivision shall include ready to eat finger foods ordinarily intended to be served cold or at room temperature, such as nut and seed meats, cooked pork rinds, pretzels, popped corn and a variety of other similar finger foods which are prepared from high-starch and/or cellulosic edible materials.

(c) "Promotional items" are items which bear advertising information, are of nominal value, are obtained by a licensee through a supplier of alcoholic beverages and are designated and designed for unconditional sale or distribution to the public. The sale or distribution of promotional items shall be incidental to the licensee's sale of alcoholic beverages. All promotional items shall be properly invoiced.

(d) "Wine merchandise" as used in paragraph (a) of this subdivision shall include corkscrews, ice, the sale of publications, including prerecorded video and/or audio cassette tapes, designed to help educate consumers in their knowledge and appreciation of wine and wine products, as defined in section three of this chapter, or the sale of glasses designed for the consumption of wine, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked.

2. No wholesaler shall sell, or agree to sell or deliver in the state any liquors and/or wines, as the case may be, in any cask, barrel, keg, hogshead or other container, except in a sealed package containing quantities in accordance with federal size standards adopted pursuant to the federal alcohol administration act, as amended (27 U.S.C. 201 et. seq.); provided, however, that wholesalers may store, warehouse or keep off the licensed premises any liquors and/or wines in bulk for sale to a rectifier or to a permittee engaged in the manufacture of products which are unfit for beverage use. Such containers shall have affixed thereto such labels as may be required by the rules of the liquor authority, together with all necessary federal revenue and New York state excise tax stamps, as required by law.

3. Each wholesaler shall have painted on the front window of the licensed premises, or if there be no window, on a sign affixed to the front of the building containing said licensed premises, the name of the licensee together with the inscription, "New York State wholesale beer, liquor or wine license number _____"; as the case may be, in uniform letters not less than three and one-half inches in height.

5. No wholesaler shall transport alcoholic beverages in any vehicle owned and operated or hired and operated by such wholesaler, unless there shall be attached to or inscribed upon both sides of such vehicle a sign, showing the name and address of the licensee, together with the following inscription: "New York State wholesale beer, liquor or wine license number , " as the case may be, in uniform letters not less than three and one-half inches in height. In lieu of such sign, a wholesaler may have in the cab of such vehicle a

photostatic copy of its current license issued by the authority, and such copy duly authenticated by the authority.

6. No wholesaler shall deliver any alcoholic beverages, except in vehicles owned and operated by such wholesaler, or hired and operated by such wholesaler from a trucking or transportation company registered with the liquor authority, and shall only make deliveries at the licensed premises of the purchaser.

10. Each wholesaler shall keep and maintain upon the licensed premises, adequate books and records of all transactions involving the business transacted by such wholesaler, which shall show the amount of alcoholic beverages in gallons, purchased by such wholesaler together with the names, license numbers and places of business of the persons from whom the same was purchased and the amount involved in such purchases, as well as the amount of alcoholic beverages, in gallons, sold by such wholesaler together with the names, addresses, and license numbers of such purchasers whether the same shall be purchased or sold within or without the state. Each sale shall be recorded separately on a numbered invoice, which shall have printed thereon the number, the name of the licensee, the address of the licensed premises, and the current license number. Such wholesaler shall deliver to the purchaser a true duplicate invoice stating the name and address of the purchaser, the quantity of alcoholic beverages, description by brands and the price of such alcoholic beverages, and a true, accurate and complete statement of the terms and conditions on which such sale is made. Any terms and conditions of a sale not stated on said invoice shall constitute a service within the meaning of section one hundred and one, subdivision one (c) of this chapter. Such books, records and invoices shall be kept for a period of two years and shall be available for inspection by any authorized representative of the liquor authority.

11. No wholesaler shall furnish or cause to be furnished to any licensee, any exterior or interior sign, printed, painted, electric or otherwise, unless authorized by the liquor authority.

12. (a) Notwithstanding any provision of law to the contrary, no

wholesaler shall assess any fee for attorney fees and costs, and breakage fees upon any New York state licensed retailer.

(b) No wholesaler shall assess any split-case fees or any other fees upon any New York state licensed retailer if such fee does not comply with the rules and regulations promulgated by the authority.

(c) The state liquor authority shall have the authority to promulgate rules and regulations on the assessment of split case fees and any other fees not otherwise prohibited by law, and may impose such limitations, conditions, and record keeping requirements it deems appropriate on such split case fees or any other fees.

§ 104-a. Provisions governing vendors. 1. No sign, of any kind, printed, painted, or electric, advertising any brand of beer shall be permitted on the exterior or interior of such premises, except by permission of the liquor authority.

2. No vendor shall transport beer in any vehicle owned and operated or hired and operated by such vendor, for off-premises consumption, unless there shall be attached to or inscribed upon both sides of such vehicle a sign, showing the name and address of the licensee together with the following inscription, "New York State Beer Vendor's License No. , " as the case may be, in uniform letters not less than three and one-half inches in height. In lieu of such sign, a vendor may have in the cab of such vehicle a photostatic copy of its current license issued by the authority, and such copy duly authenticated by the authority.

3. No vendor for off-premises consumption shall sell or deliver to any person beer in excess of five gallons at one and at the same time.

4. Each vendor for off-premises consumption shall keep and maintain upon the licensed premises, adequate books and records of all transactions involving the business transacted by such vendor, which shall show the amount of beer purchased by such licensee together with the names, license numbers and places of business of the persons from whom the same was purchased, and the amount involved in such purchases,

as well as the amount of beer sold by such vendor, and the amount involved in each sale. Such books and records shall be available for inspection by any authorized representative of the liquor authority.

§ 105. Provisions governing licensees to sell at retail for consumption off the premises. 1. No retail license to sell liquors and/or wines for consumption off the premises shall be granted for any premises, unless the applicant shall be the owner thereof, or shall be in possession of said premises under a lease, management agreement or other agreement giving the applicant control over the food and beverage service at the premises, in writing, for a term not less than the license period except, however, that such license may thereafter be renewed without the requirement of a lease, management agreement or other agreement giving the applicant control over the food and beverage service at the premises, as herein provided. This subdivision shall not apply to premises leased from government agencies, as defined under subdivision twelve-c of section three of this chapter; provided, however, that the appropriate administrator of such government agency provides some form of written documentation regarding the terms of occupancy under which the applicant is leasing said premises from the government agency for presentation to the state liquor authority at the time of the license application. Such documentation shall include the terms of occupancy between the applicant and the government agency, including, but not limited to, any short-term leasing agreements or written occupancy agreements.

2. (a) Notwithstanding any provision of this chapter to the contrary, a retail licensee to sell liquor and/or wine for consumption off the premises shall be authorized to sell up to six bottles of wine or liquor in the aggregate per week to a retail licensee for on-premises consumption.

(b) Both the retail licensee for on-premises consumption and the retail licensee for off-premises consumption shall retain evidence of each purchase of wine and liquor from a retailer licensed to sell liquor and/or wine for consumption off the premises in the form of a purchase receipt showing the name of the retailer, the date of purchase, a

description of the alcohol beverages purchased, and the price paid for the alcohol beverages. The retail licensee for on-premises consumption and the retail licensee for off-premises consumption shall retain the receipt and make it available for inspection by the state liquor authority and its duly authorized agents and employees.

3. (a) No retail license to sell liquor and/or wine for off-premises consumption shall be granted for any premises which shall be located on the same street or avenue, and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship; the measurements to be taken in a straight line from the center of the nearest entrance to the building used for such school, church, synagogue or other place of worship to the center of the nearest entrance of the premises to be licensed; except, however, that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship.

(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises proposed to be licensed, except that where a school or house of worship is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".

(c) Within the context of this subdivision, a building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship by incidental uses that are not of a nature to detract from the predominant character of the building as a place of worship, such uses which include, but which are not limited to: the conduct of legally

authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups; use of the building for fund-raising performances by or benefitting the not-for-profit religious organizations which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the payment of funds to defray costs related to another party's use of the building.

(d) The provisions of this subdivision shall not apply to premises located wholly within the boundaries of the county of Warren, bounded and described as follows:

ALL THAT CERTAIN LOT OR PARCEL OF LAND situate in the City of Glens Falls, County of Warren, New York, bounded and described as follows: Beginning at the intersection of the southwesterly side of Glen Street with the northwesterly side of South Street and running thence along the southwesterly side of Glen Street north 51 degrees 51 minutes west sixty-five and fifty-two one hundredths feet (65.52) to premises now or formerly owned by Daniel L. Robertson, being the store lot formerly owned by Ruliff Kipp; thence south 38 degrees 9 minutes west along the southeasterly side of said Robertson lot nine and fifty-eight one hundredths feet (9.58) to a point at the southeasterly corner of the

foundation of the building on said Robertson property and at the northeasterly corner of the foundation of the building on the premises herein described and continuing on the same course and along the said southeasterly side of said Robertson lot one hundred ten and thirty-nine one-hundredths feet (110.39) (said course being in all one hundred nineteen and ninety-seven one hundredths feet (119.97) to the northeasterly line of the premises formerly owned by Colvin & Parks upon which is constructed the Empire Theatre; thence along said northeasterly line of said Colvin & Parks (now Empire Theatre Lot) south 48 degrees 2 minutes east eighteen and thirty-five one-hundredths feet (18.35) to an angle point in said property line of lands formerly of Colvin & Parks (now Empire Theatre Lot) which point is north 58 degrees 32 minutes west sixty-two and seventy-four one-hundredths feet (62.74) from the northwesterly side of South Street; thence continuing along the northeasterly line of said Colvin & Parks (now Empire Theatre Lot) south 58 degrees 32 minutes east sixty-two and seventy-four one-hundredths feet (62.74) to the northwesterly side of South Street and to a point 12 feet measured along said northwesterly side of South Street from the southeasterly corner of the foundation of the building on said premises herein described (formerly American Hotel and later Hotel Ruliff and now Plaza Hotel); thence along the said northwesterly side of said South Street north 30 degrees 36 minutes east one hundred fourteen and ninety-one hundredths feet (114.90) to the point or place of beginning.

"Reserving, however, the right of way between the said Colvin & Parks line and the said Plaza Hotel Building and along the northerly line of said Colvin & Parks property sufficient for teams to pass through and for all pedestrians seeking ingress and egress from said Colvin & Parks land which right of way shall not be obstructed or built over by the owner of the premises herein described, its successors or assigns."

Excepting and reserving from the foregoing, the underground passageway or vault, located in the alley extending westerly from South Street in said City of Glens Falls, beside the building located on the lands now or formerly of Empire Real Estate & Theatre Co., as described in a deed from J.E. Bennett and Nicholas Kakoulis to New York Power and Light Corporation, dated the 13th day of November, 1942 and recorded in the Warren County Clerk's Office on the 16th day of January, 1943 in Book

223 of Deeds at page 535, together with the rights of way and easements therein provided.

5. No retail licensee of liquor and/or wine for off-premises consumption shall keep upon the licensed premises any liquors and/or wines in any cask, barrel, keg, hogshead or other container, except in the original sealed package, as received from the manufacturer or wholesaler. Such containers shall have affixed thereto such labels as may be required by the rules of the liquor authority, together with all necessary federal revenue and New York state excise tax stamps, as required by law. Such containers shall not be opened nor its contents consumed on the premises where sold, except for the purpose of wine tasting or sampling by any person pursuant to authorization to conduct such a sampling or tasting pursuant to subdivision three of section seventy-six of this chapter except those to whom sales are prohibited in section sixty-five of this chapter. The provisions of this subdivision shall not prohibit a licensed winery or farm winery from selling or delivering wine to a consumer for off-premises consumption in a container not to exceed four liters in capacity that shall have a temporarily secured seal for purposes of removing the wine from the premises.

6. Each person licensed to sell liquor and/or wine for off-premises consumption shall have painted on the front window of the licensed premises, the name of the licensee together with the inscription, "New York State Retail Liquor or Wine Store License No.," as the case may be, in uniform letters not less than three and one-half inches in height.

7. No sign of any kind printed, painted or electric, advertising any brand of liquors or wines shall be permitted on the exterior or interior of such premises, except by permission of the liquor authority.

8. No retail licensee, for off-premises consumption, shall transport liquors or wines in any vehicle owned and operated or hired and operated by such retail licensee, for off-premises consumption, except liquors and wines transported to the home of a purchaser not to be resold by the

purchaser, unless there shall be attached to or inscribed upon both sides of such vehicle a sign, showing the name and address of the licensee together with the following inscription, "New York State Retail Liquor or Wine Store License No. , " as the case may be, in uniform letters not less than three and one-half inches in height, except deliveries may be made in passenger type vehicles owned by the licensee and operated by the licensee or his agent, or hired by the licensee and operated by the licensee or his agent, provided the person making the delivery shall have upon his person while so delivering a photostatic copy of the current license issued by the authority. In lieu of such sign, a retail licensee may have in the cab of such vehicle a photostatic copy of its current license issued by the authority, and such copy duly authenticated by the authority.

9. No retail licensee for off-premises consumption shall deliver any liquors or wines except in vehicles owned and operated by such licensee, or hired and operated by such licensee from a trucking or transportation company registered with the liquor authority, and shall only make such deliveries at the premises of the purchaser.

10. (a) Each retail licensee of liquor and/or wine for off-premises consumption shall have conspicuously displayed within the interior of the licensed premises where sales are made and where it can be readily inspected by consumers a printed price list of the liquors and/or wines offered for sale therein; and no liquor and/or wine shall be sold except at the price set forth in such list;

(b) No screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, which shall prevent a clear view into the interior of such licensed premises from the sidewalk, at all times; and

(c) No booth, screen, partition or other obstruction shall be permitted in the interior of said licensed premises.

11. No retail licensee of liquor and/or wine for off-premises consumption shall keep or permit to be kept upon the licensed premises, any liquors and/or wines in any unsealed bottle or other unsealed container, except for the purpose of wine tasting or sampling by any

person pursuant to authorization to conduct such a sampling or tasting pursuant to subdivision three of section seventy-six of this chapter except those to whom sales are prohibited in section sixty-five of this chapter. The provisions of this subdivision shall not prohibit a licensed winery or farm winery from selling or delivering wine to a consumer for off-premises consumption in a container not to exceed four liters in capacity that shall have a temporarily secured seal for purposes of removing the wine from the premises.

12. No retail licensee of liquor and/or wine for off-premises consumption shall sell or deliver any liquors and/or wines to any person with knowledge of, or with reasonable cause to believe, that the person to whom such liquors and/or wines are so sold or delivered, has acquired the same for the purpose of peddling them from place to place, or of selling or giving them away in violation of the provisions of this chapter or in violation of the rules and regulations of the liquor authority.

14. (a) No premises licensed to sell liquor and/or wine for off-premises consumption shall be permitted to remain open:

(i) On Sunday before ten o'clock ante meridian and after ten o'clock post meridian.

(ii) On any day between midnight and eight o'clock antemeridian.

In any community where daylight saving time is in effect, such time shall be deemed the standard time for the purpose of this subdivision.

(b) This subdivision shall only be interpreted to prohibit the sale of liquor and/or wine for off-premises consumption when it is closed to the public, provided however, retail licensees may undertake all other activities allowed during the course of normal business operations including but not limited to:

(i) placing orders with or taking deliveries from wholesalers;

(ii) meeting with individuals who have valid solicitors permits issued by the liquor authority;

(iii) stocking shelves;

(iv) filling or building displays; and

(v) rotating product on store shelves.

15. Each retail licensee for off-premises consumption shall keep and maintain upon the licensed premises, adequate books and records of all transactions involving the business transacted by such licensee, which shall show the amount of liquors and wines, purchased by such licensee together with the names, license numbers and places of business of the persons from whom the same were purchased, and the amount involved in such purchases, as well as the amount of liquors or wines, sold by such licensee, and the amount involved in each sale. Such books and records shall be available for inspection by any authorized representative of the liquor authority.

16. No retail licensee to sell liquors and/or wines for off-premises consumption shall be interested, directly or indirectly, in any premises where liquors, wines or beer are manufactured or sold at wholesale or any other premises where liquor or wine is sold at retail for off-premises consumption, by stock ownership, interlocking directors, mortgage or lien on any personal or real property or by any other means. Any lien, mortgage or other interest or estate, however, now held by such retailer on or in the personal or real property of such manufacturer or wholesaler, which mortgage, lien, interest or estate was acquired on or before December thirty-first, nineteen hundred thirty-two, shall not be included within the provisions of this subdivision; provided, however, the burden of establishing the time of the accrual of the interest comprehended by this subdivision, shall be upon the person who claims to be entitled to the protection and exemption afforded hereby.

17. No retail licensee for off-premises consumption shall make or cause to be made any loan to any person engaged in the manufacture or sale of liquors, wines or beer at wholesale. No retail licensee to sell liquors and/or wines for off-premises consumption shall make or cause to be made any loan to any person engaged in the manufacture or sale of liquors, wines or beer at wholesale or to any person engaged in the sale of liquors and/or wines at retail for off-premises consumption.

18. A drug store holding a permit to sell liquors and/or wines for

off-premises consumption pursuant to this chapter shall be subject to the following conditions:

(a) Liquors and/or wines sold by it shall not be consumed on the premises where sold or in any outbuilding, yard, booth or garden appertaining thereto or connected therewith.

(b) Such permittee shall keep and maintain upon the licensed premises, adequate books and records, which shall show the amount of liquors and wines, in gallons, purchased by such permittee together with the names, license numbers and places of business, of the persons from whom the same were purchased and the amount involved in such purchases, which books and records shall be available for inspection by any authorized representative of the liquor authority.

(c) No liquor or wine shall be displayed in any window of the premises designated in the drug store permit.

(d) No drug store permittee shall use any placard or card advertising the sale of any liquor or wine unless such card, placard or advertisement shall conspicuously state that the sale of liquor or wine in the said premises designated in the drug store permit is limited to medicinal liquor to be sold by prescription only.

20. Each retail licensee of liquor and/or wine shall designate the price of each item of liquor or wine by attaching to or otherwise displaying immediately adjacent to each such item displayed in the interior of the licensed premises where sales are made a price tag, sign or placard setting forth the bottle price at which each such item is offered for sale therein.

21. No retail license to sell liquor and/or wine for consumption off the premises shall be granted for any public billiard or pocket billiard room, or for establishments of any description in which billiards is played or which maintains any apparatus or paraphernalia for the playing of billiards or pocket billiards and is conducted as a public place of business for profit. Notwithstanding any prohibition to the contrary, a license may be issued to an establishment wherein billiards or pocket billiards are played or may be played on a table which measures not more than three feet by six feet provided that not more than two such tables are in the establishment at any one time and further provided that the

cue sticks used, and available for use, are made of light plexiglass or some similar light material.

22. No person licensed to sell alcoholic beverages at retail for off-premises consumption, shall suffer or permit any gambling, or offer any gambling on the licensed premises, or suffer or permit illicit drug activity on the licensed premises. The use of the licensed premises or any part thereof for the sale of lottery tickets, when duly authorized and lawfully conducted thereon, shall not constitute gambling within the meaning of this subdivision.

23. All premises licensed under sections fifty-four, fifty-four-a, sixty-three and seventy-nine of this chapter shall be subject to inspection by any peace officer described in subdivision four of section 2.10 of the criminal procedure law acting pursuant to his special duties, or police officer or any duly authorized representative of the state liquor authority, during the hours when the said premises are open for the transaction of business.

24. The provisions of subdivisions sixteen and seventeen of this section shall not apply to any interest in a wholesale premise outside the United States, held by any business or entity located on any 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 southerly side of 72nd Street distant 179 feet easterly from the southerly corner of Amsterdam Avenue and 72nd Street; Running thence southerly and parallel with the easterly side of Amsterdam Avenue 102 feet 2 inches to the center line of the block; Thence easterly and parallel with the southerly side of 72nd Street 21 feet; Thence northerly and parallel with the easterly side of Amsterdam Avenue and part of the distance through a party wall 102 feet 2 inches to the southerly side of 72nd Street; Thence westerly along the southerly side of 72nd Street 21 feet to the point or place of Beginning.

* 25. (a) The provisions of subdivisions sixteen and seventeen of this section shall not apply to any interest in a manufacturer inside or

outside the United States, held by any business or entity located on any parcels of land in the Borough and County of the Bronx, City and State of New York, bounded and described as follows:

Parcel A: Beginning at a point within block 1044, lot 15, said point being distant the following four (4) courses from the point formed by the intersection of the westerly line of Baretto street (60 feet wide) with the northerly line of Lafayette (100 feet wide); Along said westerly line of Baretto street, north 41 degrees 26 minutes 45 seconds west, a distance of 197.70 feet to an angle point therein, thence; Continuing along said line of Baretto street, north 53 degrees 34 minutes 00 seconds west, a distance of 14.21 feet to a point, thence; Through block 2739, lot 15, south 55 degrees 00 minutes 00 seconds west, a distance of 75.72 feet to a point, thence; Continuing through block 2739, lot 15, south 10 degrees 00 minutes 00 seconds west, a distance of 8.19 feet to the point and place of beginning, thence; From said point of beginning the following four courses; South 35 degrees 00 minutes 00 seconds east, a distance of 42.59 feet to a point, thence; south 55 Degrees 00 minutes 00 seconds west, a distance of 18.44 feet to a point, thence; North 35 degrees 00 minutes 00 seconds west, a distance of 42.59 feet to a point, thence; North 55 degrees 00 minutes 00 seconds east, a distance of 18.44 feet to the point of beginning. Containing within said bounds 785 square feet or 0.0180 AC.

Parcel B: Beginning at a point within block 1044, lot 15, said point being distant the following four (4) courses from the point formed by the intersection of the westerly line of Baretto street (60 feet wide) with the northerly line of Lafayette (100 feet wide); Along said westerly line of Baretto Street, North 41 degrees 26 minutes 45 seconds west, a distance of 197.70 feet to an angle point therein, thence; Continuing along said line of Baretto street, North 53 degrees 34 minutes 00 seconds west, a distance of 14.21 feet to a point, thence; Through block 2739, lot 15, South 55 degrees 00 minutes 00 seconds west, a distance of 142.85 feet to a point, thence; Continuing through block 2739, lot 15, South 10 degrees 00 minutes 00 seconds west, a distance of 8.19 feet to the point and place of beginning, thence; From said point of beginning the following four courses; South 35 degrees 00 minutes 00

seconds east, a distance of 42.02 feet to a point, thence; south 55 Degrees 00 minutes 00 seconds west, a distance of 40.86 feet to a point, thence; North 35 degrees 00 minutes 00 seconds west, a distance of 42.02 feet to a point, thence; North 55 degrees 00 minutes 00 seconds east, a distance of 40.86 feet to the point of beginning. Containing within said bounds 1,717 square feet or 0.0394 AC.

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

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

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

* NB Repealed upon certain provisions (see chapter 362 of 2024 § 2)

§ 105-b. Posting of certain signs. 1. The authority shall prepare, have printed and distribute across the state to all persons with a license to sell any alcoholic beverage for consumption on the premises or a license to sell any alcoholic beverage for consumption off the premises, a sign or poster with conspicuous lettering that states: "Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects". Such sign or poster must have conspicuous lettering in at least seventy-two point bold face type that states the warning set forth in this subdivision, except that such sign or poster shall be captioned with the word "warning" in at least two inch lettering.

2. All persons with a license to sell any alcoholic beverage for consumption on the premises or a license to sell any alcoholic beverage for consumption off the premises shall display in a conspicuous place the sign or poster upon receiving it from the authority. Such sign shall be placed as close as possible to the place where alcoholic beverages are sold.

3. Any person with such license who violates the provisions of this section shall be subject to a civil penalty, not to exceed one hundred

dollars for each day of violation.

4. Compliance with the provisions of any local law requiring the posting of signs containing warnings regarding alcoholic beverages enacted on or before the date on which the provisions of this section shall have become a law, shall be deemed to be in compliance with the provisions of this section. Nothing contained herein, however, shall be deemed to exempt any licensee not otherwise subject to the provisions of any such local law from complying with the provisions of this section.

§ 106. Provisions governing licensees to sell at retail for consumption on the premises. 1. No retail license for on-premises consumption shall be granted for any premises, unless the applicant shall be the owner thereof, or shall be in possession of said premises under a lease, management agreement or other agreement giving the applicant control over the food and beverage at the premises, in writing, for a term not less than the license period except, however, that such license may thereafter be renewed without the requirement of a lease, management agreement or other agreement giving the applicant control over the food and beverage at the premises, as herein provided. This subdivision shall not apply to premises leased from government agencies, as defined under subdivision twelve-c of section three of this chapter; provided, however, that the appropriate administrator of such government agency provides some form of written documentation regarding the terms of occupancy under which the applicant is leasing said premises from the government agency for presentation to the state liquor authority at the time of the license application. Such documentation shall include the terms of occupancy between the applicant and the government agency, including, but not limited to, any short-term leasing agreements or written occupancy agreements.

2. (a) No retail licensee for on-premises consumption, except corporations operating railroad cars or aircraft being operated on regularly scheduled flights by a United States certificated airline or persons or corporations operating a hotel, as defined in subdivision fourteen of section three of this chapter, for exclusive use in the

furnishing of room service in the manner prescribed by rule or regulation of the state liquor authority, shall keep upon the licensed premises any liquors and/or wines in any cask, barrel, keg, hogshead or other container, except in the original sealed package as received from the manufacturer or wholesaler. Such containers shall have affixed thereto such labels as may be required by the rules of the liquor authority, together with all necessary federal revenue and New York state excise stamps as required by law. No retail licensee for on-premises consumption shall reuse, refill, tamper with, intentionally adulterate, dilute or fortify the contents of any container of alcoholic beverages as received from the manufacturer or wholesaler.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, a retail licensee for on-premises consumption may prepare and keep drinks containing alcoholic beverages in dispensing machines, having capacities of not less than a gallon, which continually mix such drinks or utilizing a pressurized mixing and dispensing system.

* 2-a. (a) Notwithstanding any provision of law to the contrary, in addition to any other privilege provided under this chapter, any retail license that allows for liquor and/or wine sale for on-premises consumption shall also include the privilege to sell for take-out and delivery, any product it may otherwise sell at retail, subject to the following conditions:

(i) any purchase for take-out or delivery must be accompanied by a purchase of a substantial food item;

(ii) the alcoholic beverages are packaged in a container with a secure lid or cap sealed in a manner designed to prevent consumption without removal of the lid or cap by breaking the seal;

(iii) beverages purchased for take-out or delivery are subject to any applicable state and municipal open container laws, rules, regulations, or ordinances;

(iv) takeout and delivery of alcoholic beverages may only occur during licensed hours of operation of on premises retailers in the county in which the licensed premises are located or, if different, the hours of operation set forth in the licensee's method of operation with the authority;

(v) the price per serving shall be the same as if consumed on premises and shall not be sold as part of any promotion or special unless such

promotion or special is also available for consumption on premises; and further provided each serving shall be available only in the same manner as available on premises;

(vi) the licensee shall not sell for take-out, or deliver, any bottles of liquor or bottles of wine;

(vii) the licensee shall not advertise or promote the sale of full bottles of wine or liquor for off-premises consumption; and

(viii) the licensee shall not display full bottles of wine or liquor for the purpose of promoting the sale of such products for off-premises consumption.

(b) Deliveries made via motor vehicle shall only be made in (i) a vehicle permitted by the authority pursuant to section ninety-four of this chapter, or (ii) in a vehicle owned and operated, or hired and operated, by the licensee or its employee pursuant to section one hundred sixteen of this article; provided deliveries may be made utilizing the vehicle of an employee of the licensee, and provided further that a copy of the permit or license must be present in any vehicle while making deliveries. Delivery must be to a residential address, and may not be delivered except to a person twenty-one years of age or older at that residence who is not at the time of delivery intoxicated. Delivery drivers shall require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this chapter.

(c) Nothing in this subdivision shall be construed to change the existing privilege of a retail licensee for on-premises consumption to sell beer, cider, or mead for consumption off the premises as currently provided for in this chapter. Provided, further, that nothing contained in this subdivision shall be deemed to supersede the provisions of section one thousand two hundred twenty-seven of the vehicle and traffic law.

(d) The authority may promulgate guidance, rules and regulations necessary to implement the provisions of this subdivision.

(e) The authority may, on its own initiative or on complaint of any person, institute proceedings to suspend or revoke a licensee's ability to sell alcoholic beverages for takeout or delivery pursuant to this subdivision after a hearing, in accordance with section one hundred

nineteen of this article, at which such licensee shall be given an opportunity to be heard. Such proceedings and such hearing shall be held in such manner and upon such notice as may be prescribed by the rules of the authority.

* NB Repealed April 9, 2030

2-b. Notwithstanding any provision of this chapter to the contrary, a retail licensee for on-premises consumption shall be authorized to purchase up to six bottles of wine or liquor in the aggregate per week from an off-premises retail licensee, and may resell any wine and liquor so purchased for consumption on the premises licensed therefor.

3. No retail licensee for on-premises consumption shall sell, deliver or give away, or cause or permit or procure to be sold, delivered or given away any liquors and/or wines for consumption off the premises where sold. The provisions of this subdivision shall not prohibit a licensed winery or farm winery from allowing a patron to leave the winery or farm winery with a partially consumed bottle of wine provided that the removal of the bottle is done in accordance with subdivision four of section eighty-one of this chapter.

4. (a) No liquors and/or wines shall be sold or served in premises licensed under section sixty-four or clause (a) of subdivision six of section sixty-four-a of this chapter, except at tables where food may be served and except as provided by subdivision four of section one hundred.

(b) No liquors and/or wines shall be sold or served in premises licensed under clause (b) of subdivision six of section sixty-four-a of this chapter, except at such times and upon such conditions and by the use of such facilities as the liquor authority, by regulation, may prescribe with due regard to the convenience of the public and the strict avoidance of sales prohibited by this chapter.

4-a. No beer shall be sold or served at a bar, counter or other similar contrivance unless a card, sign or plate, visible to the customer, upon which the name of the brewer is conspicuously and legibly displayed, is annexed or affixed to the tap or faucet from which the

beer is drawn.

* 5. No alcoholic beverages shall be sold, offered for sale or given away upon any premises licensed to sell alcoholic beverages at retail for on-premises consumption, during the following hours:

(a) Except as provided in paragraph (c) of this subdivision, on Sunday, from four ante meridiem to ten o'clock a.m., except pursuant to a permit issued under section ninety-nine-h or subdivision five of section ninety-seven of this chapter.

(b) Except as provided in paragraph (c) of this subdivision, on any other day between four ante meridiem and eight ante meridiem.

(c) On any day between three ante meridian and six ante meridian, for a premises located within an international airport owned or operated by the Port Authority of New York and New Jersey. The provisions of this paragraph shall not be subject to change pursuant to subdivision eleven of section seventeen of this chapter.

Unless otherwise approved by the authority pursuant to subdivision eleven of section seventeen of this chapter, where any rule has been adopted in a county on or before April first, nineteen hundred ninety-five, further restricting the hours of sale for alcoholic beverages, such restricted hours shall be the hours, during which the sale of alcoholic beverages at retail for on-premises consumption shall not be permitted within such county; provided, however, that for the period commencing on June eleventh, two thousand twenty-six and ending on July twentieth, two thousand twenty-six, any on-premises consumption licensee may sell or offer for sale alcoholic beverages in accordance with the provisions of paragraphs (a) and (b) of this subdivision notwithstanding the fact that a county may have previously imposed more restrictive hours of operation within the county. This change in hours shall not apply in any case where the authority may have imposed more restrictive hours as a condition of a license.

Nor shall any person be permitted to consume any alcoholic beverages upon any such premises later than one-half hour after the start of the prohibited hours of sale provided for in this section.

* NB Effective until July 21, 2026

* 5. No alcoholic beverages shall be sold, offered for sale or given

away upon any premises licensed to sell alcoholic beverages at retail for on-premises consumption, during the following hours:

(a) Except as provided in paragraph (c) of this subdivision, on Sunday, from four ante meridiem to ten o'clock a.m., except pursuant to a permit issued under section ninety-nine-h or subdivision five of section ninety-seven of this chapter.

(b) Except as provided in paragraph (c) of this subdivision, on any other day between four ante meridiem and eight ante meridiem.

(c) On any day between three ante meridian and six ante meridian, for a premises located within an international airport owned or operated by the Port Authority of New York and New Jersey. The provisions of this paragraph shall not be subject to change pursuant to subdivision eleven of section seventeen of this chapter.

Unless otherwise approved by the authority pursuant to subdivision eleven of section seventeen of this chapter, where any rule has been adopted in a county on or before April first, nineteen hundred ninety-five, further restricting the hours of sale for alcoholic beverages, such restricted hours shall be the hours, during which the sale of alcoholic beverages at retail for on-premises consumption shall not be permitted within such county.

Nor shall any person be permitted to consume any alcoholic beverages upon any such premises later than one-half hour after the start of the prohibited hours of sale provided for in this section.

* NB Effective July 21, 2026

6. No person licensed to sell alcoholic beverages shall suffer or permit any gambling on the licensed premises, or suffer or permit such premises to become disorderly. The use of the licensed premises, or any part thereof, for the sale of lottery tickets, playing of bingo or games of chance, or as a simulcast facility or simulcast theater pursuant to the racing, pari-mutuel wagering and breeding law, when duly authorized and lawfully conducted thereon, shall not constitute gambling within the meaning of this subdivision.

6-a. No retail licensee for on-premises consumption shall suffer or

permit any person to appear on licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, nor shall suffer or permit any female to appear on licensed premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

6-b. No retail licensee for on-premises consumption shall suffer or permit any contest or promotion which endangers the health, safety, and welfare of any person with dwarfism. Any retail licensee in violation of this section shall be subject to the suspension or revocation of said licensee's license to sell alcoholic beverages for on-premises consumption. For the purposes of this section, the term "dwarfism" means a condition of being abnormally small which is caused by heredity, endocrine dysfunction, renal insufficiency or deficiency or skeletal diseases that result in disproportionate short stature and adult height of less than four feet ten inches.

6-c. (a) No retail licensee for on-premises consumption shall suffer, permit or promote an event on its premises wherein the contestants deliver, or are not forbidden by the applicable rules thereof from delivering kicks, punches or blows of any kind to the body of an opponent or opponents, whether or not the event consists of a professional match or exhibition, and whether or not the event or any such act, or both, is done for compensation.

(b) The prohibition contained in paragraph (a) of this subdivision, however, shall not be applied to any authorized combative sport.

(c) In addition to any other penalty provided by law, a violation of this subdivision shall constitute an adequate ground for instituting a proceeding to suspend, cancel or revoke the license of the violator in accordance with the applicable procedures specified in section one hundred nineteen of this article.

7. Except where a permit to do so is obtained pursuant to section 405.10 of the penal law, no retail licensee for on-premises consumption shall suffer, permit, or promote an event on its premises wherein any person shall use, explode, or cause to explode, any fireworks or other

pyrotechnics in a building as defined in paragraph e of subdivision one of section 405.10 of the penal law, that is covered by such retail license or possess such fireworks or pyrotechnics for such purpose. In addition to any other penalty provided by law, a violation of this subdivision shall constitute an adequate ground for instituting a proceeding to suspend, cancel, or revoke the license of the violator in accordance with the applicable procedures specified in section one hundred nineteen of this article. Provided however, if more than one retail licensee is participating in a single event, upon approval by the authority, only one retail licensee must obtain such permit.

8. A club or a luncheon club licensed to sell alcoholic beverages for on-premises consumption shall be permitted to sell such beverages only to its members and to their guests accompanying them.

9. No restaurant and no premises licensed to sell liquors and/or wines for on-premises consumption under clause (a) of subdivision six of section sixty-four-a of this chapter shall be permitted to have any opening or means of entrance or passageway for persons or things between the licensed premises and any other room or place in the building containing the licensed premises, or any adjoining or abutting premises, unless such licensed premises are in a building used as a hotel and serves as a dining room for guests of such hotel, or unless such premises are a bona fide restaurant with such access for patrons and guests from any part of such building or adjoining or abutting premises as shall serve public convenience in a reasonable and suitable manner; or unless such licensed premises are in a building owned or operated by any county, town, city, village or public authority or agency, in a park or other similar place of public accommodation. All glass in any window or door on said licensed premises shall be clear and shall not be opaque, colored, stained or frosted.

10. A vessel licensed to sell liquors and/or wines for on-premises consumption shall not be permitted to sell any liquors and/or wines, while said vessel is moored to a pier or dock, except that vessels sailing on established schedules shall be permitted to sell liquors and/or wines for a period of three hours prior to the regular advertised

sailing time.

11. A railroad car or aircraft being operated on regularly scheduled flights by a United States certificated airline licensed to sell liquors and/or wines for on-premises consumption shall be permitted to sell liquors and/or wines only to passengers and while in actual transit, except that a railroad operating licensed cars shall be allowed to sell liquors and/or wines from portable carts located on station platforms located at Penn Station, Grand Central Station, Jamaica, Hunterspoint Avenue or Flatbush from which such licensed railroad cars depart.

12. Each retail licensee for on-premises consumption shall keep and maintain upon the licensed premises, adequate records of all transactions involving the business transacted by such licensee which shall show the amount of alcoholic beverages, in gallons, purchased by such licensee together with the names, license numbers and places of business of the persons from whom the same were purchased, the amount involved in such purchases, as well as the sales of alcoholic beverages made by such licensee. The liquor authority is hereby authorized to promulgate rules and regulations permitting an on-premises licensee operating two or more premises separately licensed to sell alcoholic beverages for on-premises consumption to inaugurate or retain in this state methods or practices of centralized accounting, bookkeeping, control records, reporting, billing, invoicing or payment respecting purchases, sales or deliveries of alcoholic beverages, or methods and practices of centralized receipt or storage of alcoholic beverages within this state without segregation or earmarking for any such separately licensed premises, wherever such methods and practices assure the availability, at such licensee's central or main office in this state, of data reasonably needed for the enforcement of this chapter. Such records shall be available for inspection by any authorized representative of the liquor authority.

13. (a) No retail licensee for on-premises consumption shall be interested, directly or indirectly, in any premises where liquors, wines or beer are manufactured or sold at wholesale, by stock ownership, interlocking directors, mortgage or lien on any personal or real

property or by any other means, except that liquors, wines or beer may be manufactured or sold wholesale by the person licensed as a manufacturer or wholesaler thereof:

(i) on real property owned by an interstate railroad corporation or a United States certificated airline with a retail license for on-premises consumption; or

(ii) on premises or with respect to a business constituting an overnight lodging and resort facility located wholly within the boundaries of the town of North Elba, county of Essex, township eleven, Richard's survey, great lot numbers two hundred seventy-eight, two hundred seventy-nine, two hundred eight, two hundred ninety-eight, two hundred ninety-nine, three hundred, three hundred eighteen, three hundred nineteen, three hundred twenty, three hundred thirty-five and three hundred thirty-six, and township twelve, Thorn's survey, great lot numbers one hundred six and one hundred thirteen, as shown on the Adirondack map, compiled by the conservation department of the state of New York - nineteen hundred sixty-four edition, in the Essex county atlas at page twenty-seven in the Essex county clerk's office, Elizabethtown, New York, provided that such facility maintains not less than two hundred fifty rooms and suites for overnight lodging; or

(iii) on premises or with respect to the operation of a restaurant in an office building located in a city having a population of five hundred thousand or more and in which is located the licensed premises of such manufacturer or wholesaler, provided that the building, the interior of the retail premise and the rental therefor fully comply with the criteria set forth in paragraph two of subdivision three of section one hundred one of this article; or

(iv) any such premises or business located on that tract or parcel of land, or any subdivision thereof, situate in the Village of Lake Placid, Town of North Elba, Essex County, New York; it being also a part of Lot No. 279, Township No. 11, Old Military Tract, Richard's Survey; it being also all of Lot No. 23 and part of Lot No. 22 as shown and designated on a certain map entitled "Map of Building Sites for Sale by B.R. Brewster" made by G.T. Chellis C.E. in 1892; also being PARCEL No. 1 on a certain map of lands of Robert J. Mahoney and wife made by G.C. Sylvester, P.E. & L.S. # 21300, dated August 4, 1964, and filed in the Essex County Clerk's Office on August 27, 1964, and more particularly bounded and

described as follows; BEGINNING at the intersection of the northerly bounds of Shore Drive (formerly Mirror Street) with the westerly bounds of Park Place (formerly Rider Street) which point is also the northeast corner of Lot No. 23, from thence South 21°50' East in the westerly bounds of Park Place a distance of 119 feet, more or less, to a lead plug in the edge of the sidewalk marking the southeast corner of Lot No. 23 and the northeast corner of Lot No. 24; from thence South 68°00'50" West a distance of 50.05 feet to an iron pipe set in concrete at the corner of Lots 23 and 22; from thence South 65°10'50" West a distance of 7.94 feet along the south line of Lot No. 22 to an iron pipe for a corner; from thence North 23°21'40" West and at 17.84 feet along said line passing over a drill hole in a concrete sidewalk, and at 68.04 feet further along said line passing over an iron pipe at the southerly edge of another sidewalk, and at 1.22 feet further along said line passing over another drill hole in a sidewalk, a total distance of 119 feet, more or less, to the northerly line of Lot No. 22; from thence easterly in the northerly line of Lot 22 and 23 to the northeast corner of Lot No. 23 and the point of beginning. Also including the lands to the center of Shore Drive included between the northerly straight line continuation of the side lines of the above described parcel, and to the center of Park Place, where they abut the above described premises SUBJECT to the use thereof for street purposes. Being the same premises conveyed by Morestuff, Inc. to Madeline Sellers by deed dated June 30, 1992, recorded in the Essex County Clerk's Office on July 10, 1992 in Book 1017 of Deeds at Page 318; or

(v) any such premises or business located on that certain piece or parcel of land, or any subdivision thereof, situate, lying and being in the Town of Plattsburgh, County of Clinton, State of New York and being more particularly bounded and described as follows: Starting at an iron pipe found in the easterly bounds of the highway known as the Old Military Turnpike, said iron pipe being located 910.39 feet southeasterly, as measured along the easterly bounds of said highway, from the southerly bounds of the roadway known as Industrial Parkway West, THENCE running S 31° 54' 33" E along the easterly bounds of said Old Military Turnpike Extension, 239.88 feet to a point marking the beginning of a curve concave to the west; thence southerly along said curve, having a radius of 987.99 feet, 248.12 feet to an iron pipe found

marking the point of beginning for the parcel herein being described, said point also marked the southerly corner of lands of Larry Garrow, et al, as described in Book 938 of Deeds at page 224; thence N 07° 45' 4" E along the easterly bounds of said Garrow, 748.16 feet to a 3"x4" concrete monument marking the northeasterly corner of said Garrow, the northwesterly corner of the parcel herein being described and said monument also marking the southerly bounds of lands of Salerno Plastic Corp. as described in Book 926 of Deeds at Page 186; thence S 81° 45' 28" E along a portion of the southerly bounds of said Salerno Plastic Corp., 441.32 feet to an iron pin found marking the northeasterly corner of the parcel herein being described and also marking the northwest corner of the remaining lands now or formerly owned by said Marx and DeLaura; thence S 07° 45' 40" W along the westerly bounds of lands now of formerly of said Marx and DeLaura and along the easterly bounds of the parcel herein being described, 560.49 feet to an iron pin; thence N 83° 43' 21" W along a portion of the remaining lands of said Marx and DeLaura, 41.51 feet to an iron pin; thence S 08° 31' 30" W, along a portion of the remaining lands of said Marx and DeLaura, 75.01 feet to an iron pin marking northeasterly corner of lands currently owned by the Joint Council for Economic Opportunity of Plattsburgh and Clinton County, Inc. as described in Book 963 of Deeds at Page 313; thence N 82° 20' 32" W along a portion of the northerly bounds of said J.C.E.O., 173.50 feet to an iron pin; thence 61° 21' 12" W, continuing along a portion of the northerly bounds of said J.C.E.O., 134.14 feet to an iron pin; thence S 07° 45' 42" W along the westerly bounds of said J.C.E.O., 50 feet to an iron pin; thence S 66° 48' 56" W along a portion of the northerly bounds of remaining lands of said Marx and DeLaura, 100.00 feet to an iron pipe found on the easterly bounds of the aforesaid highway, said from pipe also being located on a curve concave to the west; thence running and running northerly along the easterly bounds of the aforesaid highway and being along said curve, with the curve having a radius of 987.93 feet, 60.00 feet to the point of beginning and containing 6.905 acres of land. Being the same premises as conveyed to Ronald Marx and Alice Marx by deed of CIT Small Business Lending Corp., as agent of the administrator, U.S. Small Business Administration, an agency of the United States Government dated September 10, 2001 and recorded in the office of the Clinton County Clerk on September 21, 2001

as Instrument #135020; or

(vi) any such premises or businesses located on that certain plot, piece or parcel of land, situate, lying and being in the Second Ward of the City of Schenectady, on the Northerly side of Union Street, bounded and described as follows: to wit; Beginning at the Southeasterly corner of the lands lately owned by Elisha L. Freeman and now by Albert Shear; and running from thence Easterly along the line of Union Street, 44 feet to the lands now owned by or in the possession of James G. Van Vorst; thence Northerly in a straight line along the last mentioned lands and the lands of the late John Lake, 102 feet to the lands of one Miss Rodgers; thence Westerly along the line of the last mentioned lands of said Rodgers to the lands of the said Shear; and thence Southerly along the lands of said Shear 101 feet, 6 inches to Union Street, the place of beginning.

Also all that tract or parcel of land, with the buildings thereon, situate in the City of Schenectady, County of Schenectady, and State of New York, situate in the First, formerly the Second Ward of the said City, on the Northerly side of Union Street, which was conveyed by William Meeker and wife to Elisha L. Freeman by deed dated the second day of December 1843, and recorded in the Clerk's Office of Schenectady County on December 5, 1843, in Book V of Deeds at page 392, which lot in said deed is bounded and described as follows: Beginning at a point in the Northerly line of Union Street where it is intersected by the Easterly line of property numbered 235 Union Street, which is hereby conveyed, and running thence Northerly along the Easterly line of said property, One Hundred Forty and Five-tenths (140.5) feet to a point sixteen (16) feet Southerly from the Southerly line of the new garage built upon land adjoining on the North; thence Westerly parallel with said garage, Forty-six and Seven-tenths (46.7) feet; thence Southerly One Hundred Forty and Eighty-tenths (140.8) feet to the Northerly margin of Union Street; thence Easterly along the Northerly margin of Union Street, about Forty-eight and three-tenths (48.3) feet to the point or place of beginning.

The two above parcels are together more particularly described as follows:

All that parcel of land in the City of Schenectady beginning at a point in the northerly margin of Union Street at the southwesterly corner of lands now or formerly of Friedman (Deed Book 636 at page 423) which point is about 60 feet westerly of the westerly line of North College Street and runs thence N. 86 deg. 42' 20" W. 92.30 feet to the southeasterly corner of other lands now or formerly of Friedman (Deed Book 798 at page 498); thence N. 04 deg. 06' 48" E. 140.50 feet to the southwesterly corner of lands now or formerly of Stockade Associates (Deed Book 1038 at page 521); thence S. 87 deg. 05' 27" E. 46.70 feet to lands now or formerly at McCarthy (Deed Book 1129 at page 281); thence along McCarthy S. 00 deg. 52' 02" E. 3.69 feet to the northwesterly corner of lands now or formerly of SONYMA (Deed Book 1502 at page 621); thence along lands of SONYMA S. 02' 56" W. 34.75 feet to a corner; thence still along lands of SONYMA and lands now or formerly of Magee (Deed Book 399 at page 165) S. 86 deg. 11' 52" E. 42.57 feet to a corner; thence still along lands of Magee and Lands of Friedman first above mentioned S. 03 deg. 10' 08" W. 102.00 feet to the point of beginning.

Excepting and reserving all that portion of the above parcel lying easterly of a line described as follows:

All that tract or parcel of land, situated in the City of Schenectady and County of Schenectady and State of New York, on the Northerly side of Union Street bounded and described as follows:

Beginning at a point in the northerly line of Union Street, said point being in the division line between lands now or formerly of Electric Brew Pubs, Inc. (1506 of Deeds at page 763) on the West and lands now or formerly of Margaret Wexler and Donna Lee Wexler Pavlovic, as trustees under Will of Ruth F. Wexler (Street number 241 Union Street) on the East; thence North 03 deg. 04' 10" East, along the building known as Street No. 241 Union Street, a distance of 30.50 feet to a point; thence North 88 deg. 45' 45" West, along said building and building eve, a distance of 5.62 feet to a point; thence North 03 deg. 03' 30" East, along said building eve of Street No. 241 Union Street, a distance of 32.74 feet; thence South 88 deg. 45' 45" East, along said building eve,

a distance of 1.2 feet to an intersection of building corner of Street No. 241 Union Street and a brick wall; thence north 03 deg. 37' 30" East, along said brick wall, a distance of 14.47 feet to a point in the corner of the brick wall, thence South 86 deg. 46' 45" East along said brick wall a distance of 4.42 feet to the intersection of brick wall with the boundary line between the Electric Brew Pubs, Inc. (aforesaid) on the West and lands of Margaret Wexler and Donna Lee Wexler Pavlovic, (aforesaid) on the East; thence North 03 deg 10' 08" East a distance of 0.62 feet to the Northeast corner of lands belonging to Margaret Wexler and Donna Lee Wexler Pavlovic.

Also all that tract or parcel of land commonly known as the Union Street School, located on the Northeasterly corner of Union and North College Streets in the First Ward of the City and County of Schenectady and State of New York, more particularly bounded and described as follows: Beginning at a point in the Northerly street line of Union Street where it is intersected by the Easterly street line of North College Street, and runs thence Northerly along the Easterly street line of North College Street, one hundred seven and five-tenths (107.5) feet to a point, thence easterly at an angle of ninety (90) degrees, one hundred ninety-one and seventy-five hundredths (191.75) feet to a point in the Northwesterly street line of Erie Boulevard thence southwesterly along the Northwesterly street line of Erie Boulevard, one hundred twenty-three and eight-tenths (123.8) feet to its intersection with the Northerly street line of Union Street; thence Westerly along the Northerly street line of Union Street, one hundred twenty-four and fifty-five hundredths (124.55) feet to the point or place of beginning.

The above described parcel of property includes the Blue Line parcel of land, which is a portion of the abandoned Erie Canal Lands, located in the First Ward of the City of Schenectady, New York, and which Blue Line parcel lies between the Northwesterly line of Erie Boulevard as set forth in the above described premises and the Northeasterly lot line of the old Union Street School as it runs parallel with the Northwesterly line of Erie Boulevard as aforesaid.

The two above parcels are together more particularly described as

follows: All that parcel of land in the City of Schenectady beginning at a point in the northerly margin of Union Street and the northwesterly margin of Erie Boulevard and runs thence along Union Street N. 86 deg. 42' 20" W. 124.55 feet to the easterly margin of North College Street; thence along North College Street N. 05 deg 04' 40" E. 107.50 feet to the southeasterly corner of lands now or formerly of McCarthy (Deed Book 1129 at page 279); thence along McCarthy, Cottage Alley and lands now or formerly of McGregor (Deed Book 912 at page 624) S. 84 deg. 55' 20" E. 191.75 feet to the northwesterly margin of Erie Boulevard; thence along Erie Boulevard S. 38 deg. 03' 53" W. 123.54 feet to the point of beginning;

(vii) any such premises or businesses located on that tract or parcel of land situate in the Town of Hopewell, Ontario County, State of New York, bounded and described as follows: Commencing at a 5/8" rebar found on the division line between lands now or formerly of Ontario County - Finger Lakes Community College (Liber 698 of Deeds, Page 466) on the north and lands now or formerly of James W. Baird (Liber 768 of Deeds, Page 1109) on the south; thence, North 43°-33'-40" West, on said division line, a distance of 77.32 feet to the Point of Beginning. Thence, North 43°-33'-40" West, continuing on said division line and through said lands of Ontario County, a distance of 520.45 feet to a point on the southeasterly edge of an existing concrete pad; thence, South 74°-19'-53" West, along said edge of concrete and the projection thereof, a distance of 198.78 feet to a point on the easterly edge of pavement of an existing campus drive; thence, the following two (2) courses and distances along said edge of pavement: Northeasterly on a curve to the left having a radius of 2221.65 feet, a chord bearing of North 30°-16'-39" East, a chord distance of 280.79, a central angle of 07°-14'-47", a length of 280.98 feet to a point of reverse curvature; thence, Northeasterly on a curve to the right having a radius of 843.42 feet, a chord bearing of North 45°-25'-09" East, a chord distance of 534.08, a central angle of 36°-55'-01", a length of 543.43 feet to a point; thence, South 30°-04'-59" East, a distance of 18.28 feet to the corner of the property acquired by Ontario County (Liber 766 of Deeds, Page 1112), as shown on a map recorded in the Ontario County Clerk's Office as Map No. 6313; thence, the following four (4) courses and distances along said property line: South 30°-04'-59" East, a distance

of 177.17 feet to a point; thence, South 02°-20'-33" East, a distance of 147.53 feet to a point; thence, South 41°-31'-35" East, a distance of 200.93 feet to a point; thence, South 23°-48'-53" West, along said property line, and the projection thereof, through the first said lands of Ontario County - Finger Lakes Community College (Liber 698 of Deeds, Page 466), a distance of 517.96 feet to Point of Beginning. Said parcel containing 7.834 acres, more or less, as shown on a map entitled "Proposed Lease Area - Friends of the Finger Lakes Performing Arts Center, Hopewell, NY", prepared by Bergmann Associates, drawing LM-01, dated June 10, 2005, last revised August 17, 2005. The related PAC Properties are shown on the Map denominated "FLCC Campus Property, FLPAC Ground Lease, Parking, Vehicular & Pedestrian Access", recorded in the Ontario County Clerk's Office on December 10, 2009 in Book 1237 of Deeds at page 9 and are comprised of the areas separately labeled as Parking Lot 'A', Parking Lot 'G', the Ticket Booth area, the Sidewalks, and the Entry Roads;

(viii) any such premises or businesses located on all that certain piece or parcel of land situate in the City of Syracuse, County of Onondaga, State of New York, lying generally Northwesterly of the West Hiawatha Boulevard, and generally Northeasterly of the New York State Barge Canal, being a portion of Lot 11I and Lot 11J of the Carousel Center Subdivision as shown on a resubdivision plan of the Carousel Center Subdivision filed as Map No. 8743 in the Onondaga County Clerk's Office, and as of May 20, 2014 identified as space L323 in a lease between the liquor license applicant and property owner and on the third level of the shopping center thereon, such shopping center land being more particularly bounded and described as follows:

BEGINNING at the point of the intersection of the division line between the Northeasterly boundary of the New York State Barge Canal, Syracuse Terminal designated as "Parcel No. T-111" on the Southwest and Lot 11I of the Carousel Center Subdivision on the Northeast with the Northwesterly boundary of West Hiawatha Boulevard; thence North 50 deg. 26 min. 28 sec. West, along said division line, 690.72 feet; to a point; thence through Lot 11I and 11J of said subdivision the following thirty-five (35) courses and distances:

- 1) Thence North 40 deg. 22 min. 15 sec. East 191.79 feet to a point;
- 2) Thence South 82 deg. 04 min. 58 sec. East 294.58 feet to a point;
- 3) Thence North 07 deg. 52 min. 16 sec. East 314.89 feet to a point;
- 4) Thence South 82 deg. 07 min. 45 sec. East 53.96 feet to a point;
- 5) Thence North 07 deg. 52 min. 16 sec. East 70.18 feet to a point;
- 6) Thence South 82 deg. 07 min. 44 sec. East 40.81 feet to a point;
- 7) Thence North 07 deg. 52 min. 16 sec. East 35.49 feet to a point;
- 8) Thence South 82 deg. 07 min. 50 sec. East 1.52 feet to a point;
- 9) Thence North 07 deg. 52 min. 16 sec. East 45.53 feet to a point;
- 10) Thence South 82 deg. 07 min. 44 sec. East 92.67 feet to a point;
- 11) Thence North 07 deg. 52 min. 16 sec. East 194.00 feet to a point;
- 12) Thence North 82 deg. 07 min. 44 sec. West 121.00 feet to a point;
- 13) Thence North 07 deg. 52 min. 14 sec. East 408.67 feet to a point;
- 14) Thence South 82 deg. 07 min. 44 sec. East 168.50 feet to a point;
- 15) Thence North 07 deg. 52 min. 16 sec. East 34.33 feet to a point;
- 16) Thence South 82 deg. 07 min. 44 sec. East 15.33 feet to a point;
- 17) Thence North 07 deg. 52 min. 16 sec. East 341.67 feet to a point;
- 18) Thence North 82 deg. 07 min. 44 sec. West 199.44 feet to a point;
- 19) Thence North 07 deg. 52 min. 31 sec. East 0.97 feet to a point;

20) Thence North 52 deg. 50 min. 09 sec. East 11.22 feet to a point;
21) Thence North 07 deg. 52 min. 16 sec. East 20.77 feet to a point;
22) Thence North 37 deg. 05 min. 57 sec. West 30.86 feet to a point;
23) Thence North 82 deg. 07 min. 44 sec. West 21.02 feet to a point;
24) Thence South 52 deg. 13 min. 00 sec. West 5.85 feet to a point;
25) Thence North 82 deg. 07 min. 44 sec. West 7.41 feet to a point;
26) Thence North 07 deg. 52 min. 16 sec. East 108.15 feet to a point;
27) Thence South 82 deg. 07 min. 44 sec. East 0.75 feet to a point;
28) Thence North 07 deg. 52 min. 16 sec. East 22.46 feet to a point;
29) Thence North 82 deg. 07 min. 44 sec. West 0.75 feet to a point;
30) Thence North 07 deg. 52 min. 16 sec. East 43.48 feet to a point;
31) Thence North 52 deg. 52 min. 15 sec. East 7.78 feet to a point;
32) Thence North 07 deg. 52 min. 16 sec. East 47.79 feet to a point;
33) Thence North 37 deg. 07 min. 44 sec. West 7.78 feet to a point;
34) Thence North 07 deg. 52 min. 16 sec. East 198.11 feet to a point;
and

35) Thence South 82 deg. 07 min. 44 sec. East 207.07 feet to a point on the westerly right of way line of Interstate Route 81, Thence along the westerly and southwesterly right of way line of Interstate Route 81, in a generally southeasterly direction, the following seven (7) courses and distances:

- 1) Thence South 18 deg. 26 min. 44 sec. East 44.24 feet to a point;
 - 2) Thence South 31 deg. 26 min. 40 sec. East 70.85 feet to a point;
 - 3) Thence South 37 deg. 56 min. 38 sec. East 377.51 feet to a point;
 - 4) Thence South 33 deg. 48 min. 10 sec. East 129.69 feet to a point;
 - 5) Thence South 32 deg. 22 min. 13 sec. East 213.26 feet to a point;
 - 6) Thence South 42 deg. 27 min. 42 sec. East 58.65 feet to a point;
- and

7) Thence South 40 deg. 20 min. 45 sec. East 77.11 feet to its intersection with lands appropriated by the People of the State of New York described as Map 1401 Parcel 1831 in Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836; Thence along the bounds of said Map 1401 Parcel 1831 the following fifteen (15) courses and distances:

- 1) South 07 deg. 30 min. 19 sec. East 39.16 feet to a point; thence
- 2) South 03 deg. 25 min. 41 sec. West 30.00 feet to a point; thence
- 3) South 12 deg. 49 min. 21 sec. West 30.00 feet to a point; thence
- 4) South 22 deg. 11 min. 30 sec. West 30.00 feet to a point; thence
- 5) South 31 deg. 35 min. 08 sec. West 30.00 feet to a point; thence
- 6) South 40 deg. 57 min. 25 sec. West 30.01 feet to a point; thence
- 7) South 48 deg. 44 min. 51 sec. West 20.00 feet to a point; thence
- 8) South 55 deg. 01 min. 19 sec. West 19.99 feet to a point; thence
- 9) South 65 deg. 30 min. 44 sec. West 8.49 feet to a point; thence

- 10) North 75 deg. 22 min. 31 sec. West 38.92 feet to a point; thence
- 11) North 29 deg. 08 min. 26 sec. West 25.83 feet to a point; thence
- 12) North 07 deg. 58 min. 33 sec. West 20.27 feet to a point; thence
- 13) North 07 deg. 40 min. 45 sec. East 100.00 feet to a point; thence
- 14) North 82 deg. 23 min. 04 sec. West 1.00 feet to a point; and

15) South 07 deg. 40 min. 49 sec. West 425.30 to its intersection with the northerly bounds of Map 1402 Parcel 1836 of said appropriation; Thence along the bounds of Map 1402 Parcel 1836 as described in Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836 the following three (3) courses and distances:

- 1) South 07 deg. 40 min. 17 sec. West 70.35 feet to a point; thence
- 2) South 82 deg. 09 min. 26 sec. East 1.00 feet to a point; and

3) North 07 deg. 40 min. 37 sec. East 70.35 feet to its intersection with the bounds of the hereinabove described Map 1401 Parcel 1831; Thence along the bounds of said Map 1401 Parcel 1831 the following ten (10) courses and distances:

- 1) North 07 deg. 40 min. 37 sec. East 100.00 feet to a point; thence
- 2) North 40 deg. 32 min. 01 sec. East 61.06 feet to a point; thence
- 3) North 50 deg. 26 min. 34 sec. East 110.76 feet to a point; thence
- 4) North 55 deg. 51 min. 53 sec. East 43.02 feet to a point; thence
- 5) North 66 deg. 11 min. 17 sec. East 30.00 feet to a point; thence
- 6) North 79 deg. 28 min. 24 sec. East 30.00 feet to a point; thence

7) South 87 deg. 12 min. 02 sec. East 30.00 feet to a point; thence

8) South 73 deg. 54 min. 22 sec. East 30.00 feet to a point; thence

9) South 59 deg. 56 min. 49 sec. East 33.00 feet to a point; and

10) South 47 deg. 06 min. 38 sec. East 95.11 feet to its intersection with the division line between Lot 11J on the Northwest and the lands now or formerly of Woodstead Enterprises Co. as described in Book 3530 of Deeds at Page 257 on the Southeast (formerly lands of Rome Watertown and Oswego Railroad Company via Letters Patent, Book 292, Page 264); thence South 28 deg. 12 min. 27 sec. West along said division line and along the Northwesterly boundary of West Hiawatha Boulevard in part, 36.93 feet to its point of intersection with Northeasterly boundary of West Hiawatha Boulevard; thence North 61 deg. 43 min. 58 sec. West along said Northeasterly boundary 158.30 feet to its point of intersection with the Northwesterly boundary of said West Hiawatha Boulevard; thence West along said Northwesterly boundary the following three (3) courses: 1) South 30 deg. 39 min. 30 sec. West 599.46 feet to a point; thence 2) South 30 deg. 30 min. 42 sec. West 62.49 feet to a point; and 3) South 23 deg. 40 min. 55 sec. West 220.04 feet to its point of intersection with Southwesterly boundary of West Hiawatha Boulevard; thence South 49 deg. 30 min. 46 sec. East along said Southwesterly boundary, 0.30 feet to its point of intersection with the first hereinabove described Northwesterly boundary of West Hiawatha Boulevard; thence South 40 deg. 26 min. 20 sec. West, along said Northwesterly boundary, 98.08 feet to its point of intersection with the division line between Lot 11J on the Northeast and Lot 11H of the Carousel Center Subdivision on the Southwest; thence North 50 deg. 25 min. 12 sec. West, along said division line, 147.85 feet to the Northwest corner of Lot 11H; thence South 40 deg. 26 min. 20 sec. West 217.47 feet to the Southwest corner of lot 11H; thence South 49 deg. 49 min. 16 sec. East 147.83 feet to a point on the first hereinabove described Northwesterly boundary of West Hiawatha Boulevard; thence along said Northwesterly boundary of West Hiawatha Boulevard the following two (2) courses: 1) South 40 deg. 26 min. 20 sec. West 17.66 feet to a point; and 2) South 43 deg. 01 min. 50

sec. West 468.25 feet to the point of beginning.

Excepting the following piece or parcel of land appropriated by the People of the State of New York described as Map 1401 Parcel 1832 in Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836: Commencing at the southwest corner of herein above described Map 1402 Parcel 1836 said point having a proceeding course of South 07 deg. 40 min. 17 sec. West 70.35 feet in the premises describe hereinabove; thence North 13 deg. 18 min. 48 sec. West 138.17 feet to the southeast corner of Map 1401 Parcel 1832; thence along the bounds of said Map 1401 Parcel 1832 the following four (4) courses and distances:

1) North 82 deg. 09 min. 26 sec. West 1.00 feet to a point; thence

2) North 07 deg. 53 min. 50 sec. East 353.36 feet to a point; thence

3) South 81 deg. 54 min. 58 sec. East 1.00 feet to a point, and

4) South 07 deg. 53 min. 54 sec. West 353.36 feet to the point of beginning; or such premises or businesses located on that tract or parcel of land situate lying and being in the Town of Oneonta, County of Otsego and State of New York and being a portion of Otsego County Tax Map Department Parcel Number 287.00-1-33 and bounded and described as follows: Beginning at a point 2.12 feet off the northeasterly corner of a one story building on the lands, now or formerly, of Abner Doubleday, LLC, aka Cooperstown All Star Village, LLC, as owned by Martin and Brenda Patton, which point lies N 87°55'13" W a distance of 149.37' from the northeast corner of the Patton lands; thence N 74°30'18" W a distance of 51.50 feet to a point; thence S 15°29'42" W a distance of 2.00 feet to a point; thence N 74°30'18" W a distance of 14.00 feet to a point; thence S 15°29'42" W a distance of 19.20 feet to a point; thence S 74°30'18" E a distance of 14.20 feet to a point; thence S 15°29'42" W a distance of 4.20 feet; thence S 74°30'18" E a distance of 51.30 feet to a point; thence N 15°29'42" E a distance of 25.40 feet to a point to the point and place of beginning; or

(ix) on premises or with respect to a business constituting the overnight lodging facility located wholly within the boundaries of that

tract or parcel of land situated in the borough of Manhattan, city and county of New York, beginning at a point on the northerly side of west fifty-fourth street at a point one hundred feet easterly from the intersection of the said northerly side of west fifty-fourth street and the easterly side of seventh avenue; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the center line of the block; running thence easterly and parallel with the northerly side of west fifty-fourth street and along the center line of the block fifty feet to a point; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the southerly side of west fifty-fifth street at a point distant one hundred fifty feet easterly from the intersection of the said southerly side of west fifty-fifth street and the easterly side of seventh avenue; running thence easterly along the southerly side of west fifty-fifth street thirty-one feet three inches to a point; running thence southerly and parallel with the easterly side of the seventh avenue one hundred feet five inches to the center line of the block; running thence easterly along the center line of the block and parallel with the southerly side of west fifty-fifth street, one hundred feet; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the southerly side of west fifty-fifth street; running thence easterly along the southerly side of west fifty-fifth street twenty-one feet ten and one-half inches to a point; running thence southerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the center line of the block; running thence westerly along the center line of the block and parallel with the northerly side of west fifty-fourth street three feet one and one-half inches; running thence southerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the northerly side of west fifty-fourth street at a point distant three hundred feet easterly from the intersection of the said northerly side of west fifty-fourth street and the easterly side of seventh avenue; running thence westerly and along the northerly side of west fifty-fourth street two hundred feet to the point or place of beginning, provided that such facility maintains not less than four hundred guest rooms and suites for overnight lodging; or

(x) on such premises or business located on any of the following four

parcels:

Parcel A

any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of the Village of Altmar, County of Oswego, Great Lot 19 beginning at a point on centerline of Pulaski Street at its intersection with the division line between the lands now or formerly of Altmar Parish Williamstown Central School District (APW CSD) as described in Book 378 of Deeds at Page 118 on the northwest and the lands now or formerly of Tostanoski as described in Book 1356 of Deeds at Page 55 on the southeast; Thence along said centerline the following two (2) courses: 1) North 37 deg. 35 min. 00 sec. West, a distance of 803.88 ft. to a point and 2). North 45 deg. 48 min. 13 sec. West, a distance of 132.33 ft. to its intersection with the division line between the said lands of APW CSD on the southeast and the lands now or formerly of Hayward as described in Book 894 of Deeds at Page 211 & Doc. #2006-9318 on the northwest; Thence North 23 deg. 48 min. 43 sec. East along said division, a distance of 131.66 ft. to its intersection with the division line between the said lands of APW CSD on the north and the said lands of Hayward on the south; Thence South 73 deg. 16 min. 17 sec. West along the said division line, a distance of 131.66 ft. to its intersection with the division line between the said lands of APW CSD and the lands now or formerly of National Grid as described in Book 282 of Deeds at Page 552; Thence along said division line to the following six (6) courses: 1) North 23 deg. 43 min. 38 sec. East, a distance of 158.73 ft. to a point; thence 2) North 83 deg. 39 min. 24 sec. West, a distance of 190.48 ft. to a point; thence 3) North 25 deg. 39 min. 08 sec. East, a distance of 24.15 ft. to a point; thence 4) North 53 deg. 32 min. 01 sec. East, a distance of 265.18 ft. to a point; thence 5) North 81 deg. 24 min. 54 sec. East a distance of 475.00 ft. to a point; and 6) North 81 deg. 24 min. 54 sec. East, a distance of +/- 522 ft. to its intersection with the center of Salmon River; Thence upstream along said center, and in a generally southerly direction, a distance of +/- 1,455 ft. to its intersection with the division line between the said lands of APW CSD on the northwest and the lands now or formerly of Bennett as described in Book

927 of Deeds at Page 65 on the southeast; Thence South 52 deg. 19 min. 00 sec. West along said division line, a distance of +/- 170 ft. to a point; Thence South 52 deg. 19 min. 00 sec. West, continuing along said division line, a distance of 400.00 ft. to its intersection with the centerline of Pulaski Street; Thence North 37 deg. 35 min. 00 sec. West along said centerline, a distance of 53.65 ft. to its intersection with the division line between the said lands of APW CSD on the southeast and the lands now or formerly of Pfluger as described in Book 922 of Deeds at Page 187 on the northwest; Thence North 52 deg. 25 min. 00 sec. East along said division line, a distance of 330.00 ft. to its intersection with the division line between the said lands of APW CSD on the northeast and the said lands of Pfluger, the lands now or formerly of Endsley as described in Book 1520 of Deeds at page 5, and the hereinabove said lands of Tostanoski, in part by each, on the southwest; Thence North 37 deg. 35 min. 00 sec. West along said division line, a distance of 247.50 ft. to its intersection with the division line between the said lands of APW CSD on the northwest and the said lands of Tostanoski on the southeast; Thence South 52 deg. 25 min. 00 sec. West along said division line, a distance of 330.00 ft. to the POINT OF BEGINNING; or

Parcel B

any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of that tract or parcel of land situate in the city of Syracuse, County of Onondaga and State of New York, being part of Block 366 in said City and more particularly bounded and described as follows: beginning at a point at the intersection of the southerly line of East Genesee Street with the westerly line of University Avenue; running thence: South 00° 30' 30" West, along said westerly line of University Avenue, a distance of 75.16 feet to a point therein; Thence North 89° 49' 00" West, a distance of 140.00 feet to a point; thence South 00° 30' 30" West, a distance of 271.55 feet to a point; Thence North 89° 49' 00" West, a distance of 103.01 feet to a point; Thence South 00° 11' 00" West, a distance of 132.00 feet to a point in the northerly line of Madison Street; Thence North 89° 49' 0" West along said northerly line, a distance of 141.36

feet to a point; Thence North 00° 25' 10" East, a distance of 50 feet to a point in the westerly line of Farm Lot 200 of the Salt Springs Reservation; Thence North 03° 26' 10" West along said westerly line, a distance of 415.12 feet to a point in the southerly line of East Genesee Street; Thence North 88° 11' 00" East, along said southerly line, a distance of 412.50 feet to the point of beginning. The premises are also described as follows: All that tract or parcel of land, situate in the City of Syracuse, County of Onondaga and State of New York, being known as new Lot 1A as is more particularly shown on a Resubdivision Map of Part of Block 366 made by Christopherson Land Surveying and filed in the Onondaga County Clerk's Office October 8, 2002 as Map No. 9498; or

Parcel C

any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of all that tract or parcel of land situate in the city of Syracuse, County of Onondaga and State of New York, being a part of Lots 200 and 201, Lots 2, 6, and 7, Block 368 in the City of Syracuse and being further described as follows: Beginning at a drill hole set at the intersection of the easterly street margin of South Crouse Avenue and the southerly street margin of Harrison Street; Thence S. 89° 51' 36" E. (S 89° 49' 40" E measured), along the southerly street margin of Harrison Street, a distance of 395.30 feet to a capped iron rod set at the westerly line of a parcel of land conveyed to Syracuse University; Thence S. 00° 28' 34" W. (S 00° 30' 30" W measured), along the westerly line of those parcels of land conveyed to Syracuse University, a distance of 132.00 feet to a capped iron rod set; Thence N. 89° 51' 36" W. (N 89° 49' 40" W measured), along the northerly line of a parcel of land conveyed to Syracuse University, a distance of 132.00 feet to a capped iron rod set; Thence N. 89° 51' 36" W. (N 89° 49' 40" W measured), along the northerly line of a parcel of land conveyed to Syracuse University, a distance of 66.00 feet to a capped iron rod set; Thence S. 00° 28' 34" W. (S 00° 30' 30" W measured), along the westerly line of that Syracuse University Property, a distance of 71.25 feet to a capped iron rod set; Thence N 89° 55' 36" W. (89° 53' 39" W measured), a distance of 130.40 feet to a capped iron rod set at the easterly line of that parcel of land conveyed

to Crouse Health Systems, Inc. by deed recorded in the Onondaga County Clerk's Office in Liber 4800 at Page 730; Thence N. 03° 44' 23" W. (03° 42' 26" W measured), along the easterly line of the Crouse Health System, Inc. property, a distance of 37.99 feet to a magnetic nail set at the northeast corner of the aforementioned Crouse Health System, Inc.; Thence N. 89° 51' 36" W. (N 89° 49' 40" W measured), along the northerly line of the Crouse Health System, Inc. Property, a distance of 195.85 feet to a capped iron rod set at the easterly street margin of South Crouse Avenue; Thence N. 00° 23' 14" E. (N 00° 25' 10" E measured), along the easterly street margin of South Crouse Avenue, a distance of 165.50 feet to the point of beginning. Together with all the right, title and interest in and to strips and gores of land, if any, adjoining or adjacent to said premises and to the lands lying in the bed of any street, road land or right of way, as they now exist, or formerly existed in, in front of, or adjoining the premises above described or used in connection with said above described premises. Containing 1.55 acres of land more or less. It being the intent of this survey description to describe those parcels of land conveyed by Temple Adath Yeshurun, also known as the Congregation Adath Yeshurun, to the Syracuse Urban Renewal Agency, by a Warranty Deed dated September 21, 1972, that was duly recorded in the Onondaga County Clerk's Office on October 10, 1972 in Deed Book 2486 at Page 1137. Being a portion of the premises conveyed at Hotel Skylar, LLC, f/k/a 908 Harrison St., LLC, by deed dated June 5, 2007, and recorded in the Onondaga County Clerk's Office on June 14, 2007 in Deed Book 04998 at Page 0795 (Instrument: 0687909); or

Parcel D

any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of all that tract or parcel of land situate in the city of Syracuse, County of Onondaga, being part of Lots 13, 14 and 15 of Block 233 in said City, more particularly bounded and described as follows: beginning at a point in the northerly line of East Genesee Street, a distance of 232.5 feet easterly, measured along said northerly line, from the easterly line of Almond Street; Running thence the following 8 courses and distances:

(1.) S 89° 30' 50"E, along said northerly line of East Genesee Street, a distance of 109.5 feet; (2.) N 00° 20' E, parallel with said easterly line of Almond Street, a distance of 158.69 feet to the southerly line of Orange Alley; (3.) N 89° 30' 50" W, along said southerly line of Orange Alley, a distance of 66 feet to a point; (4.) N 00° 20' E, parallel with said easterly line of Almond Street, 20 feet to the northerly line of Orange Alley; (5.) N 89° 30' 50" W, along said northerly line of Orange Alley, a distance of 9 feet; (6.) S 00° 20' W, parallel with said easterly line of Almond Street, a distance of 13.5 feet to a point; (7.) N 89° 30' 50" W, parallel with the aforesaid northerly line of East Genesee Street, a distance of 3 feet to a point; and, (8.) S 00° 20' W, parallel with said easterly line of Almond Street, a distance of 165.19 feet to the point of beginning, containing 17,781+/- sq. ft. (0.41+/- Acres of Land) and; Parcel II (#716-718 East Fayette Street), All that tract or parcel of land situate in the City of Syracuse, County of Onondaga and State of New York, being Lot 3 and part of lots 4 and 9 of Block 233 beginning in the southerly line of East Fayette Street, a distance of 132 feet westerly, measured along said southerly line, from the westerly line of Forman Avenue; Running thence the following 4 courses and distances: (1.) N 89° 30' 50" W, along said southerly line of East Fayette Street, a distance of 97 feet; (2.) S 00° 20' 20" W, parallel with said westerly line of Forman Avenue, a distance of 178.69 feet to the northerly line of Orange Alley; (3.) S 89° 30' 50" E, along said northerly line of Orange Alley, a distance of 97 feet to a point; and, (4.) N 00° 20' 10" E, parallel with said westerly line of Forman Avenue, a distance of 178.69 feet to the point of beginning; or

(xi) with respect to any premises or business located on all that certain parcel of land situate in the City of Peekskill, County of Westchester and State of New York, that is a portion of Parcel I as it is shown on that certain map entitled, "Survey .. at Charles Point.." which was filed in the Westchester County Clerk's Office on October 23, 1980 as Map No. 20407 that is bounded and described as follows:

BEGINNING at a point on the easterly shoreline of the Hudson River and within the bounds of the said Parcel I as it is shown on the said Filed Map No. 20407, which point occupies coordinate position:

North 464418.83 (y)

East 607401.00 (x)

of the New York State Coordinate System, East Zone and which point is distant, the following courses from the southerly corner of the Parcel shown on Map No. 20407 that occupies coordinate position

North 463520.804 (y)

East 608470.681 (x)

of the aforesaid New York State Coordinate System, East Zone:

North 47 degrees 30' 36" West 856.60 feet,

North 77 degrees 10' 53" West 488.18 feet,

North 41 degrees 17' 53" West 113.32 feet and

North 41 degrees 50' 16" East 169.08 feet;

THENCE from the said point of beginning along the said easterly shoreline (high water mark) of the east bank of the Hudson River:

Due North 16.17 feet,

North 53 degrees 58' 22" West 13.60 feet,

North 73 degrees 04' 21" West 24.04 feet,

North 63 degrees 26' 06" West 22.36 feet,

North 82 degrees 18' 14" West 37.34 feet,

North 64 degrees 47' 56" West 37.58 feet,

South 82 degrees 52' 30" West 16.12 feet,

North 61 degrees 41' 57" West 14.76 feet and

South 21 degrees 48' 05" West 9.71 feet;

THENCE leaving the high water mark and running across a peninsula of land and along the division line between Parcel I and Parcel II as shown on said Filed Map No. 20407, North 65 degrees 32' 43" West 30.18 feet to another point on the said easterly shoreline (high water mark) of the East Bank of the Hudson River;

THENCE northerly along the said high water mark, the following courses:

North 3 degrees 00' 46" West 17.54 feet,

North 13 degrees 45' 39" West 50.45 feet,

North 10 degrees 49' 23" West 69.23 feet,

North 0 degrees 47' 22" West 52.48 feet to a point which is the point of beginning of the hereinafter described 40 foot easement which point occupies coordinate position

North 464676.48 (y)

East 607189.28 (x)

of the New York State Coordinate System, East Zone;

THENCE continuing along the aforesaid easterly shoreline (high water mark) of the East Bank of the Hudson, the following courses:

North 10 degrees 18' 17" West 23.91 feet,

North 39 degrees 04' 58" West 21.39 feet,

North 20 degrees 13' 30" West 21.74 feet,

North 39 degrees 02' 08" West 95.27 feet,

North 13 degrees 08' 02" West 30.81 feet,

North 18 degrees 26' 06" West 53.76 feet,

North 28 degrees 10' 43" West 63.53 feet,

North 18 degrees 26' 06" West 50.60 feet,

North 37 degrees 14' 05" West 31.40 feet,

North 21 degrees 15' 02" West 96.57 feet,

North 32 degrees 00' 19" West 47.17 feet,

North 1 degree 18' 07" West 44.01 feet and

North 17 degrees 14' 29" East 29.32 feet to a point on the southerly line of lands under lease to the County of Westchester (Resco Site);

THENCE along the said County of Westchester (Resco Site) lands: Due East 432.31 feet to a point on the westerly line of an easement and a right-of-way leading to Charles Point Avenue;

THENCE along the said westerly and southwesterly line of the said right-of-way leading to Charles Point Avenue: Due South 241.16 feet and South 27 degrees 13' 00" East 406.90 feet to a point;

THENCE leaving the said easement and running along other lands now or formerly of The City of Peekskill Industrial Development Agency, South 41 degrees 50' 16" West 270.01 feet to the aforementioned easterly shoreline (high water mark) of the East Bank of the Hudson River and the point or place of beginning.

TOGETHER with an easement over all that parcel of land situate in the City of Peekskill, County of Westchester and State of New York that is more particularly bounded and described as follows:

BEGINNING at a point on the westerly line of Charles Point Avenue with the said westerly line is intersected by the line dividing the easement herein described on the south from lands under lease to the County of Westchester (Resco Site) on the north which point occupies coordinate position:

North 464719.99 (y)

East 608004.15 (x)

of the New York State Coordinate System, East Zone;

THENCE from the said point of beginning southerly along the said westerly line of Charles Point Avenue, South 14 degrees 54' 00" West 103.48 feet to a point;

THENCE westerly along other lands of the City of Peekskill Industrial Development Agency: Due West 396.44 feet to a point which is the easterly most corner of the lands of Point Associates, the grantee herein;

THENCE along the northeasterly line of the said Point Associates' land, North 27 degrees 13' 00" West 406.90 feet and Due North 241.16 feet to a point on the southerly line of the aforementioned lands leased to the County of Westchester (Resco Site);

THENCE easterly along the said southerly line Due East 75.00 feet to a point;

THENCE southeasterly and easterly still along the said lands leased to the County of Westchester (Resco Site) the following courses:

Due South 223.00 feet,

South 27 degrees 13' 00" East 314.87 feet and

Due East 390.14 feet to the aforementioned westerly line of Charles Point Avenue and the point or place of BEGINNING.

TOGETHER WITH a non-exclusive easement for utilities, and ingress and egress over that certain right of way leading from Charles Point Avenue, now known as John E. Walsh Boulevard, in a westerly and northwesterly direction to the above described premises and as more fully described in the Declaration of Easement recorded in Liber 8888 cp 35; or

(xii) all those tracts or parcels of land, situate in the Tenth Ward of the City of Troy, County of Rensselaer and State of New York, known as Lots Number Seven (7), A Seven (A7), Six (6), A Six (A6), Five (5), A Five (A5) and the southerly portions of Lots Four (4) and A Four (A4), as the same are laid down and described on a certain Map made by Frederick W. Orr, dated August 15, 1918, filed in the Office of the Clerk of the County of Rensselaer as Map No. 29 1/2, Drawer 18. The said premises hereby intended to be conveyed are bounded and described as follows:

COMMENCING at an iron rod in the westerly side of River Street at the most southeasterly corner of premises heretofore conveyed by Harry Goldberg and Norman Goldberg to Arthur E. Collins and another, by Deed dated November 8, 1940, recorded November 12, 1940 In the Office of the Clerk of the County of Rensselaer in Book 633 of Deeds at page 400 and running thence southerly along the westerly line of River Street 215.6 feet to a pipe in the most southeasterly corner of Lot No. A7; thence westerly along the southerly line of Lots Nos. A7 and 7, 163 feet more or less to the easterly shore of the Hudson River; thence northerly along the easterly shore of the Hudson River 216 feet more or less to the most southwesterly corner of land heretofore conveyed by the said Harry Goldberg and Norman Goldberg to Arthur E. Collins and another hereinbefore recited; thence along the southerly line of lands heretofore conveyed to said Collins and another easterly 31.75 feet; thence northerly 6.33 feet; thence easterly 18 feet; thence southerly

6.33 feet; thence easterly 150.57 feet to the point or place of beginning.

EXCEPTING THEREFROM that portion of the above described premises as were conveyed by John B. Garrett, Inc. to Cahill Orthopedic Laboratory, Inc. by deed dated June 22, 1993 and recorded in the Rensselaer County Clerk's Office on June 24, 1993 in Book 1960 of Deeds at Page 215, Containing 17,600 square feet of land more or less.

BEARINGS refer to the magnetic meridian of 1993. Said premises are also described as follows: Ward & Plate: 1005500 669 RIVER ST: frontage and depth 115.60 x 220.00 being the same premises described in Book 6534 of Deeds at Page 256 in the Rensselaer County Clerk's Office and being the same premises in the 2009 City of Troy Assessment Rolls and 90.78-3-2.1 In Rem Serial No. AY0054 (RIVERVIEW PROPERTIES INC; CORINA, ANGELO; MCLAUGHLIN, JOHN D & VASIL, SCOTT); and being further bounded and described as follows: BEGINNING at a point marked by a capped iron rod where the division line between lands now or formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) on the northeast and lands herein described on the southwest intersects the northwesterly side of River Street; running thence South 40° 01' 52" West along the northwesterly side of River Street a distance of 100.00 feet to a point; thence North 49° 45' 31" West a distance of 41.97 feet to a point at the southwesterly corner of the building located on the herein described premises, said point also being the northeasterly corner of the building located on the property adjoining on the southwest; thence North 60° 59' 40" West along the building wall located on the property adjoining on the southwest and the northwesterly continuation of same a distance of 140.88 feet to the easterly shore of the Hudson River; thence North 30° 16' 52" East along the shore of the Hudson River a distance of 90.90 feet to a point; thence South 60° 44' 08" East along lands now or formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) a distance of 31.75 feet to a point; thence North 30° 16' 52" East continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East continuing along lands now or formerly of Walter Snyder Printer, Inc a distance of 18.00 feet to a point; thence South 30° 16' 52" West

continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East continuing along lands now or formerly of Walter Snyder Printer, Inc. a distance of 149.40 feet to the point and place of beginning. Be the aforesaid dimensions in this clause more or less and encompassing lands considered to be a single contiguous parcel.

(xiii) ALSO ALL THOSE TRACTS OR PARCEL OF LAND, situate in the City of Saratoga Springs, Saratoga County, New York, bounded and described as follows: Beginning at a point 55 feet south on Beekman Street, from where the west line of Beekman Street intersects the south line of Congress Street, and running thence southerly along the west line of Beekman Street 55 feet, more or less, to the north line of the premises now or formerly owned or occupied by Henry Curtis; thence westerly along said Curtis' north line 65 feet, more or less, to the east line of the premises heretofore conveyed to Edward M. Merritt; thence northerly along said Merritt's east line 55 feet, more or less, to a point 55 feet south of the south line of Congress Street; thence easterly on a line parallel with the south line of Congress Street 65 feet, more or less, to the point and place of beginning; and being further bounded and described as follows: BEGINNING at a point in the Southerly line Grand Avenue at the intersection of the Westerly line of Beekman Street, said point also being the Northeast comer of lands now or formerly of Dublin Underground, LLC as conveyed in Book 1769 of Deeds at Page 657, thence along said Westerly line of Beekman Street, South 01° 02' 45" West, 55.00 feet to a point at the intersection of the common division line between lands now or formerly of Haggerty as conveyed in Book 1595 of Deeds at Page 480 on the South and lands of said Dublin Underground LLC on the North, thence along said division line, North 88° 57' 15" West, 65.00 feet to a point at the intersection of the common division line between lands now or formerly of Haynes as conveyed in Book 1630 of Deeds at Page 727 on the West and said lands of Dublin Underground UC on the East, thence along said division line, North 01° 02' 45" East, 55.00 feet to a point in the Southerly line of Grand Avenue, thence along said Southerly line, South 88° 57' 15" East, 65.00 feet to the point or place of beginning and containing 3576 ± square feet of land; and being further bounded and described as follows: BEGINNING at a point where the east line of an alley intersects the south line of Grand Avenue, running thence easterly

fifty-five (55) feet, more or less, to the west line of property now or formerly owned by one Desidora; thence southerly one hundred ten (110) feet, more or less, to the northerly line of property now or formerly owned by one Gutierrez; thence westerly fifty-five (55) feet, more or less to the easterly line of an alley; thence northerly one hundred ten (110) feet, more or less to the point or place of beginning. Be the aforesaid dimensions in this clause more or less and encompassing lands considered to be a single contiguous parcel; or

(xiv) any such premises or business located on that certain piece or parcel of land, or any subdivision thereof, situate, lying and being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, addressed as 97-99 Lafayette Avenue, Suffern, New York, identified for tax purposes by the Town of Ramapo - 2000 County/Town Tax Bill, Tax Map No. 07/016-B-0239-B-0000 and New Parcel Tax Identification No. 54.35-2-54, bounded and described as follows:

BEGINNING at a point on the Westerly side of Washington Avenue, where the same is intersected by the Northerly line of lands now or formerly of the Village of Suffern (Sect. 168, Lot 284), said point also being the Southeasterly corner of the premises herein intended to be described.

RUNNING THENCE North 76 degrees 15 minutes West along the Northerly line of lands now or formerly of the Village of Suffern a distance of 210.30 feet to a point; THENCE South 13 degrees 45 minutes West along the Westerly line of lands now or formerly of the Village of Suffern a distance of 78.75 feet to a point; THENCE North 76 degrees 28 minutes West along the Northerly line of lands now or formerly of the Village of Suffern a distance of 96.30 feet to a point; THENCE North 13 degrees 32 minutes East a distance of 117.60 feet to a point; THENCE South 76 degrees 15 minutes East a distance of 6.00 feet to a point; THENCE North 13 degrees 32 minutes East a distance of 54.80 feet to a point; THENCE South 76 degrees 15 minutes East a distance of 91.00 feet to a point; THENCE North 13 degrees 45 minutes East along the Easterly line of lands now or formerly of Mirando (Sect. 168. Lot 239A) a distance of 123.25 feet to a point on the Southerly side of Lafayette Avenue; THENCE South 59 degrees 56 minutes 42 seconds East along the Southerly side of

Lafayette Avenue a distance of 176.92 feet to a point; THENCE Southeasterly along the Southerly side of Lafayette Avenue, on a curve to the right having a radius of 58.97 feet an arc distance of 76.88 feet to a point; THENCE South 14 degrees 45 minutes West along the Westerly side of Washington Avenue a distance of 109.22 feet to the point or place of BEGINNING.

Being the same premises described in a deed dated June 11, 1999 from Westchester Realty Group LLC to Marandy Realty Associates, LLC and recorded in the Rockland County Clerk's Office on June 24, 1999 Instrument ID # 1999-00033893.

The premises described above are more particularly described after field survey by A.R. Sparaco, Jr., P.L.S. dated June 13, 2000, as follows:

ALL THAT TRACT, piece or parcel of land with the buildings and improvements thereon in the Village of Suffern, Town of Ramapo, Rockland County, New York, Tax Map Reference Section 16B; Lots 239 B and 254, bounded and described as follows:

BEGINNING at a cross-cut in the westerly line of Washington Ave. (50 feet wide) where the same is intersected by the northerly line of lands of the Village of Suffern (formerly Washington Ave. School) and running thence; North 78° 42' 52" West 211.11' along the northerly line of lands of the Village of Suffern to an iron pipe; thence, South 11° 03' 40" West 78.38' continuing along said lands to a PK nail; thence, North 79° 21' 20" West 96.30' continuing along said lands to an iron pipe; thence, North 10° 21' 09" E 117.12' along lands now or formerly of Meadows to a point; thence, South 79° 00' 00" East 6.00' to a point in the centerline of an old right of way; thence, North 12° 50' 10" East 55.32' along the centerline of an old right of way to an iron pipe; thence, South 79° 00' 00" East 91.04' crossing through said right of way and continuing along the southerly line of lands now or formerly of Miranda to a cross cut; thence, North 11° 15' 34" East 123.37' along the easterly line of said lands to a cross cut in the southerly line of Lafayette Ave.; thence, South 62° 34' 00" East 165.97' along the assumed southerly line of

Lafayette Ave. to a point of curvature; thence, Southeasterly along a curve to the right having a radius of 72.00' and an arc distance of 93.43' continuing along the same to a point of tangency in the westerly line of Washington Ave; thence, South 11°47'00" West 100.86' along the westerly line of Washington Ave. to the point or place of BEGINNING.

Containing 1.267 acres of land more or less.

SUBJECT to utility easements described in Uber 1016, page 487, Liber 1038, page 977, Book 340, page 1277.

SUBJECT TO a 6' wide easement for ingress and egress as described in Liber 318, page 4.

TOGETHER with a 6' wide and 12' wide right of way as described in Liber 318, page 4.

SUBJECT TO any other easements, rights of ways or restrictions of record.

Being the same premises described in a deed dated June 11, 1999 from Westchester Realty Group LLC to Marandy Realty Associates, LLC and recorded in the Rockland County Clerk's Office on June 24, 1999 Instrument ID #1999-00033893; or

(xv) ALSO ALL THOSE TRACTS OR PARCEL OF LAND, situate in the City of Saratoga Springs, County of Saratoga and State of New York, bounded and described as follows: Starting at an iron pipe on the southerly side of New York State Highway 9P at the intersection of the lands now of formerly of Ernst and one Walbridge and runs thence along the said highway S 64 degrees 25' E 72.4 feet to a concrete state monument; thence S 35 degrees 9' E 135.6 feet to an iron pipe on the Westerly side of an 18 foot wide Right of Way extending from the aforementioned highway to the Low Water Mark of Saratoga Lake; thence along the said Right of Way S 17 degrees 20' W 115 feet to an iron pipe, the place of beginning; thence in the same straight line along the said Right of Way 78.4 feet to an iron pipe; thence still along the said Right of Way S 38 degrees 9' W 208 feet to an iron pipe; thence N 51 degrees 51' W 81 feet

to an iron pipe; thence N 14 degrees 34' E 54.2 feet to an iron pipe; thence N 56 degrees 0' E 242.8 feet to the place of beginning, the aforementioned dimensions more or less; and being further bounded and described as follows: BEGINNING at an iron pipe of the southerly side of New York State Highway 9P at the intersection of the lands now of formerly of Ernst and one Walbridge and runs thence along said highway S. 64 degrees 25' E. 72.4 feet to a concrete state monument; thence still along the said highway S. 35 degrees 9' E. 135.6 feet to an iron pipe on the westerly side of a Right of Way 18 feet wide running from the beforementioned highway to the Low Water Mark of Saratoga Lake; thence across the said Right of Way S. 26 degrees E. 21.15 feet to the Easterly side of the said Right of Way, the place of beginning; thence along the said Right of Way S. 17 degrees 20' W. 171.1 feet to a point; thence still along the said Right of Way S. 38 degrees 9' W. to the Low Water Mark of Saratoga Lake; thence along the Low Water Mark of the said lake to an iron pipe on the Westerly side of the said Highway which point is about 435 feet Easterly at right angles from the Easterly side of the beforementioned Right of Way; thence along the said Highway N. 10 degrees 57' W. 653.5 feet to a concrete monument; thence N. 26 degrees 10' W. 9.85 feet to the place of beginning. Be the aforesaid dimensions in this clause more or less and encompassing lands considered to be a single parcel; or

(xvi) where such licensed wholesaler or manufacturer also has an interest in any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of that tract or parcel of land situate in the city of Canandaigua, county of Ontario, beginning at a point in the northerly line of village lot nine where it meets with South Main Street, thence south sixty-nine degrees fifty-four minutes west a distance of nine hundred sixteen and twenty-three hundredths feet to an iron pin; thence in the same course a distance of fourteen feet to an iron pin; thence in the same course a distance of fourteen and four-tenths feet to a point; thence south fifteen degrees thirty-eight minutes and forty seconds east a distance of four hundred forty-six and eighty-seven hundredths feet to a point; thence south twenty-eight degrees thirty-seven minutes and fifty seconds east a distance of one hundred thirteen and eighty-four hundredths feet to a point; thence south eighty-five degrees and forty-seven minutes

east a distance of forty-seven and sixty-one hundredths feet to an iron pin; thence on the same course a distance of three hundred and sixty-five feet to an iron pin; thence north seventeen degrees twenty-one minutes and ten seconds east a distance of four hundred fifty-seven and thirty-two hundredths feet to an iron pin; thence north nineteen degrees and thirty minutes west a distance of two hundred and forty-eight feet to a point; thence north sixty-nine degrees and fifty-four minutes east a distance of two hundred eighty-four and twenty-six hundredths feet to a point; thence north nineteen degrees and thirty minutes west a distance of sixty feet to the point and place of beginning, provided that such facility maintains not less than seventy-five rooms and suites for overnight lodging; or

* (xvii) Parcel 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 formed by the intersection of the northerly side of Wall Street and the easterly side of Pearl Street; running thence northerly along the easterly side of Pearl Street, 76 feet 1 inch; thence easterly on a line forming an angle on its northerly side with the easterly side of Pearl Street of $85^{\circ} 33' 30''$, a distance of 43 feet 1 inch; thence southerly on a line which forms an angle on its westerly side with said last mentioned course of $90^{\circ} 22'$, a distance of 1 foot; thence easterly on a line which forms an angle on its southerly side with said last mentioned course of $89^{\circ} 24'$, a distance of 18 feet 3 inches, more or less, to a point where it is intersected by a line drawn along the westerly side of the one-story brick extension at the rear of the premises No. 122 Water Street; thence southerly on a line which on its westerly side forms an angle of $86^{\circ} 43'$ with the preceding course and along said one-story brick extension, 17 feet 3 inches to the corner of said one-story brick building; thence easterly on a line which on its northerly side forms an angle of $91^{\circ} 40'$ with the preceding course, 6 feet 8 1/2 inches to premises now known as No. 120 Water Street; thence southerly along a line which on its westerly side forms an angle of $91^{\circ} 40'$ with the preceding course, 10 feet 9 inches to the premises now or

late of Tontine Company; thence westerly along said premises on a line which on its northerly side forms an angle of 88° 20' with the preceding course, 20 feet; thence southerly and still along land now or late of Tontine Company on a line which on its easterly side forms an angle of 89° 09' with the preceding course, 53 feet 5 inches to the northerly side of Wall Street; and thence westerly along the northerly side of Wall Street on a line which on its northerly side forms an angle of 88° 08' with the preceding course, 48 feet 11 1/2 inches to the easterly side of Pearl Street at the point or place of beginning.

Parcel B:

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 the corner formed by the intersection of the northerly side of Wall Street with the westerly side of Water Street; running thence northerly, along the westerly side of Water Street, about fifty feet nine inches to the premises Number One Hundred and Twenty Water Street; thence westerly, along the southerly side of premises Number One Hundred and Twenty Water Street, about eighty feet seven inches to the easterly side of premises Number Eighty-Two Wall Street, thence northerly, along the easterly side of premises Number Eighty-Two Wall Street, to a point where it is intersected by a line drawn along the northerly face of the northerly wall of the four-story and basement brick building formerly erected thereon; thence westerly, along the northerly side of said northerly wall, about twenty feet to the westerly side of said premises Number Eighty-Two Wall Street; thence southerly, along the westerly side of said premises Number Eighty-Two Wall Street, about fifty-three feet six inches to the northerly side of Wall Street; and thence easterly along the northerly side of Wall Street, 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 subdivision one-a of section one

hundred one of this article: (i) such interest must have been acquired prior to the effective date of chapter two hundred ninety-nine of the laws of two thousand twenty-one; (ii) such retail licensee may not purchase alcoholic beverages directly from any such manufacturer or wholesaler; and (iii) 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; or

* NB Repealed upon certain provisions (see chapter 299 of 2021 § 2)

* (xviii) Real property in the Town of East Hampton, County of Suffolk, State of New York, described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being at Montauk, Town of East Hampton, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northeast side of Surfside Place with the southeast side of Ocean view Terrace;

RUNNING THENCE from said point of beginning along the southeasterly side of Oceanview Terrace North 68 degrees 18 minutes 15 seconds East, 265.64 feet to land formerly of Montauk Improvement Inc.;

THENCE along said land South 24 degrees 34 minutes 52 seconds East, 321.71 feet to the northerly line of boardwalk easement;

THENCE still along said course, 82 feet, more and less (114.76 feet per survey), to the high water mark of the Atlantic Ocean;

THENCE southwesterly and along the high water mark of the Atlantic Ocean, 267 feet more or less (265,41 feet per survey) to the northeast side of the Surfside Place;

THENCE along the northeast side of Surfside Place North 24 degrees 34 minutes 52 seconds West, 425 feet, more or less, (448.98 feet per survey) 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 subdivision one-a of section one hundred one of this article: (i) such interest must have been acquired prior to the effective date of chapter two hundred eighty-eight of the laws of two thousand twenty-two; (ii) such retail licensee may not purchase alcoholic beverages directly from any such manufacturer or wholesaler; and (iii) 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; or

(xix) on real property located on that certain tract or parcel of land situated in the Town of Shelby, County of Orleans and State of New York, being part of Great Lot No. 32 in Township 14, Range 3 of the Holland Land Purchase and bounded and described as follows:

Beginning at the point of intersection of the centerline of Maple Ridge Road, a/k/a New York State Route No. 31A (66 foot wide right-of-way) with the centerline of Bates Road;

thence (1) North 00° 12' 14" West and along the centerline of said Bates Road a distance of 225.00 feet to a point; thence (2) North 89° 47' 46" East and along the south line of lands now or formerly owned by Joyce and Raymond Cook, Jr. (See Liber 392 of Deeds at page 246 and Tax Account No. 080.00 - 03 - 15.3) a distance of 200.00 feet to a point; thence (3) North 00° 12' 14" West and along the westerly line of lands now or formerly of said Joyce and Raymond Cook, Jr. and also along the westerly line of lands now or formerly owned by Mark G. and Evon C. Navarra (See Liber 498 of Deeds at page 88 and Tax Account No. 080.00 - 03 - 15.2) and lands now or formerly owned by John E. Harris, Jr. (See Liber 452 of Deeds at page 207 and Tax Account No. 080.00 - 03 - 16.0) a distance of 300.00 feet to a point; thence (4) South 89° 47' 46" West and along the north line of lands now or formerly of said John E. Harris, Jr. a distance of 200.00 feet to a point in the centerline of Bates Road;

thence (5) North 00° 10' 30" West and along the centerline of said Bates Road a distance of 1414.14 feet to a point; thence (6) North 89° 46' 17" East and along the south line of lands now or formerly owned by Harry R. and Lois A. Deyarmin (See Liber 466 of Deeds at page 322 and Tax Account No. 080.00 - 03 - 17.00) and also along the south line of lands now or formerly owned by Michael J. Healy and Vincent J. Licata (See Liber 391

of Deeds at page 1077 and Tax Account No. 080.00 - 03 - 01.4) a distance of 398.06 feet to a point on the westerly line of lands now or formerly owned by the Niagara Mohawk Power Corporation (See Liber 360 of Deeds at page 186 and Tax Account No. 080.00 - 03 - 23.0); thence (7) South 02° 21' 51" East and continuing along the westerly line of lands now or formerly owned by the said Niagara Mohawk Power Corporation a distance of 1932.39 to a point in the centerline of Maple Ridge Road, a/k/a New York State Route No. 31A; thence (8) South 88° 47' 20" West and along the centerline of said Maple Ridge Road, a/k/a New York State Route No. 31A, a distance of 471.69 feet to the point of beginning.

Hereby intending to describe a parcel of land shown on a Survey Map made by Clark Patterson Associates, dated August 7, 2006, being Project No. 9418.00 and Drawing Number BNDY - 2. Together with the right, privilege and easement for use of one or more of four road crossings not to exceed 20 feet in width, as reserved in the Warranty Deed made by Glenn L. Hill and Nola A. Hill to the Niagara Mohawk Power Corporation, dated November 2, 1972 and recorded November 3, 1972 in the Orleans County Clerk's Office in Liber 360 of Deeds at page 186. ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Shelby, County of Orleans and State of New York, being part of Great Lot No. 32 in Township 14, Range 3 of the Holland Land Purchase and bounded and described as follows:

Commencing at the point of intersection of the centerline of Maple Ridge Road, a/k/a New York State Route No. 31A (66 foot wide right-of-way) with the centerline of Bates Road; thence (A) North 88° 47' 20" East and along the centerline of said Maple Ridge Road, a/k/a New York State Route No. 31A a distance of 621.72 feet to the point of beginning; thence (1) North 02° 21' 51" West and along the easterly line of lands now or formerly owned by the Niagara Mohawk Power Corporation (See Liber 360 of Deeds at page 186 and Tax Account No. 080.00 - 03 - 23.0) a distance of 1931.96 feet to a point; thence (2) North 89° 45' 02" East and along the south line of lands now or formerly owned by Douglas A. Holka (See Liber 545 of Deeds at page 43 and Tax Account No. 080.00 - 03 - 1.1) a distance of 1378.90 feet to a point; thence (3) South 00° 12' 37" East and along the westerly line of lands now or formerly owned by Franklin Tower (See Liber 489 of Deeds at page 185 and Tax Account No. 080.00 - 03 - 14.0) a distance of 1908.72 feet to a point in the centerline of said Maple Ridge Road, a/k/a New

York State Route No. 31A; thence (4) South 88° 47' 20" West and along the centerline of said Maple Ridge Road, a/k/a New York State Route No. 31A, a distance of 1306.49 feet to the point of beginning.

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

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

Beginning at a point on the northwesterly side of Main Street (Montauk Highway - NYS Rte. 27) distant 541 feet more or less northeasterly, as measured along the same, from the corner formed by the intersection of the northeasterly side of Windmill Lane with the northwesterly side of Main Street, said point being also at the division line between the easterly side of land now or formerly of Stanley Flower, Jr. and the westerly side of the hereafter described parcel; Running thence along said division line and along the easterly side of land now or formerly of Peter Bistran, North 21 degrees 34 minutes 40 seconds West 380 feet; Thence still along land now or formerly of Peter Bistran, North 64 degrees 52 minutes 20 seconds East, 74 feet; Thence along land now or formerly of Peter Bistran, Cullum and EJS Realty Corp. South 21 degrees 34 minutes 40 seconds East 380 feet to the northwesterly side of Main Street; and Thence along the northwesterly side of Main Street, South 64 degrees 52 minutes 20 seconds West 74 feet to the point or place of beginning. Being the same premises conveyed by Nicholas Catalano by deed dated May 5, 1977 and recorded in the Suffolk County Clerk's Office on May 16, 1977, in Liber 8235, cp 582. Being the same premises conveyed in part to W. John Cox by deed dated May 23, 1985 and recorded in the Suffolk County Clerk's Office on May 30, 1985, in Liber 9799, cp 453. Provided, however, notwithstanding section one hundred seven-a of this

article, the retail licensee and brand owner located at the premises described in this subparagraph may designate the importer licensee located at the premises described in subparagraph (xiv) of paragraph (a) of subdivision one of section one hundred one of this article as owner of such brands for purposes of brand label registration and price scheduling as required under this chapter; or

* NB Repealed upon certain conditions (see chapter 328 of 2022 § 3)

* (xxi) Parcel A: ALL THAT CERTAIN plot, place or parcel of land, with the buildings and improvements thereon erected, 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 Grove Street with the easterly side of Bleecker Street; THENCE easterly along the northerly side of Grove Street 117 feet 9 1/2 inches to the center of a party wall between Nos. 53 and 55 Grove Street; THENCE northerly parallel with or nearly so with Bleecker Street and partly through the center of said party wall 47 feet; THENCE westerly parallel with or nearly so with Grove Street 36 feet 7 inches to a point distant 82 feet 5 inches from Bleecker Street; THENCE northerly at right angles to Christopher Street 29 feet 1 1/2 inches; THENCE westerly parallel with Grove Street 88 feet 6 inches to the easterly side of Bleecker Street; THENCE southerly along the easterly side of Bleecker Street 73 feet 3 inches to the point or place of beginning. Notwithstanding section one hundred seven-a of this article, the retail licensee and brand owner located at the premises described in this subparagraph and further identified as Parcel A may designate the manufacturer licensee located at the premises described in subparagraph (xiv) of paragraph (a) of subdivision one of section one hundred one of this article as owner of such brands for purposes of brand label registration and price scheduling as required under this chapter.

Parcel B:

ALL that lot of land in the borough of Manhattan, County of New York, City and State of New York, bounded and described as follows: BEGINNING on the southwesterly corner of Commence and Barrow Streets; RUNNING THENCE westerly along the southerly side of Barrow Street twenty feet, seven and One-half inches to the easterly face of the easterly

wall of the premises known as seventy-seven Barrow Street;
RUNNING THENCE southerly in a straight line along the easterly face of said wall and the line to continuation thereof eighty feet, eleven inches;
RUNNING THENCE northeasterly in a straight line and past of the distance along the northerly wall of the three story basement, brick building known as 48 Commerce Street fifty-five feet, eight and three fourths inches to the westerly side of Commerce Street;
THENCE northerly along the westerly side of Commerce Street sixty feet, nine and one half inches to the point or place of BEGINNING.

Parcel C:

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, 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 northerly side of Christopher Street, distant 125 feet westerly from the corner formed by the intersection of the northerly side of Christopher Street with the westerly side of Bleecker Street;

RUNNING THENCE northerly parallel with Bleecker Street, 90 feet;

THENCE westerly in the rear parallel with Christopher Street, 25 feet;

THENCE southerly parallel with Bleecker Street 90 feet to the northerly side of Christopher Street;

THENCE easterly along the northerly side of Christopher Street, 25 feet to the point or place of BEGINNING.

Parcel D:

ALL that piece or parcel of land, together with the buildings and improvements thereon, situate, lying and being in the Third Ward of the City of Hudson, Columbia County, New York, bounded and described as follows:

BEGINNING at a point in the southerly line of Warren Street, which point marks the northeasterly corner of the premises herein described and the northwesterly corner of the premises conveyed by Richman's Apparel of Hudson, N.Y., to the City of Hudson by deed dated December 18, 1975, and recorded the same day in Columbia County Clerk's Office in Book 520 of

Deeds at Page 1137; running thence along said land so conveyed to the City of Hudson, the following three courses and distances: (1) S 44° 33' 20" W, 11.45 feet to a point, (2) N 45° 26' 40" W, 4 feet to a point, and (3) 45° 20' 30" W, 109.27 feet to a point in the northerly line of Cherry Alley; thence along said Cherry Alley N 45° 52' 40" W 23.40 feet to an iron pin, which iron pin marks the southwesterly corner of the premises here in described; thence along lands now or formerly of Michael Martin N 44° 37' 20" E, 120.67 feet to a point in the southerly line of Warren Street; thence along the southerly line of Warren Street the following two courses and distances: (1) S 45° 52' 40" E, 23.39 feet, and (2) S 45° 51' 30" E, 5.37 feet to the point or place beginning as shown on a map entitled "Survey update of Lands of Richman's Apparel of Hudson, New York, Inc." dated January 11, 1982, made by M. Chazen, P. E. & L. S., and recorded in the Columbia County Clerk's Office as Micro 7469.

TOGETHER WITH the Temporary Easement granted by The City of Hudson to Bread and Roses, LLC dated 3/10/2003 recorded 3/14/2003 in Cartridge 441 Frame 1222.

Parcel E:

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 southerly side of Grove Street, distant 83 feet westerly from the corner formed by the intersection of the said southerly side of Grove Street with the westerly side of Bleecker Street;

RUNNING THENCE westerly along the southerly side of Grove Street, 42 feet;

THENCE southerly parallel with the westerly side of Bleecker Street, 100 feet;

THENCE easterly and parallel with the southerly side of Grove Street, 42 feet;

THENCE northerly again parallel with the westerly side of Bleecker Street, 100 feet to the point or place of BEGINNING.

Said premises is commonly known as 42-44 Grove Street, New York, New York.

Parcel F:

BEGINNING at a point on the southerly side of Grove Street distant 75 feet and $\frac{3}{4}$ of an inch easterly from the corner formed by the intersection of the said southerly side of Grove Street with the easterly side of Bleecker Street;
RUNNING THENCE southerly parallel with the easterly side of Bleecker Street 81 feet and $10\frac{5}{8}$ inches to the northwesterly side of Seventh Avenue South;
THENCE northeasterly along the said northwesterly side of Seventh Avenue South 117 feet and 11 inches to the corner formed by the intersection of the said northwesterly side of Seventh Avenue South with the southerly side of Grove Street;
THENCE westerly along the southerly side of Grove Street 86 feet and 9 inches to the point or place of BEGINNING.
SAID PREMISES being known as and by the street numbers 92-100 Seventh Avenue South and 52-58 Grove Street.

Parcel G:

THE condominium unit (the "Unit") known as Unit Nos. C1 and C2 in the Building (hereinafter referred to as the "Building") known as the Bleeker-Grove Condominium and by the street numbers 312-314 Bleeker Street, a/k/a 48 Grove Street, New York, New York, said Units being designated and described as Unit Nos. C1 and C2 in the declaration establishing a plan condominium ownership of said premises under Article 9-b of the Real Property Law of the State of New York (the "New York Condominium Act"), dated 6/13/1990, recorded in the Office of the Register of New York County (the "Register's Office") on 2/5/1991 in reel 1760 page 1981, and also designated as Tax Lot Nos. 1001 and 1002 in Block 588, Section 2, of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of the City of New York and on the floor plans of said Building, certified by Howard I. Zimmerman Associates, Architects, on the 1/28/1991, and filed with the Real Property Assessment Department of the City of New York as Condominium Plan No. 755, and also filed in the City Register's Office on 2/5/1991, as Map No. 5059.
TOGETHER with an undivided 15.193% and 30.331% interest, respectively,

in the common elements,

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

ALL that certain plot, piece or parcel of land, situate, lying and being 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 westerly side of Bleeker Street with the southerly side of Grove Street;

RUNNING thence southerly along Bleeker Street, 40 feet;

THENCE westerly parallel with Grove Street, 83 feet;

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

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

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

* NB Repealed upon certain conditions (see chapter 348 of 2022 § 3)

* (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 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 210 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 0 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' 10" 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 corner 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° 50' 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

* NB Repealed upon certain provisions (see chapter 527 of 2023 § 6)

* (xxiii) 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 Dusingbere (lib. 510, page 151) a distance of 76.42 feet to an iron pipe; thence South 04° 24' 03" East along said lands of Dusingbere, 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' 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 feet 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 premises 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.

* NB There are 3 sbpar (xxiii)'s

* (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 intersection 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.

* NB There are 3 sbpar (xxiii)'s

* NB Repealed upon certain provisions (see chapter 412 of 2024 § 2)

* (xxiii) 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:

Parcel A

BEGINNING at the intersection of the southerly line of South Street, 135 feet wide, and the westerly line of Block 2 Lot 3;

THENCE RUNNING the following seven (7) courses and distances:

(1) Along said westerly line of Block 2 Lot 3, South 16 degrees 50 minutes 39 seconds East a distance of 145.30 feet to a point;

(2) THENCE still along said westerly line of Block 2 Lot 3, North 73 degrees 09 minutes 21 seconds East a distance of 28.67 feet to a point;

(3) THENCE still along said westerly line of Block 2 Lot 3, South 16 degrees 50 minutes 39 seconds East a distance of 419.26 feet to a point on the U.S. Pierhead Line approved by Secretary of War, February 25, 1918;

(4) THENCE along said U.S. Pierhead Line, South 73 degrees 09 minutes 21 seconds West a distance of 317.76 feet to a point;

(5) THENCE still along said U.S. Pierhead Line, South 87 degrees 11 minutes 44 seconds West a distance of 36.57 feet to a point on the easterly line of Block 2 Lot 1;

(6) THENCE along the northerly line of Block 2 Lot 1, North 15 degrees 30 minutes 29 seconds West a distance of 555.84 feet to a point on said southerly line of South Street; and

(7) THENCE along said southerly line of South Street, North 73 degrees 09 minutes 21 seconds East a distance of 311.61 feet to the point of BEGINNING.

EXCEPTING THEREFROM the slips, and those certain portions of the ground floor as delineated on the diagrams annexed to the Sublease (i) with the cross-hatching on the schematic drawing of the ground floor depicted on page 1 of Annex 1 and (ii) with black shading or cross-hatching on the schematic drawing of Annex 2.

Parcel B

All that certain Lot, piece or parcel of land, with the buildings and

improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, State of New York:

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 westerly side of Broadway and the southerly side of Morris Street;

THENCE southerly along the westerly side of Broadway, 203 feet 1-3/4 inches Survey (203 feet 2-1/4 inches Deed more or less), to the northerly side of lands formerly belonging to Eve White;

THENCE westerly along the northerly side of said lands formerly belonging to Eve White 201 feet 2 inches Survey (200 feet 8 inches Deed more or less), to the easterly side of Greenwich Street;

THENCE northerly along the easterly side of Greenwich Street 231 feet 1-3/4 inch Survey (231 feet 1-3/4 inches Deed) to the southeasterly corner of Greenwich and Morris Streets; and

THENCE easterly along the southerly side of Morris Street, 248 feet 2 inches Survey (248 feet 3 inches Deed) to the point or place of BEGINNING.

Parcel C

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 the corner formed by the intersection of the easterly side of William Street and the southerly side of Wall Street;

RUNNING THENCE easterly along the southerly side of Wall Street 198.11 feet to the corner formed by the intersection of the westerly side of Hanover Street and the southerly side of Wall Street;

THENCE southerly along the westerly side of Hanover Street 52.33 feet to an angle point therein;

THENCE southerly still along the westerly side of Hanover Street 88.34 feet to the corner formed by the intersection of the westerly side of Hanover Street and the northerly side of Exchange Place;

THENCE westerly along the northerly side of Exchange Place 206.41 feet to the corner formed by the intersection of the northerly side of Exchange Place and the easterly side of William Street;

THENCE northerly along the easterly side of William Street 76.79 feet to an angle point therein;

THENCE northerly still along the easterly side of William Street 95.00 feet to the point or place of BEGINNING.

THE ABOVE LAND HAVING ALSO BEEN DESCRIBED PURSUANT TO A SURVEY PREPARED BY EARL B. LOVELL- S.P. BELCHER ORIGINALLY DATED NOVEMBER 5, 1952 AS FOLLOWS:

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 the corner formed by the intersection of the easterly side of William Street and the southerly side of Wall Street;

RUNNING THENCE easterly along the southerly side of Wall Street 197.94 feet to the corner formed by the intersection of the westerly side of Hanover Street and the southerly side of Wall Street;

THENCE southerly along the westerly side of Hanover Street 140.78 feet to the corner formed by the intersection of the westerly side of Hanover Street and the northerly side of Exchange Place;

THENCE westerly along the northerly side of Exchange Place 204.92 feet

to the corner formed by the intersection of the northerly side of Exchange Place and the easterly side of William Street;

THENCE northerly along the easterly side of William Street 171.76 feet to the point or place of BEGINNING.

Parcel D

ALL THOSE PARCELS of land situate in the Borough of Manhattan, City, County and State of New York, below a horizontal plane drawn at an elevation of 500 feet above the NAVD 88 datum level, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of East 42nd Street and the easterly side of former Depew Place (now closed and discontinued);

THENCE RUNNING northerly along the said easterly side of former Depew Place, 340 feet 4 inches;

THENCE RUNNING westerly and parallel with the northerly side of East 42nd Street, 394 feet 4 inches to a point on the easterly side of Vanderbilt Avenue, which point is distant 340 feet 4 inches northerly from the corner formed by the intersection of the northerly side of East 42nd Street and the easterly side of Vanderbilt Avenue;

THENCE RUNNING southerly along the easterly side of Vanderbilt Avenue, 340 feet 4 inches to its intersection with the northerly side of East 42nd Street:

THENCE RUNNING easterly along the northerly side of East 42nd Street, 394 feet 4 inches to the corner, the point or place of BEGINNING.

Parcel E

ALL that plot of land (the "Land"), together with the improvements thereon, in the Borough of Manhattan, County of New York, City of New York and State of New York, said Land being bounded and described as follows:

BEGINNING at a point on the southerly side of 42nd Street distant one hundred twenty-five (125) feet westerly from the corner formed by the intersection of the southerly side of 42nd Street with the westerly side of Lexington Avenue; and running

THENCE Southerly and parallel with Lexington Avenue ninety-eight (98) feet nine (9) inches;

THENCE Westerly and parallel with 42nd Street fifty (50) feet to a point in the easterly line of premises conveyed by Pershing Square Building Corporation to The Bowery Savings Bank by deed dated January 4, 1921 and recorded in the Office of the Register of the County of New York on January 5, 1921 in Liber 3190 of Conveyances at Page 440;

THENCE Southerly along the easterly side of said premises on a line at right angles to the southerly side of 42nd Street ninety-eight (98) feet nine (9) inches to the northerly side of 41st Street;

THENCE westerly along the northerly side of 41st Street one hundred four (104) feet six (6) inches more or less to a point from which a line drawn northerly to the southerly side of 42nd Street and parallel with Park Avenue and at right angles with the northerly side of 41st Street would run through the center of the seventh row (reading easterly from Park Avenue) of column locations as shown by circular indications thereof upon map entitled: "State of New York, Transit Construction Commissioner, Engineering Department, Route Number 43, Section Number 1, Borough of Manhattan, Map or Plan showing property for resale east side of Park Avenue between East 41st Street and East 42nd Street, signed by D. L. Turner, Chief Engineer, dated February 4, 1920 (as revised May 25, 1920) and designated as drawing number 175, file number 3801", which map is annexed to the deed above mentioned;

THENCE Northerly along said line one hundred ninety-seven (197) feet six (6) inches to the southerly side of 42nd Street; and

THENCE Easterly along the southerly side of 42nd Street one hundred

fifty-four (154) feet six (6) inches more or less to the point or place of BEGINNING.

Parcel F

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

BEGINNING at the corner formed by the intersection of the southerly line of West 61st Street with the easterly line of Riverside Boulevard, as shown on the City Map;

RUNNING THENCE easterly, along to the southerly line of West 61st Street, 423 feet 6 inches to a point;

THENCE southerly, at right angles to the previous course, 74 feet 3-1/8 inches;

THENCE southwesterly, along a line forming an included angle of 169 degrees 40 minutes 47 seconds, 138 feet 7-3/4 inches;

THENCE westerly, along a line forming an included angle of 100 degrees 19 minutes 13 seconds, 445 feet 10-5/8 inches to a point on the easterly side of Riverside Boulevard;

THENCE northerly, along the easterly line of Riverside Boulevard which forms an included angle of 80 degrees 23 minutes 47 seconds, 13 feet 0-1/4 of an inch to a point of curvature;

THENCE northerly, along the easterly line of Riverside Boulevard on the arc of a circle curving to the right, having a radius of 1,548 feet 0 inches and an included angle of 4 degrees 41 minutes 14 seconds, 126 feet 7-5/8 inches to a point of tangency;

THENCE northerly, along the easterly line of Riverside Boulevard, 76 feet 4 inches to the point of place of BEGINNING.

Parcel G

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 the corner formed by the intersection of the northerly side of West 50th Street and the easterly side of 12th Avenue;

RUNNING THENCE northerly along the easterly side of 12th Avenue a distance of 100 feet 5 inches to a point on center line of the block between West 50th Street and West 51st Street;

THENCE easterly along the center line of the block between West 50th Street and West 51st Street parallel with the northerly side of West 50th Street a distance of 100 feet to a point;

THENCE southerly and parallel with the easterly side of 12th Avenue a distance of 100 feet 5 inches to a point on the northerly side of West 50th Street;

THENCE westerly along the northerly side of West 50th Street a distance of 100 feet to the corner formed by the intersection of the northerly side of West 50th Street and the easterly side of 12th Avenue, the point or place of beginning.

For Information Only: Premises being known as 678-682 12th Avenue a/k/a 637-641 West 50th Street New York, N.Y. and designated as Block 1098 Lot 11 as shown on Tax Map of the City of New York, County of New York.

Parcel H

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 the corner formed by the intersection of the southerly side of East 61st Street with the westerly side of Madison Avenue;

RUNNING THENCE westerly along the southerly side of East 61st Street, 150 feet;

THENCE southerly and parallel with the westerly side of Madison Avenue, 100 feet 5 inches to the center line of the block between East 61st and 60th Streets;

THENCE westerly along said center line of the block and parallel with southerly side of East 61st Street, 45 feet;

THENCE southerly and parallel with the westerly side of Madison Avenue and part of the distance through a party wall, 100 feet 5 inches to the northerly side of East 60th Street;

THENCE easterly along the said northerly side of East 60th Street, 100 feet;

THENCE northerly and parallel with the westerly side of Madison Avenue and part of the distance through another party wall, 73 feet 5 inches;

THENCE easterly and parallel with East 60th Street, 95 feet to the westerly side of Madison Avenue;

THENCE northerly along the westerly side of Madison Avenue, 127 feet 5 inches to the point or place of BEGINNING.

Parcel I

ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, 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 easterly side of Fifth Avenue and the northerly side of 59th Street;

RUNNING THENCE northerly along the easterly side of Fifth Avenue 100

feet; THENCE easterly parallel with 59th Street 100 feet;

THENCE northerly parallel with Fifth Avenue 5 inches; THENCE easterly parallel with 59th Street 25 feet;

THENCE southerly parallel with Fifth Avenue 100 feet 5 inches to the northerly side of 59th Street; and

THENCE westerly along the northerly side of 59th Street 125 feet to the point or place of BEGINNING.

TOGETHER WITH the benefits of the easement for light and air recorded in Liber 5137 at Page 142.

Parcel J

ALL the following three parcels of land, together with the improvements thereon:

PARCEL J-1

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

BEGINNING at a point being the northwest corner of Broome and Laurens Street, as the said Laurens Street is now established by law as widened, being a point, distant 25 feet westwardly from the northwest corner of Broome and Laurens Street and measured from the old line thereof;

RUNNING THENCE westwardly along the northerly side of Broome Street, 18 feet 6 inches; THENCE northwardly, parallel with Laurens Street, 80 feet;

THENCE eastwardly, parallel with Broome Street, 18 feet 6 inches to the westerly line of Laurens Street, as the same is now established by

law since the widening thereof;

THENCE southwardly along the said westerly line of Laurens Street, 80 feet to the point or place of

BEGINNING.

THE said Laurens Street being now known as West Broadway.

PARCEL J-2

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

BEGINNING at a point on the westerly side of West Broadway, formerly South Fifth Avenue, 80 feet northerly from the corner formed by the intersection of the westerly side of West Broadway, formerly South Fifth Avenue, and the northerly side of Broome Street;

RUNNING THENCE northerly along the westerly side of West Broadway, 20 feet;

THENCE westerly 67 feet 8 1/2 inches along the southerly side of Lot# 333 on map made by Commissioners in Partition of the Estate of Anthony Lispenard, deceased, to the rear of Lot #334 on said map;

THENCE southerly along the rear of said Lot #334, 20 feet;

THENCE easterly, 67 feet 7 3/4 inches to the point or place of BEGINNING.

PARCEL J-3

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of

Manhattan, County, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Broome Street, distant 18 feet 6 inches westerly from the corner formed by the intersection of the northerly side of Broome Street and the westerly side of West Broadway, formerly South Fifth Avenue;

RUNNING THENCE northerly parallel or nearly so with West Broadway, formerly South Fifth Avenue, 80 feet to land now or late of Randolph Brant;

THENCE westerly along the same land and parallel or nearly so with Broome Street, 21 feet 9 inches;

THENCE southerly parallel or nearly so with West Broadway and part of the distance through a party wall, 80 feet to the northerly side of Broome Street;

THENCE easterly along the said northerly side of Broome Street, 21 feet 9 inches 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 subdivision one-a of section one hundred one of this article: (A) such retail licensee may not purchase alcoholic beverages directly from any such manufacturer or wholesaler; and (B) 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; provided however, alcohol sales related to events catered by the retail licensee shall not be attributed to the fifteen percent annual sales value determination.

* NB There are 3 sbpar (xxiii)'s

* NB Repealed upon certain provisions (see chapter 583 of 2024 § 3)

(a-1) The provisions of paragraph (a) of this subdivision shall not apply to the holder of a retail on-premises consumption license issued for a premises located in the borough of Manhattan, city, county and

state of New York, bounded and described as follows: Beginning at a point on the northerly side of 52nd Street, distant 375 feet westerly from the northwesterly corner of 52nd Street and Fifth Avenue; running thence northerly parallel with Fifth Avenue and part of the way through a party wall, 75 feet 5 inches; thence westerly parallel with the northerly side of 52nd Street, 11 feet 2-3/4 inches; thence northerly parallel with Fifth Avenue, 25 feet to the center line of the block; thence easterly along said center line of the block, 71 feet 2-3/4 inches; thence southerly parallel with Fifth Avenue and part of the way through a party wall, 100 feet 5 inches to the northerly side of 52nd Street; thence westerly along the northerly side of 52nd Street, 60 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 subdivision 1-a of section one hundred one of this article: such interest must have been acquired prior to the effective date of the chapter of the laws of two thousand nineteen which added this paragraph; (ii) such retail licensee may not purchase alcoholic beverages directly from any such manufacturer or wholesaler; and (iii) 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.

(b) Any lien, mortgage or other interest or estate now held by said retail licensee on or in the personal or real property of such manufacturer or wholesaler, which mortgage, lien, interest or estate was acquired on or before December thirty-first, nineteen hundred thirty-two, shall not be included within the provisions of this subdivision; provided, however, the burden of establishing the time of the accrual of the interest, comprehended by this subdivision shall be upon the person who claims to be entitled to the protection and exemption afforded hereby.

14. No retail licensee for on-premises consumption shall make or cause to be made any loan to any person engaged in the manufacture or sale of liquors, wines or beer at wholesale.

15. All retail licensed premises shall be subject to inspection by any

peace officer, acting pursuant to his or her special duties, or police officer and by the duly authorized representatives of the liquor authority, during the hours when the said premises are open for the transaction of business.

* 16. A person holding a retail on-premises license for a movie theatre, other than a license for a movie theatre that meets the definitions of restaurant and meals, and where all seating is at tables where meals are served, shall:

(a) for every purchase of an alcoholic beverage, require the purchaser to provide written evidence of age as set forth in paragraph (b) of subdivision two of section sixty-five-b of this chapter; and

(b) allow the purchase of only one alcoholic beverage per transaction; and

(c) not commence the sale of alcoholic beverages until one hour prior to the start of the first motion picture, and cease all sales of alcoholic beverages after the conclusion of the final motion picture.

* NB Repealed April 20, 2030

17. Notwithstanding any other provision of law, a retail licensee for on-premises consumption that is a person or corporation operating a hotel shall be permitted to sell liquors, beer, and/or wines through a mechanical device or vending machine placed in the lodger's rooms and to which access to such device or machine is restricted by means of a locking device which requires the use of a key, magnetic card or similar device provided, however, that no such key, card or similar device shall be provided to any person under the age of twenty-one or to any person who is visibly intoxicated.

§ 106-a. Notice of arrest and convictions. 1. When an arrest for gambling activity, illicit drug activity, prostitution activity, or for a breach of the peace or for a crime of a violent nature, or for a crime of weapons possession occurs or where the activity or crime has taken place in a licensed premises, the arresting agency shall notify in writing, the authority and the district attorney of the county in which the licensed premises are located within two weeks of the arrest and set forth therein the name of the arrestee, the date of the arrest, the time

of the arrest, the exact place of the arrest, the name of the licensee, the name and address of the licensed premises, the offense or offenses allegedly committed by the arrestee, the factual circumstances of the arrest, the name or names of the arresting officer, and such other information as may reasonably be required by the authority.

2. Such district attorney shall maintain a written record of all notices forwarded as required by subdivision one of this section and where the arrestee named in said notice is convicted of either the offense charged or a lesser included offense as defined by the penal law, the district attorney shall so notify the authority in writing. In addition, where a person is convicted of a violation of paragraph (b) of subdivision one of section sixty-five-b of this chapter or of a violation of subdivision one of section sixty-five of this chapter, the district attorney shall promptly notify the authority of such conviction in writing and shall include in such notification the information required to be provided pursuant to subdivision one of this section.

*** § 106-b. Provisions for governing sports facilities operators and retail licenses to sell at certain sporting events for consumption on premises.**

1. (a) Every person who operates a facility for the performance of a sporting event during which alcoholic beverages are sold or otherwise furnished for consumption on such premises shall establish nonalcoholic seating accommodations, separate from other seating accommodations within such premises, wherein the sale, possession or consumption of alcoholic beverages shall not be permitted.

(b) Nonalcoholic seating accommodations shall constitute not less than six percentum of all permanent seating accommodations for a given sporting event, unless otherwise provided for by this section, and shall at such level be equally distributed among each separately designated ticket price area.

2. (a) Every person who operates a facility for the performance of a sporting event during which alcoholic beverages are sold or otherwise furnished for consumption on such premises shall establish nonvending seating accommodations, separate from other seating accommodations

within such premises, wherein the sale or other furnishing of alcoholic beverages shall not be permitted, but where the consumption of such alcoholic beverages shall not be prohibited.

(b) Nonvending seating accommodations shall constitute not less than fifteen percentum of all permanent seating accommodations, in addition to those seating accommodations segregated pursuant to subdivision one of this section, and shall be equally distributed among each separately designated ticket price area.

3. (a) Immediately upon the effective date of this section, each facility operator shall designate not less than ten percentum of all non-season ticket seating as either nonalcohol seating accommodations or nonvending seating accommodations or both, and that such designations shall thereafter remain in effect up to and until the commencement of designations pursuant to paragraph (b) of this subdivision, or designations pursuant to subdivision four of this section.

(b) The establishment of seating accommodations pursuant to subdivisions one and two of this section may be implemented over a period of three years from the effective date of this section, and in a combination of nonalcoholic seating accommodations and nonvending seating accommodations, that is consistent with the provisions of this section, provided that

(i) designations of not less than one-third of the total seating accommodations required pursuant to subdivisions one and two of this section are made within one year of the effective date of this section; however, such designation up to the first one-third of the total nonalcohol seating accommodation may be designated in any ticket price area, and

(ii) designations of an additional one-third of the total seating accommodations required pursuant to subdivisions one and two of this section are made by January first, nineteen hundred ninety-one; however, such designation up to the second one-third of the total nonalcohol seating accommodation may be designated in any ticket price area, and

(iii) designations of a final one-third of the total seating accommodations required pursuant to subdivisions one and two of this section are made by January first, nineteen hundred ninety-two.

(c) A facility operator may petition the state liquor authority for an

exemption from the provisions of subparagraphs (ii) and (iii) of paragraph (b) hereof as they relate to nonalcohol seating if it can be shown that the demand for such seating does not exceed the availability under subparagraph (i) of paragraph (b) hereof. The state liquor authority, in evaluating such petition, shall consider, among other things, the availability of such seating, the promotion of such seating, the method of merchandising tickets for such seating, and the location of such seating sections within the overall seating available in a given facility. In addition, the state liquor authority shall consider any voluntarily instituted alcohol reduction plan which includes, but is not necessarily limited to, the provision of low alcohol beer, the limitation on the number of servings of alcoholic beverages, or limitations on the size of such servings.

(d) Nothing in this section shall be construed as prohibiting facility operators from relocating designated nonvending or nonalcohol seating accommodations in each year, provided that each facility maintains the levels of nonalcohol and nonvending seating accommodations provided for in this section.

4. Notwithstanding any provision of this section to the contrary, a facility operator shall be exempt from the provisions of subdivisions one, two and three hereof, upon the filing of certification with the state liquor authority that said operator prohibits the vending of alcoholic beverages in all seating areas of such facility, and furthermore provides non-alcohol seating accommodations in not less than two percentum of the total permanent seating accommodations.

5. (a) For the purposes of preserving order and preventing offenses against the laws of the state during the course of a sporting event, and when otherwise authorized pursuant to the provisions of the criminal procedure law and appropriate local legislation, the trustees or directors of any corporation acting in the capacity of facility operator and licensed to do business in New York, may apply from time to time to the commissioner of police of the municipality within which the facility is located for the appointment of special patrolmen, who, when appointed, shall be peace officers with the same powers within such facility as are set forth in section 2.20 of the criminal procedure law,

whose duty, when appointed, shall be to preserve order within the facility operated by the applicant corporation, to protect the property within said facility, with the authority to eject or arrest all persons who shall be improperly within the facility or who shall be guilty of disorderly conduct, or who shall neglect or refuse to pay the fees prescribed by said corporation; and it shall be the further duty of said special patrolmen, when appointed, to prevent all violations of law and arrest any and all persons violating such provisions, and to process such persons in accordance with the criminal procedure law. The appointment of special patrolmen pursuant to this section shall not supersede in any way the authority of peace officers or police officers of the jurisdiction within which such facility is located, nor shall any patrolmen be deemed by virtue of such employment an employee of said municipality, or be entitled to any of the benefits arising from such employment, and such special patrolmen may be terminated by the commissioner at any time, without assigning cause therefore.

(b) The special patrolmen appointed and approved pursuant to the provisions of this subdivision shall be the sole responsibility of the applying corporate entity, and such entity shall indemnify and defend the municipality for any and all liability arising from the acts or omissions of such officers. In consideration of their appointment, special patrolmen shall sign an agreement in writing releasing and waiving all claim whatsoever against the police department or the municipality for pay, salary or compensation for their services, or for any other expenses connected thereto.

6. Each facility operator shall file with the state liquor authority a plan of compliance with the provisions of this section, including but not limited to a facility diagram or such other seating program, indicating ticket price areas designated as nonalcoholic and nonvending seating accommodations. This plan shall also include a description of all policies and procedures instituted by the facility operator in relation to the sale, consumption or limitation of alcoholic beverages.

7. (a) For the purposes of this section, "facility for the performance of a sporting event" shall include any stadium, arena, ballpark, or other indoor or outdoor athletic field complex in use during a

professional sporting event, and located within a standard metropolitan statistical area having a population of one million or more as of the most current decennial census as conducted by the United States Department of Commerce, but shall not include facilities owned or operated by an educational institution.

(b) For the purposes of this section, "facility operator" shall include the primary tenant of a facility defined in paragraph (a) of this subdivision. In those situations where the entity responsible for operation and management of said facility is other than the primary tenant, the person or persons so responsible shall constitute the "facility operator." If no facility operator pursuant to this section can be ascertained, then the facility owner shall also constitute the facility operator. In any event, the designation of such facility operator shall be included in all plans of compliance filed pursuant to subdivision six of this section.

8. The state liquor authority shall promulgate rules and regulations no later than January first, nineteen hundred eighty-nine, that provide for notification of facility operators of such facilities and sellers of alcoholic beverages at such facilities of the provisions of this section and that provide for the conspicuous posting at such facilities notices informing the public of the provisions of this section, indicating the nonalcohol and nonvending seating accommodations designated pursuant to this section, and the penalty for violating this section, and shall promulgate such other rules and regulations in furtherance of the provisions of this section.

9. The state liquor authority shall report to the governor and legislature no later than February first, nineteen hundred ninety-three on the compliance with the provisions of this section, any and all administrative or enforcement actions taken under the authority vested in it by the provisions of this section and the effectiveness of the provisions of this section in reducing the occurrence of alcohol-related incidents.

10. (a) Violation by a facility operator of the provisions of this section or of the rules and regulations promulgated pursuant to this

section is a misdemeanor.

(b) Violation of any stadium plan enacted pursuant to this section or the rules and regulations promulgated hereunder is a violation.

11. Severability. If any provision of this section shall be held void or unconstitutional, all other provisions and all other sanctions not expressly held to be void or unconstitutional shall continue in full force and effect.

12. (a) Notwithstanding any provision of this section to the contrary, a facility operator may reduce the total number of seats segregated as non-alcohol seating as necessary to assure local television broadcast of a particular sporting event when ninety-nine percent of all other seating is unavailable, so long as the facility operator, prior to the commencement of the sporting season, files with the state liquor authority for a plan of reduction in the consumption of alcoholic beverages that includes:

(i) restrictions in those areas that were to be segregated as non-alcohol seating that exceed the limitations on non-vending, but which do not prohibit the consumption of alcohol in toto;

(ii) the development of additional security personnel in those areas that were to be segregated as non-alcohol seating, or such other areas in which persons requesting non-alcohol seating are located; and

(iii) a plan of marketing, promotion, method of merchandising and location of non-alcoholic seating, and a description of the seats to be declassified as non-alcohol seats.

(b) The provisions of this subdivision shall apply only in those instances where a facility is operated with two percent of its seating segregated as non-alcohol seating in accordance with the provisions of this section.

(c) In the event that a facility operator invokes the provisions of this subdivision for its intended purposes, the facility operator shall notify the state liquor authority at least three days before the particular sporting event of the utilization of this subdivision, the time period in which the provisions of this subdivision shall be in effect, and certify that such utilization is based on the unavailability of seating in all remaining sections of the facility.

* NB Expired Effective July 1, 1993

§ 107. Advertising and forms of notices of the issuance of licenses.

Every person procuring a license hereunder must publish a notice thereof as herein provided:

1. Where the licensed premises are located in any county other than New York, Kings, Queens or Bronx, notice shall be published once a week for two successive weeks in a daily or weekly newspaper published in the city, town or village in which the licensed premises are located, except that if there shall be no daily or weekly newspaper published in the city, town or village in which the licensed premises are located, then such notice shall be published in a daily or weekly newspaper published in the county in which the licensed premises are located, once a week for two successive weeks. The provisions of this section shall only be applicable to the original license issued to the licensee for the premises.

2. Where the licensed premises are located in the counties of New York, Kings, Queens or Bronx, such notice shall be published once a week for two successive weeks in one daily and one weekly newspaper published in the county in which the licensed premises are located. This provision is only applicable to the original license issued to the licensee for the premises.

3. The notice to be so published shall be printed in English, in substantially the following forms:

(a) Form of notice for manufacturer's license. Notice is hereby given that manufacturer's license (fill in beer, liquor or wine manufacturer or rectifier and number) has been issued to the undersigned to manufacture (beer, liquor or wine, as the case may be) under the alcoholic beverage control law in the premises located at (fill in street address, city, town or village and county in which licensed premises are located).

(Name of licensee)

(Address of licensee)

(b) Form of notice for wholesaler's license. Notice is hereby given that wholesaler's license (fill in beer, liquor or wine wholesaler and license number) has been issued to the undersigned to sell (beer, liquor or wine, as the case may be) at wholesale under the alcoholic beverage control law in the premises located at (fill in street address, city, town or village and county in which licensed premises are located).

(Name of licensee)

(Address of licensee)

(c) Form of notice for off-premises license. Notice is hereby given that license (fill in beer, liquor or wine store and license number) has been issued to the undersigned to sell (beer, liquor or wine, as the case may be) at retail under the alcoholic beverage control law at (fill in street address, city, town or village and county in which licensed premises are located) for off-premises consumption.

(Name of licensee)

(Address of licensee)

(d) Form of notice for on-premises license. Notice is hereby given that license (fill in beer, liquor or wine as the case may be, and license number) has been issued to the undersigned to sell (beer, liquor or wine, as the case may be) at retail in a (hotel, club, restaurant, vessel, car, or other type of establishment, as the case may be) under the alcoholic beverage control law at (fill in street address, city, town or village and county in which licensed premises are located) for on-premises consumption.

(Name of licensee)

(Address of licensee)

4. The first publication of said notice shall be made within fifteen days after the date of issuance of said license and proof of such publication, in the form hereinafter set forth, shall be obtained by the licensee and retained by him during the license year. The form of proof of such publication shall be as follows:

STATE OF NEW YORK)

) ss:

County of)

..... of , being duly sworn, says that he is
..... of the publishers of the , a (daily) or

(weekly) newspaper (printed and) published in the (city, town, or village and county) and that the notice of which the annexed is a true copy, has been published in said newspaper for two successive weeks commencing on the day of195 ...

.....

Sworn to before me this

....., 195.....

.....

§ 107-a. Labeling containers of alcoholic beverages. 1. The liquor authority is hereby authorized to promulgate rules and regulations governing the labeling and offering of alcoholic beverages bottled, packaged, sold or possessed for sale within this state.

Such regulations shall be calculated to prohibit deception of the consumer; to afford him or her adequate information as to quality and identity; and to achieve national uniformity in so far as possible.

2. The bottling, packaging, sale or possession by any licensee of any alcoholic beverage not labelled or offered in conformity with this section shall be ground for suspension, revocation or cancellation of the license.

3. No alcoholic beverage shall be offered or advertised for sale in this state, including direct interstate shipments under this chapter, unless:

(a) there is a brand or trade name label affixed to or imprinted upon the container of such alcoholic beverage;

(b) such label is registered with and approved by the authority and contains the information required in this section; and

(c) the appropriate fee has been paid as provided for in this section.

4. An application for registration of a brand or trade name label shall be filed by (1) the owner of the brand or trade name if such owner is licensed by the authority, or (2) a wholesaler selling such brand who is appointed as exclusive agent, in writing, by the owner of the brand

or trade name for the purpose of filing such application, if the owner of the brand or trade name is not licensed by the authority, or (3) any wholesaler, with the approval of the authority, in the event that the owner of the brand or trade name does not file or is unable to file such application or designate an agent for such purposes, or (4) any wholesaler, with the approval of the authority, in the event that the owner of the brand or trade name is a retailer who does not file such application, provided that the retailer shall consent to such filing by such wholesaler. Such retailer may revoke his consent at any time, upon written notice to the authority and to such wholesaler.

Unless otherwise permitted or required by the authority, the application for registration of a liquor or wine brand or trade name label filed pursuant to this section shall be filed by the same licensee filing schedules pursuant to section one hundred one-b of this article.

Cordials and wines which differ only as to fluid content, age, or vintage year, as defined by such regulations, shall be considered the same brand; and those that differ as to type or class may be considered the same brand by the authority where consistent with the purposes of this section.

(a) (1) The application for registration of a brand or trade name label shall be filed by certified mail return receipt requested, registered mail return receipt requested, overnight delivery service with proof of mailing, or via electronic filing, on a form prescribed by the authority, and shall contain such information as the authority shall require. Such application shall be accompanied by the appropriate fee prescribed by paragraph (b) of this subdivision and may also require a processing fee of no more than ten dollars paid to either the authority or a third party provider.

(2) Provided, however, where a brand or trade name label has been approved by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury, it shall be deemed registered and approved by the authority if:

(i) the applicant submits on a form prescribed by the authority, by certified mail return receipt requested, registered mail return receipt requested, or overnight delivery service with proof of mailing, or via

electronic filing, a true copy of the brand or trade name label approval issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury along with the appropriate fee as established in paragraph (b) of this subdivision; and

(ii) the authority does not deny such application within seven business days after receipt.

(3) Provided, however, that where a brand or trade name label for wine has been approved by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury, it shall be deemed registered and approved by the authority and no application, application fee, or annual registration fee shall be submitted to the authority.

(b) The annual fee for registration of any brand or trade name label for liquor shall be two hundred fifty dollars; the annual fee for registration of any brand or trade name label for beer, mead or cider shall be one hundred fifty dollars; the annual fee for registration of any brand or trade name label for wine or wine products shall be fifty dollars. Such fee shall be in the form of a check, draft, or via electronic payment. No annual fee for registration of any brand or trade name label for wine shall be required if it has been approved by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury pursuant to this section.

Each brand or trade name label registration approved pursuant to this section shall be valid for a term of three years as set forth by the authority and which shall be pro-rated for partial years as applicable.

Each brand or trade name label registration approved pursuant to this section shall be valid only for the licensee to whom issued and shall not be transferable.

(c) If the authority shall deny the application for registration of a brand or trade name label pursuant to this section, it shall return the registration fee to the applicant, less twenty-five per centum of such fee and shall notify the applicant, in writing with the specific reasons for its denial.

(d) The authority may at any time exempt any discontinued brand from such fee provisions where a manufacturer or wholesaler has an inventory of one hundred cases or less of liquor or wine and five hundred cases or

less of beer, and certifies to the authority in writing that such brand is being discontinued. The authority may also at any time exempt any discontinued brand from such fee provisions where a retailer discontinuing a brand owned by him has a balance of an order yet to be delivered of fifty cases or less of liquor or wine, or two hundred fifty cases or less of beer, mead, wine products or cider.

(e) The authority shall exempt from such fee provisions the registration of each brand or trade name label used for beer, mead or cider that is produced in small size batches totaling fifteen hundred barrels or less of beer, mead or cider annually.

(f) The authority shall exempt from such fee provisions the registration of each brand or trade name label used for spirits or liquor that is produced in small size batches totaling one thousand gallons or less of spirits or liquor annually.

5. (a) Each brand or trade name label shall contain the following information:

(i) the brand or trade name;

(ii) the class and type (if applicable) of alcoholic beverage in accordance with the labeling regulations promulgated by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury; and

(iii) the net contents of the container.

(b) The brand or trade name label, or a separate label on the front or back of the container shall contain information consistent with the labeling regulations promulgated by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury.

(c) No brand or trade name label, or any separate label on the front or back of the container shall contain:

(i) any statement that is false or untrue in any particular manner;

(ii) any statement that is disparaging of a competitor's product;

(iii) any statement, design, device or representation that is likely to mislead the consumer; or

(iv) any statement or claim of health benefits to be derived from consumption by the consumer.

(d) A separate label registration shall be required in connection with the registration of a brand or trade name label used where there is a

difference in any of the following information:

- (i) the brand or trade name;
- (ii) the class and type (if applicable) of alcoholic beverage in accordance with federal label regulations; or
- (iii) a private label owned and sold exclusively by one retailer, where the alcoholic beverage is manufactured, bottled, or imported by a different manufacturer, bottler, or importer, provided all other information appearing on the label is the same.

§ 108. Restrictions upon licensees. 1. No licensee except the holder of a license to manufacture alcoholic beverages shall keep or permit to be kept or consumed on the licensed premises any alcoholic beverage except the alcoholic beverages which he is permitted to sell under the terms of the license issued to him.

2. The provisions of subdivision one of this section shall not prohibit a person holding a retail on-premises license and a retail off-premises beer or beer and wine products license for an adjacent premises to transport alcoholic beverages through such off-premises location to supply such adjacent on-premises location.

§ 109. Renewals of licenses and permits. 1. Each license and permit, except a temporary permit effective for one day only, issued pursuant to this chapter may be renewed upon application therefor by the licensee or permittee and the payment of the annual fee for such license or permit as prescribed by this chapter. In the case of applications for renewals, the liquor authority may dispense with the requirements of such statements as it deems unnecessary in view of those contained in the application made for the original license or permit; provided, however, that no waiver of paragraph (f) of subdivision one of section one hundred ten of this article may be made. The submission of photographs of the licensed premises shall be dispensed with provided the applicant for such renewal shall file a statement with such authority to the effect that there has been no alteration of such premises since the original license was issued. An applicant for a retail license for

on-premises consumption shall also submit to the authority a copy of the valid certificate of occupancy or such other document issued by the local code enforcement agency for the premises for which the original license was issued. The liquor authority may make such rules as may be necessary not inconsistent with this chapter regarding applications for renewals of licenses and permits and the time for making the same.

2. The authority shall provide an application for renewal of a license issued under section sixty-four or sixty-four-a of this chapter not less than sixty days prior to the expiration of the current license.

§ 110. Information to be requested in applications for licenses or permits. 1. The following shall be the information required on an application for a license or permit:

(a) A statement of identity as follows:

(i) If the applicant is an individual, his name, date and place of birth, citizenship, permanent home address, telephone number and social security number, as well as any other names by which he has conducted a business at any time.

(ii) If the applicant is a corporation, the corporate name of the applicant, its place of incorporation, its main business address (and if such main business address is not within the state, the address of its main place of business within the state), other names by which it has been known or has conducted business at any time, its telephone number, its federal employer identification number, and the names, ages, citizenship, and permanent home addresses of its directors, officers and its shareholders (except that if there be more than ten shareholders then those shareholders holding ten percent or more of any class of its shares).

(iii) If the applicant is a partnership, its name, its main business address (and if such main business address is not within the state, the address of its main place of business within the state), other names by which it has been known or has conducted business at any time, its telephone number, its federal employer identification number, and the names, ages, citizenship, and permanent home addresses of each of its partners.

(b) A statement identifying the street and number of the premises to be licensed, if the premises have a street and number, and otherwise such description as will reasonably indicate the locality thereof; photographs, drawings or other items related to the appearance of the interior or exterior of such premises, and a floor plan of the interior, shall be required. The applicant shall also state the nature of his interest in the premises; and the name of any other person interested as a partner, joint venturer, investor or lender with the applicant either in the premises or in the business to be licensed.

(c) A description of any other alcohol beverage license or permit under this chapter or any other alcoholic beverage control law which, within the past ten years, the applicant (including any officers, directors, shareholders or partners listed in the statement of identity under paragraph (a) of this subdivision or the spouse of any such person) or the applicant's spouse held or applied for.

(d) A statement that such applicant or the applicant's spouse has not been convicted of a crime addressed by the provisions of section one hundred twenty-six of this article which would forbid the applicant (including any officers, directors, shareholders or partners listed in the statement of identity under paragraph (a) of this subdivision or the spouse of such person) or the applicant's spouse to traffic in alcoholic beverages, a statement whether or not the applicant (including any officers, directors, shareholders or partners listed in the statement of identity under paragraph (a) of this subdivision or the spouse of any such person) or the applicant's spouse is an official described in section one hundred twenty-eight of this article, and a description of any crime that the applicant (including any officers, directors, shareholders or partners listed under paragraph (a) of this subdivision or the spouse of any such person) or the applicant's spouse has been convicted of and whether such person has received a pardon, certificate of good conduct or certificate of relief from disabilities; provided, however, that no person shall be denied any license solely on the grounds that such person is the spouse of a person otherwise disqualified from holding a license under this chapter.

(e) A statement that the location and layout of the premises to be licensed does not violate any requirement of this chapter relating to location and layout of licensed premises, with a copy of the certificate

of occupancy for the premises.

(f) A statement indicating the type of establishment to be operated at the premises. Such statement shall indicate the occurrence of topless entertainment and/or exotic dancing whether topless or otherwise, including, but not limited to, pole dancing and lap dancing, at the establishment.

(g) A statement that the applicant has control of the premises to be licensed by ownership of a fee interest or via a leasehold, management agreement, or other agreement giving the applicant control over the food and beverage at the premises, with a term at least as long as the license for which the application is being made, or by a binding contract to acquire the same and a statement of identity under paragraph (a) of this subdivision for the lessor of any leasehold, manager of any management agreement, or other agreement giving the applicant control over the food and beverage at the premises, with a copy of the lease, contract, management agreement, or other agreement giving the applicant control over the food and beverage at the premises, or deed evidencing fee ownership of the premises.

(h) A financial statement adequate to show all persons who, directly or indirectly have an economic interest in the establishment or acquisition of the business for which the license or permit application is being made, to identify the sources of funds to be applied in such establishment or acquisition, and to describe the terms and conditions governing such establishment with copies of such financial documents as the authority may reasonably require.

(i) The fingerprints of the applicants. Fingerprints submitted by the applicants shall be transmitted to the division of criminal justice services and may be submitted to the federal bureau of investigation for state and national criminal history record checks.

2. All license or permit applications shall be signed by the applicant (if an individual), by an officer (if a corporation), or by all partners (if a partnership). Each person signing such application shall verify it or affirm it as true under the penalties of perjury.

3. All license or permit applications shall be accompanied by a check, draft or other forms of payment as the authority may require or

authorize in the amount required by this chapter for such license or permit.

4. If there be any change, after the filing of the application or the granting of a license, in any of the facts required to be set forth in such application, a supplemental statement giving notice of such change, cost and source of money involved in the change, duly verified, shall be filed with the authority within ten days after such change. Failure to do so shall, if willful and deliberate, be cause for revocation of the license.

5. In giving any notice, or taking any action in reference to a licensee of a licensed premises, the authority may rely upon the information furnished in such application and in any supplemental statement connected therewith, and such information may be presumed to be correct, and shall be binding upon a licensee or licensed premises as if correct. All information required to be furnished in such application or supplemental statements shall be deemed material in any prosecution for perjury, any proceeding to revoke, cancel or suspend any license, and in the authority's determination to approve or deny the license.

6. The authority may in its discretion waive the submission of any category of information described in this section for any category of license or permit, provided that it shall not be permitted to waive the requirement for submission of any such category of information solely for an individual applicant or applicants and provided further that no waiver of paragraph (f) of subdivision one of this section shall be made.

7. The authority may, by rule, adopt additional categories of information which may be reasonably necessary to carry out the provisions of this section.

§ 110-a. Notice of application for certain licenses to be published by applicant. 1. Every person applying for a license to sell alcoholic

beverages pursuant to subdivision four of section fifty-one, or section fifty-five, sixty-four, sixty-four-a, sixty-four-c, eighty-one or eighty-one-a of this chapter shall publish notice thereof pursuant to subdivision two of this section.

2. All applicants required to publish notice of an application for a license pursuant to subdivision one of this section shall, in such form as prescribed by subdivision three of this section, publish such notice as follows:

(a) Where the prospective licensed premises are located in any county other than New York, Kings, Queens or Bronx, notice shall be published once a week for two successive weeks in a daily or weekly newspaper, to be designated by the county clerk, published in the city, town or village in which the prospective licensed premises are located, except that if there shall be no daily or weekly newspaper published in the city, town or village in which the prospective licensed premises are located, then such notice shall be published in a daily or weekly newspaper, to be designated by the county clerk, published in the county in which the prospective licensed premises are located, once a week for two successive weeks.

(b) Where the prospective licensed premises are located in the counties of New York, Kings, Queens or Bronx, such notice shall be published once a week for two successive weeks in one daily and one weekly newspaper, to be designated by the county clerk, published in the county in which the prospective licensed premises are located.

3. Such notice shall be printed in English, in substantially the following form:

Form of notice for on-premises license. Notice is hereby given that license (fill in beer, liquor or wine as the case may be, and license number) has been applied for by the undersigned to sell (beer, liquor or wine, as the case may be) at retail in a (hotel, club, restaurant, vessel, car, or other type of establishment, as the case may be) under the alcoholic beverage control law at (fill in street address, city, town or village and county in which licensed premises are located) for on-premises consumption.

(Name of licensee)
(Address of licensee)

4. The provisions of this section shall apply only to the application for the original license issued to the licensee for the premises.

5. Except for good cause shown, the first publication of such notice shall be made within ten days after the date of the submission of the application for such license to the authority. Two original copies of proof of such publication, in the form set forth in this subdivision shall be obtained by the applicant for such license, who shall within fifteen days of receipt of such original copies of such proof, submit one original copy to the authority, and the second original copy of such proof shall be retained by the applicant for such license. Except for good cause shown, the authority shall not issue the license sought by the applicant unless such proof is submitted within such fifteen-day period. The form of proof of such publication shall be as follows:
State of New York)

) ss.:

County of)

..... of being duly sworn, says that he is
..... of the publishers of the (daily) or
(weekly) newspaper (printed and) published in the (city, town, or
village and county), and that the notice of which
the annexed is a true copy, has been published in said newspaper for two
successive weeks commencing on the day of
..... 199....

Sworn to before me this day
of

§ 110-b. Notification to municipalities. 1. Not more than two hundred seventy days before filing any of the following applications, an applicant shall notify the municipality in which the premises is located of such applicant's intent to file such an application:

(a) for a license issued pursuant to section fifty-five, fifty-five-a,

sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, sixty-four-f, eighty-one or eighty-one-a of this chapter;

(b) for a renewal under section one hundred nine of this chapter of a license issued pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, sixty-four-f, eighty-one or eighty-one-a of this chapter if the premises is located within the city of New York;

(c) for approval of an alteration under section ninety-nine-d of this chapter if the premises is located within the city of New York and licensed pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, sixty-four-f, eighty-one or eighty-one-a of this chapter;

(d) for approval of a substantial corporate change under section ninety-nine-d of this chapter if the premises is located within the city of New York and licensed pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, sixty-four-f, eighty-one or eighty-one-a of this chapter; or

(e) for a temporary retail permit issued under paragraph (b) of subdivision one of section ninety-seven-a of this chapter where the establishment is to be licensed pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, sixty-four-f, eighty-one or eighty-one-a of this chapter located in a city with a population of one million or more people. If an applicant subject to this paragraph shall, after filing an application for a retail license and providing proper notice for such application pursuant to paragraph (a) of this subdivision, subsequently file an application for a temporary retail permit pursuant to section ninety-seven-a of this chapter at the same premises, such applicant must file additional notice pursuant to this paragraph; provided, however, such notice will be effective at the later of its proper service under this section or thirty days from the date proper notice was served under paragraph (a) of this subdivision for the license at the same premises.

1-a. The proof of notification, provided for in subdivisions six and six-a of this section, must be provided at the time of application; failure to so provide shall constitute good cause for denial.

1-b. The authority may not act to approve any application subject to this section prior to the passage of thirty days from the date notification was provided to the municipality.

2. Such notification shall be made to the clerk of the village, town or city, as the case may be, wherein the premises is located. For purposes of this section:

(a) notification need only be given to the clerk of a village when the premises is located within the boundaries of the village; and

(b) in the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which the premises is located shall be considered the appropriate public body to which notification shall be given.

3. For purposes of this section, "substantial corporate change" shall mean:

(a) for a corporation, a change of eighty percent or more of the officers and/or directors, or a transfer of eighty percent or more of stock of such corporation, or an existing stockholder obtaining eighty percent or more of the stock of such corporation; and

(b) for a limited liability company, a change of eighty percent or more of the managing members of the company, or a transfer of eighty percent or more of ownership interest in said company, or an existing member obtaining a cumulative of eighty percent or more of the ownership interest in said company.

4. Such notification shall be made in such form as shall be prescribed by the rules of the liquor authority.

5. A municipality may express an opinion for or against the granting of such application. Any such opinion shall be deemed part of the record upon which the liquor authority makes its determination to grant or deny the application.

6. Such notification shall be made by: certified mail, return receipt requested; overnight delivery service with proof of mailing; or personal

service upon the offices of the clerk or community board.

6-a. Such notification may be made by email, provided the municipality or community board in which the premises is located elects to take service in such form. Such an election shall be in a writing signed by the authorized agent or clerk of the municipality or community board. Proof of email service shall be provided to the authority in the form of an email from the municipality or community board that reasonably identifies the applicant, or by other such forms of proof as determined by the authority.

7. The liquor authority shall require such notification to be on a standardized form that can be obtained on the internet or from the liquor authority and such notification to include:

- (a) the trade name or "doing business as" name, if any, of the establishment;

- (b) the full name of the applicant;

- (c) the street address of the establishment, including the floor location or room number, if applicable;

- (d) the mailing address of the establishment, if different than the street address;

- (e) the name, address and telephone number of the attorney or representative of the applicant, if any;

- (f) a statement indicating whether the application is for:

- (i) a new establishment;

- (ii) a transfer of an existing licensed business;

- (iii) a renewal of an existing license; or

- (iv) an alteration of an existing licensed premises;

- (g) if the establishment is a transfer or previously licensed premises, the name of the old establishment and such establishment's license serial number;

- (h) in the case of a renewal or alteration application, the license serial number of the applicant; and

- (i) the type of license.

§ 110-c. Public license query. 1. The authority shall make available

to the public all digitally archived information pertaining to any conditions it imposes on the operation of a premises licensed by the authority pursuant to this chapter, including but not necessarily limited to information pertaining to the hours during which the licensed premises is allowed to operate, the maximum permitted occupancy of the licensed premises, and any special conditions imposed by the authority on the licensed premises.

2. The authority shall make available to the public on its website a daily updated list or lists of all pending license applications. Such list shall include the serial, certificate or other identifying number assigned by the authority; the status of the application; the name of the applicant; the complete address, including county, of the applied for premises; the license type and class the applicant is seeking; the date such application was received; based on the date submitted, an estimated timeframe, specified as a date, for a determination on the application. For any unreasonable delay that is caused solely by an action of the authority, this timeframe will be updated; if the authority has issued any temporary permit for the premises related to the current application; and the final date of an applications determination.

3. The authority shall maintain a record of the number of licenses applied for and the length of time required for the approval or denial of such licenses on its public website. Such records shall be updated at least monthly by the authority.

4. The authority shall, where feasible and resources permitting, develop or cause to be developed up-grades to their information technology systems that will enable greater transparency for applicants with respect to their application status and estimated processing times for final determination on a license application.

§ 111. License to be confined to premises licensed. A license issued to any person, pursuant to chapter one hundred eighty of the laws of nineteen hundred thirty-three or this chapter, for any licensed premises

shall not be transferable to any other person or to any other premises or to any other part of the building containing the licensed premises except in the discretion of the authority. It shall be available only to the person therein specified, and only for the premises licensed and no other except if authorized by the authority. Provided, however, that the provisions of this section shall not be deemed to prohibit the issuance of a license under section seventy-six-b or seventy-six-c of this chapter. For the purposes of this section each railroad car and each vessel shall be deemed premises separately to be licensed.

§ 111-a. Use of contiguous and non-contiguous municipal public space for on-premises alcoholic beverage sales by certain licensees. 1. The holder of a retail on-premises license issued pursuant to sections fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one, or eighty-one-a of this chapter or a manufacturing license that includes a privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on the licensed premises issued pursuant to section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-eight-c, subdivision two-c of section sixty-one, section seventy-six, seventy-six-a, seventy-six-c, or seventy-six-d of this chapter may file an alteration application with the authority pursuant to subdivision one of section ninety-nine-d of this chapter for permission to add municipal public space that is either contiguous or non-contiguous to the licensed premises. Upon approval of such alteration application, such a licensee may exercise the privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on contiguous municipal public space or non-contiguous municipal public space provided:

(a) the municipality in which the licensed premises is located issues a permit or the responsible municipal regulatory body or agency issues written authorization to the licensee to sell and/or serve food on such contiguous municipal public space or non-contiguous municipal public space;

(b) the licensee submits to the liquor authority a copy of such municipal permit or other written authorization along with the alteration application;

(c) the licensee submits to the liquor authority a copy of the permit application submitted to the municipality to obtain the municipal permit or other written authorization from the municipality along with the alteration application;

(d) the licensee submits to the liquor authority a diagram depicting both the licensed premises and the contiguous municipal public space or non-contiguous municipal public space to be used by the licensee with the alteration application;

(e) the licensee submits to the liquor authority proof that it has provided community notification to the municipality, including municipalities outside the city of New York, in a manner consistent with or required by subdivision two of section one hundred ten-b of this article as required for the city of New York;

(f) the licensee submits proof to the liquor authority that: (i) such licensee has obtained workers' compensation insurance for all employees, as required by the workers' compensation law; and (ii) such licensee has obtained general liability insurance to provide coverage against liability for injury sustained by persons on the contiguous municipal public space or non-contiguous municipal public space used by the licensee and, if applicable, persons and cyclists using or crossing a bike thoroughfare that connects the licensed premises to the non-contiguous municipal public space used by the licensee. The licensee shall maintain such general liability coverage during the term of its municipal permit or written authorization to use the contiguous municipal public space or non-contiguous municipal public space; and

(g) use of any such contiguous or non-contiguous municipal public space meets all applicable federal, state or local laws, rules, regulations, guidance, conditions or requirements.

2. For the purposes of this section: (a) "non-contiguous municipal public space" shall mean space that: (i) is located in front of, behind, or to the side of the licensed premises; (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the nearest adjacent properties on either side; (iii) does not extend further than the midline of any public roadway; (iv) is separated from the licensed premises only by one or more of the following: a pedestrian thoroughfare, a thoroughfare primarily

restricted to use by bicycles, or a portion of a thoroughfare with such restrictions; and (v) otherwise complies with all applicable federal, state and local requirements.

(b) "Contiguous municipal public space" shall mean space that: (i) is located in front of, behind, or to the side of the licensed premises; (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the nearest adjacent properties on either side; (iii) otherwise complies with all applicable federal, state and local requirements.

3. Licensees choosing to utilize non-contiguous municipal public space that includes a thoroughfare primarily restricted to use by bicycles, or a portion of a thoroughfare with such restrictions, shall post a sign or poster in said municipal outdoor space with conspicuous lettering in at least seventy-two point bold face font that states: "CAUTION: BICYCLE LANE" prior to and while utilizing any such municipal space for on-premises alcoholic beverage sales to patrons. Such licensees shall be solely responsible for production of and maintenance of such signage. Compliance by the licensee with the provisions of any local law requiring posting of warning signs regarding bicycle lanes enacted on or before the effective date of this section shall be deemed to be in compliance with the provisions of this section. Nothing contained herein, however, shall be deemed to exempt any licensee not otherwise subject to the provisions of any such local law from complying with the provisions of this section.

4. If at any time the municipality revokes, cancels or suspends or otherwise terminates the licensee's authorization to use such contiguous municipal public space or non-contiguous municipal public space, the licensee shall immediately cease exercising the privilege to sell and/or serve alcoholic beverages at retail for consumption on such municipal public space. The licensee shall then file a new alteration application removing the municipal public space from its licensed premises. The failure to file a new alteration application with the authority within ten business days of the revocation, cancellation, suspension, or other termination by the local municipality of the licensee's authorization to use such contiguous or non-contiguous municipal public space shall be

cause for revocation, cancellation, suspension and/or imposition of a civil penalty against the license in accordance with section one hundred eighteen of this article.

5. The authority may promulgate guidance, rules and/or regulations necessary to implement the provisions of this section. Notwithstanding existing provisions of this chapter, the authority is authorized to provide simplified applications and notification procedures for licensees seeking to utilize municipal space for on-premises alcoholic beverage sales whenever possible or appropriate. Nothing in this section shall prohibit the authority from requesting additional information from any applicant seeking to use new municipal space or renewal of existing municipal space.

§ 112. Bonds of licensees and permittees. The liquor authority may require the licensees and permittees of one or more of the kinds or classes described in this chapter to file with it a bond to the people of the state of New York issued by a surety company, approved by the superintendent of financial services as to solvency and responsibility and authorized to transact business in this state, in such penal sum as the liquor authority may heretofore have prescribed or hereafter shall prescribe, conditioned that such licensee or permittee will not suffer or permit any violation of the provisions of this chapter and that all fines and penalties which shall accrue, during the time the license or permit shall be in effect, will be paid, together with all costs taxed or allowed in any action or proceeding brought or instituted for a violation of any of the provisions of this chapter. A suit to recover on any bond filed pursuant to chapter one hundred eighty of the laws of nineteen hundred thirty-three or this chapter may be brought by the liquor authority or on relation of any party aggrieved, in a court of competent jurisdiction and in the event that the obligor named in such bond has violated any of the conditions of such bond, recovery for the penal sum of such bond may be had in favor of the people of the state. Notwithstanding the provisions of this section, no bond shall be required to be filed by the holder of a solicitor's permit issued under section ninety-three of this chapter.

§ 113. Premises for which no license shall be granted. 1. Where a license for any premises licensed has been revoked, the liquor authority in its discretion may refuse to issue a license under this chapter, for a period of two years after such revocation, for such licensed premises or for any part of the building containing such licensed premises and connected therewith.

2. In determining whether to issue such a license for such two year period, in addition to any other factors deemed relevant, the liquor authority shall, in the case of a license revoked due to the illegal sale of alcohol to a minor, determine whether the proposed subsequent licensee has obtained such premises through an arm's length transaction, and, if such transaction is not found to be an arm's length transaction, the liquor authority shall deny the issuance of such license.

3. For purposes of this section, "arm's length transaction" shall mean a sale of a fee of all undivided interests in real property, lease, management agreement, or other agreement giving the applicant control over the food and beverage at the premises, or any part thereof, in the open market, between an informed and willing buyer and seller where neither is under any compulsion to participate in the transaction, unaffected by any unusual conditions indicating a reasonable possibility that the sale was made for the purpose of permitting the original licensee to avoid the effect of the revocation. The following sales shall be presumed not to be arm's length transactions unless adequate documentation is provided demonstrating that the sale, lease, management agreement, or other agreement giving the applicant control over the food and beverage at the premises, was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of the revocation:

- (a) a sale between relatives;
- (b) a sale between related companies or partners in a business; or
- (c) a sale, lease, management agreement, or other agreement giving the applicant control over the food and beverage at the premises, affected by other facts or circumstances that would indicate that the sale,

lease, management agreement, or other agreement giving the applicant control over the food and beverage at the premises, is entered into for the primary purpose of permitting the original licensee to avoid the effect of the revocation.

§ 114. Licenses, publication, general provisions. 1. All licenses issued pursuant to this chapter shall be distinctive in color and design so as to be readily distinguishable from each other.

2. No license shall be transferable or assignable except that notwithstanding any other provision of law, the license of a sole proprietor converting to corporate form, where such proprietor becomes the sole stockholder and only officer and director of such new corporation, may be transferred to the subject corporation if all requirements of this chapter remain the same with respect to such license as transferred and, further, the licensee shall transmit to the authority, within ten days of the transfer of license allowable under this subdivision, on a form prescribed by the authority, notification of the transfer of such license.

3. No license shall be pledged or deposited as collateral security for any loan or upon any other condition; and any such pledge or deposit, and any contract providing therefor, shall be void.

4. Licenses issued under this chapter shall contain, in addition to any further information or material to be prescribed by the rules of the liquor authority, the following information: (a) Name of person to whom license is issued; (b) kind of license and what kind of traffic in alcoholic beverages is thereby permitted; (c) description by street and number, or otherwise, of licensed premises; (d) a statement in substance that such license shall not be deemed a property or vested right, and that it may be revoked at any time pursuant to law.

5. There shall be printed and furnished by the liquor authority to each licensee a statement of the causes for which licenses may be revoked. Such statement shall be prepared by the liquor authority and

delivered to the licensee with his license or as soon thereafter as may be practicable. Any amendments thereto shall also be sent by the liquor authority to all licensees as soon as may be practicable after such amendments. Failure to send such statements or changes therein, or failure to receive the same, or any misstatement or error contained in such statements or amendments shall, however, not be an excuse or justification for any violation of law, or prevent, or remit, or decrease any penalty or forfeiture therefor.

6. Before commencing or doing any business for the time for which a license has been issued said license shall be enclosed in a suitable wood or metal frame having a clear glass space and a substantial wood or metal back so that the whole of said license may be seen therein, and shall be posted up and at all times displayed in a conspicuous place in the room where such business is carried on, so that all persons visiting such place may readily see the same. It shall be unlawful for any person holding a license to post such license or to permit such license to be posted upon premises other than the premises licensed, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly to deface, destroy or alter any such license in any respect. Whenever a license shall be lost or destroyed without fault on the part of the licensee or his agents or employees, a duplicate license in lieu thereof may be issued by the liquor authority in its discretion and in accordance with such rules and regulations and the payment of such fees, not exceeding five dollars, as it may prescribe.

§ 114-a. License or permit issuance and registration approval. 1. The authority upon receiving an application and appropriate payment shall, to the extent practicable, provide the applicant with a receipt within twenty-five business days. Such receipt shall include the date of acceptance of such application as well as an estimated length of time necessary for the authority to review and make a determination on such application. Such receipt shall include a unique serial, certification or other identifying number.

2. No license or permit shall be issued and no registration approved pursuant to this chapter until such time as any check or draft submitted for payment of the required fee has been honored by the payor financial institution, provided, however, that this provision shall not apply in the case of a certified check, bank officers' check or money order.

§ 115. Rules need not be uniform. Whenever in this chapter the liquor authority is authorized to adopt rules in respect to a particular subject or matter, such rules need not be uniform in their application to the various localities within the jurisdiction of such authority, but may vary in accordance with a reasonable classification of such localities.

§ 116. Deliveries of alcoholic beverages. No alcoholic beverage shall be transported within this state by any vehicle unless such vehicle is owned and operated, or hired and operated by a licensee and unless there shall be attached to or inscribed upon both sides of such vehicle so as to be visible from a reasonable distance, a sign setting forth the name and address of such licensee in such form and with such additional information as the liquor authority may prescribe; provided, however, (a) that alcoholic beverages may be transported by a retail licensee to the home of a purchaser not to be resold by the purchaser; (b) that alcoholic beverages owned by a person may be transported from place to place not for purposes of sale; (c) that alcoholic beverages may be delivered from a licensee to a steamship or railroad station or terminal for purposes of transportation, and may be delivered from a steamship or railroad station or terminal to a purchaser for purposes of consumption, or to a licensee by any bona fide trucking agency holding a permit under this chapter. In lieu of such sign, a licensee may have in the cab of such vehicle a photostatic copy of its current license issued by the authority, and such copy duly authenticated by the authority.

§ 117. Transportation of alcoholic beverages. No common carrier or person operating a transportation facility in this state, other than the

United States government, shall receive for transportation or delivery within the state any alcoholic beverages unless the shipment is accompanied by copy of a bill of lading, or other document, showing the name and address of the consignor, the name and address of the consignee, the date of the shipment, and the quantity and kind of alcoholic beverage contained therein.

§ 117-a. Unlimited drink offerings prohibited. 1. No licensee, acting individually or in conjunction with one or more licensees, shall:

(a) offer, sell, serve, or deliver to any person or persons an unlimited number of drinks during any set period of time for a fixed price.

(b) allow a person, agent, party organizer, or promoter, as such terms shall be defined by the authority in rule and regulation, to offer, sell, serve, or deliver to any person or persons an unlimited number of drinks during any set period of time for a fixed price.

(c) advertise, promote, or charge a price for drinks that in the judgment of the authority creates an offering of alcoholic beverages in violation of the purposes and intent of this section, or which in the judgment of the authority is an attempt to circumvent the intent and purposes of this section, such as, but not limited to, offerings of free drinks, or multiple drinks for free or for the price of a single drink, or for a low initial price followed by a price increment per hour or other period of time, or for such a minor amount that in the judgment of the authority the pricing would constitute an attempt to circumvent the intent and purposes of this section.

2. As used in this section, licensee means and includes the licensee, and any employees, or agents of such licensee.

3. With respect to an individual licensee, this section shall not apply to private functions not opened to the public, such as weddings, banquets, or receptions, or other similar functions, or to a package of food and beverages where the service of alcoholic beverages is incidental to the event or function.

4. The authority shall investigate any documented allegation of a violation of this section upon a complaint by any person.

5. The authority shall promulgate rules and regulations necessary to implement the provisions of this section.

6. The provisions of this section shall not apply to the holder of a temporary permit under subdivision five of section ninety-seven of this chapter.

§ 117-b. Possession or use of alcohol vaporizing devices prohibited.

1. For purposes of this section, "alcohol vaporizing device" means any device, machine or process which mixes spirits, liquor or other alcohol product with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

2. No licensee shall knowingly possess or make available for use an alcohol vaporizing device upon the premises of an establishment licensed pursuant to this chapter.

3. A violation of the provisions of this section shall be an offense punishable by a fine of not more than five thousand dollars. A violation of the provisions of this section after having been previously convicted of such an offense within the previous five years shall be a class B misdemeanor punishable by a fine of not more than ten thousand dollars.

4. Nothing in this section shall be construed to prohibit the authority from instituting proceedings to suspend, cancel, or revoke a license as provided in section seventeen of this chapter.

§ 118. Revocation of licenses for cause. 1. Any license or permit issued pursuant to this chapter may be revoked, cancelled, suspended and/or subjected to the imposition of a civil penalty for cause, and must be revoked for the following causes:

(a) Conviction of the licensee, permittee or his agent or employee for

selling any illegal alcoholic beverages on the premises licensed.

(b) For transferring, assigning or hypothecating a license or permit.

2. Notwithstanding the issuance of a license or permit by way of renewal, the liquor authority may revoke, cancel or suspend such license or permit and/or may impose a civil penalty against any holder of such license or permit, as prescribed by this section and section one hundred nineteen of this chapter, for causes or violations occurring during the license period immediately preceding the issuance of such license or permit, and may recover, as provided in section one hundred twelve of this chapter, the penal sum of the bond on file during said period.

3. (a) As used in this section, the term "for cause" shall also include the existence of a sustained and continuing pattern of noise, disturbance, misconduct, or disorder on or about the licensed premises, related to the operation of the premises or the conduct of its patrons, which adversely affects the health, welfare or safety of the inhabitants of the area in which such licensed premises are located.

(b) (i) As used in this section, the term "for cause" shall also include, for licensees that sell alcoholic beverages for on premises consumption, deliberately misleading the authority:

(A) as to the nature and character of the business to be operated on the licensed premises; or

(B) by substantially altering the nature or character of such business at the licensed premises during the licensing period without seeking appropriate approvals from the authority.

(ii) As used in this subdivision, the term "substantially altering the nature or character" of such business shall mean any significant alteration in the scope of business activities conducted at a licensed premises that would require obtaining an alternate form of license.

(c) As used in this section, the term "for cause" shall also include a licensee's or permittee's failure to cure a violation of law or rule in the time period prescribed by the authority pursuant to subdivision six of this section.

4. As used in this chapter, the existence of a sustained and continuing pattern of noise, disturbance, misconduct, or disorder on or

about the licensed premises, related to the operation of the premises or the conduct of its patrons, will be presumed upon the sixth incident reported to the authority by a law enforcement agency of noise or disturbance or misconduct or disorder on or about the licensed premises or related to the operation of the premises or the conduct of its patrons, in any sixty day period, absent clear and convincing evidence of either fraudulent intent on the part of any complainant or a factual error with respect to the content of any report concerning such complaint relied upon by the authority.

5. Notwithstanding any other provision of this chapter to the contrary, a suspension imposed under this section against the holder of a license issued under section sixty-one-a of this chapter shall only suspend the licensed activities related to the type of alcoholic beverage involved in the violation resulting in the suspension.

6. (a) Notwithstanding any other provision of this chapter, in lieu of commencement of a disciplinary proceeding against a licensee or permittee, for a first-time violation of either a provision of this chapter or a rule of the authority that is deemed by the authority under its discretion to be de minimis under the circumstances, and is related to (i) an administrative process, or (ii) paperwork requested or received by the authority, or (iii) acts or omissions of the licensee or permittee, the authority shall provide a cure period or other opportunity for ameliorative action if the violation can be corrected.

(b) Upon such first-time violation, the authority shall (i) provide the licensee with a copy of the applicable law or rule and any other helpful guidance or information explaining such law or rule, to the extent such materials exist, or (ii) to the extent practicable, provide such licensee assistance with compliance with the law or the authority's rules.

(c) The authority shall have the discretion to determine the appropriate period of time to allow such licensee to cure or take such other ameliorative action to address such violation, which shall be reasonable but shall not be less than fifteen business days and not more than twenty business days, unless a longer period is allowed pursuant to law or regulation.

(d) No waiver of penalties or cure period or other opportunity for ameliorative action may be given if the authority determines that such violation may result in serious actual harm, or may present an endangerment to public safety, human health or the environment, is a violation of human or civil rights law, results in loss of employee wages or benefits, interferes with any remedy, review, or resolution related to harassment or discrimination claims, was or is a willful violation, involves tax fraud, violates requirements related to federal funding to the state, relates to state funding or procurement, is similar to prior violations, is a penal law violation, relates to a material or substantive portion of the licensee's business, or is in contravention of the public interest and/or policy reflected by the authority's mission.

§ 119. Procedure for revocation or cancellation. 1. Any license or permit issued by the liquor authority pursuant to chapter one hundred eighty of the laws of nineteen hundred thirty-three or this chapter may be revoked, cancelled or suspended and/or be subjected to the imposition of a monetary penalty in the manner prescribed by this section.

2. The liquor authority may on its own initiative or on complaint of any person institute proceedings to revoke, cancel or suspend any retail license and may impose a civil penalty against the licensee after a hearing at which the licensee shall be given an opportunity to be heard. Such hearing shall be held in such manner and upon such notice as may be prescribed by the rules of the liquor authority.

3. All other licenses or permits issued under this chapter may be revoked, cancelled, suspended and/or made subject to the imposition of a civil penalty by the liquor authority after a hearing to be held in the manner to be determined by the rules of the liquor authority.

4. (a) The provisions of this subdivision shall apply in all cases of licensee or permittee failure after receiving appropriate notice, to comply with a summons, subpoena or warrant relating to a paternity or child support proceeding and arrears in payment of child support or

combined child and spousal support referred to the authority by a court pursuant to the requirements of section two hundred forty-four-c of the domestic relations law or pursuant to section four hundred fifty-eight-b or five hundred forty-eight-b of the family court act.

(b) Upon receipt of an order from the court based on arrears in payment of child support or combined child and spousal support pursuant to one of the foregoing provisions of law, the authority, if it finds such person to have been issued a license or permit, shall within thirty days of receipt of such order from the court, provide notice to the licensee or permittee of, and initiate, a hearing which shall be held at least twenty days and no more than thirty days after the sending of such notice to the licensee or permittee. The hearing shall be solely held for the purpose of determining whether there exists as of the date of the hearing proof that full payment of all arrears of support established by the order of the court to be due from the licensee or permittee have been paid. Proof of such payment shall be a certified check showing full payment of established arrears or a notice issued by the court or the support collection unit, where the order is payable to the support collection unit designated by the appropriate social services district. Such notice shall state that full payment of all arrears of support established by the order of the court to be due have been paid. The licensee or permittee shall be given full opportunity to present such proof of payment at the hearing in person or by counsel. The only issue to be determined by the authority as a result of the hearing is whether the arrears have been paid. No evidence with respect to the appropriateness of the court order or ability of the respondent party in arrears to comply with such order shall be received or considered by the authority.

(c) Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, such license or permit shall be suspended if at the hearing, provided for by paragraph (b) of this subdivision, the licensee or permittee fails to present proof of payment as required by such subdivision. Such suspension shall not be lifted unless the court or the support collection unit, where the court order is payable to the support collection unit designated by the appropriate social services district, issues notice to the authority that full payment of all arrears of support established by the order of the court

to be due have been paid.

(d) Upon receipt of an order from the court based on failure to comply with a summons, subpoena, or warrant relating to a paternity or child support proceeding, the authority, if it finds such person has been issued a license or permit, shall within thirty days of receipt of such order from the court, provide notice to the licensee or permittee that his or her license shall be suspended in sixty days unless the conditions in paragraph (e) of this subdivision are met.

(e) Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, such license or permit shall be suspended in accordance with the provisions of paragraph (c) of this subdivision unless the court terminates its order to commence suspension proceedings. Such suspension shall not be lifted unless the court issues an order to the authority terminating its order to commence suspension proceedings.

(f) The authority shall inform the court of all actions taken hereunder as required by law.

(g) This subdivision applies to support obligations paid pursuant to any order of child support or child and spousal support issued under provisions of article three-A or section two hundred thirty-six or two hundred forty of the domestic relations law, or article four, five or five-A of the family court act.

(h) Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the provisions of this subdivision shall apply to the exclusion of any other requirements of this article and to the exclusion of any other requirement of law to the contrary.

5. Where a licensee is convicted of two or more qualifying offenses within a five year period, the authority, upon receipt of notification of such second or subsequent conviction pursuant to the provisions of subdivision two of section one hundred six-a of this article, shall, in addition to any other sanction or civil or criminal penalty imposed pursuant to this chapter, impose on such licensee a civil penalty not to exceed five hundred dollars. For purposes of this subdivision, a qualifying offense shall mean (a) the offense defined in subdivision one of section sixty-five of this chapter; or (b) the offense defined in

paragraph (b) of subdivision one of section sixty-five-b of this chapter. For purposes of this subdivision, a conviction of a licensee or an employee or agent of such licensee shall constitute a conviction of such licensee.

§ 120. Decisions by liquor authority. A decision upon any application or hearing submitted to or held by the liquor authority shall be rendered within thirty days after such submission or hearing.

§ 120-a. Corporate change; hearing on application. Upon the disapproval by the authority of an application for a corporate change in the stockholders, stockholdings, officers or directors the liquor authority shall provide for a hearing at which the applicant may produce any evidence it shall desire with reference to such disapproval by the authority.

§ 121. Review by courts. The following actions by the liquor authority shall be subject to review by the supreme court in the manner provided in article seventy-eight of the civil practice law and rules provided that no stay shall be granted pending the determination of the matter except on notice to the liquor authority and for a period not exceeding thirty days:

1. Refusal by the liquor authority to issue a license or a permit.
2. The revocation, cancellation or suspension of a license or permit by the liquor authority.
3. The failure or refusal by the liquor authority to render a decision within the time required by section one hundred twenty of this article.
4. The transfer by the liquor authority of a license or permit to any other premises, or the failure or refusal by the liquor authority to approve such a transfer.

5. The issuance of an order of warning by the liquor authority.

6. Refusal to approve alteration of premises.

7. Refusal to approve a corporate change in stockholders, stockholdings, officers or directors.

8. Refusal by the liquor authority to grant permission for an additional bar pursuant to subdivision four of section one hundred of this chapter.

§ 122. Continuance of business by receiver or other representative.

If a corporation or copartnership holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter shall be dissolved, or if a receiver or assignee for the benefit of creditors be appointed therefor, or if a receiver, assignee for the benefit of creditors or a committee or conservator of the property of an individual holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter be appointed, during the time for which such license or permit was granted, or if a person, including a member of a copartnership, holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter shall die during the term for which such license or permit was given, such corporation, copartnership, receiver or assignee, or the administrator or executor of the estate of such individual, or of such deceased member of a copartnership, or a committee of the property of a person adjudged to be incompetent, or a conservator of the property of an individual, or a petition under title eleven of the United States code shall have been filed and a trustee has been appointed or the holder of the license or permit has been permitted to remain in possession without the appointment of a trustee, may continue to carry on such business upon such premises for the balance of the term for which such license or permit was effective, with the same rights and subject to the same restrictions and liabilities as if he had been the

original applicant for and the original holder, or one of either of them, of such license or permit, providing the approval of the liquor authority shall be first obtained. Before continuing such business, such receiver, assignee, individual, committee, or conservator, debtor in possession, or trustee in bankruptcy shall file a statement setting forth in such form and substance as the liquor authority may prescribe the facts and circumstances by which he has succeeded to the rights of the original licensee or permittee. The liquor authority may, in its discretion, permit the continuance of such business or may refuse to do so. In the event that the authority determines to permit the continuance of the business, the license or permit shall be submitted to the authority and shall have affixed thereto a certificate in the form prescribed by the authority. For each such certificate a fee shall be paid to the liquor authority of fifty dollars by the applicant, except in the case of an off-premise beer license, such fee shall be ten dollars which shall be paid into the same fund as other license fees herein provided for.

§ 123. Injunction for unlawful manufacturing, sale or consumption of liquor, wine or beer. 1. (a) If any person shall engage or participate or be about to engage or participate in the manufacturing or sale of liquor, wine or beer in this state without obtaining the appropriate license therefor, or shall traffic in liquor, wine or beer contrary to any provision of this chapter, or otherwise unlawfully, or shall traffic in illegal liquor, wine or beer, or, operating a place for profit or pecuniary gain, with a capacity for the assemblage of twenty or more persons, shall permit a person or persons to come to such place of assembly for the purpose of consuming alcoholic beverages without having the appropriate license therefor pursuant to section sixty-four-b of this chapter, the liquor authority or any taxpayer residing in the city, village or town in which such activity is or is about to be engaged or participated in or such traffic is being conducted, or the city, town or village, may present a verified petition or complaint to a justice of the supreme court at a special term of the supreme court of the judicial district in which such city, village or town is situated, for an order enjoining such person engaging or participating in such activity or from

carrying on such business. Such petition or complaint shall state the facts upon which such application is based. Upon the presentation of the petition or complaint, the justice or court shall grant an order requiring such person to appear before such justice or court at or before a special term of the supreme court in such judicial district on the day specified therein, not more than ten days after the granting thereof, to show cause why such person should not be permanently enjoined from engaging or participating in such activity or from carrying on such business, or why such person should not be enjoined from carrying on such business contrary to the provisions of this chapter. A copy of such petition or complaint and order shall be served upon the person, in the manner directed by such order, not less than three days before the return day thereof. On the day specified in such order, the justice or court before whom the same is returnable shall hear the proofs of the parties and may, if deemed necessary or proper, take testimony in relation to the allegations of the petition or complaint. If the justice or court is satisfied that such person is about to engage or participate in the unlawful traffic in alcoholic beverages or has unlawfully manufactured or sold liquor, wine or beer without having obtained a license or contrary to the provisions of this chapter, or has trafficked in illegal liquor, wine or beer, or, is operating or is about to operate such place for profit or pecuniary gain, with such capacity, and has permitted or is about to permit a person or persons to come to such place of assembly for the purpose of consuming alcoholic beverages without having such appropriate license, an order shall be granted enjoining such person from thereafter engaging or participating in or carrying on such activity or business. If, after the entry of such an order in the county clerk's office of the county in which the principal place of business of the corporation or copartnership is located, or in which the individual so enjoined resides or conducts such business, and the service of a copy thereof upon such person, or such substituted service as the court may direct, such person, copartnership or corporation shall, in violation of such order, manufacture or sell liquor, wine or beer, or illegal liquor, wine, or beer, or permit a person or persons to come to such place of assembly for the purpose of consuming alcoholic beverages, such activity shall be deemed a contempt of court and be punishable in the manner provided by

the judiciary law, and, in addition to any such punishment, the justice or court before whom or which the petition or complaint is heard, may, in his or its discretion, order the seizure and forfeiture of any liquor, wine or beer and any fixtures, equipment and supplies used in the operation or promotion of such illegal activity, including any bar, bar or refrigeration equipment, vending machines, gaming machines and jukeboxes, and such property shall be subject to forfeiture pursuant to the provisions of subdivision two of this section. Costs upon the application for such injunction may be awarded in favor of and against the parties thereto in such sums as in the discretion of the justice or court before whom or which the petition or complaint is heard may seem proper.

(b) The owner, lessor and lessee of a building, erection or place where alcoholic beverages are unlawfully manufactured, sold, consumed or permitted to be unlawfully manufactured, sold or consumed may be made respondents or defendants in the proceeding or action.

2. (a) This seized property shall be delivered by the peace officer, acting pursuant to his special duties or police officer having made the seizure to the custody of the authority or the district attorney of the county wherein the seizure was made as may be directed by the court, except that in the cities of New York and Buffalo, the seized property shall be delivered to the custody of the authority or of the police department of such cities, together with a report of all the facts and circumstances of the seizure.

(b) It shall be the duty of the authority or such district attorney or, if the seizure was made in the cities of New York or Buffalo, of the authority or corporation counsel of such city, as the case may be, to inquire into the facts of the seizure so reported and if it appears probable that a forfeiture has been incurred, for the determination of which the institution of proceedings in the supreme court is necessary, to cause the proper proceedings to be commenced and prosecuted, at any time after thirty days from the date of seizure, to declare such forfeiture, unless, upon inquiry and examination the authority or such person, as the case may be, decides that such proceedings can not probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted, in which case, the

authority or such person shall cause such seized property to be returned to the owner thereof.

(c) Notice of the institution of the forfeiture proceeding shall be served either (i) personally on the owners of the seized property or (ii) by registered mail to the owners' last known address and by publication of the notice once a week for two successive weeks in a newspaper published or circulated in the county wherein the seizure was made.

(d) Forfeiture shall not be adjudged where the owners established by preponderance of the evidence that (i) the use of such seized property was not intentional on the part of any owner, or (ii) said seized property was used by any person other than an owner thereof, while such seized property was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any state.

(e) The authority or such person having custody of the seized property, after such judicial determination of forfeiture, shall, by a public notice of at least five days, sell such forfeited property at public sale. The net proceeds of any such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the county wherein the seizure was made except that the net proceeds of the sale of property seized in the cities of New York and Buffalo shall be paid into the respective general funds of such cities.

(f) Whenever any person interested in any property which is seized and declared forfeited under the provisions of this section files with a justice of the supreme court a petition for the recovery of such forfeited property, the justice of the supreme court may restore said forfeited property upon such terms and conditions as he deems reasonable and just, if the petitioner establishes either of the affirmative defenses set forth in paragraph (d) of subdivision two of this section and that the petitioner was without personal or actual knowledge of the forfeiture proceeding. If the petition be filed after the sale of the forfeited property, any judgment in favor of the petitioner shall be limited to the net proceeds of such sale, after deduction of the lawful expenses and costs incurred by the seizing party.

(g) No suit or action under this section for wrongful seizure shall be instituted unless such suit or action is commenced within two years

after the time when the property was seized.

§ 124. Liquor authority to be necessary party to certain proceedings.

The state liquor authority shall be made a party to all actions and proceedings affecting in any manner the submission of the local option questions provided for in this chapter, or the result of any vote thereupon; to all actions and proceedings relative to issuance or revocation of licenses or permits; to all injunction proceedings, and to all other civil actions or proceedings which in any manner affect the enjoyment of the privileges or the operation of the restrictions provided for in this chapter.

§ 125. Disposition of moneys received for license fees. The moneys received for license fees provided for in this chapter shall be turned over by the liquor authority to the state comptroller. It shall be placed by the state comptroller in the fund derived from the proceeds of the taxes on liquor, wine and beer provided for in article eighteen of the tax law and become a part thereof and be subject to all of the provisions of law relating to such fund.

§ 126. Persons forbidden to traffic in alcoholic beverages. The following are forbidden to traffic in alcoholic beverages:

1. Except as provided in subdivision one-a of this section, a person who has been convicted of a felony or any of the misdemeanors mentioned in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law, unless subsequent to such conviction such person shall have received an executive pardon therefor removing this disability, a certificate of good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three

of the correction law to remove the disability under this section because of such conviction.

1-a. Notwithstanding the provision of subdivision one of this section, a corporation holding a license to traffic in alcoholic beverages shall not, upon conviction of a felony or any of the misdemeanors or offenses described in subdivision one of this section, be automatically forbidden to traffic in alcoholic beverages, but the application for a license by such a corporation shall be subject to denial, and the license of such a corporation shall be subject to revocation or suspension by the authority pursuant to section one hundred eighteen of this chapter, consistent with the provisions of article twenty-three-A of the correction law. For any felony conviction by a court other than a court of this state, the authority may request the department of corrections and community supervision to investigate and review the facts and circumstances concerning such a conviction, and such department shall, if so requested, submit its findings to the authority as to whether the corporation has conducted itself in a manner such that discretionary review by the authority would not be inconsistent with the public interest. The department of corrections and community supervision may charge the licensee or applicant a fee equivalent to the expenses of an appropriate investigation under this subdivision. For any conviction rendered by a court of this state, the authority may request the corporation, if the corporation is eligible for a certificate of relief from disabilities, to seek such a certificate from the court which rendered the conviction and to submit such a certificate as part of the authority's discretionary review process.

2. A person under the age of twenty-one years.

3. A person who is not a citizen of the United States or a noncitizen lawfully admitted for permanent residence in the United States.

4. A copartnership or a corporation, unless each member of the partnership, or each of the principal officers and directors of the corporation, is a citizen of the United States or a noncitizen lawfully admitted for permanent residence in the United States, not less than

twenty-one years of age, and has not been convicted of any felony or any of the misdemeanors, specified in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law, or if so convicted has received, subsequent to such conviction, an executive pardon therefor removing this disability a certificate of good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three of the correction law to remove the disability under this section because of such conviction; provided however that a corporation which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are citizens of the United States or noncitizens lawfully admitted for permanent residence in the United States; and provided further that a corporation organized under the not-for-profit corporation law or the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are not less than twenty-one years of age and none of its directors are less than eighteen years of age; and provided further that a corporation organized under the not-for-profit corporation law or the education law and located on the premises of a college as defined by section two of the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and each of its directors are not less than eighteen years of age.

5. (a) A person who shall have had any license issued under this chapter revoked for cause, until the expiration of two years from the date of such revocation.

(b) A person not licensed under the provisions of this chapter, who has been convicted of a violation of this chapter, until the expiration of two years from the date of such conviction.

6. A corporation or copartnership, if any officer and director or any

partner, while not licensed under the provisions of this chapter, has been convicted of a violation of this chapter, or has had a license issued under this chapter revoked for cause, until the expiration of two years from the date of such conviction or revocation.

* 8. Notwithstanding any of the provisions of this section, the authority is authorized to waive the citizenship requirements therein, provided that the applicant otherwise conforms to the requirements of this section, and the application is for a premises located in the area leased by the city of New York to the New York World's Fair 1964-1965 Corporation pursuant to the provisions of chapter four hundred twenty-eight of the laws of nineteen hundred sixty as amended by chapter nine hundred nine of the laws of nineteen hundred sixty-one, during the term or duration of such lease.

* NB Expired January 31, 1966

§ 127. Surrender and cancellation of licenses; payment of refunds; notice to police officials. 1. If a person holding a license to traffic in alcoholic beverages under the provisions of this chapter, against whom no complaint, prosecution or action is pending on account of any violation thereof, shall voluntarily, and before arrest or indictment for a violation of this chapter, cease to traffic in alcoholic beverages during the term for which the license fee is paid, such person may surrender such license to the liquor authority for cancellation and refund, provided that such license shall have at least one month to run at the time of such surrender. Such refund shall be computed for full months less thirty dollars, commencing with the first day of the month succeeding the one in which such license is surrendered, unless such surrender be on the first day of the month; and at the same time such person shall present to the liquor authority a verified petition setting forth all facts required to be shown by the liquor authority upon such surrender. The liquor authority shall thereupon compute the amount of refund then due on said license for the unexpired term thereof, and shall execute a receipt therefor showing the name of the person to whom such license was issued, the number thereof, date when issued, amount of license fee paid therefor, and the date when surrendered for cancellation, together with the amount of refund due thereon at such

date as computed by it, and the name of the person entitled to receive the refund. Such receipt shall be delivered by the liquor authority to the person entitled thereto. If within thirty days from the date of such surrender and application, the person surrendering such certificate shall be arrested or indicted for a violation of this chapter, or proceedings shall be instituted for the cancellation of such certificate, or an action shall be commenced against him for penalties, such petition shall not be granted until the final determination of such proceedings or actions; and if the said petitioner be convicted, or said action or proceedings be determined against him, the authority may direct that any refund due thereunder be forfeited or may impose such other penalty or conditions it may deem appropriate in the circumstances but if such petitioner be acquitted, or such proceedings or action against him be dismissed on the merits or, if within such time, no such action or proceeding shall be brought against such person, then the liquor authority shall prepare an order for the payment of such refund, directed to the comptroller, to be paid him, on his audit, upon the surrender of the receipt theretofore given such person; provided, however, that if any taxes or penalties imposed by article eighteen of the tax law or if any civil penalties imposed under this chapter are unpaid by such person, the amount of such taxes, penalties or civil penalties shall be deducted from the amount of such refund. Any refunds due on the surrender and cancellation of licenses pursuant to this section shall be paid by the comptroller from moneys in his custody, derived from license fees received pursuant to this chapter.

2. It shall be the duty of the liquor authority, upon the receipt of a license surrendered for cancellation and refund pursuant to this section, to immediately serve a written or printed notice upon the commissioner of police, chief of police, or chief police officer of the city, borough or village in which the place for which the surrendered license was issued is situated, or upon the sheriff of the county and a constable of the town, in case the license was issued for a place situated in a town and not within any city, borough or village, which notice shall include a statement of the number of the surrendered license, the name and place of residence of the holder of the license at the time of surrender, the location of the place for which the license

was issued and was held at the time of surrender by street and number, if any, otherwise such apt description as will definitely locate the premises; the fact that such license has been surrendered; that the traffic in alcoholic beverages at said premises by any one is not authorized until a new license has been obtained therefor; and the date when such license was surrendered for cancellation. Such notice may be served by registered or certified mail, by inclosing the same in a post-paid sealed envelope, duly addressed to such officer.

§ 127-a. Surrender and cancellation of permits; payment of refunds; notice to police officials. The procedure prescribed by the provisions of section one hundred twenty-seven of this chapter shall be applicable to permits issued pursuant to this chapter. Notwithstanding anything to the contrary contained in this chapter, no refund shall be payable with respect to any special permit issued pursuant to section ninety-nine-c.

§ 127-b. Payment of refunds on special permits and notice to police officers. Where a special permit to remain open until three antemeridian has been issued under subdivision two of section ninety-nine of this chapter, in a county where a regulation of a local board further restricting the hours during which alcoholic beverages may be sold for on-premises consumption shall have been rescinded by such local board during the period for which the special permit was issued, the holder of such special permit shall be entitled to a refund computed for full months commencing with the first day of the month succeeding the month in which the rescission of the local regulation occurred. The procedure with reference to the payment of refunds and notice to police officials shall be as nearly as possible the same as outlined in section one hundred and twenty-seven of this chapter.

§ 127-c. Refunds on licenses and permits erroneously or unlawfully cancelled, revoked or suspended. If a license or permit issued under this chapter is cancelled, revoked or suspended and thereafter the action of the state liquor authority effecting such cancellation,

revocation or suspension is reversed or annulled, upon application made within six months of the date of such judgment of reversal or annulment there shall be refunded to such licensee or his assignee such proportion of the fee paid for such license or permit as the period that such licensee or permittee has not had the beneficial use of such license or permit by reason of such cancellation, revocation or suspension bears to the full period for which the license or permit was issued. The provisions of section one hundred twenty-seven of this chapter so far as they can be made applicable and are not inconsistent with this section, shall govern the procedure to be followed in making application for refunds under this section.

§ 127-d. Refunds on over-payment of fees; permit not issued. Monies heretofore or hereafter received by the authority pursuant to this chapter may, within three years from the receipt thereof, be refunded to the applicant for the license or permit, on satisfactory proof that:

a. Such monies were in excess of the amount required by this chapter, to the extent of such excess.

b. The permit for which application was made has not been issued.

Such refunds shall, upon approval by the authority and after audit by the state comptroller, be paid from any monies in the custody of the comptroller, derived from fees received pursuant to this chapter.

§ 128. Certain officials not to be interested in manufacture or sale of alcoholic beverages. 1. Except as otherwise provided in section one hundred twenty-eight-a and section one hundred twenty-eight-b of this article, it shall be unlawful for any police commissioner, police inspector, captain, sergeant, roundsman, patrolman or other police official or subordinate of any police department in the state, to be either directly or indirectly interested in the manufacture or sale of alcoholic beverages or to offer for sale, or recommend to any licensee any alcoholic beverages. A person may not be denied any license granted

under the provisions of sections fifty-four, fifty-five, fifty-nine, sixty-three, sixty-four, seventy-nine, eighty-one, or article seven of this chapter solely on the grounds of being the spouse of a public servant described in this subdivision. The solicitation or recommendation made to any licensee, to purchase any alcoholic beverages by any police official or subordinate as hereinabove described, shall be presumptive evidence of the interest of such official or subordinate in the manufacture or sale of alcoholic beverages.

2. No elective village officer shall be subject to the limitations set forth in subdivision one of this section unless such elective village officer shall be assigned duties directly relating to the operation or management of the police department.

§ 128-a. Police officers allowed to work in licensed premises in certain cases. Notwithstanding any inconsistent provision of law to the contrary, the authority shall promulgate such rules and regulations as may be necessary to provide that it shall not be unlawful for a police officer employed in this state, having written permission and consent from his commanding officer, to work in a premises licensed to sell beer at retail for off-premises consumption under section fifty-four of this chapter or to work solely as a security guard or director of traffic on the premises of a volunteer firefighters' organization licensed to sell beer and wine at retail pursuant to a temporary permit for on-premises consumption under section ninety-seven of this chapter.

§ 128-b. Police officers allowed to serve as an officer of a volunteer firefighters' organization. Notwithstanding any inconsistent provision of law to the contrary, a volunteer firefighters' organization shall not be precluded from applying for an on-premises license or permit under the provisions of this chapter due to the presence of a police officer serving as an officer of such organization and the state liquor authority shall be authorized to issue such license or permit.

§ 128-c. Police officers allowed to serve as an officer of veterans' organization. Notwithstanding any inconsistent provision of law to the contrary, a veterans' organization, including, but not limited to the Veterans of Foreign Wars, the American Legion, or any other "veterans club" identified in subdivision nine of section three of this chapter, shall not be precluded from applying for an on-premises license or permit under the provisions of this chapter due to the presence of a police officer serving as an officer of such organization and the state liquor authority shall be authorized to issue such license or permit.

§ 129. Surrender of license; notice to police officials. Within three days after a license shall have been revoked pursuant to this chapter, notice thereof shall be given to the licensee by mailing such notice addressed to him at the premises licensed. Notice shall also be mailed to the owner of the premises licensed. The holder of such license shall thereupon surrender same to the liquor authority. The mailing thereof by the licensee to the liquor authority by registered mail or insured parcel post shall be deemed sufficient compliance with this section. The liquor authority, immediately upon giving notice of revocation, shall serve a written notice thereof upon the commissioner of police, chief of police or chief police officer of the city, or village in which the premises for which the revoked license was issued is situated, or upon the sheriff of the county or a constable of the town in case the license was issued for premises situated in a town and not within any city or village. Such notice shall include a statement of the number of such license, the name and place of residence of the holder thereof, the location of the licensed premises, and the date when such license was revoked. In case such license be not forthwith surrendered, the liquor authority shall issue a written demand for the surrender of such license and deliver said demand to the sheriff of the county in which the licensed premises are located, or to any representative of the liquor authority, and said sheriff or representative shall immediately take possession of such license and return the same to the liquor authority.

§ 130. Penalties for violations of chapter. 1. Any person who

manufactures for sale or sells alcoholic beverages, other than the illicit alcoholic beverages as defined in section one hundred fifty, without having an appropriate license therefor, or whose license has been revoked, surrendered or cancelled, shall be guilty of a misdemeanor, and upon first conviction thereof shall be punished by a fine not more than two times the cost of a special on premises license in the county where the unlawful act took place or by imprisonment in a county jail or penitentiary for a term of not less than thirty days nor more than one year or both and upon second conviction thereof shall be punished by a fine not less than two times and not more than three times the cost of a special on premises license in the county where the unlawful act took place or by imprisonment in a county jail or penitentiary for a term of not less than thirty days nor more than one year or both and upon all subsequent convictions thereof shall be punished by a fine not less than three times and not more than four times the cost of a special on premises license in the county where the unlawful act took place or by imprisonment in a county jail or penitentiary for a term of not less than thirty days nor more than one year or both provided, however, that in default of payment of any fine imposed, such person shall be imprisoned in a county jail or penitentiary for a term of not less than thirty days.

1-a. Any licensee, whose license has been suspended pursuant to the provisions of this chapter, who sells alcoholic beverages during the suspension period, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred dollars or by imprisonment in a county jail or penitentiary for a term of not more than six months, or by both such fine and imprisonment.

2. Any person who shall make any false statement in the application for a license or a permit under this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than two hundred dollars, or by imprisonment in a county jail or penitentiary for a term of not more than six months or both.

3. Any violation by any person of any provision of this chapter for which no punishment or penalty is otherwise provided shall be a

misdemeanor, provided, however, that the provisions of this subdivision shall not apply to the prohibitions provided for in subdivision six-a of section one hundred six of this article.

4. In the city of New York, a summons shall be issued for a violation of the provisions of subdivision fourteen of section one hundred five and subdivision five of section one hundred six of this chapter in the same manner as provided by subdivision h of section one hundred sixteen of the New York city criminal courts act.

5. Any violation by any person of the alcoholic beverage control law for which no punishment or penalty is otherwise provided shall be a misdemeanor, provided, however, that the provisions of this subdivision shall not apply to the prohibitions provided for in subdivision six-a of section one hundred six of this chapter.

§ 131. New York alcoholic beverage control problem premises task force. 1. There is hereby created within the authority the New York alcoholic beverage control problem premises task force (hereinafter "task force"), which shall consist of employees of the authority as designated by the members of the authority, provided however, that the task force shall include at least one investigator from the Albany office, one investigator from the Buffalo office, and one investigator from the New York city office.

2. In any case where the authority receives notification from the mayor, chief of police, police commissioner, sheriff, or local legislative body of any city, town or village which certifies that continued operation of an on-premises establishment poses a significant threat to the public health, safety, or welfare requiring immediate action, the authority shall assign responsibility for conducting an investigation concerning such premises to the task force. In the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such premises is located shall be considered the appropriate local legislative body.

3. Not more than fourteen calendar days after receipt by the authority of a notification as provided in this section, the task force shall commence an investigation into the operation of the establishment. The task force shall complete its investigation and the authority shall commence a disciplinary hearing proceeding pursuant to this chapter for revocation or other appropriate action within forty-five calendar days, unless the task force determines in written findings that no disciplinary charges are warranted. A copy of any such determination shall be sent to the mayor, chief of police, police commissioner, sheriff, or local legislative body of the city, town or village that filed the notification with the authority. The authority shall notify the mayor, chief of police, police commissioner, sheriff, or local legislative body of the city, town or village that filed the notification to the authority of the final disposition of the disciplinary proceeding within ten business days of the completion of this process.

ARTICLE 9

LOCAL OPTION

Section 140. Applicability of chapter before local option.

141. Local option for towns.

142. Local option for cities.

143. Filing certificate of result with liquor authority.

144. Contesting validity of petition.

145. False statements and forgery.

147. Effective duration of local option determination.

§ 140. Applicability of chapter before local option. Until such time as it shall become unlawful to sell alcoholic beverages in any town or city by the vote of the voters in such town or city in the manner provided in this article, all of the provisions of this chapter shall apply throughout the entire state. This article shall not apply to the Whiteface mountain ski center, owned by the state and located in the town of Wilmington, county of Essex.

§ 141. Local option for towns. 1. Not less than sixty days nor more than seventy-five days before the general election in any town at which the submission of the questions hereinafter stated is authorized by this article, a petition signed by electors of the town to a number amounting to twenty-five per centum of the votes cast in the town for governor at the then last preceding gubernatorial election, acknowledged by the signers or authenticated by witnesses as provided in the election law in respect of a nominating petition, requesting the submission at such election to the electors of the town of one or more of the following questions, may be filed with the town clerk:

Question 1. Tavern alcoholic beverage license. Shall a person be allowed to obtain a license to operate a tavern with a limited-service menu (sandwiches, salads, soups, etc.) which permits the tavern operator to sell alcoholic beverages for a customer to drink while the customer is within the tavern. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

Question 2. Restaurant alcoholic beverage license. Shall the operator of a full-service restaurant be allowed to obtain a license which permits the restaurant operator to sell alcoholic beverages for a customer to drink while the customer is within the restaurant. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

Question 3. Year-round hotel alcoholic beverage license. Shall the operator of a year-round hotel with a full-service restaurant be allowed to obtain a license which permits the year-round hotel to sell alcoholic beverages for a customer to drink while the customer is within the hotel. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

Question 4. Summer hotel alcoholic beverage license. Shall the operator of a summer hotel with a full-service restaurant, open for business only within the period from May first to October thirty-first in each year, be allowed to obtain a license which permits the summer hotel to sell alcoholic beverages for a customer to drink while the customer is within the hotel. In addition, unopened containers of beer (such as six-packs and kegs) may be sold "to go" for the customer to open and drink at another location (such as, for example, at his home)?

Question 5. Retail package liquor or wine store license. Shall a person be allowed to obtain a license to operate a retail package liquor-and-wine or wine-without-liquor store, to sell "to go" unopened bottles of liquor or wine to a customer to be taken from the store for the customer to open and drink at another location (such as, for example, at his home)?

Question 6. Off-premises beer and wine cooler license. Shall the operator of a grocery store, drugstore or supply ship operating in the harbors of Lake Erie be allowed to obtain a license which permits the operator to sell "to go" unopened containers of beer (such as six-packs and kegs) and wine coolers with not more than 6% alcohol to a customer to be taken from the store for the customer to open and drink at another location (such as, for example, at his home)?

Question 7. Baseball park, racetrack, athletic field or stadium license. Shall a person be allowed to obtain a license which permits the sale of beer for a patron's consumption while the patron is within a baseball park, racetrack, or other athletic field or stadium where admission fees are charged?

2. Upon the due filing of such petition complying with the foregoing provisions, such questions shall be submitted in accordance therewith.

3. The town clerk shall, within five days from the filing of such petition in his office, prepare and file in the office of the board of elections, as defined by the election law, of the county, a certified copy of such petition. Such questions may be submitted only at the time

of a general election. At least ten days before such general election, the board of elections shall cause to be printed and posted in at least four public places in such town, a notice of the fact that all of the local option questions will be voted on at such general election; and the said notice shall also be published at least five days before the vote is to be taken once in a newspaper published in the county in which such town is situated, which shall be a newspaper published in the town, if there be one. Whenever such questions are to be submitted under the provisions of this article the board of elections shall cause the proper ballot labels to be printed and placed on all voting machines used in the town in which such questions are to be submitted, in the form prescribed by the election law in respect of other propositions or questions, upon the face of which shall be printed in full the said questions. Any elector qualified to vote for state officers shall be entitled to vote upon such local option questions. As soon as the election shall be held, a return of the votes cast and counted shall be made as provided by law and the returns canvassed by the inspectors of election. If a majority of the votes cast shall be in the negative on all or any of the questions, no person shall, after such election, sell alcoholic beverages in such town contrary to such vote or to the provisions of this chapter; provided, however, that the result of such vote shall not shorten the term for which any license may have been lawfully issued under this chapter or affect the rights of the licensee thereunder; and no person shall after such vote apply for or receive a license to sell alcoholic beverages at retail in such town contrary to such vote, until, by referendum as hereinafter provided for, such sale shall again become lawful.

§ 142. Local option for cities. 1. Not less than sixty days nor more than eighty days before the general election in the year nineteen hundred thirty-five in any city, and before any subsequent general election in the city at which the submission of the questions hereinafter stated is authorized by this article, a petition signed by electors of the city to a number amounting to twenty-five per centum of the votes cast in the city for governor at the then last preceding gubernatorial election, requesting the submission at such election to

the electors of the city of the questions contained in section one hundred forty-one, substituting however the word "city" for "town," may be filed with the city clerk or, in the city of New York, with the board of elections.

(a) Opposite and on the right of the name of each elector signing such petition shall be written his residence address by house number and street name, if any, and otherwise by an appropriate designation, and the date of his signing. Each signature shall be made personally by the one whose name is signed and not by another. No signature shall be valid or counted as to which any of such requirements is not complied with, nor as to which the date of signing is more than four months prior to the day of the election. No signature shall be withdrawn after the petition is filed.

(b) At the bottom of each sheet of the petition shall be a statement, signed by a duly qualified elector of the city, with his residence address, stating that every signature on that sheet of the petition is genuine and that to the best of his knowledge and belief every person so signing was at the time thereof a qualified elector of such city, that their respective residences are correctly stated therein and that each signer signed the same on the date set opposite his name. Such statement shall be sworn to before an officer authorized to administer oaths within such city.

(c) The same petition may be either in one document or prepared and signed in two or more documents. Such documents shall constitute one petition and be filed as a whole.

(d) The petition shall also appoint a committee upon whom or any of its members a summons, order or notice may be served in any proceeding respecting the validity of the petition or of an election held pursuant thereto, and shall also designate the chairman of such committee. The residence address of each member of the committee shall be stated. Such committee may fill a vacancy in its chairmanship or in its membership, and notice of any such change shall promptly be filed with the officer with whom the petition is required to be filed; provided, however, that failure to file such notice shall not invalidate any proceeding under this chapter.

(e) Upon the due filing of such a petition, complying with the foregoing provisions, such questions shall be submitted in accordance

therewith. If the petition be filed with the city clerk, he shall within five days from the filing thereof, prepare and file in the office of the board of elections of the county, as defined by the election law, a certified copy thereof.

2. The method and manner of submission, preparation and provision of ballot labels, balloting by voting machine and conducting the election, canvassing the result and making and filing the returns and all other procedure with reference to the submission of and action upon any such question shall be the same as in the case of any other proposition to be submitted to the electors of a city at a general election as provided by law.

3. If a majority of the votes cast shall be in the negative on any or all of the questions, no person shall, after such election, sell alcoholic beverages in such city contrary to such vote or to the provisions of this chapter; provided, however, that the result of such vote shall not shorten the term for which any license may have been lawfully issued under this chapter or affect the rights of the licensee thereunder; and no person shall after such vote apply for or receive a license to sell alcoholic beverages at retail in such city contrary to such vote, until, by referendum as hereinafter provided for, such sale shall again become lawful.

§ 143. Filing certificate of result with liquor authority. Whenever at an election a vote shall be taken on the local option questions pursuant to sections one hundred forty-one or one hundred forty-two in any town or city, the officer or board charged by law with the duty of filing a statement of the result and certificate of determination of such election shall file a duplicate thereof with the liquor authority.

§ 144. Contesting validity of petition. Proceedings may be instituted and maintained to contest the validity, sufficiency or legality of any petition provided for in this article, in the manner provided by the election law, as though such petition were a certificate of nomination.

§ 145. False statements and forgery. A person who forges the signature of any person upon any petition or statement provided for in this article shall be guilty of forgery in the third degree and on conviction thereof be punished accordingly.

§ 147. Effective duration of local option determination. 1. In any town or city in which a vote shall be taken on any one or more of the local option questions provided for in this article, no further vote shall be submitted upon any local option question that was presented to the voters before the second general election thereafter.

2. If at the time of any subsequent submission of such questions it shall be lawful to sell alcoholic beverages and a majority of the votes cast shall be in the negative on such questions, then all of the provisions of this article applicable thereto shall become effective.

ARTICLE 10

SPECIAL PROVISIONS RELATING TO ILLICIT ALCOHOLIC BEVERAGES AND STILLs

Section 150. Definitions.

151. Possession of illicit alcoholic beverages.

152. Sale of illicit alcoholic beverages.

153. Stills and distilling apparatus.

154. Premises used for manufacture or storage of illicit alcoholic beverages.

155. Punishment for second offenders.

§ 150. Definitions. Whenever used in this article only, unless the context requires otherwise:

1. "Illicit alcoholic beverage" means and includes any alcohol or distilled spirits owned, manufactured, distributed, bought, sold,

bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, possessed or transported on which any tax required to have been paid under any applicable federal law has not been paid.

§ 151. Possession of illicit alcoholic beverages. Any person who shall knowingly possess or have under his control any illicit alcoholic beverages is guilty of a misdemeanor.

§ 152. Sale of illicit alcoholic beverages. (a) Any person who shall knowingly barter or exchange with, or sell, give or offer to sell or to give another any illicit alcoholic beverage is guilty of a misdemeanor.

(b) Any person who shall possess or have under his control or transport any illicit alcoholic beverage with intent to barter or exchange with, or to sell or give to another the same or any part thereof is guilty of a misdemeanor. Such intent is presumptively established by proof that the person knowingly possessed or had under his control one or more gallons of illicit alcoholic beverages. This presumption may be rebutted.

§ 153. Stills and distilling apparatus. Any person who shall manufacture any illicit alcoholic beverage or who, not being duly licensed as a distiller under the provisions of the alcoholic beverage control law, shall own, operate, possesses or have under his control any still or distilling apparatus is guilty of a felony. "Still" or "distilling apparatus" shall mean any apparatus designed, intended, actually used, or capable of being used for or in connection with the separating of alcoholic or spirituous vapors, or alcohol or spirituous solutions, or alcohol or spirits, from alcohol or spirituous solutions or mixtures, but shall not include stills used for laboratory purposes or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

Provided, however, that it shall not be unlawful for any person to own, possess or have under his control any still or distilling apparatus

(a) where the same has been duly registered in compliance with or has otherwise complied with the provisions of federal law and regulations issued pursuant thereto, or (b) where the same is not required to be registered under federal law, or (c) where the same is in the possession of a duly qualified manufacturer of stills under federal law.

The unlawful ownership, operation, possession, control or use of any still or distilling apparatus or illicit alcoholic beverage is a nuisance, and each such still and distilling apparatus and illicit alcoholic beverage is hereby declared to be a nuisance, and when any such still or distilling apparatus or illicit alcoholic beverage shall be taken from the possession of any person, the same shall be surrendered and forfeited to the sheriff of the county wherein the same shall be taken, except that in a city having a population of seventy-five thousand or more, the same shall be surrendered and forfeited to the police commissioner or other head of the police force or department of said city and except that in the county of Nassau, the same shall be surrendered and forfeited to the commissioner of the county police department.

§ 154. Premises used for manufacture or storage of illicit alcoholic beverages. Any person who, being the owner, lessee, or occupant of any room, shed, tenement, booth or building, float or vessel, or part thereof, knowingly permits the same to be used for the manufacture, distribution, purchase, sale, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing, transportation, distilling, or storage of an illicit alcoholic beverage, is guilty of a misdemeanor.

§ 155. Punishment for second offenders. Any person who is convicted of violating section one hundred fifty-two or section one hundred fifty-four of this chapter and who has been previously convicted of a violation of either of these said sections or after the effective date of this article has been convicted in any other state or federal court of a crime which if committed in this state would constitute a violation of either of said sections, is guilty of a felony and shall be

punishable for a felony.

ARTICLE 11

MISCELLANEOUS PROVISIONS;

LAWS REPEALED; TIME OF TAKING EFFECT

Section 160. Construction of chapter.

161. Invalidity; effect of.

162. Laws repealed; effect of repeal; saving clause.

163. Time of taking effect.

164. Saving clause on repeal of article three.

§ 160. Construction of chapter. This chapter shall be so construed as to assure that the policy of the state and the intent and purpose thereof will be carried out.

§ 161. Invalidity; effect of. If any part, provision or section of this chapter or the application thereof to any person or circumstances shall be held invalid by any court of competent jurisdiction, the remainder thereof or the application of such part, provision or section to any other person or circumstances shall not be affected thereby.

§ 162. Laws repealed; effect of repeal; saving clause. 1. Chapter one hundred eighty of the laws of nineteen hundred thirty-three, entitled "An act relating to the manufacture, sale, control, distribution and regulation of certain alcoholic beverages, constituting chapter three-b of the consolidated laws," and all acts amendatory thereof or supplemental thereto are hereby repealed.

2. The repeal of the acts specified in subdivision one hereof shall not operate or be construed to shorten or terminate the term of any license heretofore issued thereunder or the rights of any person holding such a license; nor shall it be construed to abolish the state alcoholic beverage control board or the several county alcoholic beverage control

boards or the New York city alcoholic beverage control board, as presently constituted, and which were heretofore established and are now operating pursuant to such acts nor to invalidate or affect any action heretofore taken by either of such boards or their officers or employees; nor to require the discharge or the re-appointment of any employees of either of such boards.

3. This chapter shall not affect any action or proceeding now pending in any court.

§ 163. Time of taking effect. This chapter shall take effect July first, nineteen hundred thirty-four except that the state liquor authority and the local alcoholic beverage control board may, prior to July first, nineteen hundred thirty-four, receive and entertain such applications for licenses or permits and take such other steps as may be necessary or appropriate to permit this chapter to become effective and operative on July first, nineteen hundred thirty-four.

§ 164. Saving clause on repeal of article three. 1. The repeal of article three by the chapter of the laws of nineteen hundred ninety-five which added this section shall not operate or be construed to invalidate or affect any action heretofore taken by the several county alcoholic beverage control boards or the New York city alcoholic beverage control board, as heretofore established by said article three, or by their boards or officers or employees, nor to require the discharge or the re-appointment of any of their employees.

2. Such chapter of the laws of nineteen hundred ninety-five shall not affect any action or proceeding now pending in any court on or before the effective date of this section.