

DRAFT LBDC

AN ACT to amend the alcoholic beverage control law, in relation to reorganizing and revising such law; to amend the agriculture and markets law, the cannabis law, the county law, the criminal procedure law, the education law, the environmental conservation law, the general business law, the labor law, the mental hygiene law, the public health law, the penal law, the racing, pari-mutuel wagering and breeding law, the social services law, the state finance law, the tax law and the vehicle and traffic law, in relation to making technical corrections thereto; and to repeal articles 1, 2, 3, 4, 4-A, 5, 6, 7, 8, 9, 10 and 11 of the alcoholic beverage control law, relating to the manufacture, sale and distribution within the state of alcoholic beverages

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

1 Section 1. Articles 1, 2, 3, 4, 4-A, 5, 6, 7, 8, 9, 10 and 11 of the
2 alcoholic beverage control law are REPEALED.

3 § 2. The alcoholic beverage control law is amended by adding seventeen
4 new articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and
5 17 to read as follows:

6 ARTICLE 1

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

8 Section 101. Short title.

9 102. Definitions.

10 103. Policy of state and purpose of chapter.

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

13 § 102. Definitions. Whenever used in this chapter, unless the context
14 requires otherwise:

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

1 2. (a) "Alcoholic beverage" or "beverage" means and includes alcohol,
2 spirits, liquor, wine, beer, cider and every liquid, solid, powder or
3 crystal, patented or not, containing alcohol, spirits, wine or beer and
4 capable of being consumed by a human being, and any warehouse receipt,
5 certificate, contract or other document pertaining thereto.

6 (b) (i) Notwithstanding the provisions of paragraph (a) of this subdi-
7 vision, a confectionery containing alcohol as provided by subdivision
8 twelve of section two hundred of the agriculture and markets law and ice
9 cream and other frozen desserts made with liquor, wine, beer or cider as
10 provided in subdivision fifteen of section two hundred of the agricul-
11 ture and markets law shall not be regulated as an "alcoholic beverage"
12 or "beverage" within the meaning of this chapter where the sale, deliv-
13 ery or giving away is to a person aged twenty-one years or older.

14 (ii) The sale, delivery or giving away of such ice cream or other
15 frozen desserts made with liquor, wine, beer or cider to a person under
16 the age of twenty-one years may be prosecuted administratively and/or
17 criminally in accordance with the provisions of this chapter.

18 3. "Alcohol vaporizing device" means any device, machine or process
19 which mixes spirits, liquor or other alcohol product with pure oxygen or
20 other gas to produce a vaporized product for the purpose of consumption
21 by inhalation.

22 4. "Automated teller machine" means a device which is linked to the
23 accounts and records of a banking institution and which enables consum-
24 ers to carry out banking transactions, including but not limited to,
25 account transfers, deposits, cash withdrawals, balance inquiries and
26 loan payments.

27 5. (a) "Bed and breakfast" means and includes an owner-occupied prem-
28 ises providing at least three but no more than five rooms for temporary

1 transient lodgers with sleeping accommodations and a meal in the fore-
2 noon of the day.

3 (b) Such premises may be licensed regardless of whether or not a
4 restaurant is operated on the premises but the license shall only allow
5 for the sale of alcoholic beverages to overnight guests of such prem-
6 ises.

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

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

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

20 9. (a) "Braggot" shall mean a malt alcoholic beverage made primarily
21 from honey, water, and malt and/or hops which may also contain fruits,
22 spices, herbs, grain or other agricultural products.

23 (b) Honey shall represent at least fifty-one percent of the starting
24 fermentable sugars by weight of the finished product. For the purposes
25 of this chapter, braggot shall be designated and sold as a beer.

26 10. "Brewer" means any person who owns, occupies, carries on, works,
27 or conducts any brewery, either by themselves or by their agent.

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

9 12. "Building containing licensed premises" shall include the licensed
10 premises and also any part of a building in which such premises is
11 contained and any part of any other building connected with such build-
12 ing by direct access or by a common entrance.

13 13. "Cabaret" means and includes a premises:

14 (a) whose principal business shall be the sale of food or beverages at
15 retail for consumption on the premises;

16 (b) with a capacity for assemblage of six hundred or more persons; and

17 (c) where music, singing, dancing or other forms of entertainment is
18 allowed.

19 14. "Card holder" means any person presenting a driver's license or
20 non-driver identification card to a licensee, or to the agent or employ-
21 ee of such licensee under this chapter.

22 15. (a) "Catering establishment" means and includes any premises owned
23 or operated by any person, firm, association, partnership or corporation
24 who or which regularly and in a bona fide manner furnishes for hire
25 therein one or more ballrooms, reception rooms, dining rooms, banquet
26 halls, dancing halls or similar places of assemblage for a particular
27 function, occasion or event and/or who or which furnishes provisions and
28 service for consumption or use at such function, occasion or event.

1 (b) Such premises must have suitable and adequate facilities and
2 accommodations to provide food and service for not less than fifty
3 persons at any one function, occasion or event and shall in no event be
4 deemed to include any taxi dance hall or any other premises at which
5 public dances are regularly scheduled to be held daily, weekly or month-
6 ly and to which the general public is invited.

7 (c) Such premises shall only serve or sell alcoholic beverages during
8 such period of time as a function, occasion or event is in progress
9 therein and then only to persons invited to and attending such function,
10 occasion or event and only for consumption on the premises.

11 16. (a) "Cider" means the partially or fully fermented juice of fresh,
12 whole apples or other pome fruits, containing more than three and two-
13 tenths percent but not more than eight and one-half percent alcohol by
14 volume: (i) to which nothing has been added to increase the alcoholic
15 content produced by natural fermentation; and (ii) with the usual cellar
16 treatments and necessary additions to correct defects due to climate,
17 saccharine levels and seasonal conditions.

18 (b) Nothing contained in this subdivision shall be deemed to preclude
19 the use of such methods or materials as may be necessary to encourage a
20 normal alcoholic fermentation and to make a product that is free of
21 microbiological activity at the time of sale.

22 (c) Cider may be sweetened or flavored after fermentation with fruit
23 juice, fruit juice concentrate, sugar, maple syrup, honey, spices or
24 other agricultural products, separately or in combination. Cider may
25 contain retained or added carbon dioxide.

26 (d) In the event that an alcoholic beverage meets the definition of
27 both a cider, as defined in this subdivision, and a wine, as defined in
28 this section, the brand or trade name label owner of such alcoholic

1 beverage shall designate whether such alcoholic beverage shall be sold
2 as a cider or a wine for all purposes under this chapter.

3 17. "Cidery" means and includes any place or premises wherein cider is
4 manufactured for sale.

5 18. (a) "Club" shall mean an organization of persons incorporated
6 pursuant to the provisions of the not-for-profit corporation law or the
7 benevolent orders law, which is the owner, lessee or occupant of a
8 building used exclusively for club purposes, and which does not traffic
9 in alcoholic beverages for profit and is operated solely for a recre-
10 ational, social, patriotic, political, benevolent or athletic purpose
11 but not for pecuniary gain; except that where such club is located in an
12 office or business building, or state armory, it may be licensed as such
13 provided it otherwise qualifies as a "club" within the meaning of this
14 subdivision.

15 (b) A "luncheon club" shall mean a club which is open only on weekdays
16 during the hours between eleven o'clock in the morning and three o'clock
17 in the afternoon.

18 (c) A "member" of a club shall mean a person who whether a charter
19 member or admitted in agreement with the by-laws of the club, has become
20 a bona fide member thereof, who maintains their membership by the
21 payment of their annual dues in a bona fide manner in accordance with
22 the by-laws and whose name and address is entered on the list of
23 members.

24 (i) In the case of a veterans club, a "member" shall include a person
25 that has in their possession an identification card indicating their
26 membership in the national veterans' organization with which the club at
27 which they are present is affiliated. For the purposes of this section,
28 a "veterans club" shall include but not be limited to the Grand Army of

1 the Republic, the United Spanish War Veterans, the Veterans of Foreign
2 Wars, the Jewish War Veterans of the United States, Inc., the Catholic
3 War Veterans, Inc., the Italian American War Veterans of the United
4 States, Incorporated, the Polish Legion of American Veterans, Inc., the
5 Marine Corps League, the Military Order of the Purple Heart, Inc., the
6 American Legion, the Disabled American Veterans, AMVETS, American Veter-
7 ans of World War II, Masonic War Veterans of the State of New York,
8 Inc., Veterans of World War I of the United States of America Department
9 of New York, Inc., China-Burma-India Veterans Association, Inc.,
10 Polish-American Veterans of World War II, the Sons of Union Veterans,
11 Vietnam Veterans of America, the Eastern Paralyzed Veterans Associ-
12 ation, the Sons of the American Legion, or the American Legion Auxilia-
13 ry.

14 (ii) In the case of a chapter or lodge of a not-for-profit corporation
15 or a benevolent order qualifying as an organization described in section
16 501(c)(8) or 501(c)(10) of the United States internal revenue code, a
17 member of another chapter or lodge of such not-for-profit corporation or
18 benevolent order who has in their possession an identification card or
19 other proof of membership shall be deemed to be a member.

20 (d) A club and a luncheon club shall appoint an alcoholic beverage
21 officer from among its members who shall be responsible for filing all
22 applications and other documents required to be submitted to the author-
23 ity. The person appointed alcoholic beverage officer shall be subject to
24 approval by the authority.

25 19. "Convicted" and "conviction" means and includes a finding of guilt
26 resulting from a plea of guilty, the decision of a court or magistrate
27 or the verdict of a jury, irrespective of the pronouncement of judgment
28 or the suspension thereof.

1 20. "Custom crush facility" means a licensed winery or farm winery
2 which obtains grapes, fruits and other plants grown exclusively in New
3 York state from, or on behalf of, other licensed wineries or farm winer-
4 ies and crushes, processes, ferments, bottles or conducts any combina-
5 tion of such services for such other licensed wineries or farm wineries.

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

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

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

21 24. "Device capable of deciphering any electronically readable format"
22 means any commercial device or combination of devices used at a point of
23 sale or entry that is capable of reading the information encoded on the
24 magnetic strip or bar code of a driver's license or non-driver identifi-
25 cation card issued by the commissioner of motor vehicles.

26 25. "Distiller" means any person who owns, occupies, carries on,
27 works, conducts or operates any distillery either by themselves or by
28 their agent.

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

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

5 28. "Dwarfism" means a condition of being abnormally small which is
6 caused by heredity, endocrine dysfunction, renal insufficiency or defi-
7 ciency or skeletal diseases that result in disproportionate short stat-
8 ure and adult height of less than four feet ten inches.

9 29. (a) "Farm" means the land, buildings and equipment used to
10 produce, prepare and market crops, livestock and livestock products as a
11 commercial enterprise.

12 (b) For the purposes of a farm meadery, "farm" means the land, build-
13 ings and equipment used to prepare and market honey and apiary products
14 as a commercial enterprise.

15 (c) A farm may consist of one or more parcels of owned or rented land,
16 which parcels may be contiguous or noncontiguous to each other.

17 30. "Farm cidery" means and includes any place or premises, located on
18 a farm in New York state, in which New York state labelled cider is
19 manufactured, stored and sold, or any other place or premises in New
20 York state in which New York state labelled cider is manufactured,
21 stored and sold.

22 31. "Farm brewery" means and includes any place or premises, located
23 on a farm in New York state, in which New York state labelled beer is
24 manufactured, stored and sold, or any other place or premises in New
25 York state in which New York state labelled beer is manufactured, stored
26 and sold.

27 32. "Farm distillery" means and includes any place or premises located
28 on a farm in New York state in which liquor is manufactured and sold, or

1 any other place or premises in New York state in which liquor is manu-
2 factured primarily from farm and food products, as defined in subdivi-
3 sion two of section two hundred eighty-two of the agriculture and
4 markets law, and such liquor is sold.

5 33. "Farm meadery" means and includes any place or premises, located
6 on a farm in New York state, in which New York state labelled mead or
7 New York state labelled braggot is manufactured, stored and sold, or any
8 other place or premises in New York state in which New York state
9 labelled mead or New York state labelled braggot is manufactured, stored
10 and sold.

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

13 35. "Felony" shall mean any criminal offense classified as a felony
14 under the laws of this state or any criminal offense committed in any
15 other state, district, or territory of the United States and classified
16 as a felony therein which if committed within this state, would consti-
17 tute a felony in this state.

18 36. "Full course meal" shall mean a diversified selection of food
19 which is ordinarily consumed with the use of tableware and cannot
20 conveniently be consumed while standing or walking.

21 37. "Government agency" means any department, division, board, bureau,
22 commission, office, agency, authority or public corporation of the state
23 or federal government or a county, city, town or village government
24 within the state.

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

1 39. (a) "Hotel" shall mean a building which is regularly used and kept
2 open as such in a bona fide manner for the feeding and lodging of guests
3 who pay for such services.

4 (b) The term "hotel" shall also include an apartment hotel wherein
5 apartments are rented for fixed periods of time, either furnished or
6 unfurnished, where the keeper of such hotel regularly supplies food to
7 the occupants thereof in a premises which serves food in compliance with
8 subdivision three of section four hundred two of this chapter, or a
9 restaurant located in such hotel.

10 (c) "Hotel" shall also mean and include buildings (commonly called a
11 "motel") upon the same lot of land and owned or in possession under a
12 lease in writing by the same person or firm who maintains such buildings
13 for the lodging of guests and supplies them with food from a premises
14 which serves food in compliance with subdivision three of section four
15 hundred two of this chapter, or restaurant located upon the same prem-
16 ises.

17 40. "Illicit alcoholic beverage" means and includes any alcohol or
18 distilled spirits owned, manufactured, distributed, bought, sold,
19 bottled, rectified, blended, treated, fortified, mixed, processed, ware-
20 housed, possessed or transported on which any tax required to have been
21 paid under any applicable federal law has not been paid.

22 41. "License" means a license issued pursuant to this chapter.

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

25 43. "Liquor" means and includes any and all distilled or rectified
26 spirits, brandy, whiskey, rum, gin, cordials or similar distilled alco-
27 holic beverages, including all dilutions and mixtures of one or more of
28 the foregoing.

1 44. "Liquor authority" and "authority" mean the state liquor authority
2 provided for in this chapter.

3 45. "Manufacture" means and includes distilling, rectifying, brewing
4 and operating a winery.

5 46. "Manufacturer" means and includes a distiller, brewer, vintner and
6 rectifier.

7 47. (a) "Mead" shall mean a wine made primarily from honey and water;
8 it may also contain hops, fruits, spices, herbs, grain, or other agri-
9 cultural products.

10 (b) Honey shall represent at least fifty-one percent of the starting
11 fermentable sugars by weight of the finished product.

12 (c) The brand or trade label owner of such alcoholic beverage shall
13 designate whether such alcoholic beverage shall be sold as and treated
14 in the same manner as wine or mead for all purposes under this chapter.
15 Provided, however, any mead containing more than eight and one-half
16 percent alcohol by volume shall be designated, sold as, and treated in
17 the same manner as wine.

18 48. "Micro-winery" means and includes any place or premises located on
19 a farm in New York state in which wine or cider is manufactured and
20 sold, provided that no more than one thousand five hundred gallons of
21 wine and/or cider are produced annually.

22 49. (a) "Minor alteration" shall be deemed to be one costing and
23 valued at less than ten thousand dollars, which does not materially
24 affect the character of the premises or the physical structure that
25 existed at the time of licensing.

26 (b) The cost of an alteration, for purposes of this subdivision, shall
27 be equal to the total sum expended to complete the proposed alteration
28 excluding professional fees.

1 50. (a) "Municipality" means the city, town or village where the prem-
2 ises is located.

3 (b) For a premises located in a village within one or more towns, the
4 "municipality" means the village.

5 (c) For a premises located in the city of New York, the "municipality"
6 means the city except for purposes of providing any required notifica-
7 tions. For such notifications, "municipality" shall mean the community
8 board established pursuant to section twenty-eight hundred of the New
9 York city charter with jurisdiction over the area in which the premises
10 is located.

11 51. "New York state fair" and "New York state fairgrounds" shall have
12 the same meaning and purpose as in article two-A of the agriculture and
13 markets law.

14 52. "New York state labelled beer" means:

15 (a) from the effective date of this subdivision until December thir-
16 ty-first, two thousand twenty-eight, beer made with no less than sixty
17 percent, by weight, of its hops grown in New York state and no less than
18 sixty percent, by weight, of all of its other ingredients, excluding
19 water, grown in New York state; and

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

24 53. "New York state labelled braggot" means braggot made exclusively
25 from honey produced in New York state.

26 54. "New York state labelled cider" means cider made exclusively from
27 apples or other pome fruits grown in New York state.

1 55. "New York state labelled liquor" means liquors made from fruit,
2 vegetables, grain and grain products, honey, maple sap or other agricul-
3 tural products, at least seventy-five percent the volume of which were
4 grown or produced in New York state.

5 56. "New York state labelled mead" means mead made exclusively from
6 honey produced in New York state.

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

10 58. "Non-alcoholic snack foods" shall mean ready to eat finger foods
11 ordinarily intended to be served cold or at room temperature, such as
12 nut and seed meats, cooked pork rinds, pretzels, popped corn and a vari-
13 ety of other similar finger foods which are prepared from high-starch
14 and/or cellulosic edible materials.

15 59. (a) "Off-premises catering establishment" means and includes any
16 premises owned or operated by any person, firm, association, partnership
17 or corporation who or which regularly and in a bona fide manner
18 furnishes for hire at a site remote from the premises for a particular
19 function, occasion, or event provisions and service for consumption or
20 use at such function, occasion or event.

21 (b) Such premises must have suitable and adequate facilities to
22 provide food for not less than fifty persons.

23 (c) On-premises consumption shall not be allowed at such premises.

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

26 61. "Person" includes an individual, partnership, corporation, socie-
27 ty, joint stock company, alcoholic beverage officer appointed by a club
28 or a luncheon club or limited liability company.

1 62. "Population" means the number of inhabitants as determined by the
2 last preceding federal census.

3 63. "Promotional items" means items which bear advertising informa-
4 tion, are of nominal value, are obtained by a licensee through a suppli-
5 er of alcoholic beverages and are designated and designed for uncondi-
6 tional sale or distribution to the public.

7 64. "Qualifying offense" shall mean:

8 (a) the offense defined in paragraph (a) of subdivision one of section
9 twelve hundred one of this chapter; or

10 (b) the offense defined in subdivision one of section twelve hundred
11 three of this chapter.

12 65. "Rectifier" means and includes any person who rectifies, purifies
13 or refines distilled spirits or wines by any process other than as
14 provided for on distillery premises and every person who, without recti-
15 fying, purifying or refining distilled spirits, shall, by mixing such
16 spirits, wine or other liquor with water or any materials, manufactures
17 any limitation of or compounds liquors for sale under the name of whis-
18 key, brandy, gin, rum, wine, spirits, cordials, bitters or any other
19 name.

20 66. (a) "Restaurant" shall mean a place which is regularly and in a
21 bona fide manner used and kept open for the serving of meals to guests
22 for compensation and which has suitable kitchen facilities connected
23 therewith, containing conveniences for cooking an assortment of foods,
24 which may be required for ordinary meals, the chef of which must, at all
25 times, be in charge of a kitchen with the necessary help, and kept in a
26 sanitary condition with the proper amount of refrigeration for keeping
27 of food on said premises and must comply with all the regulations of the
28 local department of health.

1 (b) "Restaurant" shall include a motion picture theatre, movie theatre
2 or other venue that shows motion pictures that meet the definitions of
3 restaurant and meals, and all seating is at tables where meals are
4 served.

5 (c) "Meals" shall mean the usual assortment of foods commonly ordered
6 at various hours of the day; the service of such food and victuals only
7 as sandwiches or salads shall not be deemed a compliance with this
8 requirement.

9 (d) "Guests" shall mean persons who, during the hours when meals are
10 regularly served therein, come to a restaurant for the purpose of
11 obtaining, and actually order and obtain at such time, in good faith, a
12 meal therein. Nothing in this subdivision contained, however, shall be
13 construed to require that any food be sold or purchased with any bever-
14 age.

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

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

20 69. (a) "Roadside farm market" means a building or structure located
21 on a farm operation, as defined in subdivision eleven of section three
22 hundred one of the agriculture and markets law, except for a commercial
23 horse boarding operation, in which New York agricultural products are
24 primarily sold by producers, growers or farmers of such agricultural
25 products to the general public.

26 (b) For purposes of this subdivision, the term "New York agricultural
27 product" means any agricultural or aquacultural product of the soil or
28 water that has been grown, harvested or produced within the state,

1 including but not limited to fruits, vegetables, eggs, dairy products,
2 meat and meat products, poultry and poultry products, fish and fish
3 products, grain and grain products, honey, nuts, preserves, maple sap
4 products, apple cider, fruit juice, and Christmas trees.

5 70. (a) "Sale" means any transfer, exchange or barter in any manner or
6 by any means whatsoever for a consideration, and includes and means all
7 sales made by any person, whether principal, proprietor, agent, servant
8 or employee of any alcoholic beverage and/or a warehouse receipt
9 pertaining thereto.

10 (b) "To sell" includes to solicit or receive an order for, to keep or
11 expose for sale, and to keep with intent to sell and shall include the
12 delivery of any alcoholic beverage in the state.

13 71. "Shochu" shall mean an imported Japanese alcoholic beverage that
14 contains not more than twenty-four percent alcohol, by volume, and is
15 derived from agricultural products.

16 72. "Soju" shall mean an imported Korean alcoholic beverage that
17 contains not more than twenty-four percent alcohol, by volume, and is
18 derived from agricultural products.

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

22 74. "Still" or "distilling apparatus" shall mean any apparatus
23 designed, intended, actually used, or capable of being used for or in
24 connection with the separating of alcoholic or spirituous vapors, or
25 alcohol or spirituous solutions, or alcohol or spirits, from alcohol or
26 spirituous solutions or mixtures, but shall not include stills used for
27 laboratory purposes or stills used for distilling water or other nonal-

1 coholic materials where the cubic capacity of such stills is one gallon
2 or less.

3 75. "Substantial alteration" shall include:

4 (a) any enlargement or contraction of a licensed premises whether
5 indoors or outdoors;

6 (b) any physical change that reduces the visibility that existed at
7 the time of licensing;

8 (c) any other physical changes in the interior of a licensed premises
9 that materially affect the character of the premises; and

10 (d) in the case of establishments with on-premises licenses, any mate-
11 rial changes to the dining or kitchen facilities, or any change in the
12 size or location of any bar at which alcoholic beverages are dispensed.

13 76. "Substantial corporate change" shall mean:

14 (a) for a corporation, a change of eighty percent or more of the offi-
15 cers and/or directors, or a transfer of eighty percent or more of stock
16 of such corporation, or an existing stockholder obtaining eighty percent
17 or more of the stock of such corporation; and

18 (b) for a limited liability company, a change of eighty percent or
19 more of the managing members of the company, or a transfer of eighty
20 percent or more of ownership interest in said company, or an existing
21 member obtaining a cumulative of eighty percent or more of the ownership
22 interest in said company.

23 77. "Substantially altering the nature or character" shall mean any
24 significant alteration in the scope of business activities conducted at
25 a licensed premises that would require obtaining an alternate form of
26 license.

27 78. "Traffic in" includes to manufacture and sell any alcoholic bever-
28 age at wholesale or retail.

1 79. "Transaction scan" means the process involving a device capable of
2 deciphering any electronically readable format by which a licensee, or
3 agent or employee of a licensee under this chapter reviews a driver's
4 license or non-driver identification card presented as a precondition
5 for the purchase of an alcoholic beverage or as a precondition for
6 admission to an establishment licensed for the on-premises sale of alco-
7 holic beverages where admission is restricted to persons twenty-one
8 years or older.

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

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

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

20 83. "Vintner" means any person who owns, occupies, carries on, works,
21 conducts or operates any winery either by themselves or by their agent.

22 84. "Warehouse" means and includes a place in which alcoholic beverage
23 es are housed or stored.

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

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

1 87. (a) "Wine" means the product of the normal alcoholic fermentation
2 of the juice of fresh, sound, ripe grapes, or other fruits or plants
3 with the usual cellar treatment and necessary additions to correct
4 defects due to climatic, saccharine and seasonal conditions, including
5 champagne, sparkling and fortified wine of an alcoholic content not to
6 exceed twenty-four percent by volume.

7 (b) Wine produced from fruits or plants other than grapes shall
8 include appropriate prefixes descriptive of the fruit or the product
9 from which such wine was predominantly produced, and no other product
10 shall be called "wine" unless designated as artificial or imitation
11 wine.

12 88. "Wine merchandise" shall include corkscrews, ice, the sale of
13 publications, including prerecorded video and/or audio cassette tapes,
14 designed to help educate consumers in their knowledge and appreciation
15 of wine and wine products or the sale of glasses designed for the
16 consumption of wine, racks designed for the storage of wine, and devices
17 designed to minimize oxidation in bottles of wine which have been
18 uncorked.

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

24 90. "Winery" means and includes any place or premises wherein wines
25 are manufactured from any fruit or brandies distilled as the by-product
26 of wine or other fruit or cordials compounded and also includes a winery
27 for the manufacture of wine in any state other than New York state and
28 which has and maintains a branch factory, office or storeroom within the

1 state of New York and receives wine in this state consigned to a United
2 States government bonded winery, warehouse or storeroom located within
3 the state.

4 § 103. Policy of state and purpose of chapter. 1. It is hereby
5 declared as the policy of the state that it is necessary to regulate and
6 control the manufacture, sale and distribution within the state of alco-
7 holic beverages for the purpose of fostering and promoting temperance in
8 their consumption and respect for and obedience to law; for the primary
9 purpose of promoting the health, welfare and safety of the people of the
10 state, promoting temperance in the consumption of alcoholic beverages;
11 and, to the extent possible, supporting economic growth, job develop-
12 ment, and the state's alcoholic beverage production industries and its
13 tourism and recreation industry; and which promotes the conservation and
14 enhancement of state agricultural lands; provided that such activities
15 do not conflict with the primary regulatory objectives of this chapter.

16 2. It is hereby declared that such policies will best be carried out
17 by empowering the liquor authority of the state to determine whether
18 public convenience and advantage will be promoted by the issuance of
19 licenses to traffic in alcoholic beverages, the increase or decrease in
20 the number thereof and the location of premises licensed thereby,
21 subject only to the right of judicial review provided for in this chap-
22 ter.

23 3. It is the purpose of this chapter to carry out these policies in
24 the public interest.

25 ARTICLE 2

26 STATE LIQUOR AUTHORITY ORGANIZATION AND POWERS

27 Section 201. State liquor authority.

28 202. Appointment of authority.

- 1 203. Expenses.
- 2 204. Removal.
- 3 205. Vacancies.
- 4 206. Quorum.
- 5 207. Officers, employees and offices.
- 6 208. Disqualification of members and employees of the authority.
- 7 209. Powers of the authority.
- 8 210. Powers and duties of the chairperson.
- 9 211. Public license query.
- 10 212. Rules need not be uniform.
- 11 213. Review by courts.
- 12 214. Liquor authority to be necessary party to certain
13 proceedings.
- 14 215. Disposition of moneys received for license fees.

15 § 201. State liquor authority. 1. There shall continue to be in the
16 executive department an alcoholic beverage control division, the head of
17 which shall be the state liquor authority whose members shall consist of
18 a chairperson and two commissioners, all of whom shall be citizens and
19 residents of the state.

20 2. The terms "state alcoholic beverage control board", "state board",
21 "liquor authority", or "authority", wherever occurring in any of the
22 provisions of this chapter or of any other law, or in any official
23 books, records, instruments, rules or papers, shall hereafter mean and
24 refer to the state liquor authority provided for in this section.

25 § 202. Appointment of authority. 1. The members of the authority shall
26 be appointed by the governor by and with the advice and consent of the
27 senate.

1 2. Not more than two members of the authority shall belong to the same
2 political party.

3 3. The chairperson of the state alcoholic beverage control board here-
4 tofore appointed and designated by the governor and the remaining
5 members of such board heretofore appointed by the governor shall contin-
6 ue to serve as chairperson and members of the authority until the expi-
7 ration of the respective terms for which they were appointed. Upon the
8 expiration of such respective terms the successors of such chairperson
9 and members shall be appointed to serve for a term of three years each
10 and until their successors have been appointed and qualified.

11 4. The commissioners, other than the chairperson shall, when perform-
12 ing the work of the authority, be compensated at a rate of two hundred
13 sixty dollars per day, together with an allowance for actual and neces-
14 sary expenses incurred in the discharge of their duties. The chairperson
15 shall receive an annual salary established in section one hundred
16 sixty-nine of the executive law.

17 5. Each member of the authority shall, before entering upon their
18 duties, take and file an oath of office as prescribed by section ten of
19 the public officers law.

20 § 203. Expenses. Each member of the authority shall be entitled to
21 their expenses actually and necessarily incurred by them in the perform-
22 ance of their duties.

23 § 204. Removal. Any member of the authority may be removed by the
24 governor for cause after an opportunity to be heard. A statement of the
25 cause of their removal shall be filed by the governor in the office of
26 the secretary of state.

27 § 205. Vacancies. 1. In the event of a vacancy caused by the death,
28 resignation, removal or disability of any commissioner, the vacancy

1 shall be filled by the governor by and with the advice and consent of
2 the senate for the unexpired term.

3 2. (a) In the event of a vacancy caused by the death, resignation,
4 removal, or disability of the chairperson, the vacancy shall be filled
5 by the governor by and with the advice and consent of the senate for the
6 unexpired term.

7 (b) Notwithstanding any other provision of law to the contrary, the
8 governor shall designate one of the commissioners to serve as acting
9 chairperson for a period not to exceed six months or until a successor
10 chairperson has been confirmed by the senate, whichever comes first.
11 Upon the expiration of the six month term, if the governor has nominated
12 a successor chairperson, but the senate has not acted upon the nomi-
13 nation, the acting chairperson can continue to serve as acting chair-
14 person for an additional ninety days or until the governor's successor
15 chairperson nomination is confirmed by the senate, whichever comes
16 first.

17 (c) The governor shall provide immediate written notice to the tempo-
18 rary president of the senate of the designation of a commissioner as
19 acting chairperson.

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

1 (e) A commissioner serving as the acting chairperson of the authority
2 shall be deemed a state officer for purposes of section seventy-three of
3 the public officers law.

4 § 206. Quorum. A majority of the members of the authority shall
5 constitute a quorum for the purpose of conducting the business thereof
6 and a majority vote of all the members in office shall be necessary for
7 action. Provided, however, that a commissioner designated as an acting
8 chairperson pursuant to subdivision two of section two hundred five of
9 this article shall have only one vote for purposes of conducting the
10 business of the authority.

11 § 207. Officers, employees and offices. 1. Investigators employed by
12 the authority shall be deemed to be peace officers for the purpose of
13 enforcing the provisions of this chapter or judgments or orders obtained
14 for violation thereof, with all the powers set forth in section 2.20 of
15 the criminal procedure law.

16 2. The counsel, secretary, chief executive officer, assistant chief
17 executive officers, confidential secretaries to commissioners and depu-
18 ties shall be in the exempt class of the civil service. The other
19 assistants, investigators and employees of the authority shall all be in
20 the competitive class of the civil service.

21 3. The authority shall continue to have its principal office in the
22 city of Albany, and may maintain a branch office in the cities of New
23 York and Buffalo and such other places as the chairperson may deem
24 necessary.

25 § 208. Disqualification of members and employees of the authority. 1.
26 No member of the authority or any officer, deputy, assistant, inspector
27 or employee thereof shall have any interest, direct or indirect, either
28 proprietary or by means of any loan, mortgage or lien, or in any other

1 manner, in or on any premises where alcoholic beverages are manufactured
2 or sold; nor shall they have any interest, direct or indirect, in any
3 business wholly or partially devoted to the manufacture, sale, transpor-
4 tation or storage of alcoholic beverages, or own any stock in any corpo-
5 ration which has any interest, proprietary or otherwise, direct or indi-
6 rect, in any premises where alcoholic beverages are manufactured or
7 sold, or in any business wholly or partially devoted to the manufacture,
8 sale, transportation or storage of alcoholic beverages, or receive any
9 commission or profit whatsoever, direct or indirect, from any person
10 applying for or receiving any license or permit provided for in this
11 chapter.

12 2. (a) No member of the authority or any officer, deputy, assistant,
13 inspector or employee thereof shall hold any other public office in the
14 state or in any political subdivision.

15 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
16 sion, upon the written permission of the liquor authority, such member
17 of the authority or officer, deputy, assistant, inspector or employee
18 thereof may hold the public office of:

19 (i) notary public; or

20 (ii) member of a community board of education in the city school
21 district of the city of New York.

22 3. Any member of the authority or any officer, deputy, assistant,
23 inspector or employee thereof who violates any of the provisions of this
24 section shall be removed.

25 § 209. Powers of the authority. The authority shall have the following
26 functions, powers and duties:

27 1. To issue or refuse to issue any license or permit provided for in
28 this chapter.

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

5 3. To revoke, cancel or suspend for cause any license or permit issued
6 under this chapter and/or to impose a civil penalty for cause against
7 any holder of a license or permit issued pursuant to this chapter.

8 4. To fix by rule the standards of manufacture and fermentation in
9 order to ensure the use of proper ingredients and methods in the manu-
10 facture of alcoholic beverages to be sold or consumed in the state.

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

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

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

22 8. To appoint such advisory groups and committees as it deems neces-
23 sary to provide assistance to the authority to carry out the purposes
24 and objectives of this chapter.

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

1 within such county, to approve or disapprove such hours within such
2 county.

3 § 210. Powers and duties of the chairperson. The chairperson shall
4 have the following functions, powers and duties:

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

9 2. To preside at all meetings of the authority and perform the admin-
10 istrative functions of the authority.

11 3. To appoint any necessary deputies, counsels, assistants, investi-
12 gators, and other employees within the limits provided by appropriation.

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

17 5. To keep records in such form as they may prescribe of all licenses
18 and permits issued and revoked within the state; such records shall be
19 so kept as to provide ready information as to the identity of all licen-
20 sees including the names of the officers and directors of corporate
21 licensees and the location of all licensed premises. The chairperson
22 may, with the approval of the commissioner of taxation and finance,
23 contract to furnish copies of the records of licenses and permits of
24 each class and type issued within the state or any political subdivision
25 thereof, for any license or permit year or term of years not exceeding
26 five years.

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

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

3 8. To delegate to the officers and employees of the authority such of
4 their powers and duties as they may determine.

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

11 10. (a) To make an annual report to the governor and the legislature
12 of its activities for the preceding year.

13 (b) Such report shall include an evaluation of the effectiveness of
14 the prohibition on the sale of alcohol to persons under the age of twen-
15 ty-one as provided in sections twelve hundred one, twelve hundred two
16 and twelve hundred three of this chapter.

17 (c) Such report shall include information related to the number of
18 licenses applied for and the length of time required for the approval or
19 denial of such on-premises licenses applied for pursuant to this chap-
20 ter.

21 11. To study and report to the governor and the legislature biennially
22 on or before February first of each year which shall:

23 (a) include recommendations to reduce the number and type of licenses,
24 and to establish a uniform, statewide schedule of fees, such recommenda-
25 tions to include the development of a master application form for all
26 licenses, with specific exhibits required for specific licenses, as
27 appropriate, as well as recommendations on a non-refundable application
28 fee set at a level which will cover the cost of the review and which

1 would be applied against the first year license fee if the application
2 is granted;

3 (b) include recommendations to simplify license renewal procedures;

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

10 (d) address the extent to which quality of life issues, such as noise
11 level, vehicular traffic and parking are considered in licensing deci-
12 sions, particularly as such issues pertain to proceedings pursuant to
13 the five hundred foot law set forth in section three hundred four of
14 this chapter;

15 (e) include recommendations to improve enforcement methodologies in
16 order to protect the health and safety of residents of communities expe-
17 riencing persistent problems in the operation of retail establishments;

18 (f) include recommendations regarding the addition of field enforce-
19 ment personnel and the ratios of such field enforcement personnel to the
20 total numbers of licensees that in the view of the authority would be
21 appropriate to ensure compliance with the law. Such study shall provide
22 a detailed analysis of the costs and projected revenues to be obtained
23 from the addition of such field enforcement personnel;

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

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

5 § 211. Public license query. 1. The authority shall make available to
6 the public all digitally archived information pertaining to any condi-
7 tions it imposes on the operation of a premises licensed by the authori-
8 ty pursuant to this chapter, including but not limited to information
9 pertaining to the hours during which the licensed premises is allowed to
10 operate, the maximum permitted occupancy of the licensed premises, and
11 any special conditions imposed by the authority on the licensed prem-
12 ises.

13 2. The authority shall make available to the public on its website a
14 daily updated list or lists of all pending license applications. Such
15 list shall include:

16 (a) the serial, certificate or other identifying number assigned by
17 the authority;

18 (b) the status of the application;

19 (c) the name of the applicant;

20 (d) the complete address, including county, of the applied for prem-
21 ises;

22 (e) the license type and class the applicant is seeking;

23 (f) the date such application was received;

24 (g) based on the date submitted, an estimated timeframe, specified as
25 a date, for a determination on the application provided that, for any
26 unreasonable delay that is caused solely by an action of the authority,
27 this timeframe shall be updated;

1 (h) whether the authority has issued any temporary permit for the
2 premises related to the current application; and

3 (i) the final date of an application's determination.

4 3. The authority shall maintain a record of the number of licenses
5 applied for and the length of time required for the approval or denial
6 of such licenses on its public website. Such records shall be updated at
7 least monthly by the authority.

8 4. The authority shall, where feasible and resources permitting,
9 develop or cause to be developed up-grades to their information technol-
10 ogy systems that will enable greater transparency for applicants with
11 respect to their application status and estimated processing times for
12 final determination on a license application.

13 § 212. Rules need not be uniform. Whenever in this chapter the author-
14 ity is given the power to adopt rules in respect to a particular subject
15 or matter, such rules need not be uniform in their application to the
16 various localities within the jurisdiction of such authority, but may
17 vary in accordance with a reasonable classification of such localities.

18 § 213. Review by courts. The following actions by the authority shall
19 be subject to review by the supreme court in the manner provided in
20 article seventy-eight of the civil practice law and rules provided that
21 no stay shall be granted pending the determination of the matter except
22 on notice to the liquor authority and for a period not exceeding thirty
23 days:

24 1. Refusal by the liquor authority to issue a license or a permit.

25 2. The revocation, cancellation or suspension of a license or permit
26 by the authority.

27 3. The failure or refusal by the liquor authority to render a decision
28 within the time required.

1 4. The transfer by the liquor authority of a license or permit to any
2 other premises, or the failure or refusal by the liquor authority to
3 approve such a transfer.

4 5. The issuance of an order of warning by the liquor authority.

5 6. Refusal to approve alteration of premises.

6 7. Refusal to approve a corporate change in stockholders, stockhold-
7 ings, officers or directors.

8 8. Refusal by the liquor authority to grant permission for an addi-
9 tional bar pursuant to this chapter.

10 § 214. Liquor authority to be necessary party to certain proceedings.

11 The liquor authority shall be made a party to:

12 1. all actions and proceedings affecting in any manner the submission
13 of the local option questions provided for in this chapter or the result
14 of any vote thereupon;

15 2. all actions and proceedings relative to issuance or revocation of
16 licenses or permits;

17 3. all injunction proceedings; and

18 4. all other civil actions or proceedings which in any manner affect
19 the enjoyment of the privileges or the operation of the restrictions
20 provided for in this chapter.

21 § 215. Disposition of moneys received for license fees. The moneys
22 received for license fees provided for in this chapter shall be turned
23 over by the liquor authority to the state comptroller. It shall be
24 placed by the state comptroller in the fund derived from the proceeds of
25 the taxes on liquor, wine and beer provided for in article eighteen of
26 the tax law and become a part thereof and be subject to all of the
27 provisions of law relating to such fund.

1 ARTICLE 3

2 GENERAL LICENSE AND PERMIT PROVISIONS

3 Section 301. Persons forbidden to traffic in alcoholic beverages.

4 302. Interest of police officials in manufacture or sale of
5 alcoholic beverages.

6 303. Two hundred foot law - proximity to schools and places of
7 worship.

8 304. Five hundred foot law - proximity to other licensed prem-
9 ises.

10 305. Premises for which no license shall be granted.

11 306. Control over premises by retail licensee.

12 307. Notice to applicant of receipt of application.

13 308. Notice to municipality of intent to apply for license.

14 309. Information required in applications for licenses and
15 permits.

16 310. Payment of required fees.

17 311. Publication of newspaper notice of pending application.

18 312. Posting notice of pending application at certain premises.

19 313. Posting notice of five hundred foot law hearing.

20 314. Standard for approval of applications.

21 315. Disapproval hearing.

22 316. Form of license certificate.

23 317. Publication of newspaper notice of issuance of license.

24 318. Corporate changes.

25 319. Alterations to licensed premises.

26 320. Removal of licensed premises.

27 321. Surety bonds for licensees and permittees.

1 322. Continuance of business by receiver or other represen-
2 tative.

3 323. Renewal of licenses and permits.

4 324. Refunds on applications.

5 325. Surrender of licenses.

6 326. Refund upon surrender of license.

7 327. Surrender of permits.

8 328. Refunds upon surrender of annual permits.

9 329. Refunds on licenses and permits erroneously or unlawfully
10 cancelled, revoked or suspended.

11 330. Refunds on over-payment of fees.

12 331. Refunds on permits not issued.

13 332. Change in duration of license.

14 333. Change in duration of permits.

15 § 301. Persons forbidden to traffic in alcoholic beverages. The
16 following are forbidden to traffic in alcoholic beverages:

17 1. (a) Except as provided in paragraph (b) of this subdivision, a
18 person who has been convicted of a felony or any of the misdemeanors
19 mentioned in section eleven hundred forty-six of the former penal law as
20 in force and effect immediately prior to September first, nineteen
21 hundred sixty-seven, or of an offense defined in section 230.20 or
22 230.40 of the penal law.

23 (b) Paragraph (a) of this subdivision shall not apply if, subsequent
24 to such conviction such person shall have received an executive pardon
25 therefor removing this disability, a certificate of good conduct granted
26 by the department of corrections and community supervision, or a certif-
27 icate of relief from disabilities granted by the department of

1 corrections and community supervision or a court of this state pursuant
2 to the provisions of article twenty-three of the correction law to
3 remove the disability under this section because of such conviction.

4 (c) (i) A corporation holding a license to traffic in alcoholic bever-
5 ages shall not, upon conviction of a felony or any of the misdemeanors
6 or offenses described in subdivision one of this section, be automat-
7 ically forbidden to traffic in alcoholic beverages, but the application
8 for a license by such a corporation shall be subject to denial, and the
9 license of such a corporation shall be subject to revocation or suspen-
10 sion by the authority pursuant to sections thirteen hundred one and
11 thirteen hundred two of this chapter, consistent with the provisions of
12 article twenty-three-A of the correction law.

13 (ii) For any felony conviction by a court other than a court of this
14 state, the authority may request the department of corrections and
15 community supervision to investigate and review the facts and circum-
16 stances concerning such a conviction, and such department shall, if so
17 requested, submit its findings to the authority as to whether the corpo-
18 ration has conducted itself in a manner such that discretionary review
19 by the authority would not be inconsistent with the public interest. The
20 department of corrections and community supervision may charge the
21 licensee or applicant a fee equivalent to the expenses of an appropriate
22 investigation under this subdivision.

23 (iii) For any conviction rendered by a court of this state, the
24 authority may request the corporation, if the corporation is eligible
25 for a certificate of relief from disabilities, to seek such a certif-
26 icate from the court which rendered the conviction and to submit such a
27 certificate as part of the authority's discretionary review process.

28 2. An individual under the age of twenty-one years.

1 3. An individual who is not a citizen of the United States or a
2 noncitizen lawfully admitted for permanent residence in the United
3 States.

4 4. A partnership unless each member of the partnership:

5 (a) is a citizen of the United States or a noncitizen lawfully admit-
6 ted for permanent residence in the United States;

7 (b) is not less than twenty-one years of age; and

8 (c) has not been convicted of any felony or any of the misdemeanors
9 specified in section eleven hundred forty-six of the former penal law as
10 in force and effect immediately prior to September first, nineteen
11 hundred sixty-seven, or of an offense defined in section 230.20 or
12 230.40 of the penal law, or if so convicted has received, subsequent to
13 such conviction, an executive pardon therefor removing this disability a
14 certificate of good conduct granted by the department of corrections and
15 community supervision, or a certificate of relief from disabilities
16 granted by the department of corrections and community supervision or a
17 court of this state pursuant to the provisions of article twenty-three
18 of the correction law to remove the disability under this section
19 because of such conviction.

20 5. (a) A corporation, unless each of the principal officers and direc-
21 tors of the corporation:

22 (i) is a citizen of the United States or a noncitizen lawfully admit-
23 ted for permanent residence in the United States;

24 (ii) is not less than twenty-one years of age; and

25 (iii) has not been convicted of any felony or any of the misdemeanors,
26 specified in section eleven hundred forty-six of the former penal law as
27 in force and effect immediately prior to September first, nineteen
28 hundred sixty-seven, or of an offense defined in section 230.20 or

1 230.40 of the penal law, or if so convicted has received, subsequent to
2 such conviction, an executive pardon therefor removing this disability a
3 certificate of good conduct granted by the department of corrections and
4 community supervision, or a certificate of relief from disabilities
5 granted by the department of corrections and community supervision or a
6 court of this state pursuant to the provisions of article twenty-three
7 of the correction law to remove the disability under this section
8 because of such conviction.

9 (b) A corporation which otherwise conforms to the requirements of this
10 section and chapter may be licensed if each of its principal officers
11 and more than one-half of its directors are citizens of the United
12 States or noncitizens lawfully admitted for permanent residence in the
13 United States.

14 (c) A corporation organized under the not-for-profit corporation law
15 or the education law which otherwise conforms to the requirements of
16 this section and chapter may be licensed if each of its principal offi-
17 cers and more than one-half of its directors are not less than twenty-
18 one years of age and none of its directors are less than eighteen years
19 of age.

20 (d) A corporation organized under the not-for-profit corporation law
21 or the education law and located on the premises of a college as defined
22 by section two of the education law which otherwise conforms to the
23 requirements of this section and chapter may be licensed if each of its
24 principal officers and each of its directors are not less than eighteen
25 years of age.

26 6. A person who shall have had any license issued under this chapter
27 revoked for cause, until the expiration of two years from the date of
28 such revocation.

1 7. A person not licensed under the provisions of this chapter, who has
2 been convicted of a violation of this chapter, until the expiration of
3 two years from the date of such conviction.

4 8. A corporation or partnership, if any officer and director or any
5 partner, while not licensed under the provisions of this chapter, has
6 been convicted of a violation of this chapter, or has had a license
7 issued under this chapter revoked for cause, until the expiration of two
8 years from the date of such conviction or revocation.

9 § 302. Interest of police officials in manufacture or sale of alcohol-
10 ic beverages. 1. Except as provided in subdivisions three, four, five
11 and six of this section, it shall be unlawful for any police commission-
12 er, police inspector, captain, sergeant, roundsman, patrolman or other
13 police official or subordinate of any police department in the state, to
14 be either directly or indirectly interested in the manufacture or sale
15 of alcoholic beverages or to offer for sale, or recommend to any licen-
16 see any alcoholic beverages.

17 2. The solicitation or recommendation made to any licensee, to
18 purchase any alcoholic beverages by any police official or subordinate
19 as described in subdivision one of this section, shall be presumptive
20 evidence of the interest of such official or subordinate in the manufac-
21 ture or sale of alcoholic beverages.

22 3. A person may not be denied any license granted under this chapter
23 solely on the grounds of being the spouse of a public servant described
24 in this section.

25 4. No elective village officer shall be subject to the provisions of
26 subdivision one of this section unless such elective village officer
27 shall be assigned duties directly relating to the operation or manage-
28 ment of the police department.

1 5. It shall not be unlawful for a police officer employed in this
2 state, having written permission and consent from his commanding offi-
3 cer:

4 (a) to work in a premises with an off-premises beer or off-premises
5 beer and wine products license; or

6 (b) to work solely as a security guard or director of traffic on the
7 premises of a volunteer firefighters' organization which holds a tempo-
8 rary beer and wine permit for such premises.

9 6. The provisions of subdivision one of this section shall not prohib-
10 it a volunteer firefighters' organization or a veterans' organization
11 from obtaining any retail on-premises license or permit under this chap-
12 ter due to the presence of a police officer serving as an officer of
13 such organization.

14 § 303. Two hundred foot law - proximity to schools and places of
15 worship. 1. (a) Except as provided for in paragraphs (b), (c), (d), (e),
16 (f), (g) and (h) of this subdivision, no off-premises liquor, off-prem-
17 ises wine or no on-premises liquor, bottle club or restaurant-brewer
18 license shall be granted for any premises which shall be on the same
19 street or avenue and within two hundred feet of a building occupied
20 exclusively as a school, church, synagogue or other place of worship.

21 (b) No renewal of a license shall be denied because of the restriction
22 contained in paragraph (a) of this subdivision to any premises so
23 located which has been maintained as a bona fide hotel, restaurant,
24 catering establishment or club on or prior to December fifth, nineteen
25 hundred thirty-three.

26 (c) No license shall be denied because of the restriction contained in
27 paragraph (a) of this subdivision to any premises at which a license
28 under this chapter has been in existence continuously from a date prior

1 to the date when a building on the same street or avenue and within two
2 hundred feet of said premises became occupied exclusively as a school,
3 church, synagogue or other place of worship.

4 (d) This section shall not be deemed to restrict the issuance of a
5 hotel liquor license to a building used as a hotel and in which a
6 restaurant with an on-premises liquor license currently exists for prem-
7 ises which serve as a dining room for guests of the hotel.

8 (e) This section shall not be deemed to restrict the issuance of a
9 catering establishment license to a person using the permanent catering
10 facilities of a church, synagogue or other place of worship pursuant to
11 a written agreement between such person and the authorities in charge of
12 such facilities.

13 (f) This section shall not be deemed to restrict the issuance of an
14 on-premises liquor license to a legitimate theater operated by a corpo-
15 ration organized pursuant to the not-for-profit corporation law provided
16 that the availability of alcoholic beverages on such premises shall not
17 be advertised in any way at such premises in any manner visible from
18 such street or avenue.

19 (g) The authority, in its discretion, may authorize the removal of any
20 such licensed premises to a different location on the same street or
21 avenue, within two hundred feet of said school, church, synagogue or
22 other place of worship, provided that such new location is not within a
23 closer distance to such school, church, synagogue or other place of
24 worship.

25 (h) This section shall not be deemed to restrict the issuance of an
26 on-premises liquor license to a club, whether or not the building in
27 which the premises for which such license is to be issued is used exclu-
28 sively for club purposes and whether or not such premises is within two

1 hundred feet of a building used exclusively as a school, church, syna-
2 gogue or place of worship if such club is affiliated or associated with
3 such school, church, synagogue or place of worship and the governing
4 body of such school, church, synagogue or other place of worship has
5 filed written notice with the authority that it has no objection to the
6 issuance of such license.

7 2. The measurement set forth in subdivision one of this section shall
8 be taken in a straight line from the center of the nearest entrance of
9 the premises sought to be licensed to the center of the nearest entrance
10 of such school, church, synagogue or other place of worship.

11 3. (a) For purposes of subdivision two of this section, the word
12 "entrance" shall mean a door of a school, of a house of worship, or of
13 the premises sought to be licensed, regularly used to give ingress to
14 students of the school, to the general public attending the place of
15 worship, and to patrons or guests of the premises sought to be licensed.

16 (b) Where a school or house of worship or premises sought to be
17 licensed is set back from a public thoroughfare, the walkway or stairs
18 leading to any such door shall be deemed an entrance, and the measure-
19 ment shall be taken to the center of the walkway or stairs at the point
20 where it meets the building line or public thoroughfare.

21 (c) A door which has no exterior hardware, or which is used solely as
22 an emergency or fire exit, or for maintenance purposes, or which leads
23 directly to a part of a building not regularly used by the general
24 public or patrons, shall not be deemed an "entrance".

25 4. (a) For purposes of this section, a building occupied as a place of
26 worship does not cease to be "exclusively" occupied as a place of
27 worship by incidental uses that are not of a nature to detract from the
28 predominant character of the building as a place of worship.

1 (b) Such uses shall include, but are not limited to:

2 (i) the conduct of legally authorized games of bingo or other games of
3 chance held as a means of raising funds for the not-for-profit religious
4 organization which conducts services at the place of worship or for
5 other not-for-profit organizations or groups;

6 (ii) use of the building for fundraising performances by or benefit-
7 ting the not-for-profit religious organization which conducts services
8 at the place of worship or other not-for-profit organizations or groups;

9 (iii) the use of the building by other religious organizations or
10 groups for religious services or other purposes;

11 (iv) the conduct of social activities by or for the benefit of the
12 congregants;

13 (v) the use of the building for meetings held by organizations or
14 groups providing bereavement counseling to persons having suffered the
15 loss of a loved one, or providing advice or support for conditions or
16 diseases including, but not limited to, alcoholism, drug addiction,
17 cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease;

18 (vi) the use of the building for blood drives, health screenings,
19 health information meetings, yoga classes, exercise classes or other
20 activities intended to promote the health of the congregants or other
21 persons; and use of the building by non-congregant members of the commu-
22 nity for private social functions.

23 (c) The building occupied as a place of worship does not cease to be
24 "exclusively" occupied as a place of worship where the not-for-profit
25 religious organization occupying the place of worship accepts the
26 payment of funds to defray costs related to another party's use of the
27 building.

1 § 304. Five hundred foot law - proximity to other licensed premises.

2 1. (a) Except as provided for in paragraphs (b) and (c) of this subdivi-
3 sion and subdivision four of this section, no on-premises liquor, bottle
4 club or restaurant-brewer license shall be granted for any premises in a
5 city, town or village having a population of twenty thousand or more
6 within five hundred feet of three or more existing premises licensed and
7 operating with an on-premises liquor, bottle club or restaurant-brewer
8 license.

9 (b) No license shall be denied because of the restriction contained in
10 paragraph (a) of this subdivision to any premises which is within five
11 hundred feet of three or more existing premises licensed and operating
12 with an on-premises liquor, bottle club or restaurant-brewer license if
13 a license under this chapter has been in existence continuously since on
14 or before November first, nineteen hundred ninety-three.

15 (c) No premises having been granted an on-premises liquor license
16 shall be denied a renewal of such license upon the grounds that such
17 premises is within five hundred feet of three or more premises licensed
18 and operating with an on-premises liquor, bottle club or restaurant-
19 brewer license.

20 2. The measurement in subdivision one of this section shall be taken
21 in a straight line from the center of the nearest entrance of the prem-
22 ises sought to be licensed to the center of the nearest entrance of the
23 existing licensed premises.

24 3. (a) For purposes of subdivision two of this section, the word
25 "entrance" shall mean a door of the premises sought to be licensed or
26 the existing licensed premises regularly used to give ingress to patrons
27 or guests of the premises sought to be licensed or the existing licensed
28 premises.

1 (b) Where a premises sought to be licensed or an existing licensed
2 premises is set back from a public thoroughfare, the walkway or stairs
3 leading to any such door shall be deemed an entrance, and the measure-
4 ment shall be taken to the center of the walkway or stairs at the point
5 where it meets the building line or public thoroughfare.

6 (c) A door which has no exterior hardware, or which is used solely as
7 an emergency or fire exit, or for maintenance purposes, or which leads
8 directly to a part of a building not regularly used by the general
9 public or patrons, shall not be deemed an "entrance".

10 4. (a) Notwithstanding the provisions of paragraph (a) of subdivision
11 one of this section, the authority may issue an on-premises liquor
12 license for a premises which shall be within five hundred feet of three
13 or more existing premises licensed and operating with an on-premises
14 liquor, bottle club or restaurant-brewer license if, after consultation
15 with the municipality, it determines that granting such license would be
16 in the public interest.

17 (b) (i) Before it may issue any such license, the authority shall
18 conduct a hearing, upon notice to the applicant and the municipality,
19 and shall state and file in its office its reasons therefor.

20 (ii) The hearing may be rescheduled, adjourned or continued, and the
21 authority shall give notice to the applicant and the municipality or
22 community board of any such rescheduled, adjourned or continued hearing.

23 (c) (i) Before the authority issues any such license, the authority or
24 one or more of the commissioners thereof may, in addition to the hearing
25 required by this subdivision, also conduct a public meeting regarding
26 said license, upon notice to the applicant and the municipality or
27 community board.

1 (ii) The public meeting may be rescheduled, adjourned or continued,
2 and the authority shall give notice to the applicant and the munici-
3 pality of any such rescheduled, adjourned or continued public meeting.

4 (d) Notice to the municipality shall mean written notice mailed by the
5 authority to such municipality at least fifteen days in advance of any
6 hearing scheduled pursuant to this subdivision. Upon the request of the
7 authority, any municipality may waive the fifteen day notice require-
8 ment.

9 5. The authority may consider any or all of the following in determin-
10 ing whether granting a license pursuant to subdivision four of this
11 section would be in the public interest:

12 (a) the number, classes and character of licenses in proximity to the
13 proposed licensed premises and in the particular municipality or subdi-
14 vision thereof;

15 (b) evidence that all necessary licenses and permits have been
16 obtained from the state and all other governing bodies;

17 (c) the effect of the grant of the license on vehicular traffic and
18 parking in proximity to the proposed licensed premises;

19 (d) the existing noise level at the location and any increase in noise
20 level that would be generated by the proposed licensed premises;

21 (e) the history of liquor violations and reported criminal activity at
22 the proposed licensed premises; and

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

26 § 305. Premises for which no license shall be granted. 1. Where a
27 license for any premises licensed has been revoked, the authority in its
28 discretion may refuse to issue a license under this chapter for such

1 licensed premises, or for any part of the building containing such
2 licensed premises and connected therewith, for a period of two years
3 after such revocation.

4 2. In determining whether to issue such a license for such two year
5 period, in addition to any other factors deemed relevant, the authority
6 shall, in the case of a license revoked due to the illegal sale of alco-
7 hol to a minor, determine whether the proposed subsequent licensee has
8 obtained such premises through an arm's length transaction, and, if such
9 transaction is not found to be an arm's length transaction, the authori-
10 ty shall deny the issuance of such license.

11 3. For purposes of this section, "arm's length transaction" shall mean
12 a sale of a fee of all undivided interests in real property, lease,
13 management agreement, or other agreement giving the applicant control
14 over the food and beverage at the premises, or any part thereof, in the
15 open market, between an informed and willing buyer and seller where
16 neither is under any compulsion to participate in the transaction, unaf-
17 ected by any unusual conditions indicating a reasonable possibility
18 that the sale was made for the purpose of permitting the original licen-
19 see to avoid the effect of the revocation. The following sales shall be
20 presumed not to be arm's length transactions unless adequate documenta-
21 tion is provided demonstrating that the sale, lease, management agree-
22 ment, or other agreement giving the applicant control over the food and
23 beverage at the premises, was not conducted, in whole or in part, for
24 the purpose of permitting the original licensee to avoid the effect of
25 the revocation:

26 (a) a sale between relatives;

27 (b) a sale between related companies or partners in a business; or

1 (c) a sale, lease, management agreement, or other agreement giving the
2 applicant control over the food and beverage at the premises, affected
3 by other facts or circumstances that would indicate that the sale,
4 lease, management agreement, or other agreement giving the applicant
5 control over the food and beverage at the premises, is entered into for
6 the primary purpose of permitting the original licensee to avoid the
7 effect of the revocation.

8 § 306. Control over premises by retail licensee. 1. (a) No on-premises
9 license, off-premises liquor or off-premises wine license shall be
10 granted for any premises, unless the applicant shall be the owner there-
11 of, or shall be in possession of said premises under a lease, management
12 agreement or other agreement giving the applicant control over the food
13 and beverage service at the premises, in writing, for a term not less
14 than the license period except.

15 (b) Such license may thereafter be renewed without the requirement of
16 a lease, management agreement or other agreement giving the applicant
17 control over the food and beverage service at the premises, as herein
18 provided.

19 2. (a) Subdivision one of this section shall not apply to premises
20 leased from government agencies, as defined in section one hundred two
21 of this chapter; provided, however, that the appropriate administrator
22 of such government agency provides some form of written documentation
23 regarding the terms of occupancy under which the applicant is leasing
24 said premises from the government agency for presentation to the state
25 liquor authority at the time of the license application.

26 (b) Such documentation shall include the terms of occupancy between
27 the applicant and the government agency, including, but not limited to,
28 any short-term leasing agreements or written occupancy agreements.

1 § 307. Notice to applicant of receipt of application. 1. The authority
2 upon receiving an application and appropriate payment shall, to the
3 extent practicable, provide the applicant with a receipt within twenty-
4 five business days.

5 2. Such receipt shall include the date of acceptance of such applica-
6 tion as well as an estimated length of time necessary for the authority
7 to review and make a determination on such application.

8 3. Such receipt shall include a unique serial, certification or other
9 identifying number.

10 § 308. Notice to municipality of intent to apply for license. 1. Not
11 less than thirty nor more than two hundred seventy days before filing
12 any of the following, an applicant shall notify the municipality in
13 which the premises is located of such applicant's intent to file such an
14 application:

15 (a) an application for an on-premises beer, on-premises wine, on-prem-
16 ises liquor, bottle club or restaurant-brewer license;

17 (b) for a renewal of any license listed in paragraph (a) of this
18 subdivision if the premises is located within the city of New York;

19 (c) for approval of an alteration of the licensed premises for any
20 license listed in paragraph (a) of this subdivision if the premises is
21 located within the city of New York;

22 (d) for approval of a substantial corporate change, as defined in
23 section one hundred two of this chapter, for any license listed in para-
24 graph (a) of this subdivision if the premises is located within the city
25 of New York; or

26 (e) for a temporary retail permit where the applicant is seeking any
27 license listed in paragraph (a) of this subdivision if the premises is
28 located within the city of New York.

1 2. (a) If an applicant subject to this section shall, after filing an
2 application for a license and providing proper notice for such applica-
3 tion pursuant to paragraph (a) of subdivision one of this section,
4 subsequently file an application for a temporary retail permit at the
5 same premises, such applicant must file additional notice pursuant to
6 paragraph (e) of subdivision one of this section.

7 (b) Such notice shall be effective at the later of its proper service
8 under this section or thirty days from the date proper notice was served
9 under paragraph (a) of subdivision one of this section for the license
10 at the same premises.

11 3. Such notification shall be made to the clerk of the municipality
12 wherein the premises is located.

13 4. A municipality may express an opinion for or against the granting
14 of such application. Any such opinion shall be deemed part of the record
15 upon which the authority makes its determination to grant or deny the
16 application.

17 5. Such notification shall be made by:

18 (a) certified mail, return receipt requested;

19 (b) overnight delivery service with proof of mailing;

20 (c) personal service upon the offices of the clerk of the munici-
21 pality; or

22 (d) email, provided the municipality in which the premises is located
23 elects to take service in such form. Such an election shall be in a
24 writing signed by the authorized agent or clerk of the municipality.
25 Proof of email service shall be provided to the authority in the form of
26 an email from the municipality that reasonably identifies the applicant,
27 or by other such forms of proof as determined by the authority.

1 6. The authority shall require such notification to be on a standard-
2 ized form that can be obtained on the internet or from the authority.

3 7. The notification shall include:

4 (a) the trade name or "doing business as" name, if any, of the estab-
5 lishment;

6 (b) the full name of the applicant;

7 (c) the street address of the establishment, including the floor
8 location or room number, if applicable;

9 (d) the mailing address of the establishment, if different than the
10 street address;

11 (e) the name, address and telephone number of the attorney or repre-
12 sentative of the applicant, if any;

13 (f) a statement indicating whether the application is for:

14 (i) a new establishment;

15 (ii) a transfer of an existing licensed business;

16 (iii) a renewal of an existing license; or

17 (iv) an alteration of an existing licensed premises;

18 (g) if the establishment is a transfer or previously licensed prem-
19 ises, the name of the old establishment and such establishment's license
20 serial number;

21 (h) in the case of a renewal or alteration application, the license
22 serial number of the applicant; and

23 (i) the type of license.

24 § 309. Information required in applications for licenses and permits.

25 1. Applications shall be in writing and verified and shall contain such
26 information as the authority shall require.

1 2. Applications shall be accompanied by a check or draft or other form
2 of payment as the authority may require or authorize for the amount
3 required by this chapter.

4 3. The following shall be required on an application for a license or
5 permit:

6 (a) A statement of identity as follows:

7 (i) If the applicant is an individual, their name, date and place of
8 birth, citizenship, permanent home address, telephone number and social
9 security number, as well as any other names by which they have conducted
10 a business at any time.

11 (ii) If the applicant is a corporation, the corporate name of the
12 applicant, its place of incorporation, its main business address (and if
13 such main business address is not within the state, the address of its
14 main place of business within the state), other names by which it has
15 been known or has conducted business at any time, its telephone number,
16 its federal employer identification number, and the names, ages, citi-
17 zenship, and permanent home addresses of its directors, officers and its
18 shareholders (except that if there be more than ten shareholders then
19 those shareholders holding ten percent or more of any class of its
20 shares).

21 (iii) If the applicant is a partnership, its name, its main business
22 address (and if such main business address is not within the state, the
23 address of its main place of business within the state), other names by
24 which it has been known or has conducted business at any time, its tele-
25 phone number, its federal employer identification number, and the names,
26 ages, citizenship, and permanent home addresses of each of its partners.

1 (b) A statement identifying the street and number of the premises to
2 be licensed, if the premises have a street and number, and otherwise
3 such description as will reasonably indicate the locality thereof.

4 (c) Photographs, drawings or other items related to the appearance of
5 the interior or exterior of such premises, and a floor plan of the inte-
6 rior.

7 (d) A statement of the nature of the applicant's interest in the prem-
8 ises and the name of any other person interested as a partner, joint
9 venturer, investor or lender with the applicant either in the premises
10 or in the business to be licensed.

11 (e) A description of any other alcohol beverage license or permit
12 under this chapter or any other alcoholic beverage control law which,
13 within the past ten years, the applicant (including any officers, direc-
14 tors, shareholders or partners listed in the statement of identity under
15 paragraph (a) of this subdivision or the spouse of any such person) or
16 the applicant's spouse held or applied for.

17 (f) A statement that such applicant or the applicant's spouse has not
18 been convicted of a crime addressed by the provisions of section three
19 hundred one of this article which would forbid the applicant (including
20 any officers, directors, shareholders or partners listed in the state-
21 ment of identity under paragraph (a) of this subdivision or the spouse
22 of such person) or the applicant's spouse to traffic in alcoholic bever-
23 ages.

24 (g) A statement whether or not the applicant (including any officers,
25 directors, shareholders or partners listed in the statement of identity
26 under paragraph (a) of this subdivision or the spouse of any such
27 person) or the applicant's spouse is an official described in section
28 three hundred two of this article.

1 (h) A description of any crime that the applicant (including any offi-
2 cers, directors, shareholders or partners listed under paragraph (a) of
3 this subdivision or the spouse of any such person) or the applicant's
4 spouse has been convicted of and whether such person has received a
5 pardon, certificate of good conduct or certificate of relief from disa-
6 bilities; provided, however, that no person shall be denied any license
7 solely on the grounds that such person is the spouse of a person other-
8 wise disqualified from holding a license under this chapter.

9 (i) A statement that the location and layout of the premises to be
10 licensed does not violate any requirement of this chapter relating to
11 location and layout of licensed premises, with a copy of the certificate
12 of occupancy for the premises.

13 (j) A statement indicating the type of establishment to be operated at
14 the premises. Such statement shall indicate the occurrence of topless
15 entertainment and/or exotic dancing whether topless or otherwise,
16 including, but not limited to, pole dancing and lap dancing, at the
17 establishment.

18 (k) A statement that the applicant has control of the premises to be
19 licensed by ownership of a fee interest or via a leasehold, management
20 agreement, or other agreement giving the applicant control over the food
21 and beverage at the premises, with a term at least as long as the
22 license for which the application is being made, or by a binding
23 contract to acquire the same and a statement of identity under paragraph
24 (a) of this subdivision for the lessor of any leasehold, manager of any
25 management agreement, or other agreement giving the applicant control
26 over the food and beverage at the premises, with a copy of the lease,
27 contract, management agreement, or other agreement giving the applicant

1 control over the food and beverage at the premises, or deed evidencing
2 fee ownership of the premises.

3 (l) A financial statement adequate to show all persons who, directly
4 or indirectly have an economic interest in the establishment or acquisi-
5 tion of the business for which the license or permit application is
6 being made, to identify the sources of funds to be applied in such
7 establishment or acquisition, and to describe the terms and conditions
8 governing such establishment with copies of such financial documents as
9 the authority may reasonably require.

10 (m) The fingerprints of the applicants. Fingerprints submitted by the
11 applicants shall be transmitted to the division of criminal justice
12 services and may be submitted to the federal bureau of investigation for
13 state and national criminal history record checks.

14 4. All license and permit applications shall be signed by the appli-
15 cant (if an individual), by an officer (if a corporation), or by all
16 partners (if a partnership). Each person signing such application shall
17 verify it or affirm it as true under the penalties of perjury.

18 5. If there be any change, after the filing of the application or the
19 granting of a license, in any of the facts required to be set forth in
20 such application, a supplemental statement giving notice of such change,
21 cost and source of money involved in the change, duly verified, shall be
22 filed with the authority within ten days after such change. Failure to
23 do so shall, if willful and deliberate, be cause for revocation of the
24 license.

25 6. (a) In giving any notice, or taking any action in reference to a
26 licensee of a licensed premises, the authority may rely upon the infor-
27 mation furnished in such application and in any supplemental statement

1 connected therewith, and such information may be presumed to be correct,
2 and shall be binding upon a licensee or licensed premises as if correct.

3 (b) All information required to be furnished in such application or
4 supplemental statements shall be deemed material in any prosecution for
5 perjury, any proceeding to revoke, cancel or suspend any license, and in
6 the authority's determination to approve or deny the license.

7 7. The authority may in its discretion waive the submission of any
8 category of information described in this section for any category of
9 license or permit, provided that it shall not be permitted to waive the
10 requirement for submission of any such category of information solely
11 for an individual applicant or applicants and provided further that no
12 waiver of paragraph (j) of subdivision three of this section shall be
13 made.

14 8. The authority may, by rule, adopt additional categories of informa-
15 tion which may be reasonably necessary to carry out the provisions of
16 this section.

17 § 310. Payment of required fees. No license or permit shall be issued
18 and no registration shall be approved pursuant to this chapter until
19 such time as any check or draft submitted for payment of the required
20 fee has been honored by the payor financial institution, provided,
21 however, that this provision shall not apply in the case of a certified
22 check, bank officers' check or money order.

23 § 311. Publication of newspaper notice of pending application. 1.
24 Every applicant for any on-premises beer, on-premises wine, on-premises
25 liquor, bottle club or restaurant-brewer license shall publish notice
26 thereof pursuant to subdivision two of this section.

27 2. All applicants required to publish notice of an application for a
28 license pursuant to subdivision one of this section shall, in such form

1 as prescribed by subdivision three of this section, publish such notice
2 as follows:

3 (a) Where the prospective licensed premises are located in any county
4 other than New York, Kings, Queens or Bronx, notice shall be published
5 once a week for two successive weeks in a daily or weekly newspaper, to
6 be designated by the county clerk, published in the city, town or
7 village in which the prospective licensed premises is located, except
8 that if there shall be no daily or weekly newspaper published in the
9 city, town or village in which the prospective licensed premises is
10 located, then such notice shall be published in a daily or weekly news-
11 paper, to be designated by the county clerk, published in the county in
12 which the prospective licensed premises is located, once a week for two
13 successive weeks.

14 (b) Where the prospective licensed premises is located in the counties
15 of New York, Kings, Queens or Bronx, such notice shall be published once
16 a week for two successive weeks in one daily and one weekly newspaper,
17 to be designated by the county clerk, published in the county in which
18 the prospective licensed premises is located, once a week for two
19 successive weeks.

20 3. Such notice shall be printed in English, in substantially the
21 following form:

22 Notice is hereby given that license (fill in beer, liquor or wine as
23 the case may be, and license number) has been applied for by the under-
24 signed to sell (beer, liquor or wine, as the case may be) at retail in a
25 (hotel, club, restaurant, vessel, car, or other type of establishment,
26 as the case may be) under the alcoholic beverage control law at (fill in
27 street address, city, town or village and county in which licensed prem-
28 ises are located) for on-premises consumption.

1

(Name of licensee)

2

(Address of licensee)

3

4. The provisions of this section shall apply only to the application
4 for the original license issued to the licensee for the premises and not
5 to any renewal of such license.

6

5. (a) Except for good cause shown, the first publication of such
7 notice shall be made within ten days after the date of the submission of
8 the application for such license to the authority.

9

(b) Two original copies of proof of such publication, in the form set
10 forth in this subdivision shall be obtained by the applicant for such
11 license.

12

(c) Within fifteen days of receipt of such original copies, the appli-
13 cant shall submit one original copy to the authority, and the second
14 original copy of such proof shall be retained by the applicant for such
15 license.

16

(d) Except for good cause shown, the authority shall not issue the
17 license sought by the applicant unless such proof is submitted within
18 such fifteen-day period.

19

(e) The form of proof of such publication shall be as follows:

20

State of New York)

21

) ss.:

22

County of)

23

..... of, being duly sworn, says that he is

24

..... of the publishers of the, a (daily) or

25

(weekly) newspaper (printed and) published in the (city, town, or

26

village and county) and that the notice of which the annexed

1 is a true copy, has been published in said newspaper for two successive
2 weeks commencing on the day of20...

3

4 Sworn to before me this

5, 20....

6 § 312. Posting notice of pending application at certain premises. 1.

7 (a) Within ten days after filing a new application for an off-premises
8 liquor license, the applicant shall, in the form prescribed by the
9 authority, post in a conspicuous place at the entrance to the proposed
10 premises a notice of the pending application.

11 (b) The applicant shall make reasonable efforts to ensure such notice
12 shall remain posted throughout the pendency of the application.

13 (c) The provisions of this subdivision shall apply only where no
14 retail liquor license has previously been granted for the proposed prem-
15 ise and shall, specifically, not be applicable to a proposed sale of an
16 existing business engaged in the retail sale of liquor.

17 (d) The authority may adopt such rules as it may deem necessary to
18 carry out the purpose of this subdivision.

19 2. (a) Within ten days after filing a new application or an applica-
20 tion for renewal for an on-premises liquor, bottle club, restaurant-
21 brewer license or off-premises catering establishment license, the
22 applicant shall, in the form prescribed by the authority, post in a
23 conspicuous place at the entrance to the premises where it can be easily
24 read by passers-by a notice of the pending application.

1 (b) Such notice shall be either printed or highlighted in a pink ink
2 of a neon, luminous or fluorescent variety.

3 (c) The notice shall specify the application date, the type of
4 license, any identifying number assigned by the authority, if available
5 at the time of posting such notice, and how to contact the state liquor
6 authority to give a response to the application.

7 (d) The applicant shall make reasonable efforts to ensure such notice
8 shall remain posted throughout the pendency of such application.

9 (e) Additionally, within ten days of the applicant's receipt of a
10 written request from the authority, the applicant shall re-post such
11 notice.

12 (f) The authority may adopt such rules as it may deem necessary to
13 carry out the purpose of this subdivision.

14 § 313. Posting notice of five hundred foot law hearing. 1. Within ten
15 days of the applicant's receipt of written notice of a hearing scheduled
16 for a hearing under the five hundred foot law set forth in section three
17 hundred four of this article, the applicant shall post a copy of such
18 notice in a conspicuous place at the entrance to the establishment or
19 proposed establishment where it can be easily read by passers-by.

20 2. Such notice shall include in clear and concise language a statement
21 of the use and capacity of the establishment.

22 3. (a) The applicant shall make reasonable efforts to ensure such
23 notice shall remain posted until the date of the hearing or public meet-
24 ing specified in such notice.

25 (b) Additionally, within ten days of the applicant's receipt of a
26 written request from the authority, the applicant shall re-post such
27 notice.

1 4. The authority may adopt such rules as it may deem necessary to
2 carry out the purpose of this section.

3 § 314. Standard for approval of applications. 1. (a) Except as
4 provided for in subdivisions two and three of this section, an applica-
5 tion for any license or permit issued under this chapter shall be
6 approved unless there is good cause why the license or permit should not
7 be issued.

8 (b) An application for any other permission or authorization under
9 this chapter shall be approved unless there is good cause why the
10 approval should not be granted.

11 2. Determinations with respect to the issuance of a new off-premises
12 liquor or off-premises wine, or the removal of such a license to another
13 location, shall be made in accordance with public convenience and advan-
14 tage.

15 3. Determinations with respect to the issuance of a new on-premises
16 liquor, bottle club or restaurant-brewer license subject to the five
17 hundred foot law or the removal of such a license to another location,
18 or the transfer of such a license to another applicant, shall be made in
19 accordance with the provisions of section three hundred four of this
20 article.

21 § 315. Disapproval hearing. 1. If the authority shall disapprove any
22 application, it shall state and file in its offices the reasons therefor
23 and shall notify the applicant thereof.

24 2. Such applicant may thereupon apply to the authority for a review of
25 such action in a manner to be prescribed by the rules of the liquor
26 authority.

27 3. A hearing upon notice to the applicant shall thereupon be held by
28 the authority or by one of its members at its office most conveniently

1 situated to the office of its duly authorized representative in a manner
2 to be prescribed in its rules.

3 4. On such hearing proof may be taken by oral testimony or by affida-
4 vit relative thereto.

5 5. After such hearing, if the authority confirms such disapproval, it
6 shall endorse such application accordingly and shall send notice to the
7 applicant of its action in such form as the liquor authority may
8 prescribe.

9 6. If the authority does not confirm the disapproval action it may
10 grant such application and issue such license.

11 § 316. Form of license certificate. 1. All licenses issued pursuant to
12 this chapter shall be distinctive in color and design so as to be readi-
13 ly distinguishable from each other.

14 2. All licenses issued under this chapter shall contain, in addition
15 to any further information or material to be prescribed by the rules of
16 the authority, the following information:

17 (a) the name of the person to whom license is issued;

18 (b) the kind of license and what kind of traffic in alcoholic beverage-
19 es is thereby permitted;

20 (c) a description by street and number, or otherwise, of the licensed
21 premises; and

22 (d) a statement in substance that such license shall not be deemed a
23 property or vested right, and that it may be revoked at any time pursu-
24 ant to law.

25 3. (a) There shall be printed and furnished by the authority to each
26 licensee a statement of the causes for which licenses may be revoked.

1 (b) Such statement shall be prepared by the authority and delivered to
2 the licensee with his license or as soon thereafter as may be practica-
3 ble.

4 (c) Any amendments thereto shall also be sent by the authority to all
5 licensees as soon as may be practicable after such amendments.

6 (d) Failure to send such statements or changes therein, or failure to
7 receive the same, or any misstatement or error contained in such state-
8 ments or amendments shall, however, not be an excuse or justification
9 for any violation of law, or prevent, or remit, or decrease any penalty
10 or forfeiture therefor.

11 § 317. Publication of newspaper notice of issuance of license. 1. (a)
12 Every person obtaining a license under this chapter must publish a
13 notice thereof as herein provided.

14 (b) The provisions of this section shall only be applicable to the
15 original license issued to the licensee for the premises.

16 2. (a) Where the licensed premises is located in any county other than
17 New York, Kings, Queens or Bronx, notice shall be published once a week
18 for two successive weeks in a daily or weekly newspaper published in the
19 city, town or village in which the licensed premises is located.

20 (b) If there shall be no daily or weekly newspaper published in the
21 city, town or village in which the licensed premises is located, then
22 such notice shall be published in a daily or weekly newspaper published
23 in the county in which the licensed premises is located, once a week for
24 two successive weeks.

25 3. Where the licensed premises is located in the counties of New York,
26 Kings, Queens or Bronx, such notice shall be published once a week for
27 two successive weeks in one daily and one weekly newspaper published in
28 the county in which the licensed premises is located.

1 4. The notice to be so published shall be printed in English, in
2 substantially the following forms:

3 (a) Form of notice for manufacturer's license. Notice is hereby given
4 that manufacturer's license (fill in beer, liquor or wine manufacturer
5 or rectifier and number) has been issued to the undersigned to manufac-
6 ture (beer, liquor or wine, as the case may be) under the alcoholic
7 beverage control law in the premises located at (fill in street address,
8 city, town or village and county in which licensed premises is located).

9 (Name of licensee)

10 (Address of licensee)

11 (b) Form of notice for wholesaler's license. Notice is hereby given
12 that wholesaler's license (fill in beer, liquor or wine wholesaler and
13 license number) has been issued to the undersigned to sell (beer, liquor
14 or wine, as the case may be) at wholesale under the alcoholic beverage
15 control law in the premises located at (fill in street address, city,
16 town or village and county in which licensed premises is located).

17 (Name of licensee)

18 (Address of licensee)

19 (c) Form of notice for off-premises license. Notice is hereby given
20 that license (fill in beer, liquor or wine store and license number) has
21 been issued to the undersigned to sell (beer, liquor or wine, as the
22 case may be) at retail under the alcoholic beverage control law at (fill
23 in street address, city, town or village and county in which licensed
24 premises is located) for off-premises consumption.

1 (Name of licensee)

2 (Address of licensee)

3 (d) Form of notice for on-premises license. Notice is hereby given
4 that license (fill in beer, liquor or wine as the case may be, and
5 license number) has been issued to the undersigned to sell (beer, liquor
6 or wine, as the case may be) at retail in a (hotel, club, restaurant,
7 vessel, car, or other type of establishment, as the case may be) under
8 the alcoholic beverage control law at (fill in street address, city,
9 town or village and county in which licensed premises is located) for
10 on-premises consumption.

11 (Name of licensee)

12 (Address of licensee)

13 5. The first publication of said notice shall be made within fifteen
14 days after the date of issuance of said license and proof of such publi-
15 cation, in the form hereinafter set forth, shall be obtained by the
16 licensee and retained by him during the license year. The form of proof
17 of such publication shall be as follows:

18 STATE OF NEW YORK)

19) ss:

20 County of)

21 of, being duly sworn, says that he is
22 of the publishers of the, a (daily) or
23 (weekly) newspaper (printed and) published in the (city, town, or

1 village and county) and that the notice of which the annexed
 2 is a true copy, has been published in said newspaper for two successive
 3 weeks commencing on the day of20...

4

5 Sworn to before me this

6, 20....

7

8 § 318. Corporate changes. 1. Before any change in the members of a
 9 limited liability company or the transfer or assignment of a membership
 10 interest in a limited liability company or any corporate change in
 11 stockholders, stockholdings, alcoholic beverage officers, officers or
 12 directors, except officers and directors of a premises licensed as a
 13 club or a luncheon club under this chapter can be effectuated for the
 14 purposes of this chapter, the licensee must apply to and obtain the
 15 permission of the liquor authority to effect such change.

16 2. The provisions of this section shall not be applicable where there
 17 are ten or more stockholders and such change involves less than ten per
 18 centum of the stock of the corporation and the stock holdings of any
 19 stockholder are not increased thereby to ten per centum or more of the
 20 stock.

21 3. Where the same corporation operates two or more premises separately
 22 licensed under this chapter, a separate corporate change shall be filed

1 for each such licensed premises, except as otherwise provided for by
2 rule of the liquor authority.

3 4. Notwithstanding any corporate change approved by the authority, a
4 licensed corporation or limited liability company shall be bound by the
5 representations set forth in the original application and any amendments
6 thereto approved by the authority.

7 5. The liquor authority may make such rules as it deems necessary to
8 carry out the provisions of this section.

9 6. The fee for a corporate change required by this chapter shall be
10 one hundred twenty-eight dollars, provided that such fee shall not be
11 applicable to more than one license held by the same corporation.

12 § 319. Alterations to licensed premises. 1. Before any substantial
13 alteration, as defined in section one hundred two of this chapter, to a
14 licensed premises may be undertaken by or on the behalf of any licensee,
15 the licensee must apply to and obtain the permission of the liquor
16 authority to affect such alteration.

17 2. (a) Before commencing work on a minor alteration, as defined in
18 section one hundred two of this chapter, of the licensed premises, a
19 licensee shall request permission to effect such minor alteration.

20 (b) Such licensee shall submit an affidavit to the liquor authority by
21 filing the same in person or by certified mail return receipt requested
22 or overnight delivery service with proof of mailing on forms prescribed
23 by the authority.

24 (c) The affidavit shall include but not be limited to a description of
25 the proposed alteration, the cost and value of the alteration, and the
26 source of money making the alteration possible.

1 (d) Upon receipt of such affidavit, the authority shall have twenty
2 days in which to review the proposed alteration and notify the licensee
3 of any objection to the same by certified mail return receipt requested.

4 (e) If no such objection is made within such period permission shall
5 be deemed to have been granted.

6 (f) Work may commence on such alteration if no objection is received
7 by the twenty-fifth day after filing such affidavit.

8 3. The provisions of this section shall not apply to micro-winery,
9 farm winery and roadside farm market licenses.

10 4. The liquor authority may make such rules as it deems necessary to
11 carry out the provisions of this section.

12 § 320. Removal of licensed premises. 1. Before any removal of a
13 license to any premises other than the licensed premises or to any other
14 part of the building containing the licensed premises, the licensee must
15 apply to and obtain the permission of the liquor authority to effect
16 such change.

17 2. The liquor authority may make such rules as it deems necessary to
18 carry out the provisions of this section.

19 3. The fee for an application to remove a license to another premises
20 shall be:

21 (a) one hundred ninety-two dollars where the base license fee is five
22 hundred dollars or more; and

23 (b) thirty-two dollars in all other instances.

24 § 321. Surety bonds for licensees and permittees. 1. The authority may
25 require the licensees and permittees of one or more of the kinds or
26 classes described in this chapter to file with it a bond to the people
27 of the state of New York issued by a surety company, approved by the
28 superintendent of financial services as to solvency and responsibility

1 and authorized to transact business in this state, in such penal sum as
2 the authority may heretofore have prescribed or hereafter shall
3 prescribe, conditioned that such licensee or permittee will not suffer
4 or permit any violation of the provisions of this chapter and that all
5 finances and penalties which shall accrue, during the time the license or
6 permit shall be in effect, will be paid, together with all costs taxed
7 or allowed in any action or proceeding brought or instituted for a
8 violation of any of the provisions of this chapter.

9 2. A suit to recover on any bond filed pursuant to this chapter may be
10 brought by the liquor authority or on relation of any party aggrieved,
11 in a court of competent jurisdiction and in the event that the obligor
12 named in such bond has violated any of the conditions of such bond,
13 recovery for the penal sum of such bond may be had in favor of the
14 people of the state.

15 3. Notwithstanding the provisions of this section, no bond shall be
16 required to be filed by the holder of a solicitor's permit issued under
17 this chapter.

18 § 322. Continuance of business by receiver or other representative. 1.
19 This section shall apply if:

20 (a) a corporation or partnership holding any license or holding a
21 permit for which an annual fee of one hundred dollars or more is
22 prescribed by this chapter shall be dissolved; or

23 (b) a receiver or assignee for the benefit of creditors be appointed
24 therefor;

25 (c) a receiver, assignee for the benefit of creditors or a committee
26 or conservator of the property of an individual holding any license or
27 holding a permit for which an annual fee of one hundred dollars or more

1 is prescribed by this chapter be appointed, during the time for which
2 such license or permit was granted;

3 (d) a person, including a member of a partnership, holding any license
4 or holding a permit for which an annual fee of one hundred dollars or
5 more is prescribed by this chapter shall die during the term for which
6 such license or permit was given.

7 2. In the situations set forth in subdivision one of this section,
8 such corporation, partnership, receiver or assignee, or the administra-
9 tor or executor of the estate of such individual, or of such deceased
10 member of a partnership, or a committee of the property of a person
11 adjudged to be incompetent, or a conservator of the property of an indi-
12 vidual, or a petition under title eleven of the United States code shall
13 have been filed and a trustee has been appointed or the holder of the
14 license or permit has been permitted to remain in possession without the
15 appointment of a trustee, may continue to carry on such business upon
16 such premises for the balance of the term for which such license or
17 permit was effective, with the same rights and subject to the same
18 restrictions and liabilities as if they had been the original applicant
19 for and the original holder, or one of either of them, of such license
20 or permit, providing the approval of the liquor authority shall be first
21 obtained.

22 3. Before continuing such business, such receiver, assignee, individ-
23 ual, committee, or conservator, debtor in possession, or trustee in
24 bankruptcy shall file a statement setting forth in such form and
25 substance as the liquor authority may prescribe the facts and circum-
26 stances by which he has succeeded to the rights of the original licensee
27 or permittee.

1 4. The liquor authority may, in its discretion, permit the continuance
2 of such business or may refuse to do so.

3 5. In the event that the authority determines to permit the contin-
4 uance of the business, the license or permit shall be submitted to the
5 authority and shall have affixed thereto a certificate in the form
6 prescribed by the authority.

7 6. For each such certificate, a fee shall be paid to the liquor
8 authority of fifty dollars by the applicant, except in the case of an
9 off-premises beer or off-premises beer and wine products license, such
10 fee shall be ten dollars which shall be paid into the same fund as other
11 license fees herein provided for.

12 § 323. Renewal of licenses and permits. 1. Each license and permit,
13 except a temporary permit effective for one day or one transaction only,
14 issued pursuant to this chapter may be renewed upon application therefor
15 by the licensee or permittee and the payment of the annual fee for such
16 license or permit as prescribed by this chapter.

17 2. (a) In the case of applications for renewals, the liquor authority
18 may dispense with the requirements of such statements as it deems unnec-
19 essary in view of those contained in the application made for the
20 original license or permit.

21 (b) No waiver of paragraph (j) of subdivision three of section three
22 hundred nine of this article may be made.

23 (c) The submission of photographs of the licensed premises shall be
24 dispensed with, provided the applicant for such renewal shall file a
25 statement with such authority to the effect that there has been no
26 alteration of such premises since the original license was issued.

27 3. An applicant for any on-premises license shall also submit to the
28 authority a copy of the valid certificate of occupancy or such other

1 document issued by the local code enforcement agency for the premises
2 for which the original license was issued.

3 4. The liquor authority may make such rules as may be necessary not
4 inconsistent with this chapter regarding applications for renewals of
5 licenses and permits and the time for making the same.

6 5. The authority shall provide an application for renewal of a
7 on-premises liquor license not less than sixty days prior to the expira-
8 tion of the current license.

9 § 324. Refunds on applications. If the authority shall deny an appli-
10 cation filed pursuant to this chapter it shall return the annual fee to
11 the applicant and retain the filing fee.

12 § 325. Surrender of licenses. 1. If a person holding a license to
13 traffic in alcoholic beverages under the provisions of this chapter,
14 against whom no complaint, prosecution or action is pending on account
15 of any violation thereof, shall voluntarily, and before arrest or
16 indictment for a violation of this chapter, cease to traffic in alcohol-
17 ic beverages during the term for which the license fee is paid, such
18 person may surrender such license to the liquor authority.

19 2. Such person shall submit to the liquor authority a verified peti-
20 tion setting forth all facts required to be shown by the liquor authori-
21 ty regarding the surrender of the license.

22 3. Upon acceptance of the license for surrender, such person shall no
23 longer be able to exercise the privileges of such license and no person
24 shall traffic in alcoholic beverages at the premises unless and until a
25 new license or permit is issued.

26 4. (a) It shall be the duty of the liquor authority, upon acceptance
27 of a license for surrender, to immediately serve a written or printed
28 notice upon the commissioner of police, chief of police, or chief police

1 officer of the city, borough or village in which the place for which the
2 surrendered license was issued is situated, or upon the sheriff of the
3 county and a constable of the town, in case the license was issued for a
4 place situated in a town and not within any city, borough or village.

5 (b) Such notice shall include:

6 (i) a statement of the number of the surrendered license;

7 (ii) the name and place of residence of the holder of the license at
8 the time of surrender;

9 (iii) the location of the place for which the license was issued and
10 was held at the time of surrender by street and number, if any, other-
11 wise such apt description as will definitely locate the premises;

12 (iv) a statement that such license has been surrendered;

13 (v) a statement that the traffic in alcoholic beverages at said prem-
14 ises by any one is not authorized until a new license has been obtained
15 therefor; and

16 (vi) the date when such license was surrendered.

17 (c) Such notice may be served by registered or certified mail, by
18 enclosing the same in a post-paid sealed envelope, duly addressed to
19 such officer.

20 § 326. Refund upon surrender of license. 1. Upon the acceptance by the
21 liquor authority of a license for surrender, a licensee shall be enti-
22 tled to a refund of the unused portion of the license fee, provided that
23 such license shall have at least one month to run at the time of such
24 surrender.

25 2. Such refund shall be computed for full months less thirty dollars,
26 commencing with the first day of the month succeeding the one in which
27 such license is surrendered, unless such surrender was on the first day
28 of the month.

1 3. The liquor authority shall thereupon compute the amount of refund
2 then due on said license for the unexpired term thereof, and shall
3 execute a receipt therefor showing the name of the person to whom such
4 license was issued, the number thereof, date when issued, amount of
5 license fee paid therefor, and the date when surrendered, together with
6 the amount of refund due thereon at such date as computed by it, and the
7 name of the person entitled to receive the refund. Such receipt shall be
8 delivered by the liquor authority to the person entitled thereto.

9 4. (a) If, within thirty days from the date of such surrender, the
10 person surrendering such certificate is arrested or indicted for a
11 violation of this chapter, or if proceedings are instituted for the
12 cancellation of such license, or an action shall be commenced against
13 them for penalties, any refund due to the licensee shall not be issued
14 until the final determination of such proceedings or actions.

15 (b) If said person is convicted, or said action or proceedings be
16 determined against them, the authority may direct that any refund due
17 thereunder be forfeited or may impose such other penalty or conditions
18 it may deem appropriate in the circumstances.

19 (c) If such person be acquitted, or such proceedings or action against
20 them be dismissed on the merits or, if within such time, no such action
21 or proceeding shall be brought against such person, then the liquor
22 authority shall prepare an order for the payment of such refund,
23 directed to the comptroller, to be paid him, on their audit, upon the
24 surrender of the receipt theretofore given such person.

25 5. If any taxes or penalties imposed by article eighteen of the tax
26 law or if any civil penalties imposed under this chapter are unpaid by
27 such person, the amount of such taxes, penalties or civil penalties
28 shall be deducted from the amount of such refund.

1 6. Any refunds due on the surrender of licenses pursuant to this
2 section shall be paid by the comptroller from moneys in their custody,
3 derived from license fees received pursuant to this chapter.

4 § 327. Surrender of permits. The procedure prescribed by section three
5 hundred twenty-four of this article shall be applicable to permits
6 issued pursuant to this chapter.

7 § 328. Refunds upon surrender of annual permits. The procedure
8 prescribed by the provisions of section three hundred twenty-five of
9 this article shall be applicable to annual permits issued pursuant to
10 this chapter.

11 § 329. Refunds on licenses and permits erroneously or unlawfully
12 cancelled, revoked or suspended. 1. If a license or permit issued under
13 this chapter is cancelled, revoked or suspended and thereafter the
14 action of the state liquor authority effecting such cancellation, revo-
15 cation or suspension is reversed or annulled, upon application made
16 within six months of the date of such judgment of reversal or annulment
17 there shall be refunded to such licensee or their assignee such propor-
18 tion of the fee paid for such license or permit as the period that such
19 licensee or permittee has not had the beneficial use of such license or
20 permit by reason of such cancellation, revocation or suspension bears to
21 the full period for which the license or permit was issued.

22 2. The provisions of section three hundred twenty-five of this article
23 so far as they can be made applicable and are not inconsistent with this
24 section, shall govern the procedure to be followed in making application
25 for refunds under this section.

26 § 330. Refunds on over-payment of fees. 1. Monies heretofore or here-
27 after received by the authority pursuant to this chapter may, within
28 three years from the receipt thereof, be refunded to the applicant for

1 the license or permit, on satisfactory proof that such monies were in
2 excess of the amount required by this chapter, to the extent of such
3 excess.

4 2. Such refund shall, upon approval by the authority and after audit
5 by the state comptroller, be paid from any monies in the custody of the
6 comptroller, derived from fees received pursuant to this chapter.

7 § 331. Refunds on permits not issued. 1. Monies heretofore or hereaft-
8 er received by the authority pursuant to this chapter may, within three
9 years from the receipt thereof, be refunded to the applicant for a
10 permit for which application was made but was not issued.

11 2. Such refund shall, upon approval by the authority and after audit
12 by the state comptroller, be paid from any monies in the custody of the
13 comptroller, derived from fees received pursuant to this chapter.

14 § 332. Change in duration of license. 1. The liquor authority is here-
15 by authorized to change the periods during which the licenses issued
16 under this chapter are effective and to establish the commencement
17 dates, duration and expiration dates thereof, provided that no such
18 license shall be effective for a period in excess of three years.

19 2. When any change or changes are made in the duration of any such
20 license, the license fee shall be equal to the annual license fee speci-
21 fied in this chapter multiplied by the number of years for which such
22 license is issued.

23 3. The liquor authority may make such rules as shall be appropriate to
24 carry out the purpose of this section.

25 § 333. Change in duration of permits. 1. The liquor authority is
26 authorized to change the periods during which any of the following
27 permits shall be effective and to establish the commencement dates,

1 duration and expiration dates thereof, provided that no such permit
2 shall be effective for a period in excess of three years:

- 3 (a) industrial alcohol permit;
4 (b) industrial alcohol manufacturing permit;
5 (c) alcohol permit;
6 (d) alcohol distributor's permit;
7 (e) solicitor's permit;
8 (f) broker's permit;
9 (g) trucking permit;
10 (h) drug store permit;
11 (i) warehouse permit;
12 (j) bottling permit;
13 (k) hospital permit;
14 (l) negotiator's permit;
15 (m) fire insurance or fire salvage company permit;
16 (n) liquidator's permit;
17 (o) higher education permit; or
18 (p) a permit issued under section eight hundred seventeen or eight
19 hundred eighteen of this chapter.

20 2. When any change or changes are made in the duration of any such
21 permit, the permit fee shall be equal to the annual permit fee specified
22 in this article multiplied by the number of years for which such permit
23 is issued.

24 ARTICLE 4

25 RETAIL ON-PREMISES LICENSE AND PERMIT CLASSES

26 Section 401. Retail on-premises license and permit classes.

- 1 402. On-premises liquor license.
- 2 403. On-premises wine license.
- 3 404. On-premises beer license.
- 4 405. Bottle club license.
- 5 406. Restaurant-brewer's license.
- 6 407. Off-premises catering establishment license.
- 7 408. Temporary retail permit for person applying for an on-prem-
- 8 ises license.
- 9 409. Hotel off-premises permit.
- 10 410. Caterer's permit.
- 11 411. Permit to remain open during certain hours of the morning.
- 12 412. Permit to remain open during certain hours of the morning
- 13 within a trade area.
- 14 413. Permit for sale of alcoholic beverages at the New York
- 15 state fair.
- 16 414. Sunday on-premises sales permit.
- 17 415. Temporary beer and wine permit.
- 18 416. Restrictions on locations for on-premises liquor and
- 19 on-premises wine licenses.
- 20 417. Bars for on-premises licensees.
- 21 418. Sale of wine for off-premises consumption by restaurants.

- 22 § 401. Retail on-premises license and permit classes. 1. The following
- 23 classes of licenses may be issued for the sale and consumption of alco-
- 24 holic beverages on the premises:
- 25 (a) On-premises liquor license.
- 26 (b) On-premises wine license.
- 27 (c) On-premises beer license.

- 1 (d) Bottle club license.
- 2 (e) Restaurant-brewer license.
- 3 (f) Off-premises catering establishment license.
- 4 (g) Temporary retail permit for person applying for an on-premises
5 license.
- 6 (h) Hotel off-premises permit.
- 7 (i) Caterer's permit.
- 8 (j) Permit to remain open during certain hours of the morning.
- 9 (k) Permit to remain open during certain hours of the morning within a
10 trade area.
- 11 (l) Permit for sale of alcoholic beverages at the New York state fair.
- 12 (m) Sunday on-premises sales permit.
- 13 (n) Temporary beer and wine permit.
- 14 2. Such licenses and permits shall be exercised in accordance with the
15 terms and conditions thereof.
- 16 3. Except as otherwise provided for in this chapter, no person shall
17 engage in any of these activities without having first obtained the
18 appropriate license or permit as required by this article.
- 19 § 402. On-premises liquor license. 1. An on-premises liquor license
20 shall authorize the holder thereof to:
- 21 (a) sell liquor, wine, beer, wine products, mead, braggot and cider at
22 retail to be consumed at the licensed premises;
- 23 (b) conduct tastings of such alcoholic beverages at the licensed prem-
24 ises;
- 25 (c) purchase such alcoholic beverages from duly authorized licensed
26 wholesalers and manufacturers;
- 27 (d) sell beer, wine products, braggot and cider at retail to be
28 consumed away from the licensed premises; and

1 (e) sell mead that has not been designated as wine under section one
2 hundred two of this chapter at retail to be consumed away from the
3 licensed premises.

4 2. Premises with the following methods of operation shall be eligible
5 for an on-premises liquor license:

6 (a) a restaurant, as defined in section one hundred two of this chap-
7 ter;

8 (b) a catering establishment, as defined in section one hundred two of
9 this chapter;

10 (c) a hotel, as defined in section one hundred two of this chapter;

11 (d) a club, as defined in section one hundred two of this chapter;

12 (e) a vessel, as defined in section one hundred two of this chapter;

13 (f) an aircraft being operated on regularly scheduled flights by a
14 United States certified airline;

15 (g) a railroad car;

16 (h) a bed and breakfast, as defined in section one hundred two of this
17 chapter;

18 (i) a premises in which the principal business is the sale of food or
19 beverages at retail for consumption on the premises;

20 (j) a premises in which the principal business is the operation of a
21 legitimate theater; and

22 (k) (i) a premises in which the principal business is such lawful
23 adult entertainment or recreational facility that the authority, giving
24 due regard to the convenience of the public and strict avoidance of
25 sales prohibited by this chapter, has deemed eligible for such a
26 license.

27 (ii) Nothing in this subdivision shall be deemed to allow the issuance
28 of a license to a motion picture theatre, except those meeting the defi-

1 nitions of restaurant and meals, and where all seating is at tables
2 where meals are served.

3 3. (a) A premises licensed under paragraph (i), (j) or (k) of subdivi-
4 sion two of this section, to be eligible for a license, shall regularly
5 keep food available for sale to its customers for consumption on the
6 premises.

7 (b) The availability of sandwiches, soups or other foods, whether
8 fresh, processed, pre-cooked or frozen, shall be deemed compliance with
9 this requirement.

10 (c) The licensed premises shall comply at all times with all of the
11 regulations of the local department of health.

12 (d) Nothing contained in this subdivision, however, shall be construed
13 to require that any food be sold or purchased with any liquor, nor shall
14 any rule, regulation or standard be promulgated or enforced requiring
15 that the sale of food be substantial or that the receipts of the busi-
16 ness other than from the sale of liquor equal any set percentage of
17 total receipts from sales made therein.

18 5. Except as otherwise provided for in this section, an on-premises
19 liquor license shall be effective for two years at two times the annual
20 fee provided for in this section, provided that seasonal license shall
21 be effective for one year at the annual fee provided for in this
22 section.

23 6. (a) Except as otherwise provided for in this subdivision, the annu-
24 al fee for an on-premises liquor license shall be:

25 (i) twenty-one hundred seventy-six dollars in the counties of New
26 York, Kings, Bronx and Queens;

1 (ii) fifteen hundred thirty-six dollars in the county of Richmond and
2 in cities having a population of more than one hundred thousand and
3 less than one million;

4 (iii) twelve hundred sixteen dollars in cities having a population of
5 more than fifty thousand and less than one hundred thousand; and

6 (iv) eight hundred ninety-six dollars elsewhere.

7 (b) The annual license fee for a catering establishment and an off-
8 premises catering establishment shall be two-thirds the license fee
9 specified in paragraph (a) of this subdivision;

10 (c) The annual license fee for a club, except a luncheon club or golf
11 club shall be:

12 (i) seven hundred fifty dollars in counties of New York, Kings, Bronx
13 and Queens;

14 (ii) five hundred dollars in the county of Richmond and in cities
15 having a population of more than one hundred thousand and less than one
16 million;

17 (iii) three hundred fifty dollars in cities having a population of
18 more than fifty thousand and less than one hundred thousand; and

19 (iv) two hundred fifty dollars elsewhere.

20 (d) The annual license fee for a luncheon club shall be three hundred
21 seventy-five dollars.

22 (e) The annual license fee for a golf club shall be:

23 (i) two hundred fifty dollars in the counties of New York, Kings,
24 Bronx, Queens, Nassau, Richmond and Westchester; and

25 (ii) one hundred eighty-seven dollars and fifty cents elsewhere.

26 (f) Notwithstanding any other provision of law to the contrary, there
27 shall be no annual fee for an on-premises liquor license where the
28 applicant is an organization organized under section two hundred sixty

1 of the military law and incorporated pursuant to the not-for-profit
2 corporation law.

3 (g) (i) Where the premises to be licensed remains open only within the
4 period commencing April first and ending October thirty-first of any one
5 year, or only within the period commencing October first and ending the
6 following April thirtieth, the liquor authority may, in its discretion,
7 grant a summer or winter license effective only for such appropriate
8 period of time, for which an annual license fee shall be paid to be
9 pro-rated for the period for which such license is effective, at the
10 rate provided for in the city, town or village in which such premises
11 are located, except that no such license fee shall be less than one-half
12 of the regular annual license fee.

13 (ii) The period of such summer license may commence March first and
14 end November thirtieth.

15 (iii) Where a hotel, restaurant, club, golf course or racetrack is
16 open prior to April first and/or subsequent to October thirty-first by
17 reason of the issuance of a caterer's permit or permits issued by the
18 authority, such fact alone shall not affect the eligibility of the prem-
19 ises or the person owning or operating such hotel, restaurant, club,
20 golf course or race track for a summer license.

21 (h) The annual fee for an on-premises liquor license for a railroad
22 car shall be one hundred ninety-two dollars for each railroad car
23 licensed.

24 (i) (i) The annual fee for an on-premises liquor license for a vessel
25 shall be sixteen hundred dollars for each vessel licensed.

26 (ii) Where a vessel is operated only within the period commencing
27 April first and ending October thirty-first of any one year, the liquor
28 authority may, in its discretion, grant for such vessel a summer license

1 effective only for such period of time, for which an annual license fee
2 of four hundred forty-eight dollars shall be paid.

3 (j) The annual fee for an on-premises liquor license for an aircraft
4 being operated on regularly scheduled flights by a United States certif-
5 icated airline in this state shall be:

6 (i) nineteen hundred twenty dollars for an airline company operating
7 up to and including twenty of such aircraft; and

8 (ii) twenty-five hundred sixty dollars for such an airline operating
9 more than twenty of such aircraft.

10 (k) Notwithstanding any provision to the contrary, the annual fee for
11 an on-premises liquor license for a bed and breakfast shall be two
12 hundred dollars plus fifteen dollars per each available bedroom.

13 § 403. On-premises wine license. 1. An on-premises wine license shall
14 authorize the holder thereof to:

15 (a) sell wine, soju, shochu, beer, wine products, mead, braggot and
16 cider at retail to be consumed at the licensed premises;

17 (b) conduct tastings of such alcoholic beverages at the licensed prem-
18 ises;

19 (c) purchase such alcoholic beverages from duly authorized licensed
20 wholesalers and manufacturers;

21 (d) sell beer, wine products, braggot and cider at retail to be
22 consumed away from the licensed premises; and

23 (e) sell mead that has not been designated as wine under section one
24 hundred two of this chapter at retail to be consumed away from the
25 licensed premises.

26 2. Premises with the following methods of operation shall be eligible
27 for an on-premises wine license:

28 (a) any premises eligible for an on-premises liquor license; and

1 (b) a hotel or premises which is kept, used, maintained, advertised or
2 held out to the public to be a place where food is prepared and served
3 for consumption on the premises in such quantities as to satisfy the
4 authority that the sale of wine intended is incidental to and not the
5 prime source of revenue from the operation of such premises.

6 3. Except as otherwise provided for in this section, on-premises wine
7 licenses shall be effective for two years at two times the annual fee
8 provided for in this section, provided that seasonal licenses shall be
9 effective for one year at the annual fee provided for in this section.

10 4. (a) Except as provided in this subdivision, the annual fee for a
11 retail on-premises wine license for a restaurant, hotel, catering estab-
12 lishment, off-premises catering establishment, vessel, railroad car or
13 aircraft shall be:

14 (i) four hundred eighty dollars in cities having a population of one
15 hundred thousand or more; and

16 (ii) two hundred forty dollars elsewhere.

17 (b) The annual license fee for all other types of businesses shall be:

18 (i) five hundred seventy-six dollars in cities having a population of
19 one hundred thousand or more;

20 (ii) two hundred seventy dollars elsewhere.

21 (c) Where the premises to be licensed remains open only within the
22 period commencing April first and ending October thirty-first of any one
23 year or only within the period commencing October first and ending the
24 following April thirtieth, the liquor authority, in its discretion, may
25 grant a summer or winter license effective only for such appropriate
26 period of time, for which an annual fee of one hundred twelve dollars
27 shall be paid.

1 § 404. On-premises beer license. 1. An on-premises beer license shall
2 authorize the holder thereof to:

3 (a) sell beer, wine products, braggot and cider at retail to be
4 consumed at the licensed premises;

5 (b) sell mead that has not been designated as wine under section one
6 hundred two of this chapter at retail to be consumed at the licensed
7 premises.

8 (c) conduct tastings of such alcoholic beverages at the licensed prem-
9 ises;

10 (d) purchase such alcoholic beverages from duly authorized licensed
11 wholesalers and manufacturers;

12 (e) sell beer, wine products, braggot and cider at retail to be
13 consumed away from the licensed premises; and

14 (f) sell mead that has not been designated as wine under section one
15 hundred two of this chapter at retail to be consumed away from the
16 licensed premises.

17 2. Premises with the following methods of operation shall be eligible
18 for an on-premises beer license:

19 (a) any premises eligible for an on-premises liquor license;

20 (b) a hotel or premises which is kept, used, maintained, advertised or
21 held out to the public to be a place where food is prepared and served
22 for consumption on the premises in such quantities as to satisfy the
23 authority that the sale of beer intended is incidental to and not the
24 prime source of revenue from the operation of such premises; and

25 (c) baseball parks, racetracks, and other athletic fields and stadia
26 where admission fees are charged, other than such parks, fields and
27 stadia which are operated and maintained by educational institutions.

1 3. Except as otherwise provided for in this section, on-premises beer
2 licenses shall be effective for three years at three times the annual
3 fee provided for in this section, provided that seasonal licenses shall
4 be effective for one year at the annual fee provided for in this
5 section.

6 4. (a) Except as otherwise provided in this subdivision, the annual
7 fee for an on-premises beer license shall be:

8 (i) three hundred twenty dollars in cities having a population of one
9 hundred thousand or more; and

10 (ii) one hundred sixty dollars elsewhere.

11 (b) Where the premises to be licensed remains open only within the
12 period commencing April first and ending October thirty-first of any one
13 year or only within the period commencing October first and ending the
14 following April thirtieth, the liquor authority, in its discretion, may
15 grant a summer or winter license effective only for such appropriate
16 period of time, for which an annual fee shall be:

17 (i) one hundred sixty dollars where the premises are located in cities
18 having a population of one hundred thousand or more; and

19 (ii) eighty dollars where such premises are located elsewhere.

20 (c) The annual fee for a retail on-premises beer license for a rail-
21 road shall be ninety-six dollars for each railroad car licensed.

22 (d) The annual fee for an on-premises beer license for a vessel, other
23 than one regularly and exclusively engaged in the business of carrying
24 passengers for hire, by charter or otherwise, for fishing purposes,
25 shall be one hundred sixty dollars for each vessel licensed.

26 (e) The annual fee for an on-premises beer license for a vessel regu-
27 larly and exclusively engaged in the business of carrying passengers for

1 hire, by charter or otherwise, for fishing purposes, shall be forty
2 dollars for each vessel licensed.

3 (f) The annual fee for an on-premises beer license for a baseball
4 park, racetrack or outdoor athletic field or stadium, shall be one
5 hundred ninety-two dollars.

6 § 405. Bottle club license. 1. A bottle club license shall authorize
7 the holder thereof to allow persons assembling on the premises to
8 consume alcoholic beverages on the premises which alcoholic beverages
9 are:

10 (a) provided by the licensee to such persons; or

11 (b) brought by such persons to the premises.

12 2. Purchase such alcoholic beverages from duly authorized licensed
13 wholesalers and manufacturers.

14 3. No such license shall be required for any premises:

15 (a) operated for profit or pecuniary gain with a capacity for the
16 assemblage of less than twenty persons; or

17 (b) not operated for profit or pecuniary gain.

18 4. The provisions of subdivision six of section four hundred two of
19 this article regarding the duration of and fee for an on-premises liquor
20 license shall apply to a bottle club license.

21 5. The liquor authority may make such rules as it deems necessary to
22 carry out the provisions of this section.

23 § 406. Restaurant-brewer's license. 1. A restaurant-brewer's license
24 shall authorize the holder thereof to:

25 (a) sell liquor, wine, beer, wine products and cider at retail to be
26 consumed at the licensed premises;

27 (b) sell beer, wine products and cider at retail to be consumed away
28 from the licensed premises;

1 (c) conduct tastings of such alcoholic beverages at the licensed prem-
2 ises;

3 (d) purchase such alcoholic beverages from duly authorized licensed
4 wholesalers and manufacturers;

5 (e) brew beer on the premises, and with respect to such beer:

6 (i) sell such beer at the licensed premises;

7 (ii) sell such beer, through a licensed beer wholesaler, to other
8 retail licensees where such other retail license is held by the same
9 person holding the restaurant-brewer license or such other retail
10 license is a commonly owned affiliate license;

11 (iii) sell no more than two thousand barrels of such beer, through a
12 licensed beer wholesaler, to other retail licensees where such other
13 retail license is not held by the same person holding the restaurant-
14 brewer license or such other retail license is not a commonly owned
15 affiliate license;

16 (iv) sell no more than two hundred fifty barrels of such beer, without
17 the use of a licensed beer wholesaler, to other retail licensees where
18 such other retail license is not held by the same person holding the
19 restaurant-brewer license or such other retail license is not a commonly
20 owned affiliate license;

21 (v) sell no more than two thousand barrels of such beer at retail to a
22 person for consumption in their home and at retail in bulk by the keg,
23 cask or barrel for consumption and not for resale; and

24 (vi) serve small samples of such beer at the premises, provided:

25 (A) each serving at such tasting shall be served only by the brewer or
26 their employee;

27 (B) such samples shall be limited to three ounces or less of a brand
28 of beer or malt beverage produced by the brewer;

1 (C) no consumer of legal age shall be provided or given more than two
2 servings of such brands offered for tasting; and

3 (D) the authority is authorized and directed to promulgate such rules
4 and regulations, as it deems necessary or appropriate to implement the
5 provisions of this subdivision to protect the health, safety and welfare
6 of the people of this state.

7 2. A license under this section may only be granted to a person who
8 regularly and in a bona fide manner operates a restaurant and brews beer
9 on the premises.

10 3. Not more than five licenses shall be granted to any person under
11 this section.

12 4. A person holding one or more licenses under this section may brew,
13 in the aggregate, no more than twenty thousand barrels of beer per year.

14 5. A restaurant brewer license shall run for a period of three years.

15 6. The fee for such license shall be:

16 (a) fifty-eight hundred fifty dollars in the counties of New York,
17 Kings, Bronx and Queens;

18 (b) forty-three hundred fifty dollars in the county of Richmond and in
19 cities having a population of more than one hundred thousand and less
20 than one million;

21 (c) thirty-six hundred dollars in cities having a population of more
22 than fifty thousand and less than one hundred thousand; and

23 (d) twenty-eight hundred fifty dollars elsewhere.

24 § 407. Off-premises catering establishment license. 1. An off-premises
25 catering establishment license shall authorize the holder thereof to:

26 (a) operate an off-premises catering establishment as defined in
27 section one hundred two of this chapter; and

1 (b) sell liquor, wine, beer, wine products, mead, braggot and cider at
2 retail to be consumed at sites remote from the licensed premises for
3 which the licensee has obtained a caterer's permit;

4 2. The provisions of subdivision six of section four hundred two of
5 this article regarding the duration of and fee for a catering establish-
6 ment license shall apply to an off-premises catering establishment
7 license.

8 § 408. Temporary retail permit for person applying for an on-premises
9 license. 1. A temporary retail permit issued to a person applying for an
10 on-premises license shall authorize:

11 (a) a transferee of a retail on-premises license to continue the oper-
12 ations at the retail premises during the period that the transfer appli-
13 cation for the license for such person at the same premises is pending
14 and to purchase and sell at retail such alcoholic beverages as would be
15 permitted to be purchased and sold under the privileges of the retail
16 license for which the transfer application has been filed; or

17 (b) an applicant for a new retail on-premises license in the case of
18 all other retail applications, to purchase and sell at retail such alco-
19 holic beverages as would be permitted to be purchased and sold under the
20 privileges of the license applied for.

21 2. Such a permit may be issued if all of the following conditions are
22 met:

23 (a) the applicant for the temporary permit shall have filed with the
24 authority an application for a retail license at such premises, together
25 with all required filing and license fees;

26 (b) the applicant shall have filed with the authority an application
27 for a temporary retail permit;

1 (c) in the case of a transfer application, the premises shall have
2 been operated under a retail license within thirty days of the date of
3 filing the application for a temporary permit; and

4 (d) at the time the permit is issued the current license, if any, in
5 effect for said premises shall have been surrendered to, placed into
6 safekeeping with, or otherwise deemed abandoned by the authority.

7 3. (a) A temporary retail permit under paragraph (b) of subdivision
8 one of this section may not be issued for any premises that is subject
9 to the five hundred foot law set forth in section three hundred four of
10 this chapter unless and until a recommendation that there be a finding
11 of public interest has been made by an administrative law judge pursuant
12 to the provisions of such five hundred foot law.

13 (b) Any premises granted a temporary retail permit pursuant to this
14 section in a city with a population of one million or more shall only be
15 allowed to operate on the premises under the following conditions:

16 (i) an active retail license shall have existed at the location within
17 the past two years, and such license shall not have been canceled,
18 suspended, or revoked by the authority within the past two years;

19 (ii) the closing time any day of the week shall be no later than
20 midnight;

21 (ii) the closing time of any outdoor space shall be no later than ten
22 o'clock post-meridian Sunday through Thursday and eleven o'clock post-
23 meridian Friday and Saturday;

24 (iv) no outdoor music;

25 (v) indoors shall have recorded background music only, with no live
26 music, disc jockeys, karaoke, or similar forms of music; and

27 (vi) no dancing.

1 (c) The authority shall automatically lift the restrictions imposed by
2 paragraph (b) of this subdivision if the authority issues a retail
3 license for the premises, and replace such restrictions with other
4 restrictions, if any, imposed by the authority in accordance with the
5 public interest standard.

6 (d) A notice for a five hundred foot law hearing shall also include
7 notification that a temporary retail permit may be issued to the prem-
8 ises by the authority after a recommendation that there be a finding of
9 public interest has been made in proceedings conducted pursuant to this
10 subdivision.

11 4. (a) A temporary retail permit issued pursuant to this section shall
12 be for a period not to exceed ninety days. A temporary permit may be
13 extended at the discretion of the authority for an additional thirty-day
14 period upon compliance with all conditions required in this section.

15 (b) The authority may, in its discretion, issue additional thirty day
16 extensions upon payment of the appropriate fee.

17 5. (a) The holder of a temporary retail permit shall purchase alcohol-
18 ic beverages only by payment in currency or check for such alcoholic
19 beverages on or before the day such alcoholic beverages are delivered.

20 (b) The holder of a temporary permit issued pursuant to this section
21 who also holds one or more retail licenses and is operating under such
22 retail license or licenses in addition to the temporary retail permit,
23 and who is not delinquent under the provisions of the terms of sale laws
24 of this chapter as to any retail license under which he operates, may
25 purchase alcoholic beverages on credit under the temporary permit.

26 6. (a) Notwithstanding any other provision of law, a temporary retail
27 permit may be summarily cancelled or suspended at any time if the

1 authority determines that good cause for such cancellation or suspension
2 exists.

3 (b) The authority shall promptly notify the holder of a temporary
4 retail permit in writing of such cancellation or suspension and shall
5 set forth the reasons for such action.

6 7. Approval of, or extension of, a temporary retail permit shall not
7 be deemed as an approval of the retail application.

8 8. Notwithstanding any inconsistent provision of law to the contrary,
9 the authority may promulgate such rules and regulations as may be neces-
10 sary to carry out the provisions of this section.

11 9. (a) The fee for a temporary retail permit for a person applying for
12 an on-premises license shall be:

13 (i) one hundred twenty-eight dollars for persons applying for an
14 on-premises beer license; and

15 (ii) six hundred forty dollars for persons applying for any other
16 on-premises licenses.

17 (b) The fee for a thirty day extension of such permit shall be:

18 (i) sixty-four dollars for persons applying for an on-premises beer
19 license;

20 (ii) ninety-six dollars for persons applying for any other on-premises
21 licenses.

22 (c) Notwithstanding any other provision of this chapter, the fees
23 provided for in this section shall be nonrefundable.

24 § 409. Hotel off-premises permit. 1. Where an on-premises license
25 shall be granted to a hotel situated in a town or village, the liquor
26 authority may in its discretion grant to such owner the right to sell
27 liquor and wine for off-premises consumption under the same terms and
28 conditions as such apply to an off-premises liquor license.

1 2. Such a permit shall not be granted if an off-premises liquor
2 license has been granted for premises located within eight miles of such
3 hotel.

4 3. The fee for such a permit shall be sixty-two dollars and fifty
5 cents.

6 § 410. Caterer's permit. 1. A permit under this section shall author-
7 ize a retail on-premises licensee furnishing provisions and service for
8 use at a particular indoor function, occasion or event in a hotel,
9 restaurant, club, ballroom or other premises to serve alcoholic beverage-
10 es at such function, occasion or event within the hours allowed for the
11 sale of alcoholic beverages in the county where the function, occasion
12 or event is held.

13 2. Such permit shall be effective for a period not to exceed twenty-
14 four consecutive hours.

15 3. Such a permit and the exercise of the privilege granted thereby may
16 be subjected to such rules by the liquor authority as it deems necessary
17 and such rules as are in conformity with the provisions of subdivision
18 two of this section.

19 4. Such a permit may also be issued for functions, occasions or events
20 at premises for which a summer license has been previously issued pursu-
21 ant to this chapter.

22 5. Except for good cause shown, the liquor authority shall issue such
23 a permit to the holder of a retail on-premises license for a club at its
24 premises if it is shown:

25 (a) that the club has not solicited the event, nor advertised such
26 affair in any manner as open to the public;

27 (b) that the alcoholic beverages shall be sold only to persons invited
28 to and attending such function, occasion or event; and

1 (c) that the particular function or event is to be held by:

2 (i) a sodality, an auxiliary or other organization affiliated with the
3 licensed club and other organizations not affiliated with a licensed
4 club, provided the function or event being held is in conjunction with
5 the use of the primary athletic or sports facilities of the licensed
6 club; or

7 (ii) a sodality or auxiliary organization affiliated with the licensed
8 club, or a particular charitable or non-profit function or event being
9 held by a charitable or non-profit organization and such organization
10 has one or more members who are also members of the club.

11 6. The liquor authority may issue such a permit to the holder of a
12 retail on-premises license for a club at its premises if the facts set
13 forth in the application establish to the satisfaction of the authority
14 that no other suitably licensed premises authorized to sell alcoholic
15 beverages to the public is available within a reasonable distance.

16 7. A caterer's permit will not be granted to the holder of a retail
17 on-premises license for a club for a function to be held off the club
18 premises except where such is exclusively for the use and benefit of the
19 club members only and is so restricted.

20 8. (a) Notwithstanding any other provision of this chapter or any rule
21 of the liquor authority, the liquor authority is hereby authorized to
22 issue to retail on-premises licensees furnishing provisions and services
23 for use at a particular indoor and/or outdoor function or occasion or
24 event to be held at a winery or farm winery, a caterer's permit effec-
25 tive for a period not to exceed twenty-four consecutive hours, which
26 shall authorize the service of alcoholic beverages at such function,
27 occasion or event within the hours allowed for the sale of alcoholic
28 beverages in the county where the function, occasion or event is held.

1 (b) The issuance of such caterer's permit shall in no way prohibit or
2 suspend the lawful operation of a winery or farm winery licensed under
3 this chapter.

4 (c) For purposes of this subdivision, both the permittee and the
5 winery or farm winery licensee shall be responsible for any violations
6 of this chapter or the rules of the authority occurring while the permit
7 is in effect. Liability under the provisions of sections 11-100 and
8 11-101 of the general obligations law shall accrue to both the permittee
9 and the winery or farm winery licensee.

10 9. The fee for a caterer's permit shall be thirty-eight dollars,
11 provided that no fee shall be charged to a licensed off-premises cater-
12 er.

13 10. Such a permit and the exercise of the privilege granted thereby
14 may be subjected to such rules by the liquor authority as it deems
15 necessary.

16 § 411. Permit to remain open during certain hours of the morning. 1. A
17 permit under this section shall authorize a retail on-premises licensee
18 to remain open on any weekday between the hours of four o'clock a.m., or
19 the closing hour prescribed in the county where the premises is located,
20 and eight o'clock a.m.

21 2. Such permits and the exercise of the privileges granted thereunder
22 may be subjected by the liquor authority to such rules as it may deem
23 necessary.

24 3. Notice of intent to apply for a permit pursuant to this section
25 must be sent to the local police department or, if there is no local
26 police department then to the county sheriff's office, and such notice
27 must also be sent to the local community board.

1 4. The fee for a permit to remain open during certain hours of the
2 morning shall be fifty-one dollars per day.

3 § 412. Permit to remain open during certain hours of the morning with-
4 in a trade area. 1. A permit under this section shall authorize a retail
5 on-premises licensee, whose premises are located within a trade area, a
6 permit to remain open on weekdays between the hours of four o'clock
7 a.m., or the closing hour prescribed in the county where the premises is
8 located, and eight o'clock a.m.

9 2. Such permits and the exercise of the privileges granted thereunder
10 may be subjected by the liquor authority to such rules as it may deem
11 necessary.

12 3. Notice of intent to apply for a permit pursuant to this section
13 must be sent to the local police department or, if there is no local
14 police department then to the county sheriff's office, and such notice
15 must also be sent to the local community board.

16 4. The annual fee for a permit to remain open during certain hours of
17 the morning within a trade area shall be two hundred fifty-six dollars.

18 § 413. Permit for sale of alcoholic beverages at the New York state
19 fair. 1. A permit under this section shall authorize the sale of alco-
20 holic beverages for consumption upon the premises known as the New York
21 state fairgrounds during the annual New York state fair for the calendar
22 year such permit is issued.

23 2. Such permit can be issued to:

24 (a) the holder of a concessionaire's license issued by the division of
25 the New York state fair within the department of agriculture and
26 markets; and

27 (b) the holder of a retail on-premises license for a premises located
28 on the New York state fairgrounds.

1 3. Such a permit shall also allow the holder thereof to store alcohol-
2 ic beverages upon the New York state fairgrounds, in areas designated by
3 the concessionaire's license, during the seven days immediately preced-
4 ing and the seven days immediately following the state fair for which
5 the permit has been issued.

6 4. Such permit holder must display its permit at all locations as
7 authorized by the concessionaire's license and the authority.

8 5. The holder of an on-premises license issued for a premises located
9 upon the New York state fairgrounds may exercise the privileges of a
10 permit issued under this section without the need to obtain such permit,
11 provided, that the licensee may only sell such alcoholic beverages as
12 may be sold under the terms of its license.

13 6. The exercise of the privileges of a permit under this section shall
14 be subject to:

15 (a) such rules of the liquor authority as it deems necessary; and

16 (b) the provisions of a concessionaire's agreement between the permit
17 holder or licensee and the division of the New York state fair within
18 the department of agriculture and markets.

19 7. The fee for a permit for the sale of alcoholic beverages at the New
20 York state fair shall be two hundred sixty dollars.

21 § 414. Sunday on-premises sales permit. 1. A permit issued under this
22 section shall authorize a retail on-premises licensee to sell alcoholic
23 beverages for consumption on the premises on Sunday between the hours of
24 eight o'clock a.m. and ten o'clock a.m.

25 2. (a) A permit under this section shall be issued for one calendar
26 day.

27 (b) No more than twelve permits under this section may be issued to
28 the same licensee in any calendar year.

1 3. An applicant for a permit under this section shall provide notice
2 to the local municipality of such application in the same manner as
3 provided for in this chapter for an application for an on-premises
4 license.

5 4. A permit under this section shall not be available for any licensed
6 premises located in a city with a population of one million or more.

7 5. Such permit and the exercise of the privileges granted thereunder
8 shall be subject to such rules that the authority may deem necessary.

9 6. The fee for a Sunday on-premises sales permit shall be twenty-five
10 dollars.

11 § 415. Temporary beer and wine permit. 1. A temporary beer and wine
12 permit shall authorize the holder thereof to sell beer and wine manufac-
13 tured in New York state at outdoor or indoor gatherings, functions,
14 occasions or events, within the hours allowed for on-premises sale of
15 alcoholic beverages in the county where the event shall take place.

16 2. Such permit shall be effective for a period not to exceed twenty-
17 four consecutive hours.

18 3. (a) Notwithstanding any other provision of any other law to the
19 contrary, an applicant, other than a not-for-profit organization as
20 defined in section one hundred seventy-nine-q of the state finance law,
21 shall not be issued a permit for an event to take place upon any premise
22 for which the authority:

23 (i) has issued any license; or

24 (ii) has issued a permit under this section more than four times with-
25 in any one-year period.

26 (b) The authority may, in its sole discretion, issue additional single
27 permits if it shall determine upon the issuance of each that:

1 (i) the application for such permit is not an attempt to circumvent
2 licensing provisions of this chapter; and

3 (ii) the issuance of such permit would not be a detriment to the
4 community or the surrounding neighborhood as such shall be determined by
5 the authority after consultation with municipal authorities and police
6 agencies and community boards for the purpose of reviewing community or
7 neighborhood or police agency complaints, or violations of state or
8 local laws.

9 4. The liquor authority may make such rules as shall be appropriate to
10 carry out the purpose of this section.

11 5. The fee for a temporary beer and wine permit shall be twenty-six
12 dollars.

13 § 416. Restrictions on locations for on-premises liquor and on-premis-
14 es wine licenses. 1. An on-premises liquor license, restaurant-brewer
15 license and bottle club license shall be subject to the provisions of
16 the two hundred foot law and five hundred foot law as set forth in arti-
17 cle three of this chapter.

18 2. (a) No restaurant and no food and drinking establishment licensed
19 to sell liquor and/or wine for on-premises consumption shall be permit-
20 ted to have any opening or means of entrance or passageway for persons
21 or things between the licensed premises and any other room or place in
22 the building containing the licensed premises, or any adjoining or abut-
23 ting premises.

24 (b) The provisions of paragraph (a) of this subdivision shall not
25 apply if:

26 (i) such premises is in a building used as a hotel and serves as a
27 dining room for guests of such hotel;

1 (ii) such premises is a bona fide restaurant with such access for
2 patrons and guests from any part of such building or adjoining or abut-
3 ting premises as shall serve public convenience in a reasonable and
4 suitable manner; or

5 (iii) such premises is in a building owned or operated by any county,
6 town, city, village or public authority or agency, in a park or other
7 similar place of public accommodation.

8 3. All glass in any window or door of a restaurant or food and drink-
9 ing establishment licensed to sell liquor and/or wine for on-premises
10 consumption shall be clear and shall not be opaque, colored, stained or
11 frosted.

12 § 417. Bars for on-premises licensees. 1. Retail on-premises licensees
13 may only sell alcoholic beverages from a bar, counter or similar contri-
14 vance.

15 2. Except as provided in this section, only one such bar, counter or
16 contrivance shall be permitted in any licensed premises.

17 3. For good cause shown, the liquor authority may allow a retail
18 on-premises licensee to have no more than two additional bars, counters
19 or contrivances upon payment of the fee required by this chapter.

20 4. If the licensed premises is a legitimate theatre or concert hall,
21 or contiguous to and used in conjunction with a legitimate theatre or
22 concert hall, additional bars, counters or contrivances may be permitted
23 by the liquor authority upon payment of the annual fee required by this
24 chapter.

25 5. If such licensed premises is located at a baseball park, racetrack,
26 or an outdoor or indoor athletic field, facility, arena or stadium,
27 additional bars, counters or contrivances where beer shall be sold at

1 retail for consumption on the premises may be permitted by the liquor
2 authority upon payment of the annual fee required by this chapter.

3 6. Temporary portable bars, counters or contrivances shall be permit-
4 ted in a ballroom, meeting room or private dining-room on the licensed
5 premises of a hotel, restaurant or club during such time as said ball-
6 room, meeting room or private dining-room is used for a private dinner,
7 entertainment, meeting or similar affair to which members of the general
8 public are not admitted.

9 7. At race meetings authorized by the state gaming commission, addi-
10 tional bars, counters or contrivances may be permitted by the liquor
11 authority upon payment of the fee required by this chapter.

12 8. For premises with an on-premises license having a capacity for one
13 thousand or more persons, the liquor authority may permit additional
14 bars, counters, or similar contrivances in such numbers as the authority
15 may determine in the exercise of its discretion.

16 9. (a) Except as otherwise provided for in this section, the annual
17 fee for each additional bar, counter or contrivance shall be equivalent
18 to the amount of the annual license fee paid by the licensee.

19 (b) In the case of an additional bar, counter or contrivance operated
20 on a seasonal basis, the annual fee shall be equivalent to the amount of
21 the annual license fee paid by the licensee prorated for the number of
22 months that the seasonal bar is in operation.

23 (c) In the case of a premises licensed as a legitimate theatre or
24 concert hall, or a premises contiguous to and used in conjunction with a
25 legitimate theatre or concert hall, the annual fee for each such addi-
26 tional bar, counter or contrivance so permitted shall be one hundred
27 dollars.

1 (d) In the case of a baseball park, racetrack, or an outdoor or indoor
2 athletic field, facility, arena or stadium, the annual fee for each
3 additional bar, counter or contrivance so permitted where beer shall be
4 sold at retail for consumption on the premises shall be thirty dollars.

5 (e) In the case of a race meeting authorized by the state gaming
6 commission, the annual fee for each such additional bar, counter or
7 contrivance shall be the equivalent of the annual fee paid by the licen-
8 see for the annual or summer license.

9 § 418. Sale of wine for off-premises consumption by restaurants. 1. A
10 restaurant with an on-premises liquor, on-premises wine or restaurant-
11 brewer license may permit a patron to remove one unsealed bottle of wine
12 for off-premises consumption, provided that the patron has purchased a
13 full course meal, as defined in section one hundred two of this chapter,
14 and consumed a portion of the bottle of wine with such meal on the
15 restaurant premises.

16 2. A partially consumed bottle of wine that is to be removed from the
17 premises pursuant to this subdivision shall be securely sealed by the
18 licensee or an agent of the licensee prior to removal from the premises,
19 in a bag such that it is visibly apparent that such resealed bottle of
20 wine has not been tampered with.

21 3. Such licensee or agent of the licensee shall provide a dated
22 receipt for the bottle of wine to the patron.

23 ARTICLE 5

24 RETAIL OFF-PREMISES LICENSE AND PERMIT CLASSES

25 Section 501. Retail off-premises license and permit classes.

26 502. Off-premises liquor license.

- 1 503. Off-premises wine license.
- 2 504. Roadside farm market.
- 3 505. Off-premises beer and wine products license.
- 4 506. Off-premises beer license.
- 5 507. Beer vendor's license.
- 6 508. Temporary retail permit for a person applying for an off-
- 7 premises license.
- 8 509. Permit to sell privately held wines and liquors at auction.
- 9 510. Restrictions on locations for off-premises liquor and off-
- 10 premises wine licenses.

11 § 501. Retail off-premises license and permit classes. 1. The follow-

12 ing classes of licenses and permits may be issued for the sale of alco-

13 holic beverages off the premises:

- 14 (a) Off-premises liquor license.
- 15 (b) Off-premises wine license.
- 16 (c) Roadside farm market license.
- 17 (d) Off-premises beer and wine products license.
- 18 (e) Off-premises beer license.
- 19 (f) Beer vendor's license.
- 20 (g) Temporary retail permit for person applying for an off-premises
- 21 license.
- 22 (h) Permit to sell privately held wines and liquors at auction.

23 2. Such licenses and permits shall be exercised in accordance with the

24 terms and conditions thereof.

25 3. Except as otherwise provided for in this chapter, no person shall

26 engage in any of such activities without having first obtained the

27 appropriate license or permit as required by this article.

1 § 502. Off-premises liquor license. 1. An off-premises liquor license
2 shall authorize the holder thereof to:

3 (a) sell liquor, wine, wine products, mead and cider at retail to be
4 consumed away from the licensed premises;

5 (b) conduct tastings of such alcoholic beverages at the licensed prem-
6 ises; or

7 (c) purchase such alcoholic beverages from duly authorized licensed
8 wholesalers and manufacturers.

9 2. Not more than one license shall be granted to any person under this
10 section.

11 3. An off-premises liquor license shall be effective for three years
12 at three times the annual fee provided for in this section.

13 4. The annual fee for a retail off-premises liquor license shall be:

14 (a) thirteen hundred sixty-six dollars in the counties of New York,
15 Kings, Bronx and Queens;

16 (b) eight hundred fifty-four dollars in the county of Richmond and in
17 cities having a population of more than one hundred thousand and less
18 than one million; and

19 (c) five hundred twelve dollars elsewhere.

20 § 503. Off-premises wine license. 1. An off-premises wine license
21 shall authorize the holder thereof to:

22 (a) sell wine, wine products, mead and cider at retail to be consumed
23 away from the licensed premises;

24 (b) conduct tastings of such alcoholic beverages at the licensed prem-
25 ises; or

26 (c) purchase such alcoholic beverages from duly authorized licensed
27 wholesalers and manufacturers.

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

3 3. An off-premises wine license shall be effective for three years at
4 three times the annual fee provided for in this section.

5 4. The annual fee for a retail off-premises wine license shall be:

6 (a) six hundred forty dollars in cities having a population of one
7 million or more;

8 (b) three hundred twenty dollars in cities having a population of less
9 than one million but more than one hundred thousand; and

10 (c) one hundred forty-five dollars elsewhere.

11 § 504. Roadside farm market. 1. A roadside farm market license shall
12 authorize a person owning or operating a roadside farm market, as
13 defined in section one hundred two of this chapter, to:

14 (a) sell wine manufactured or produced by up to two duly licensed farm
15 wineries, special wineries or micro-wineries that are located within
16 twenty miles of the roadside farm market by the bottle for off-premises
17 consumption, provided that such market's owner, operator or represen-
18 tative shall be present at all times during which wine is being offered
19 for sale; or

20 (b) purchase such alcoholic beverages from duly authorized licensed
21 wholesalers and manufacturers.

22 2. Such market shall be allowed to keep on the premises no more than
23 twenty cases of such wine, provided that the wine is kept segregated in
24 a safe and secure location when such market is closed for business.

25 3. The sale of wine pursuant to this section shall occur only within
26 the hours allowed under this chapter and in the county where the market
27 is located for the sale of wine for off-premises consumption.

1 4. Notwithstanding any other provision of this chapter, no wine tast-
2 ings shall be conducted at a premises with a roadside farm market.

3 5. The liquor authority, in consultation with the department of agri-
4 culture and markets, shall promulgate any rules and regulations neces-
5 sary to implement the provisions of this section.

6 6. A roadside farm market license shall be effective for one year and
7 the annual fee for a roadside farm market license shall be one hundred
8 dollars.

9 § 505. Off-premises beer and wine products license. 1. An off-premises
10 beer and wine products license shall authorize the holder thereof to:

11 (a) sell beer, wine products, braggot and cider at retail to be
12 consumed away from the licensed premises;

13 (b) sell mead that has not been designated as wine under section one
14 hundred two of this chapter at retail to be consumed away from the
15 licensed premises;

16 (c) conduct tastings of such alcoholic beverages at the licensed prem-
17 ises; or

18 (d) purchase such alcoholic beverages from duly authorized licensed
19 wholesalers and manufacturers.

20 2. Premises with the following methods of operation shall be eligible
21 for an off-premises beer and wine products license:

22 (a) a grocery store, as defined in section one hundred two of this
23 chapter;

24 (b) a drug store, as defined in section one hundred two of this chap-
25 ter; and

26 (c) a duly licensed supply ship operating in harbors in Lake Erie.

1 3. An off-premises beer and wine products license shall be effective
2 for three years at three times the annual fee provided for in this
3 section.

4 4. (a) The annual fee for an off-premises beer and wine products
5 license shall be one hundred ninety-eight dollars.

6 (b) If the person holds two or more such licenses, the annual fee for
7 each additional license thereafter issued to such person shall be three
8 hundred fifty-two dollars.

9 § 506. Off-premises beer license. 1. An off-premises beer license
10 shall authorize the holder thereof to:

11 (a) sell beer, braggot and cider at retail to be consumed away from
12 the licensed premises;

13 (b) sell mead that has not been designated as wine under section one
14 hundred two of this chapter at retail to be consumed away from the
15 licensed premises;

16 (c) conduct tastings of such alcoholic beverages at the licensed prem-
17 ises; or

18 (d) purchase such alcoholic beverages from duly authorized licensed
19 wholesalers and manufacturers.

20 2. Premises with the following methods of operation shall be eligible
21 for an off-premises beer license:

22 (a) a grocery store, as defined in section one hundred two of this
23 chapter;

24 (b) a drug store, as defined in section one hundred two of this chap-
25 ter; and

26 (c) a duly licensed supply ship operating in harbors in Lake Erie.

27 3. An off-premises beer license shall be effective for three years at
28 three times the annual fee provided for in this section.

1 4. (a) The annual fee for an off-premises beer license shall be one
2 hundred ten dollars.

3 (b) If the person holds two or more such licenses, the annual fee for
4 each additional license thereafter issued to such person shall be double
5 the amount hereinabove set forth.

6 (c) An off-premises beer license for a vessel regularly and exclusive-
7 ly engaged as a duly licensed supply ship in furnishing supplies to
8 other vessels, shall be eighty dollars.

9 § 507. Beer vendor's license. 1. A beer vendor's license shall author-
10 ize the holder thereof to:

11 (a) sell beer, braggot and cider at retail to be delivered to a person
12 for consumption at their residence;

13 (b) sell mead that has not been designated as wine under section one
14 hundred two of this chapter to be delivered to a person for consumption
15 at their residence; and

16 (c) purchase such alcoholic beverages from duly authorized licensed
17 wholesalers and manufacturers.

18 2. A beer vendor may operate only one vehicle for the delivery of such
19 beer and cider.

20 3. A license under this section may only be issued for premises in
21 cities having a population of one million or more.

22 4. A beer vendor's license shall be effective for three years at three
23 times the annual fee provided for in this section.

24 5. The annual fee for a beer vendor's license shall be one hundred
25 forty-four dollars.

26 § 508. Temporary retail permit for a person applying for an off-prem-
27 ises license. 1. A temporary retail permit issued to a person applying
28 for an off-premises license shall authorize:

1 (a) a transferee of a retail off-premises license to continue the
2 operations at the retail premises during the period that the transfer
3 application for the license for such person at the same premises is
4 pending and to purchase and sell at retail such alcoholic beverages as
5 would be permitted to be purchased and sold under the privileges of the
6 retail license for which the transfer application has been filed; or

7 (b) an applicant for a new retail license in the case of all other
8 retail applications, to purchase and sell at retail such alcoholic
9 beverages as would be permitted to be purchased and sold under the priv-
10 ileges of the license applied for;

11 2. Such a permit may be issued if all of the following conditions are
12 met:

13 (a) the applicant for the temporary permit shall have filed with the
14 authority an application for a retail license at such premises, together
15 with all required filing and license fees;

16 (b) the applicant shall have filed with the authority an application
17 for a temporary retail permit;

18 (c) in the case of a transfer application, the premises shall have
19 been operated under a retail license within thirty days of the date of
20 filing the application for a temporary permit; and

21 (d) at the time the permit is issued the current license, if any, in
22 effect for said premises shall have been surrendered to, placed into
23 safekeeping with, or otherwise deemed abandoned by the authority.

24 3. A temporary retail permit under paragraph (b) of subdivision one of
25 this section may not be issued to a person applying for a retail off-
26 premises liquor license or retail off-premises wine license.

27 4. (a) A temporary retail permit issued pursuant to this section shall
28 be for a period not to exceed ninety days. A temporary permit may be

1 extended at the discretion of the authority, for an additional thirty
2 day period upon payment of the fee provided for in this chapter and
3 compliance with all conditions required in this section.

4 (b) The authority may, in its discretion, issue additional thirty day
5 extensions upon payment of the appropriate fee.

6 5. (a) The holder of a temporary retail permit shall purchase alcohol-
7 ic beverages only by payment in currency or check for such alcoholic
8 beverages on or before the day such alcoholic beverages are delivered.

9 (b) The holder of a temporary permit issued pursuant to this section
10 who also holds one or more retail licenses and is operating under such
11 retail license or licenses in addition to the temporary retail permit,
12 and who is not delinquent under the provisions of the terms of sale laws
13 of this chapter as to any retail license under which they operate, may
14 purchase alcoholic beverages on credit under the temporary permit.

15 6. (a) Notwithstanding any other provision of law, a temporary retail
16 permit may be summarily cancelled or suspended at any time if the
17 authority determines that good cause for such cancellation or suspension
18 exists.

19 (b) The authority shall promptly notify the holder of a temporary
20 retail permit in writing of such cancellation or suspension and shall
21 set forth the reasons for such action.

22 7. Approval of, or extension of, a temporary retail permit shall not
23 be deemed as an approval of the retail application.

24 8. Notwithstanding any inconsistent provision of law to the contrary,
25 the authority may promulgate such rules and regulations as may be neces-
26 sary to carry out the provisions of this section.

27 9. (a) The fee for a temporary retail permit for a person applying for
28 an off-premises license shall be:

1 (i) one hundred twenty-eight dollars for persons applying for an off-
2 premises beer license; and

3 (ii) six hundred forty dollars for persons applying for any other
4 off-premises licenses.

5 (b) The fee for a thirty day extension of such permit shall be:

6 (i) sixty-four dollars for persons applying for an off-premises beer
7 license; and

8 (ii) ninety-six dollars for persons applying for any other off-premis-
9 es licenses.

10 (c) Notwithstanding any other provision of this chapter, the fees
11 provided for in this section shall be nonrefundable.

12 § 509. Permit to sell privately held wines and liquors at auction. 1.
13 A permit under this section shall allow for the sale of wine and/or
14 liquor legally owned by non-licensed persons through a person holding a
15 retail off-premises liquor license (in the case of liquor and/or wine)
16 or a retail off-premises license (in the case of wine), by means of an
17 auction conducted by such licensee.

18 2. Such permit shall be issued to the retail licensee, provided that
19 the licensee has held such license for a period of ten years.

20 3. The licensee conducting such auction shall ensure that each bottle
21 of wine and/or liquor sold from a private collection has a permanently
22 affixed label stating that the wine and/or liquor were acquired from a
23 private collection.

24 4. Such permit shall be in addition to any permit requirements imposed
25 by local law, ordinance or resolution by any municipality in which the
26 auctioneer seeks to operate.

27 5. (a) A permit under this section shall be issued for a calendar
28 year.

1 (b) A wine and liquor auction permit shall allow the holder to conduct
2 twenty-four auctions of wine and/or liquor during the period the permit
3 shall be in effect.

4 6. (a) A person owning, controlling or possessing wines and/or liquors
5 may ship the wines and/or liquors from within or without New York state
6 to a licensee holding such a permit;

7 (b) Although the wines and/or liquors to be offered at auction may not
8 be owned by the permit holder, upon receipt of the wines and/or liquors
9 the permit holder shall be responsible for the storage and warehousing
10 of the wines and/or liquors, as well as be responsible for the delivery
11 of the wines and/or liquors to the purchasers at auction and shall be
12 responsible for the payment of all applicable state and local taxes.

13 7. Notwithstanding any other provision of this chapter, and provided
14 that each bottle is labelled in accordance with the provisions of subdi-
15 vision three of this section:

16 (a) any person authorized to sell wine at wholesale or retail may
17 purchase any wine offered at an auction conducted pursuant to this
18 section and may resell any wine so purchased in accordance with the
19 terms of their license; and

20 (b) any person authorized to sell liquor at wholesale or retail may
21 purchase any liquor offered at an auction conducted pursuant to this
22 section and may resell any liquor so purchased in accordance with the
23 terms of their license.

24 8. A licensee holding such a permit shall be permitted to hold wine
25 tastings at auctions at which wine is offered and to hold liquor tast-
26 ings at auctions at which liquor is offered, on the premises of any
27 location approved by the authority for conducting an auction.

1 9. A permit holder shall be subject to all restrictions, regulations,
2 and provisions heretofore set forth in the appropriate sections of this
3 chapter governing the sale of wine or liquor for off-premises consump-
4 tion, provided those provisions are not inconsistent with the provisions
5 created pursuant to this section.

6 10. The authority shall adopt any rules consistent with and in furth-
7 erance of the implementation of this section.

8 11. The annual fee for a permit to sell privately held wines and
9 liquors at auction therefor shall be thirty-two hundred dollars.

10 § 510. Restrictions on locations for off-premises liquor and off-prem-
11 ises wine licenses. 1. An off-premises liquor and off-premises wine
12 license shall be subject to the provisions of the two hundred foot law
13 as set forth in article three of this chapter.

14 2. (a) No premises shall be issued an off-premises liquor or off-prem-
15 ises wine license unless said premises shall be located in a store, the
16 principal entrance to which shall be from the street level and located
17 on a public thoroughfare in premises which may be occupied, operated or
18 conducted for business, trade or industry or on an arcade or sub-surface
19 thoroughfare leading to a railroad terminal.

20 (b) There may be not more than one additional entrance, which shall be
21 from the street level and located on and giving access to and from a
22 public or private parking lot or parking area having space for not less
23 than five automobiles.

24 3. (a) No off-premises liquor or off-premises wine license shall be
25 granted for any public billiard or pocket billiard room, or for estab-
26 lishments of any description in which billiards is played or which main-
27 tains any apparatus or paraphernalia for the playing of billiards or

1 pocket billiards and is conducted as a public place of business for
2 profit.

3 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
4 sion, a license may be issued to an establishment wherein billiards or
5 pocket billiards are played or may be played, provided:

6 (i) the billiard table measures not more than three feet by six feet;

7 (ii) not more than two such tables are in the establishment at any one
8 time; and

9 (iii) the cue sticks used, and available for use, are made of light
10 plexiglass or some similar light material.

11 4. (a) Except as provided for in paragraph (b) of this subdivision, no
12 holder of an off-premises liquor license or off-premises wine license
13 shall be engaged in any other business on the licensed premises.

14 (b) The following activities shall not constitute a violation of this
15 subdivision:

16 (i) the sale of lottery tickets, when duly authorized and lawfully
17 conducted;

18 (ii) the sale of reusable bags as defined in section 27-2801 of the
19 environmental conservation law;

20 (iii) the sale of corkscrews;

21 (iv) the sale of ice;

22 (v) the sale of publications, including pre-recorded video and/or
23 audio cassette tapes or educational seminars, designed to help educate
24 consumers in their knowledge and appreciation of alcoholic beverages
25 that can be sold by the licensee;

26 (vi) the sale of non-carbonated, non-flavored mineral waters, spring
27 waters and drinking waters;

28 (vii) the sale of glasses designed for the consumption of wine;

- 1 (viii) the sale of racks designed for the storage of wine;
2 (ix) the sale of devices designed to minimize oxidation in bottles of
3 wine which have been uncorked; or
4 (x) the sale of gift bags, gift boxes, or wrapping, for alcoholic
5 beverages purchased at the licensed premises.
- 6 (c) (i) Any fee obtained from the sale of an educational seminar
7 authorized under paragraph (b) of this subdivision shall not be consid-
8 ered a fee for any tasting that may be offered during an educational
9 seminar.
- 10 (ii) Such tastings shall be available to persons who have not paid to
11 attend the seminar.

12 ARTICLE 6

13 WHOLESALE LICENSES AND PERMITS

- 14 Section 601. Types of wholesale licenses and permits.
- 15 602. Importer's license.
- 16 603. Liquor wholesaler's license.
- 17 604. Wine wholesaler's license.
- 18 605. Beer wholesaler's license.
- 19 606. Cider wholesaler's license.
- 20 607. Restrictions on other businesses at a premises with a
21 wholesale license.
- 22 608. Beer wholesaler's cider permit.
- 23 609. Solicitor's permit.
- 24 610. Temporary solicitor's permit.
- 25 611. Broker's permit.
- 26 612. Tasting permit for wine wholesalers.

1 613. Cider wholesaler's tasting and off-premises sale permit.

2 614. Certificate to sell wine for sacramental purposes.

3 615. Beer wholesaler temporary beer and wine permit.

4 § 601. Types of wholesale licenses and permits. 1. The following types
5 of licenses and permits may be issued relating to the wholesale distrib-
6 ution of alcoholic beverages:

7 (a) Importer's license.

8 (b) Liquor wholesaler's license.

9 (c) Wine wholesaler's license.

10 (d) Beer wholesaler's license.

11 (e) Cider wholesaler's license.

12 (f) Beer wholesaler's cider permit.

13 (g) Solicitor's permit.

14 (h) Temporary solicitor's permit.

15 (i) Broker's permit.

16 (j) Tasting permit for wine wholesalers.

17 (k) Cider wholesaler's tasting and off-premises sale permit.

18 (l) Certificate to sell wine for sacramental purposes.

19 (m) Beer wholesaler temporary beer and wine permit.

20 2. Such licenses and permits shall be exercised in accordance with the
21 terms and conditions thereof.

22 3. Except as otherwise provided for in this chapter, no person shall
23 engage in any of such activities without having obtained the appropriate
24 license or permit as required by this article.

25 § 602. Importer's license. 1. An importer's license shall authorize
26 the holder thereof to import alcoholic beverages into this state and

1 sell such alcoholic beverages to licensed wholesalers authorized to sell
2 such alcoholic beverages.

3 2. An importer's license shall be effective for three years at three
4 times the annual fee provided for in this section.

5 3. The annual fee for an importer's license shall be one hundred twen-
6 ty-five dollars.

7 § 603. Liquor wholesaler's license. 1. A liquor wholesaler's license
8 shall authorize the holder thereof to:

9 (a) Sell liquor, wine, wine products and mead at wholesale to duly
10 licensed wholesalers, retailers and permittees in this state.

11 (b) Sell liquor and wine in bulk to a licensed rectifier or to a
12 permittee engaged in the manufacture of products which are unfit for
13 beverage use, for use in the manufacture of products produced and sold
14 by such rectifier or permittee.

15 (c) Sell or deliver liquor, wine, wine products and mead to persons
16 outside the state pursuant to the laws of the place of such sale or
17 delivery.

18 2. A liquor wholesaler's license shall also authorize the holder ther-
19 eof to:

20 (a) conduct tastings of liquor it sells at wholesale at a premises
21 with an off-premises liquor license;

22 (b) conduct tastings of wine, wine products and mead it sells at
23 wholesale at the licensed premises.

24 3. A liquor wholesaler's license shall be effective for three years at
25 three times the annual fee provided for in this section.

26 4. The annual fee for a license to sell liquor at wholesale shall be
27 sixty-four hundred dollars.

1 § 604. Wine wholesaler's license. 1. A wine wholesaler's license shall
2 authorize the holder thereof to:

3 (a) sell wine, wine products and mead at wholesale to duly licensed
4 wholesalers, retailers and permittees in this state;

5 (b) sell wine in bulk to a licensed rectifier or to a permittee
6 engaged in the manufacture of products which are unfit for beverage use,
7 for use in the manufacture of products produced and sold by such recti-
8 fier or permittee; or

9 (c) sell wine, wine products and mead to persons outside the state
10 pursuant to the laws of the place of such sale or delivery.

11 2. A wine wholesaler's license shall authorize the holder thereof to
12 conduct tastings of wine, wine products and mead it sells at wholesale
13 at the licensed premises.

14 3. A wine wholesaler's license shall be effective for one year.

15 4. The annual fee for a license to sell wine at wholesale shall be
16 eight hundred dollars.

17 § 605. Beer wholesaler's license. 1. A beer wholesaler's license shall
18 authorize the holder thereof to:

19 (a) sell beer, wine products and braggot at wholesale to duly licensed
20 wholesalers, retailers and permittees in this state.

21 (b) sell or deliver beer, wine products and braggot to persons outside
22 the state pursuant to the laws of the place of such sale or delivery.

23 2. A beer wholesaler's license issued or renewed prior to July first,
24 nineteen hundred sixty, and thereafter renewed or transferred, shall
25 authorize the holder thereof to sell beer at retail to a person for
26 consumption in their home.

1 3. A beer wholesaler's license issued to a brewer or to the wholly-
2 owned subsidiary of a brewer shall authorize the holder thereof to sell
3 beer at retail to a person for consumption in their home.

4 4. A beer wholesaler's license shall be effective for one year.

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

7 § 606. Cider wholesaler's license. 1. A cider wholesaler's license
8 shall authorize the holder thereof to:

9 (a) sell cider at wholesale to duly licensed wholesalers, retailers
10 and permittees in this state.

11 (b) sell or deliver cider to persons outside the state pursuant to the
12 laws of the place of such sale or delivery.

13 2. A cider wholesaler's license shall also authorize the holder there-
14 of to:

15 (a) conduct cider tastings of New York state labelled ciders in prem-
16 ises with either a retail off-premises liquor license or a retail
17 on-premises liquor license.

18 (i) The wholesaler may charge a fee of not more than twenty-five cents
19 for each cider tasting.

20 (ii) The authority shall promulgate rules and regulations relating to
21 the conduct of such tastings.

22 (b) sell New York state labelled ciders for off-premises consumption
23 during tastings conducted in premises with a retail on-premises liquor
24 license.

25 3. A cider wholesaler's license shall be effective for one year.

26 4. The annual fee for a cider wholesaler's license shall be one
27 hundred twenty-five dollars.

1 § 607. Restrictions on other businesses at a premises with a wholesale
2 license. 1. Except as provided for in this section and otherwise in
3 this chapter, no licensed wholesaler shall be engaged in any other busi-
4 ness on the premises to be licensed.

5 2. A beer wholesaler shall be allowed to conduct the following activ-
6 ities at its licensed premises:

7 (a) acquiring, storing or selling non-alcoholic snack foods, as
8 defined in section one hundred two of this chapter;

9 (b) manufacturing, bottling, storing, or selling non-alcoholic carbo-
10 nated beverages;

11 (c) manufacturing, storing or selling non-alcoholic non-carbonated
12 soft drinks, mineral waters, spring waters, drinking water, non-taxable
13 malt or cereal beverages, juice drinks, fruit or vegetable juices, ice,
14 liquid beverage mixes and dry or frozen beverage mixes; and

15 (d) the sale of promotional items, as defined in section one hundred
16 two of this chapter, provided that the sale or distribution of promo-
17 tional items shall be incidental to the licensee's sale of alcoholic
18 beverages and all promotional items shall be properly invoiced.

19 3. A beer wholesaler who is authorized under this chapter to sell beer
20 at retail at the licensed premises shall also be allowed to conduct the
21 following activities at its licensed premises:

22 (a) the sale of:

23 (i) tobacco products;

24 (ii) candy;

25 (iii) chewing gum and cough drops;

26 (iv) non-refrigerated salsa;

27 (v) cigarette lighters, lighter fluid, matches and ashtrays;

1 (vi) barbecue and picnic-related products and supplies, which shall
2 include, but not be limited to, charcoal, grills, propane gas, plastic
3 and paper cups, paper or plastic tablecloths and coolers;

4 (vii) beer making and brewing supplies and publications, which shall
5 include, but not be limited to, books, magazines, equipment and ingredi-
6 ents;

7 (viii) steins, mugs and other glassware appropriate for the consump-
8 tion of beer, malt beverages and wine products;

9 (ix) items typically used to serve beer and malt beverages including,
10 but not limited to, taps, kegerators, koozies and beer socks;

11 (x) lemons, limes and oranges, provided that no more than two dozen of
12 each shall be displayed at any one time;

13 (xi) rock salt, ice and snow melting compounds, snow shovels;

14 (xii) windshield washer solvent;

15 (xiii) firewood;

16 (xiv) beach umbrellas;

17 (xv) sunglasses and sun block; and

18 (xvi) prepaid telephone cards; and

19 (b) the installation and operation of a single automated teller
20 machine, as defined in section one hundred two of this chapter.

21 4. A liquor or wine wholesaler shall be allowed to acquire or sell
22 wine merchandise, as defined in section one hundred two of this chapter,
23 at its licensed premises.

24 § 608. Beer wholesaler's cider permit. 1. A permit under this section
25 shall authorize the holder of a beer wholesaler's license to:

26 (a) sell cider at wholesale to duly licensed beer, wine and liquor
27 retailers and to other holders of licenses under this chapter;

1 (b) sell and deliver cider to persons outside the state pursuant to
2 the laws of the place of such delivery.

3 2. The provisions of this chapter related to the sale of cider by
4 wholesale shall apply to permits issued pursuant to this section.

5 3. A permit under this section shall be effective for one year.

6 4. The annual fee for a beer wholesaler's cider permit shall be one
7 hundred twenty-five dollars.

8 § 609. Solicitor's permit. 1. A solicitor's permit shall authorize the
9 holder thereof to offer for sale or solicit orders in this state on
10 behalf of a duly licensed manufacturer or wholesaler, irrespective of
11 whether such sale is to be made within or without the state.

12 2. No permit under this section shall be required for an individual
13 who is soliciting orders on behalf of a micro-brewery, farm brewery,
14 farm cidery, farm winery, micro-farm winery, micro-distillery, micro-
15 rectifier, or farm distillery licensee.

16 3. A solicitor's permit shall set forth the name, address and license
17 number of the licensee whom the solicitor represents and such solicitor
18 shall not represent any licensee whose name does not appear upon such
19 permit.

20 4. A solicitor's permit shall be issued for a calendar year.

21 5. The fee for such permit shall be twenty-six dollars per year, or
22 for any part thereof.

23 6. Such permit and the exercise of the privileges hereby granted ther-
24 eunder, shall be subject to such terms and conditions as may be
25 prescribed by the authority.

26 § 610. Temporary solicitor's permit. 1. A temporary solicitor's permit
27 shall authorize a duly licensed manufacturer or wholesaler to employ one
28 or more persons as a solicitor for a period not exceeding six months

1 provided that within sixty days after such employee has been employed as
2 a solicitor such employee shall file their application for a solicitor's
3 permit with the authority.

4 2. A temporary solicitor's permit shall be issued for a calendar year.

5 3. The fee for such permit shall be thirty-eight dollars per year, or
6 for any part thereof.

7 4. Such permit and the exercise of the privileges hereby granted ther-
8 eunder, shall be subject to such terms and conditions as may be
9 prescribed by the authority.

10 § 611. Broker's permit. 1. A broker's permit shall authorize the hold-
11 er to act as a broker in the purchase and sale of alcoholic beverages
12 for a fee or commission for or on behalf of a person authorized to manu-
13 facture or sell at wholesale alcoholic beverages within or without the
14 state.

15 2. Such permittee shall not buy or sell any alcoholic beverages for
16 their own account, or take or deliver title to such alcoholic beverages,
17 and shall not receive or store any alcoholic beverages in their own name
18 in this state, or offer, agree to offer or sell any alcoholic beverages
19 to any retailer within this state.

20 3. A broker's permit shall be issued for one transaction or for a
21 calendar year.

22 4. The fee for such permit shall be:

23 (a) twenty-six dollars for one transaction; or

24 (b) two hundred fifty-six dollars per year, or for any part thereof.

25 5. The exercise of the privileges granted thereby shall be subject to
26 such rules and conditions by the authority as it deems necessary.

1 § 612. Tasting permit for wine wholesalers. 1. A tasting permit issued
2 under this section shall authorize a liquor or wine wholesaler to
3 conduct wine tastings throughout the state.

4 2. Such permit may be issued on an annual basis or for individual
5 events.

6 3. Each such permit and the exercise of the privilege granted thereby
7 shall be subject to such rules of the authority as it deems necessary.

8 § 613. Cider wholesaler's tasting and off-premises sale permit. A
9 cider wholesaler's permit shall authorize a cider wholesaler to sell New
10 York state labelled cider by the bottle and conduct cider tastings at
11 the state fair, at recognized county fairs and at farmers markets oper-
12 ated on a not-for-profit basis.

13 § 614. Certificate to sell wine for sacramental purposes. 1. A certif-
14 icate issued under this section shall authorize a liquor or wine whole-
15 saler to sell wine at retail in sealed containers to a regularly organ-
16 ized church, synagogue or religious organization for sacramental
17 purposes.

18 2. The annual fee for such a certificate shall be one hundred twenty-
19 five dollars.

20 § 615. Beer wholesaler temporary beer and wine permit. 1. A beer
21 wholesaler temporary beer and wine permit shall authorize a beer whole-
22 saler to sell beer for consumption at outdoor or indoor gatherings,
23 functions, occasions or events.

24 2. Such a permit shall be subject to the following conditions:

25 (a) such gatherings are not open to admission to the general public;

26 (b) admission to the gathering is not made contingent upon the payment
27 of an admission fee, donation or contribution;

28 (c) such beer is not resold at such gatherings;

1 (d) the permit holder shall require every person to whom beer shall be
2 sold for use at such gatherings to make, execute and file with such
3 brewer or beer wholesaler, upon a form to be prescribed by the authori-
4 ty, a statement, that the beer purchased by such person will not be sold
5 or offered for sale by such person. Such statement shall be accepted for
6 all purposes as the equivalent of an affidavit, and if false, shall
7 subject the person making and executing the same to the same penalties
8 as if he or she had been duly sworn.

9 3. Such a permit and the exercise of the privileges granted thereunder
10 shall be subject to such rules by the authority as it deems necessary.
11 The provisions hereof shall not apply to the sale of beer for consump-
12 tion in the home.

13 4. A permit under this section shall run concurrently with the annual
14 term of the brewer's license.

15 5. The fee for such permit shall be sixty-four dollars.

16 ARTICLE 7

17 MANUFACTURING LICENSES AND PERMITS

18 Section 701. Types of manufacturing licenses and permits.

19 702. Distiller's license.

20 703. Micro-distiller's license.

21 704. Rectifier's license.

22 705. Micro-rectifier's license.

23 706. Fruit brandy producer's license.

24 707. Farm distiller's license.

25 708. Winery license.

26 709. Farm winery license.

- 1 710. Micro-winery license.
- 2 711. Special winery license.
- 3 712. Special farm winery license.
- 4 713. Brewer's license.
- 5 714. Micro-brewer's license.
- 6 715. Farm brewer's license.
- 7 716. Cider producer's license.
- 8 717. Farm cidery license.
- 9 718. Mead producer's license.
- 10 719. Farm meadery license.
- 11 720. Combined craft manufacturing license.
- 12 721. Retail privileges of certain manufacturers at their
13 licensed premises.
- 14 722. Other businesses at a licensed manufacturing premises.
- 15 723. Tastings at premises with off-premises liquor or off-prem-
16 ises wine license.
- 17 724. Temporary manufacturing permit.
- 18 725. Branch offices permits for farm manufacturers.
- 19 726. Satellite store license for wineries.
- 20 727. Satellite store license for cider producers.
- 21 728. Direct shipper's license.
- 22 729. Tasting permit for wine manufacturers.
- 23 730. Certificate to sell wine for sacramental purposes.
- 24 731. Cider producer's retail permit.
- 25 732. Temporary and annual brewer tasting permits.
- 26 733. Negotiator's permit.
- 27 734. Brewer temporary beer and wine permit.
- 28 735. Winery temporary beer and wine permit.

- 1 736. Sale of alcoholic beverages at the New York state fair.
- 2 737. Custom winemakers' center license.
- 3 738. Custom beermakers' center license.
- 4 739. Custom cidermakers' center license.
- 5 740. Availability of grapes for farm wineries.
- 6 741. Availability of ingredients for farm brewers.
- 7 742. Availability of apples for farm cideries.
- 8 743. Tastings by wine grape growers and wine producer organiza-
- 9 tions.

10 § 701. Types of manufacturing licenses and permits. 1. The following

11 types of licenses and permits may be issued related to the manufacture

12 of alcoholic beverages on the premises:

- 13 (a) Distiller's license.
- 14 (b) Micro-distiller's license.
- 15 (c) Rectifier's license.
- 16 (d) Micro-rectifier's license.
- 17 (e) Fruit brandy producer's license.
- 18 (f) Farm distiller's license.
- 19 (g) Winery license.
- 20 (h) Farm winery license.
- 21 (i) Micro-winery license.
- 22 (j) Special winery license.
- 23 (k) Special farm winery license.
- 24 (l) Brewer's license.
- 25 (m) Micro-brewer's license.
- 26 (n) Farm brewer's license.
- 27 (o) Cider producer's license.

- 1 (p) Farm cidery license.
- 2 (q) Mead producer's license.
- 3 (r) Farm meadery license.
- 4 (s) Combined craft manufacturing license.
- 5 (t) Temporary manufacturing permit.
- 6 (u) Branch offices permits for farm manufacturers.
- 7 (v) Satellite store license for wineries.
- 8 (w) Satellite store license for cider producers.
- 9 (x) Direct shipper's license.
- 10 (y) Tasting permit for wine manufacturers.
- 11 (z) Certificate to sell wine for sacramental purposes.
- 12 (aa) Cider producer's retail permit.
- 13 (bb) Temporary and annual brewer tasting permits.
- 14 (cc) Negotiator's permit.
- 15 (dd) Brewer temporary beer and wine permit.
- 16 (ee) Winery temporary beer and wine permit.
- 17 (ff) Custom winemakers' center license.
- 18 (gg) Custom beermakers' center license.
- 19 (hh) Custom cidermakers' center license.
- 20 2. Such licenses and permits shall be exercised in accordance with the
- 21 terms and conditions thereof.
- 22 3. Except as otherwise provided for in this chapter, no person shall
- 23 engage in any of these activities without having first obtained the
- 24 appropriate license or permit as required by this article.
- 25 § 702. Distiller's license. 1. A distiller's license shall authorize
- 26 the holder thereof to:
- 27 (a) operate a distillery for the manufacture of liquors by distilla-
- 28 tion or redistillation;

1 (b) sell in bulk the products manufactured under such license to any
2 person holding a license under this chapter to manufacture alcoholic
3 beverages or a permittee engaged in the manufacture of products which
4 are unfit for beverage use;

5 (c) sell from the licensed premises and from one other location in the
6 state any liquor, whether or not manufactured by such licensee, to the
7 holder of a wholesale or retail liquor license or permit and persons
8 outside the state, subject to the laws of such state where the products
9 are delivered in sealed containers;

10 (d) sell New York state labelled liquor to licensed wineries, brewer-
11 ies and farm manufacturers in sealed containers for retail sale; and

12 (e) operate a rectifying plant under the same terms and conditions
13 imposed on a rectifier's license.

14 2. A person licensed under this section shall manufacture at least
15 fifty gallons of liquor per year.

16 3. A distiller's license shall be effective for three years at three
17 times the annual fee provided for in this section.

18 4. The annual fee for a distiller's license shall be twelve thousand
19 dollars.

20 § 703. Micro-distiller's license. 1. A micro-distiller's license shall
21 authorize the holder thereof to exercise the same privileges of a
22 distiller's license provided that the licensee produces no more than
23 seventy-five thousand gallons per year.

24 2. A person licensed under this section shall manufacture at least
25 fifty gallons of liquor per year.

26 3. A micro-distiller's license shall be effective for three years at
27 three times the annual fee provided for in this section.

1 4. The annual fee for a micro-distiller's license shall be two hundred
2 fifty dollars.

3 § 704. Rectifier's license. 1. A rectifier's license shall authorize
4 the holder thereof to:

5 (a) operate a rectifying plant for the manufacture of the products of
6 rectification by purifying or combining alcohol, spirits, wine or beer
7 and the manufacture of gin and cordials by the redistillation of alcohol
8 or spirits over or with any materials;

9 (b) blend, reduce proof and bottle on the licensed premises or in a
10 United States customs bonded warehouse for which a warehouse permit has
11 been issued under this chapter to the holder of a wholesale liquor
12 license or to persons authorized to sell liquor at wholesale pursuant to
13 the laws and regulation of any other state, territorial possession of
14 the United States or foreign country liquor received in bulk by such
15 wholesalers from other states, territorial possessions of the United
16 States or a foreign country;

17 (c) rebottle or recondition for wholesale liquor or wine licensees or
18 for persons authorized to sell liquor or wine at wholesale pursuant to
19 the laws and regulations of any other state, territorial possession of
20 the United States or foreign country, liquor or wine manufactured
21 outside the state, which was purchased and received by such wholesalers
22 in sealed containers;

23 (d) sell New York state labelled liquor to licensed wineries, brewer-
24 ies and farm manufacturers in sealed containers for retail sale; and

25 (e) sell liquor to a wholesale or retail licensee permittee and
26 persons outside the state, subject to the laws of such state where the
27 products are delivered.

1 2. A person licensed under this section shall manufacture at least
2 fifty gallons of liquor per year.

3 3. A rectifier's license shall be effective for three years at three
4 times the annual fee provided for in this section.

5 4. The annual fee for a rectifier's license shall be eight thousand
6 dollars.

7 § 705. Micro-rectifier's license. 1. A micro-rectifier's license shall
8 authorize the holder thereof to exercise the same privileges of a
9 rectifier's license provided that the licensee produces no more than
10 seventy-five thousand gallons per year.

11 2. A person licensed under this section shall manufacture at least
12 fifty gallons of liquor per year.

13 3. A micro-rectifier's license shall be effective for three years at
14 three times the annual fee provided for in this section.

15 4. The annual fee for a micro-rectifier's license shall be three
16 hundred twenty dollars.

17 § 706. Fruit brandy producer's license. 1. A fruit brandy producer's
18 license shall authorize the holder thereof to:

19 (a) operate a distillery for the manufacture only of fruit brandy;

20 (b) sell such fruit brandy to a duly authorized wholesale or retail
21 licensee in sealed containers;

22 (c) sell in bulk such fruit brandy to a licensed manufacturer or to a
23 permittee engaged in the manufacture of products which are unfit for
24 beverage use;

25 (d) sell from the licensed premises and from one other location in the
26 state of any fruit brandy whether or not manufactured by such licensee
27 to a wholesale or retail liquor licensee or permittee and persons

1 outside the state, subject to the laws of such state where the products
2 are delivered in sealed containers; and

3 (e) sell New York state labelled fruit brandy to licensed wineries,
4 breweries and farm manufacturers for retail sale.

5 2. A person licensed under this section shall manufacture at least
6 fifty gallons of liquor per year.

7 3. A fruit brandy producer's license shall be effective for three
8 years at three times the annual fee provided for in this section.

9 4. The annual fee for a fruit brandy producer's license shall be one
10 hundred twenty-eight dollars.

11 § 707. Farm distiller's license. 1. A farm distiller's license shall
12 authorize a person operating a farm distillery to:

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

16 (b) sell in bulk the products manufactured under such license to any
17 person holding a license under this chapter to manufacture alcoholic
18 beverages or a permittee engaged in the manufacture of products which
19 are unfit for beverage use;

20 (c) sell from the licensed premises and from one other location in the
21 state any liquor, whether or not manufactured by such licensee, to the
22 holder of a wholesale or retail liquor license or permit and to persons
23 outside the state, subject to the laws of such state where the products
24 are delivered in sealed containers; and

25 (d) sell New York state labelled liquor to licensed wineries, brewer-
26 ies and farm manufacturers in sealed containers for retail sale.

27 2. A farm distillery license shall authorize the holder thereof to:

1 (a) manufacture, bottle and sell food condiments and products such as
2 nuts, popcorn, mulling spices and other spirits related food in addition
3 to other such food and crafts on and from the licensed premises;

4 (b) store and sell gift items in a tax-paid room upon the licensed
5 premises incidental to the sale of liquor. These gift items shall be
6 limited to the following categories:

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

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

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

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

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

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

1 3. A farm distillery license shall authorize the holder thereof to:

2 (a) manufacture, bottle and sell food condiments and products such as
3 nuts, popcorn, mulling spices and other spirits related food in addition
4 to other such food and crafts on and from the licensed premises.

5 (b) store and sell gift items in a tax-paid room upon the licensed
6 premises incidental to the sale of liquor. These gift items shall be
7 limited to the following categories:

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

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

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

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

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

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

4 4. A farm distiller may conduct consumer tastings of liquor pursuant
5 to rules or regulations promulgated by the authority at the state fair,
6 at recognized county fairs and at farmers' markets operated on a not-
7 for-profit basis.

8 5. (a) Notwithstanding any other provision of law to the contrary, the
9 holder of a farm distiller's license may engage in custom liquor
10 production for a non-licensed individual.

11 (b) Such custom liquor productions shall be conducted under the
12 following conditions:

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

15 (ii) the licensee shall only sell such custom liquor to such non-li-
16 censed individual for that individual's personal or family use, and not
17 for resale;

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

20 (iv) such custom liquor shall not be offered for sale as a private
21 collection under this chapter;

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

25 (vi) the licensee shall be responsible for obtaining approval of the
26 liquor's brand label pursuant to section one thousand one of this chap-
27 ter and the payment of all taxes due before the custom liquor is deliv-
28 ered to the non-licensed individual;

1 (vii) any custom liquor produced under this subdivision must be a New
2 York labelled liquor as defined in section one hundred two of this chap-
3 ter; and

4 (viii) any custom liquor produced under this subdivision shall be
5 counted toward the maximum production limit of such farm distiller.

6 6. (a) Notwithstanding any other provision of this chapter, the
7 authority may issue a farm distiller's license to the holder of any
8 other license to manufacture liquor or wine for use at such licensee's
9 existing licensed premises.

10 (b) For the purposes of this chapter, the premises of such other
11 license shall be considered the premises of the farm distillery.

12 (c) The holder of a farm distillery license that simultaneously holds
13 such other license on the same premises may share and use the same tast-
14 ing room facilities to conduct wine and liquor tastings that such licen-
15 see is otherwise authorized to conduct.

16 7. A farm distillery may produce no more than seventy-five thousand
17 gallons per year.

18 8. A person licensed under this section shall manufacture at least
19 fifty gallons of liquor per year.

20 9. A farm distiller's license shall be effective for three years at
21 three times the annual fee provided for in this section.

22 10. The annual fee for a farm distiller's license shall be one hundred
23 twenty-eight dollars.

24 § 708. Winery license. 1. A winery license shall authorize the holder
25 thereof to:

26 (a) operate a winery for the manufacture of wine and mead;

27 (b) sell in bulk the products manufactured under such license, and
28 wine and mead received by such licensee from any other state, to:

1 (i) any person holding a license under this chapter to manufacture
2 alcoholic beverages;

3 (ii) a permittee engaged in the manufacture of products which are
4 unfit for beverage use; or

5 (iii) a person outside the state subject to the laws of such state
6 where the products are delivered.

7 (c) sell wine it manufactures, to duly authorized holders of wholesale
8 or retail licenses or permits and persons outside the state, subject to
9 the laws of such state where the products are delivered, in sealed
10 containers;

11 (d) sell New York state labelled wine to licensed wineries, breweries
12 and farm manufacturers in sealed containers for retail sale;

13 (e) receive and possess wine and mead from other states consigned to a
14 United States government bonded winery, warehouse or storeroom located
15 within the state; and

16 (f) operate, or use the services of, a custom crush facility as
17 defined in section one hundred two of this chapter.

18 2. A winery licensee may engage in the following activities at the
19 licensed premises:

20 (a) manufacture, bottle and sell fruit juice, fruit jellies and fruit
21 preserves, tonics, salad dressings and unpotable wine sauces on and from
22 licensed premises;

23 (b) store and sell gift items in a tax-paid room upon the licensed
24 premises. These gift items shall be limited to the following categories:

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

27 (ii) food items for the purpose of complementing wine tasting shall
28 mean a diversified selection of food which is ordinarily consumed with-

1 out the use of tableware and can conveniently be consumed while standing
2 or walking. Such food items shall include, but not be limited to: chees-
3 es, fruits, vegetables, chocolates, breads and crackers.

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

8 (iv) wine supplies and accessories, which shall include any item
9 utilized for the storage, serving or consumption of wine or for decora-
10 tive purposes. These supplies may be sold as single items or may be
11 combined into a package containing wine or a wine product.

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

15 (c) charge for tours of the licensed premises.

16 (d) charge for wine tastings at the licensed premises.

17 3. The authority is hereby authorized to promulgate rules and regu-
18 lations to effectuate the purposes of subdivision two of this section.

19 4. (a) A winery may conduct wine tastings of New York state labelled
20 wines in establishments with off-premises liquor or off-premises wine
21 licenses.

22 (b) Such winery may charge a fee for each wine sample tasted.

23 (c) The authority shall promulgate rules and regulations regarding
24 such tastings as provided for in this subdivision.

25 5. (a) A winery may conduct wine tastings of New York state labelled
26 wines and apply to the authority for a permit to sell wine produced by
27 such winery by the bottle, during such tastings in establishments with
28 an on-premises liquor or on-premises wine license.

1 (b) Such winery may charge a fee of no more than twenty-five cents for
2 each wine sample tasted.

3 (c) The authority shall promulgate rules and regulations regarding
4 such tastings as provided for in this subdivision.

5 6. (a) A winery may conduct tastings of New York state labelled wines
6 and sell such wine by the bottle, during such tasting, for off-premises
7 consumption at outdoor or indoor gatherings, functions, occasions or
8 events, within the hours allowed for the sale of wine for off-premises
9 consumption in the county where the tasting takes place, sponsored by a
10 bona fide charitable organization.

11 (b) For the purposes of this paragraph, a bona fide charitable organ-
12 ization shall mean and include any bona fide religious or charitable
13 organization or bona fide educational, fraternal or service organization
14 or bona fide organization of veterans or volunteer firefighters, which
15 by its charter, certificate of incorporation, constitution, or act of
16 the legislature, shall have among its dominant purposes one or more of
17 the lawful purposes as defined in subdivision five of section one
18 hundred eighty-six of the general municipal law.

19 7. (a) Upon application, the authority shall issue an annual permit
20 authorizing such winery to participate in outdoor or indoor gatherings,
21 functions, occasions or events sponsored by a charitable organization.

22 (b) The winery shall give the authority written or electronic notice
23 of the date, time and specific location of each tasting at least fifteen
24 days prior to the tasting.

25 (c) A winery that obtains a permit to conduct such wine tastings does
26 not need to apply for or obtain a temporary beer or wine permit or any
27 other permit to conduct such a tasting or to sell wine by the bottle for
28 off-premises consumption at such tastings.

1 (d) Such winery may charge a fee for each wine sample tasted.

2 8. (a) Notwithstanding any provision of this chapter to the contrary,
3 a licensed winery may apply to the authority for a permit to sell New
4 York state labelled wine, by the bottle, at the state fair, at recog-
5 nized county fairs and at farmers markets operated on a not-for-profit
6 basis.

7 (b) As a condition of the permit, an agent, representative, or solici-
8 tor from the winery must be present at the time of sale.

9 9. (a) A licensed winery shall be permitted to remain open for the
10 purposes of selling its products, and/or conducting wine tasting at the
11 winery, and/or conducting public tours of its winery on Sunday between
12 the hours of ten o'clock in the morning and midnight.

13 (b) The authority is hereby authorized to promulgate rules and regu-
14 lations to effectuate the purposes of this subdivision.

15 10. Notwithstanding any other provision of law to the contrary, a
16 licensed winery may engage in custom wine production allowing individ-
17 uals to assist in the production of wine or mead for sale for personal
18 or family use. Provided, however, that:

19 (a) the wine or mead must be purchased by the individual assisting in
20 the production of such wine or mead; and

21 (b) the owner, employee or agent of such winery shall be present at
22 all times during such production.

23 11. A winery licensee is authorized to engage in what is commonly
24 known as wine by wire services whereby a winery within the state may
25 make deliveries on behalf of other wineries within the state.

26 12. New York state labelled wine sold by the licensee at the premises
27 manufactured by any other licensed winery or farm winery may be
28 purchased outright by the licensee or obtained on a consignment basis

1 pursuant to a written agreement between the selling and purchasing
2 licensee.

3 13. A person licensed under this section shall manufacture at least
4 fifty gallons of wine and/or mead per year.

5 14. A winery license shall be effective for one year.

6 15. The annual fee for a winery license shall be six hundred twenty-
7 five dollars.

8 § 709. Farm winery license. 1. A farm winery license shall authorize
9 the holder thereof to:

10 (a) operate a farm winery for the manufacture of New York state
11 labeled wine, mead and cider;

12 (b) sell in bulk the products manufactured under such license to:

13 (i) any person holding a license under this chapter to manufacture
14 alcoholic beverages;

15 (ii) a permittee engaged in the manufacture of products which are
16 unfit for beverage use; and

17 (iii) a person outside the state subject to the laws of such state
18 where the products are delivered.

19 (c) sell wine it manufactures, to duly authorized holders of wholesale
20 or retail licenses or permits and persons outside the state, subject to
21 the laws of such state where the products are delivered, in sealed
22 containers;

23 (d) sell New York state labelled wine to licensed wineries, breweries
24 and farm manufacturers in sealed containers for retail sale; and

25 (e) operate, or use the services of, a custom crush facility as
26 defined in section one hundred two of this chapter.

27 2. A farm winery license shall authorize the holder thereof to:

1 (a) manufacture, bottle and sell fruit juice, fruit jellies and fruit
2 preserves, tonics, salad dressings and unpotable wine sauces on and from
3 the licensed premises;

4 (b) store and sell gift items in a tax-paid room upon the licensed
5 premises incidental to the sale of wine. These gift items shall be
6 limited to the following categories:

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

9 (ii) food items for the purpose of complimenting wine tastings, shall
10 mean a diversified selection of food which is ordinarily consumed with-
11 out the use of tableware and can conveniently be consumed while standing
12 or walking. Such food items shall include, but not be limited to: chees-
13 es, fruits, vegetables, chocolates, breads and crackers.

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

18 (iv) wine supplies and accessories, which shall include any item
19 utilized for the storage, serving or consumption of wine or for decora-
20 tive purposes. These supplies may be sold as single items or may be
21 combined into a package containing wine or a wine product.

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

25 (vi) wine-making equipment and supplies including, but not limited to,
26 grapes, grape juice, grape must, home wine-making kits, presses, pumps,
27 bottling equipment, filters, yeasts, chemicals and other wine additives,
28 wine storage or fermenting vessels, barrels, and books or other written

1 material to assist wine-makers and home wine-makers to produce and
2 bottle wine.

3 (c) charge for tours of the licensed premises.

4 (d) charge for wine tastings at the licensed premises.

5 3. The authority is hereby authorized to promulgate rules and regu-
6 lations to effectuate the purposes of subdivision two of this section.

7 4. (a) A farm winery may conduct wine tastings of New York state
8 labelled wines in establishments with off-premises liquor or off-premis-
9 es wine licenses.

10 (b) Such farm winery may charge a fee for each wine sample tasted.

11 (c) The authority shall promulgate rules and regulations regarding
12 such tastings as provided for in this subdivision.

13 5. (a) A farm winery may conduct wine tastings of New York state
14 labelled wines and apply to the authority for a permit to sell wine
15 produced by such farm winery, by the bottle, during such tastings in
16 establishments with an on-premises liquor or on-premises wine license.

17 (b) Such farm winery may charge a fee of no more than twenty-five
18 cents for each wine sample tasted.

19 (c) The authority shall promulgate rules and regulations regarding
20 such tastings as provided for in this subdivision.

21 6. (a) A farm winery may conduct wine tastings of New York state
22 labelled wines and sell such wine by the bottle, during such tasting,
23 for off-premises consumption at outdoor or indoor gatherings, functions,
24 occasions or events, within the hours allowed for the sale of wine for
25 off-premises consumption in the county where such sales are taking
26 place, sponsored by a bona fide charitable organization.

27 (b) For the purposes of this paragraph, a bona fide charitable organ-
28 ization shall mean and include any bona fide religious or charitable

1 organization or bona fide educational, fraternal or service organization
2 or bona fide organization of veterans or volunteer firefighters, which
3 by its charter, certificate of incorporation, constitution, or act of
4 the legislature, shall have among its dominant purposes one or more of
5 the lawful purposes as defined in subdivision five of section one
6 hundred eighty-six of the general municipal law.

7 (c) The farm winery shall give the authority written or electronic
8 notice of the date, time and specific location of each tasting at least
9 fifteen days prior to the tasting.

10 (d) A farm winery that obtains a permit to conduct such wine tastings
11 does not need to apply for or obtain a temporary beer or wine permit or
12 any other permit to conduct such a tasting or to sell wine by the bottle
13 for off-premises consumption at such tastings.

14 (e) Such farm winery may charge a fee for each wine sample tasted.

15 7. Notwithstanding any other provision of this chapter, a farm winery
16 license shall authorize the holder thereof to:

17 (a) offer for sale or solicit any order in the state for the sale of
18 any New York state labelled wine manufactured by the licensee or any
19 other winery or farm winery licensed pursuant to this article.

20 (b) engage as a broker in the purchase and sale of New York state
21 labelled wines for a fee or commission for or on behalf of any winery or
22 farm winery licensed pursuant to this article.

23 (c) obtain a permit for and maintain a warehouse on the farm winery
24 premises for the warehousing of any New York state labelled wines manu-
25 factured by any licensed winery or farm winery.

26 (d) deliver or transport any New York state labelled wine manufactured
27 or produced by the licensee or any other licensed winery or farm winery
28 in any vehicle owned, leased or hired by the licensee.

1 (i) Such New York state labelled wine can be delivered, transported or
2 sold by the licensee to any holder of: a winery or farm winery license;
3 a license to sell alcoholic beverages for consumption on the premises; a
4 license to sell alcoholic beverages for consumption off the premises; or
5 any person that can receive or purchase wine from a farm winery.

6 (ii) The licensee is not required to obtain a trucking permit from the
7 authority for such delivery and transportation.

8 8. Notwithstanding any other provision of law to the contrary, a farm
9 winery licensed pursuant to this section may engage in custom production
10 allowing individuals to assist in the production of New York state
11 labelled wine, cider and mead for sale for personal or family use.
12 Provided, however, that:

13 (a) the wine, cider and mead must be purchased by the individual
14 assisting in the production of such wine, cider or mead; and

15 (b) the owner, employee or agent of such winery shall be present at
16 all times during such production.

17 9. New York state labelled wine sold by the licensee at the premises
18 manufactured by any other licensed winery or farm winery may be
19 purchased outright by the licensee or obtained on a consignment basis
20 pursuant to a written agreement between the selling and purchasing
21 licensee.

22 10. Except as provided for in section seven hundred forty of this
23 article, no licensed farm winery shall manufacture or sell any wine not
24 produced exclusively from grapes or other fruits or agricultural
25 products grown or produced in New York state.

26 11. (a) No farm winery shall manufacture in excess of two hundred
27 fifty thousand finished gallons of wine, cider, and mead annually.

1 (b) Any person licensed under this section shall manufacture at least
2 fifty gallons of wine, cider, and mead per year.

3 12. A farm winery license shall be effective for one year.

4 13. The annual fee for a farm winery license shall be one hundred
5 twenty-five dollars.

6 § 710. Micro-winery license. 1. A micro-winery license shall authorize
7 the holder thereof to exercise the same privileges of a farm winery
8 license provided that the licensee produces no more than one thousand
9 five hundred gallons of wine per year.

10 2. A person licensed under this section shall manufacture at least
11 fifty gallons of wine per year.

12 3. A micro-winery license shall be effective for one year.

13 4. The annual fee for a micro-winery license shall be fifty dollars.

14 § 711. Special winery license. 1. A special winery license shall
15 authorize the holder thereof to operate a winery with all the privileges
16 of such license on the premises of an existing winery licensee.

17 2. A special winery license shall be effective for one year.

18 3. The annual fee for a special winery license shall be six hundred
19 twenty-five dollars.

20 § 712. Special farm winery license. 1. A special farm winery license
21 shall authorize the holder thereof to operate a farm winery with all the
22 privileges of such license on the premises of an existing farm winery
23 licensee.

24 2. A special farm winery license shall be effective for one year.

25 3. The annual fee for a special farm winery license shall be one
26 hundred twenty-five dollars.

27 § 713. Brewer's license. 1. A brewer's license shall authorize the
28 holder thereof to:

- 1 (a) brew beer within this state for sale;
- 2 (b) sell such beer to duly authorized holders of wholesale or retail
3 licenses or permits in sealed containers and to persons outside the
4 state subject to the laws of such state where the products are deliv-
5 ered;
- 6 (c) under such rules as may be adopted by the authority, sell such
7 beer in bulk by the keg, cask or barrel for consumption and not for
8 resale at clam-bakes, barbeques, picnics, outings or similar outdoor
9 gatherings at which more than fifty persons are assembled; and
- 10 (d) sell New York state labelled beer to licensed wineries, breweries
11 and farm manufacturers in sealed containers for retail sale.
- 12 2. (a) Notwithstanding any contrary provision of law or of any rule or
13 regulation promulgated pursuant thereto, and in addition to the activ-
14 ities which may otherwise be carried on by any person licensed as a
15 brewer under this chapter, such person may, on the premises designated
16 in such license:
- 17 (i) produce, package, bottle, sell and deliver soft drinks and other
18 non-alcoholic beverages, vitamins, malt, malt syrup, and other by-pro-
19 ducts;
- 20 (ii) dry spent grain from the brewery;
- 21 (iii) recover carbon dioxide and yeast;
- 22 (iv) store bottles, packages and supplies necessary or incidental to
23 all such operations;
- 24 (v) package, bottle, sell and deliver wine products;
- 25 (vi) allow for the premises, including space and equipment, to be
26 rented by a licensed tenant brewer for the purposes of alternation; and
- 27 (vii) manufacture, produce, blend, package, bottle, purchase, sell and
28 deliver alcoholic beverages.

1 (b) A licensed brewer seeking to engage in any of the activities in
2 subparagraph (i), (ii), (iii), (iv) or (v) of paragraph (a) of this
3 subdivision shall file an application with the authority if such activ-
4 ities:

5 (i) require the use of by-products or wastage from the production of
6 beer or utilize buildings, room-areas or equipment not fully employed in
7 the production of beer; or

8 (ii) are reasonably necessary to realize the maximum benefit from the
9 premises and equipment and to reduce the overhead of the brewery; or

10 (iii) are in the public interest because of emergency conditions; or

11 (iv) involve experiments or research projects related to equipment,
12 materials, processes, products, by-products or wastage of the brewery.

13 (c) If the authority determines that the activities specified in the
14 application will not impede the effective administration of the alcohol-
15 ic beverage control law, it may approve such application, subject to
16 such restrictions or modifications, and in such manner and form as it
17 may determine, and no brewer licensed under this chapter shall engage in
18 any such activities without the prior approval of the authority.

19 (d) (i) If the licensed brewer desires to engage in any activities
20 identified in subparagraph (v) or (vi) of paragraph (a) of this subdivi-
21 sion, the licensee shall submit an application to do so to the authori-
22 ty, on forms prescribed and furnished by it.

23 (ii) If the authority determines that the activities specified in the
24 application will not impede the effective administration of this chap-
25 ter, it may approve such application, subject to such restrictions or
26 modifications, and in such manner and form as it may determine.

27 (iii) The approval of such application shall be subject to the imposi-
28 tion of such additional license fees for such activities identified in

1 subparagraph (vi) of paragraph (a) of this subdivision consistent with
2 the manufacture of any alcoholic beverages under this article.

3 (e) The authority is hereby authorized to adopt such rules and regu-
4 lations as it may deem necessary to effectuate the provisions of this
5 subdivision.

6 3. A person holding a brewer's license may apply for a license to sell
7 beer brewed by them at wholesale at premises other than those designated
8 in the brewery license and the provisions of this chapter relative to a
9 beer wholesaler's license shall apply so far as applicable to such
10 application.

11 4. A brewer producing New York state labelled beer may:

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

15 (b) apply for a permit to conduct tastings away from the licensed
16 premises of such beer.

17 (i) Such permit shall be valid throughout the state and may be issued
18 on an annual basis or for individual events.

19 (ii) Each such permit and the exercise of the privilege granted there-
20 by shall be subject to such rules and conditions of the authority as it
21 deems necessary.

22 (c) (i) If it holds a tasting permit issued pursuant to paragraph (b)
23 of this subdivision, apply to the authority for a permit to sell such
24 beer, for consumption off the premises, during such tastings in estab-
25 lishments with an on-premises liquor or on-premises wine license.

26 (ii) Each such permit and the exercise of the privilege granted there-
27 by shall be subject to such rules and conditions of the authority as it
28 deems necessary.

1 5. Notwithstanding any contrary provision of law or of any rule or
2 regulation promulgated pursuant thereto, and in addition to the activ-
3 ities which may otherwise be carried on by any person licensed as a
4 brewer under this chapter, such person may, on the premises designated
5 in such license:

6 (a) produce, package, bottle, sell and deliver soft drinks and other
7 non-alcoholic beverages, vitamins, malt, malt syrup, and other by-pro-
8 ducts;

9 (b) dry spent grain from the brewery;

10 (c) recover carbon dioxide and yeast;

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

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

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

16 (g) manufacture, produce, blend, package, bottle, purchase, sell and
17 deliver alcoholic beverages.

18 6. (a) If any licensed brewer desires to engage in any of the activ-
19 ities in paragraph (a), (b), (c), (d) or (e) of subdivision five of this
20 section which (i) require the use of by-products or wastage from the
21 production of beer, or utilize buildings, room-areas or equipment not
22 fully employed in the production of beer; or (ii) are reasonably neces-
23 sary to realize the maximum benefit from the premises and equipment and
24 to reduce the overhead of the brewery; or (iii) are in the public inter-
25 est because of emergency conditions; or (iv) involve experiments or
26 research projects related to equipment, materials, processes, products,
27 by-products or wastage of the brewery, they shall submit an application
28 so to do to the authority, on forms prescribed and furnished by it.

1 (b) If the authority determines that the activities specified in the
2 application will not impede the effective administration of this chap-
3 ter, it may approve such application, subject to such restrictions or
4 modifications, and in such manner and form as it may determine, and no
5 brewer licensed under this chapter shall engage in any such activities
6 without the prior approval of the authority.

7 (c) (i) If the licensed brewer desires to engage in any activities
8 identified in paragraph (f) or (g) of subdivision five of this section,
9 the licensee shall submit an application to do so to the authority, on
10 forms prescribed and furnished by it.

11 (ii) If the authority determines that the activities specified in the
12 application will not impede the effective administration of this chap-
13 ter, it may approve such application, subject to such restrictions or
14 modifications, and in such manner and form as it may determine.

15 (iii) The approval of such application shall be subject to the imposi-
16 tion of such additional license fees for such activities identified in
17 paragraph (g) of subdivision five of this section consistent with the
18 manufacture of any alcoholic beverages under this article.

19 (d) The authority is hereby authorized to adopt such rules and regu-
20 lations as it may determine necessary to effectuate the provisions of
21 this subdivision.

22 7. A brewery shall manufacture at least fifty barrels of beer annual-
23 ly.

24 8. A brewer's license shall be effective for one year.

25 9. The annual fee for a brewer's license shall be four thousand
26 dollars.

27 § 714. Micro-brewer's license. 1. A micro-brewer's license shall
28 authorize the holder thereof to exercise the same privileges of a

1 brewer's license provided that the licensee produces no more than sixty
2 thousand barrels per year.

3 2. (a) A micro-brewer may apply to the authority for a permit to sell
4 beer in a sealed container for off-premises consumption at the state
5 fair, at recognized county fairs and at farmers' markets operated on a
6 not-for-profit basis.

7 (b) As a condition of the permit a representative from the brewer must
8 be present at the time of sale.

9 3. A person licensed under this section shall manufacture at least
10 fifty barrels of beer per year.

11 4. A micro-brewer's license shall be effective for one year.

12 5. The annual fee for a micro-brewer's license shall be three hundred
13 twenty dollars.

14 § 715. Farm brewer's license. 1. A farm brewer's license shall author-
15 ize the holder thereof to:

16 (a) manufacture New York state labelled beer, cider and braggot;

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

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

22 (d) sell such beer, cider, and braggot to duly licensed wholesalers
23 and retailers; and

24 (e) sell such beer, cider, and braggot to wineries, breweries and farm
25 manufacturers in sealed containers for resale.

26 2. A licensed farm brewer may, under such rules as may be adopted by
27 the authority, sell beer or cider manufactured by the licensee or any
28 other licensed farm brewery at retail in bulk by the keg, cask or barrel

1 for consumption and not for resale at a clam-bake, barbeque, picnic,
2 outing or other similar outdoor gathering at which more than fifty
3 persons are assembled.

4 3. A farm brewer license shall authorize the holder thereof to:

5 (a) manufacture, bottle and sell food condiments and products such as
6 mustards, sauces, hop seasonings, beer nuts, and other hops and beer
7 related foods in addition to beer and hop soaps, hop pillows, hop
8 wreaths and other such food and crafts on and from the licensed prem-
9 ises;

10 (b) store and sell gift items in a tax-paid room upon the licensed
11 premises incidental to the sale of beer. These gift items shall be
12 limited to the following categories:

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

15 (ii) food items for the purpose of complementing beer and cider tast-
16 ings, which shall mean a diversified selection of food that is ordinar-
17 ily consumed without the use of tableware and can be conveniently
18 consumed while standing or walking. Such food items shall include but
19 not be limited to: cheeses, fruits, vegetables, chocolates, breads,
20 mustards and crackers;

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

25 (iv) beer supplies and accessories, which shall include any item
26 utilized for the storage, serving or consumption of beer or for decora-
27 tive purposes. These supplies may be sold as single items or may be
28 combined into a package containing beer;

1 (v) beer-making equipment and supplies including, but not limited to,
2 home beer-making or homebrewing kits, filters, bottling equipment, hops,
3 barley, yeasts, chemicals and other beer additives, and books or other
4 written material to assist beer-makers and home beer-makers or homebrew-
5 ers to produce and bottle beer;

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

9 (c) charge for tours of its premises.

10 4. (a) A farm brewer may apply for a permit to conduct tastings away
11 from the licensed premises of beer, cider, and braggot produced by the
12 licensee.

13 (b) Such permit shall be valid throughout the state and may be issued
14 on an annual basis or for individual events.

15 (c) Each such permit and the exercise of the privilege granted thereby
16 shall be subject to such rules and conditions of the authority as it
17 deems necessary.

18 5. (a) A licensed farm brewer holding a tasting permit issued pursuant
19 to subdivision four of this section may apply to the authority for a
20 permit to sell beer, cider, and braggot produced by such farm brewery,
21 by the bottle, during such tastings in establishments with an on-premis-
22 es liquor or on-premises wine license.

23 (b) Each such permit and the exercise of the privilege granted thereby
24 shall be subject to such rules and conditions of the authority as it
25 deems necessary.

26 6. Except as provided in section seven hundred forty-one of this arti-
27 cle, no licensed farm brewer shall manufacture or sell any beer other
28 than New York state labelled beer.

1 7. Except as provided in section seven hundred forty-two of this arti-
2 cle, no licensed farm brewer shall manufacture or sell any cider other
3 than New York state labelled cider.

4 8. Notwithstanding any contrary provision of law or of any rule or
5 regulation promulgated pursuant thereto, and in addition to the activ-
6 ities which may otherwise be carried out by any person licensed under
7 this section, such person may, on the premises designated in such
8 license:

9 (a) produce, package, bottle, sell and deliver soft drinks and other
10 non-alcoholic beverages, vitamins, malt, malt syrup, and other by-pro-
11 ducts;

12 (b) dry spent grain from the brewery;

13 (c) recover carbon dioxide and yeast;

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

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

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

19 9. (a) Notwithstanding any other provision of this chapter, the
20 authority may issue a farm brewer license to the holder of a farm winery
21 or farm distiller's license for use at such licensee's existing licensed
22 premises.

23 (b) The holder of a farm winery or farm distiller's license that
24 simultaneously holds a farm brewer license on an adjacent premises may
25 share and use the same tasting room facilities to conduct any tastings
26 that such licensee is otherwise authorized to conduct.

27 10. (a) The authority is hereby authorized to promulgate rules and
28 regulations to effectuate the purposes of this section.

1 (b) In prescribing such rules and regulations, the authority shall
2 promote the expansion and profitability of beer and cider production and
3 of tourism in New York state, thereby promoting the conservation,
4 production and enhancement of New York state agricultural lands.

5 11. (a) No farm brewer shall manufacture in excess of seventy-five
6 thousand finished barrels of beer, cider, and braggot annually.

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

9 12. A farm brewer license shall be effective for one year.

10 13. The annual fee for a farm brewer license shall be three hundred
11 twenty dollars.

12 § 716. Cider producer's license. 1. A cider producer's license shall
13 authorize the holder thereof to:

14 (a) manufacture cider within the licensed premises in this state for
15 sale in bottles, barrels or casks to beer, wine and liquor retail licen-
16 sees;

17 (b) sell such New York state labelled cider to licensed wineries,
18 breweries and farm manufacturers in sealed containers for retail sale;
19 and

20 (c) sell and deliver cider to persons outside the state pursuant to
21 the laws of the place of such sale or delivery.

22 2. (a) A cider producer may conduct cider tastings of New York state
23 labelled ciders in establishments with an off-premises liquor license.

24 (b) Such cider producer may charge a fee of not more than twenty-five
25 cents for each cider sample tasted.

26 (c) The authority shall promulgate rules and regulations relating to
27 the conduct of such tastings.

1 3. (a) A cider producer may conduct cider tastings of New York state
2 labelled ciders and apply to the authority for a permit to sell cider
3 produced by such cider producer or wholesaler, by the bottle, during
4 such tastings in establishments with an on-premises liquor license.

5 (b) (i) Such cider producer or wholesaler may charge a fee of not more
6 than twenty-five cents for each cider sample tasted.

7 (ii) The authority shall promulgate rules and regulations relating to
8 the conduct of tastings.

9 4. A licensed cider producer producing New York state labelled cider
10 may:

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

14 (b) apply for a permit to conduct tastings away from the licensed
15 premises of such cider.

16 (i) Such permit shall be valid throughout the state and may be issued
17 on an annual basis or for individual events.

18 (ii) Each such permit and the exercise of the privilege granted there-
19 by shall be subject to such rules and conditions of the authority as it
20 deems necessary.

21 (c) (i) If it holds a tasting permit issued pursuant to paragraph (b)
22 of this subdivision, apply to the authority for a permit to sell such
23 cider, for consumption off the premises, during such tastings in estab-
24 lishments with an on-premises liquor or on-premises wine license.

25 (ii) Each such permit and the exercise of the privilege granted there-
26 by shall be subject to such rules and conditions of the authority as it
27 deems necessary.

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

3 6. A cider producer's license shall be effective for one year.

4 7. The annual fee for a cider producer's license shall be one hundred
5 twenty-five dollars.

6 § 717. Farm cidery license. 1. A farm cidery license shall authorize
7 the holder thereof to:

8 (a) manufacture New York state labelled cider;

9 (b) sell such cider in bulk to any person licensed to manufacture
10 alcoholic beverages in this state or to a permittee engaged in the manu-
11 facture of products which are unfit for beverage use;

12 (c) sell or deliver such cider to persons outside the state pursuant
13 to the laws of the place of such delivery;

14 (d) sell such cider to duly licensed wholesalers and retailers; and

15 (e) sell such cider to wineries, breweries and farm manufacturers in
16 sealed containers for resale.

17 2. Such license shall also authorize the holder thereof to:

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

22 (b) apply for a permit to conduct tastings away from the licensed
23 premises of cider produced by the licensee.

24 (i) Such permit shall be valid throughout the state and may be issued
25 on an annual basis or for individual events.

26 (ii) Each such permit and the exercise of the privilege granted there-
27 by shall be subject to such rules and conditions of the authority as it
28 deems necessary.

1 (c) (i) If the licensee holds a tasting permit issued pursuant to
2 paragraph (b) of this subdivision, apply to the authority for a permit
3 to sell cider produced by such farm cidery, by the bottle, during such
4 tastings in establishments with an on-premises liquor or on-premises
5 wine license.

6 (ii) Each such permit and the exercise of the privilege granted there-
7 by shall be subject to such rules and conditions of the authority as it
8 deems necessary.

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

15 4. A farm cidery license shall authorize the holder thereof to:

16 (a) manufacture, bottle and sell food condiments and products such as
17 mustards, sauces, jams, jellies, mulling spices and other cider related
18 foods in addition to other such food and crafts on and from the licensed
19 premises.

20 (b) store and sell gift items in a tax-paid room upon the licensed
21 premises incidental to the sale of cider. These gift items shall be
22 limited to the following categories:

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

25 (ii) food items for the purpose of complementing cider tastings, which
26 shall mean a diversified selection of food that is ordinarily consumed
27 without the use of tableware and can be conveniently consumed while
28 standing or walking. Such food items shall include but not be limited

1 to: cheeses, fruits, vegetables, chocolates, breads, baked goods,
2 mustards and crackers;

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

7 (iv) cider supplies and accessories, which shall include any item
8 utilized for the storage, serving or consumption of cider or for decora-
9 tive purposes. These supplies may be sold as single items or may be
10 combined into a package containing cider;

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

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

20 (c) charge for tours of its premises.

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

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

25 6. Except as provided in section seven hundred forty-two of this arti-
26 cle, no farm cidery shall manufacture or sell any cider other than New
27 York state labelled cider.

1 7. Notwithstanding any contrary provision of law or of any rule or
2 regulation promulgated pursuant thereto, and in addition to the activ-
3 ities which may otherwise be carried out by any person licensed under
4 this section, such person may, on the premises designated in such
5 license:

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

8 (b) recover carbon dioxide and yeast;

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

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

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

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

22 9. (a) The authority is hereby authorized to promulgate rules and
23 regulations to effectuate the purposes of this section.

24 (b) In prescribing such rules and regulations, the authority shall
25 promote the expansion and profitability of cider production and of tour-
26 ism in New York state, thereby promoting the conservation, production
27 and enhancement of New York state agricultural lands.

28 10. A farm cidery license shall be effective for one year.

1 11. The annual fee for a farm cidery license shall be seventy-five
2 dollars.

3 § 718. Mead producer's license. 1. A mead producer's license shall
4 authorize the holder thereof to:

5 (a) manufacture mead and braggot within the licensed premises in this
6 state for sale in bottles, barrels or casks to beer, wine and liquor
7 retail licensees;

8 (b) sell such New York state labelled mead and braggot to licensed
9 wineries, breweries and farm manufacturers in sealed containers for
10 retail sale; and

11 (c) sell and deliver mead and braggot to persons outside the state
12 pursuant to the laws of the place of such sale or delivery.

13 2. (a) Such license shall also authorize the holder thereof to conduct
14 mead tastings of New York state labelled meads in establishments with
15 off-premises liquor licenses.

16 (b) Such licensee may charge a fee of not more than twenty-five cents
17 for each mead sample tasted.

18 (c) The authority shall promulgate rules and regulations relating to
19 the conduct of such tastings.

20 3. (a) Such license shall also authorize the holder thereof to conduct
21 tastings of New York state labelled mead and New York state labelled
22 braggot and apply to the authority for a permit to sell mead and braggot
23 produced by such mead producer or wholesaler, by the bottle, during such
24 tastings in establishments with an on-premises liquor license.

25 (b) Such licensee may charge a fee of not more than twenty-five cents
26 for each mead sample tasted.

27 (c) The authority shall promulgate rules and regulations relating to
28 the conduct of such tastings.

1 4. A mead producer producing New York state labelled mead and/or New
2 York state labelled braggot may:

3 (a) sell such mead and braggot at retail for consumption off the prem-
4 ises at the state fair, at recognized county fairs and at farmers
5 markets operated on a not-for-profit basis.

6 (b) apply for a permit to conduct tastings away from the licensed
7 premises of such mead and braggot produced by the licensee.

8 (i) Such permit shall be valid throughout the state and may be issued
9 on an annual basis or for individual events.

10 (ii) Each such permit and the exercise of the privilege granted there-
11 by shall be subject to such rules and conditions of the authority as it
12 deems necessary.

13 (c) if the licensee holds a tasting permit issued pursuant to para-
14 graph (b) of this subdivision:

15 (i) apply to the authority for a permit to sell such mead, for
16 consumption off the premises, during such tastings in an establishment
17 with an on-premises liquor license; or

18 (ii) apply to the authority for a permit to sell such mead and/or
19 braggot at an establishment with an on-premises wine license.

20 (iii) Each such permit and the exercise of the privilege granted
21 thereby shall be subject to such rules and conditions of the authority
22 as it deems necessary.

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

25 6. A mead producer's license shall be effective for one year.

26 7. The annual fee for a mead producer's license shall be one hundred
27 twenty-five dollars.

1 § 719. Farm meadery license. 1. A farm meadery's license shall author-
2 ize the holder thereof to:

3 (a) manufacture New York state labelled mead and braggot;

4 (b) sell such mead and braggot in bulk to any person licensed to manu-
5 facture alcoholic beverages in this state or to a permittee engaged in
6 the manufacture of products which are unfit for beverage use;

7 (c) sell or deliver such mead and braggot to persons outside the state
8 pursuant to the laws of the place of such delivery;

9 (d) sell such mead and braggot to duly licensed wholesalers and
10 retailers; and

11 (e) sell such mead and braggot to wineries, breweries and farm
12 manufacturers in sealed containers for resale.

13 2. A farm meadery licensee may:

14 (a) sell such mead and braggot at retail for consumption off the prem-
15 ises at the state fair, at recognized county fairs and at farmers
16 markets operated on a not-for-profit basis.

17 (b) apply for a permit to conduct tastings away from the licensed
18 premises of mead and braggot produced by the licensee.

19 (i) Such permit shall be valid throughout the state and may be issued
20 on an annual basis or for individual events.

21 (ii) Each such permit and the exercise of the privilege granted there-
22 by shall be subject to such rules and conditions of the authority as it
23 deems necessary.

24 (c) if it holds a tasting permit issued pursuant to paragraph (b) of
25 this subdivision:

26 (i) apply to the authority for a permit to sell mead produced by such
27 farm meadery, by the bottle, during such tastings in establishments with
28 an on-premises liquor license; or

1 (ii) apply to the authority for a permit to sell such mead and/or
2 braggot at an establishment with an on-premises wine license.

3 (iii) Each such permit and the exercise of the privilege granted
4 thereby shall be subject to such rules and conditions of the authority
5 as it deems necessary.

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

12 4. (a) A farm meadery licensee may apply for a permit to conduct tast-
13 ings away from the licensed premises of mead and braggot produced by the
14 licensee.

15 (b) Such permit shall be valid throughout the state and may be issued
16 on an annual basis or for individual events.

17 (c) Each such permit and the exercise of the privilege granted thereby
18 shall be subject to such rules and conditions of the authority as it
19 deems necessary.

20 5. A farm meadery license shall authorize the holder thereof to:

21 (a) manufacture, bottle and sell food condiments and products such as
22 honey, mustards, sauces, jams, jellies, mulling spices and other mead
23 related foods in addition to other such food and crafts on and from the
24 licensed premises.

25 (b) store and sell gift items in a tax-paid room upon the licensed
26 premises incidental to the sale of mead and braggot. These gift items
27 shall be limited to the following categories:

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

3 (ii) food items for the purpose of complementing mead and braggot
4 tastings, which shall mean a diversified selection of food that is ordi-
5 narily consumed without the use of tableware and can be conveniently
6 consumed while standing or walking. Such food items shall include but
7 not be limited to: cheeses, fruits, vegetables, chocolates, breads,
8 baked goods, mustards and crackers.

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

13 (iv) mead and braggot supplies and accessories, which shall include
14 any item utilized for the storage, serving or consumption of mead or
15 braggot or for decorative purposes. These supplies may be sold as
16 single items or may be combined into a package containing mead and/or
17 braggot.

18 (v) mead-making and braggot-making equipment and supplies including,
19 but not limited to, honey, home mead-making kits, braggot-making kits,
20 pumps, filters, yeasts, chemicals and other mead and braggot additives,
21 bottling equipment, bottles, mead and braggot storage and fermenting
22 vessels, barrels, and books or other written material to assist mead-
23 makers and braggot-makers and home mead-makers and braggot-makers to
24 produce and bottle mead and braggot.

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

28 (c) charge for tours of its premises.

1 6. Notwithstanding any contrary provision of law or of any rule or
2 regulation promulgated pursuant thereto, and in addition to the activ-
3 ities which may otherwise be carried out by any person licensed under
4 this section, such person may, on the premises designated in such
5 license:

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

8 (b) recover carbon dioxide and yeast;

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

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

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

14 7. (a) Notwithstanding any other provision of this chapter, the
15 authority may issue a farm meadery license to the holder of a farm mead-
16 ery, farm brewery, farm winery or farm distiller's license for use at
17 such licensee's existing licensed premises.

18 (b) The holder of a farm meadery, farm brewery, farm winery or farm
19 distiller's license that simultaneously holds a farm meadery license on
20 an adjacent premises may share and use the same tasting room facilities
21 to conduct any tastings that such licensee is otherwise authorized to
22 conduct.

23 8. (a) No farm meadery shall manufacture in excess of two hundred
24 fifty thousand gallons of New York state labelled mead and/or braggot
25 annually.

26 (b) A licensed farm meadery shall produce at least fifty gallons of
27 New York state labelled mead and/or braggot annually.

1 9. (a) The authority is hereby authorized to promulgate rules and
2 regulations to effectuate the purposes of this section.

3 (b) In prescribing such rules and regulations, the authority shall
4 promote the expansion and profitability of mead and braggot production
5 and of tourism in New York state, thereby promoting the conservation,
6 production and enhancement of New York state agricultural lands.

7 10. A farm meadery license shall be effective for one year.

8 11. The annual fee for a farm meadery license shall be seventy-five
9 dollars.

10 § 720. Combined craft manufacturing license. 1. The authority may
11 issue a combined craft manufacturer's license to a person holding two or
12 more farm or micro manufacturing licenses for use at one premises.

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

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

19 4. (a) A combined farm manufacturer's license may combine two or more
20 of the following licenses:

21 (i) farm meadery;

22 (ii) farm brewer;

23 (iii) micro-brewer;

24 (iv) farm cidery;

25 (v) farm winery;

26 (vi) micro-distillery;

27 (vii) micro-rectifier; and

28 (viii) farm distillery.

1 (b) The licensed premises for a combined farm manufacturer's license
2 that includes a farm winery license must be located on a farm.

3 § 721. Retail privileges of certain manufacturers at their licensed
4 premises. 1. Notwithstanding any other provision of this chapter, and
5 subject to the provisions of subdivision two and three of this section:

6 (a) The holder of a distiller, micro-distiller, rectifier, micro-rec-
7 tifier or fruit brandy producer's license may conduct tastings of, and
8 sell at retail for consumption on or off the premises, any liquor manu-
9 factured by the licensee and any New York state labelled liquor.

10 (b) The holder of a farm distiller's license, winery license may
11 conduct tastings of, and sell at retail for consumption on or off the
12 premises, any liquor manufactured by the licensee and any New York state
13 labelled alcoholic beverage.

14 (c) The holder of a winery license may conduct tastings of, and sell
15 at retail for consumption on or off the premises, any alcoholic beverage
16 manufactured by the licensee and any New York state labelled wine, wine
17 product or cider.

18 (d) The holder of a farm winery license may conduct tastings of, and
19 sell at retail for consumption on or off the premises, any alcoholic
20 beverage manufactured by the licensee and any New York state labelled
21 alcoholic beverage.

22 (e) The holder of a brewer's or micro-brewer's winery license may
23 conduct tastings of, and sell at retail for consumption on or off the
24 premises, any alcoholic beverage manufactured by the licensee and any
25 New York state labelled beer.

26 (f) The holder of a farm brewer's license may conduct tastings of, and
27 sell at retail for consumption on or off the premises, any alcoholic

1 beverage manufactured by the licensee and any New York state labelled
2 alcoholic beverage.

3 (g) The holder of a farm cidery license may conduct tastings of, and
4 sell at retail for consumption on or off the premises, any alcoholic
5 beverage manufactured by the licensee and any New York state labelled
6 alcoholic beverage.

7 (h) The holder of a farm meadery license may conduct tastings of, and
8 sell at retail for consumption on or off the premises, any alcoholic
9 beverage manufactured by the licensee and any New York state labelled
10 alcoholic beverage.

11 2. (a) Any manufacturer offering alcoholic beverages for sale for
12 consumption on the premises subject to subdivision one of this section
13 shall regularly keep food available for sale or service to its retail
14 customers for consumption on the premises.

15 (b) A licensee providing the following shall be deemed in compliance
16 with paragraph (a) of this subdivision:

17 (i) sandwiches, soups or other such foods, whether fresh, processed,
18 pre-cooked or frozen; and/or

19 (ii) food items intended to compliment the tasting of alcoholic bever-
20 ages, which shall mean a diversified selection of food that is ordinar-
21 ily consumed without the use of tableware and can be conveniently
22 consumed while standing or walking, including, but not limited to:
23 cheese, fruits, vegetables, chocolates, breads, mustards and crackers.

24 3. Retail sales for off-premises consumption of liquor made pursuant
25 to subdivision one of this section by the holder of any license to manu-
26 facture liquor:

27 (a) shall be made only to customers who are physically present upon
28 the licensed premises and such sale shall be concluded by the customer's

1 taking, with them, of the sealed containers purchased by the customer at
2 the time the customer leaves the licensed premises.

3 (b) shall not be made where the order is placed by letter, telephone,
4 fax or e-mail, or where the customer otherwise does not place the order
5 while the customer is physically present upon the premises of the
6 licensed premises; and

7 (c) shall not be made where the contemplated sale requires the licen-
8 see to transport or ship by common carrier, sealed containers of liquor
9 to a customer.

10 4. Notwithstanding any other provision of this chapter:

11 (a) the holder of a farm distiller's license may operate a restaurant,
12 hotel, catering establishment, or other food and drinking establishment
13 in or adjacent to the licensed premises and sell at such place, at
14 retail for consumption on the premises, any alcoholic beverages manufac-
15 tured by the licensee and any New York state labelled liquor.

16 (b) the holder of a winery license may operate a restaurant, hotel,
17 catering establishment, or other food and drinking establishment in or
18 adjacent to the licensed premises and sell at such place, at retail for
19 consumption on the premises, any alcoholic beverages manufactured by the
20 licensee and any New York state labelled wine, wine products or cider.

21 (c) the holder of a farm winery license may operate a restaurant,
22 hotel, catering establishment, or other food and drinking establishment
23 in or adjacent to the licensed premises and sell at such place, at
24 retail for consumption on the premises, any alcoholic beverages manufac-
25 tured by the licensee and any New York state labelled wine, wine
26 products, mead or cider.

27 (d) the holder of a brewer's or micro-brewer's license may operate a
28 restaurant, hotel, catering establishment, or other food and drinking

1 establishment in or adjacent to the licensed premises and sell at such
2 place, at retail for consumption on the premises, any alcoholic beverage-
3 es manufactured by the licensee and any New York state labelled beer.

4 (e) the holder of a farm brewer's license may operate a restaurant,
5 hotel, catering establishment, or other food and drinking establishment
6 in or adjacent to the licensed premises and sell at such place, at
7 retail for consumption on the premises, any alcoholic beverages manufac-
8 tured by the licensee and any New York state labelled beer, cider or
9 braggot.

10 (f) the holder of a cider producer's license may operate a restaurant,
11 hotel, catering establishment, or other food and drinking establishment
12 in or adjacent to the licensed premises and sell at such place, at
13 retail for consumption on the premises, any New York state labelled
14 cider manufactured by the licensee.

15 (g) the holder of a farm cidery license may operate a restaurant,
16 hotel, catering establishment, or other food and drinking establishment
17 in or adjacent to the licensed premises and sell at such place, at
18 retail for consumption on the premises, any alcoholic beverages manufac-
19 tured by the licensee and any New York state labelled cider.

20 (h) the holder of a mead producer's license may operate a restaurant,
21 hotel, catering establishment, or other food and drinking establishment
22 in or adjacent to the licensed premises and sell at such place, at
23 retail for consumption on the premises, any New York state labelled mead
24 and braggot manufactured by the licensee.

25 (i) the holder of a farm meadery license may operate a restaurant,
26 hotel, catering establishment, or other food and drinking establishment
27 in or adjacent to the licensed premises and sell at such place, at

1 retail for consumption on the premises, any alcoholic beverages manufac-
2 tured by the licensee and any New York state labelled mead or braggot.

3 5. Notwithstanding any other provision of this chapter, a licensee
4 operating a restaurant, hotel, catering establishment, or other food and
5 drinking establishment in or adjacent to its licensed premises pursuant
6 to subdivision four of this section may apply to the authority for a
7 license under this chapter to sell other alcoholic beverages at retail
8 for consumption on the premises at such establishment.

9 § 722. Other businesses at a licensed manufacturing premises. 1.
10 Except as otherwise provided for, no other business, either by the
11 licensee or another person, may be conducted on a licensed manufacturing
12 premises.

13 2. (a) Notwithstanding any provision of law to the contrary, another
14 person may operate a business on the licensed premises of a farm distil-
15 lery or farm winery subject to such rules and regulations as the author-
16 ity may prescribe.

17 (b) Such rules and regulations shall determine which businesses will
18 be compatible with the policy and purposes of this chapter and shall
19 consider the effect of particular businesses on the community and area
20 in the vicinity of the licensed premises, provided however that another
21 business with a retail license under this chapter shall not be permitted
22 to operate at a licensed manufacturing premises.

23 3. (a) A licensed winery may engage in any other business on the
24 licensed premises subject to such rules and regulations as the authority
25 may prescribe.

26 (b) In prescribing such rules and regulations, the authority shall
27 promote the expansion and profitability of wine production and of tour-

1 ism in New York state, thereby promoting the conservation, production
2 and enhancement of New York state agricultural lands.

3 (c) Such rules and regulations shall determine which businesses will
4 be compatible with the policy and purposes of this chapter and shall
5 consider the effect of particular businesses on the community and area
6 in the vicinity of the winery licensee.

7 4. (a) A farm manufacturer may engage in any other business on the
8 licensed premises subject to such rules and regulations as the authority
9 may prescribe.

10 (b) Such rules and regulations shall determine which businesses will
11 be compatible with the policy and purposes of this chapter and shall
12 consider the effect of particular businesses on the community and area
13 in the vicinity of the licensed premises.

14 5. Nothing contained in this chapter shall prohibit a brewer from
15 manufacturing, bottling or storing non-alcoholic carbonated beverages on
16 the licensed premises provided such business was conducted by the licen-
17 see prior to July first, nineteen hundred thirty-nine.

18 § 723. Tastings at premises with off-premises liquor or off-premises
19 wine license. Any person holding a license to manufacture liquor or
20 sell liquor at wholesale shall be permitted to conduct consumer tastings
21 of liquor in establishments with off-premises liquor licenses.

22 § 724. Temporary manufacturing permit. 1. A permit under this section
23 shall authorize an applicant for a manufacturing license to operate the
24 alcoholic beverage manufacturing facility at the premises that is the
25 subject of the pending license application.

26 2. Such permit may be issued if:

1 (a) the applicant has a manufacturing license application at the same
2 premises pending before the authority, together with all required filing
3 and license fees; and

4 (b) the applicant has obtained and provided evidence of all permits,
5 licenses and other documents necessary for the operation of such a busi-
6 ness; and

7 (c) any current license in effect at the premises has been surrendered
8 or placed in safekeeping, or has been deemed abandoned by the authority.

9 3. The authority in granting such permit shall ensure that:

10 (a) issuance of the permit will not inordinately hinder the operation
11 or effective administration of this chapter;

12 (b) the applicant would in all likelihood be able to ultimately obtain
13 the manufacturing license being applied for; and

14 (c) the applicant has substantially complied with the requirements
15 necessary to obtain such license.

16 4. The application for a permit shall be approved or denied by the
17 authority within forty-five days after the receipt of such application.

18 5. (a) The authority in reviewing such application shall review the
19 entire record and grant the temporary permit unless good cause is other-
20 wise shown.

21 (b) A decision on an application shall be based on substantial
22 evidence in the record and supported by a preponderance of the evidence
23 in favor of the applicant.

24 6. (a) Such temporary permit shall remain in effect for six months or
25 until the manufacturing license being applied for is approved and the
26 license granted, whichever is shorter.

27 (b) Such permit may be extended at the discretion of the authority for
28 additional three-month periods of time.

1 7. (a) Notwithstanding any provision of law to the contrary, a tempo-
2 rary permit may be summarily cancelled or suspended at any time if the
3 authority determines that good cause for cancellation or suspension
4 exists.

5 (b) The authority shall promptly notify the permittee in writing of
6 such cancellation or suspension and shall set forth the reasons for such
7 action.

8 8. (a) The fee for a temporary manufacturing permit shall be one
9 hundred twenty-five dollars.

10 (b) The fee for an extension of a temporary manufacturing permit shall
11 be fifty dollars.

12 § 725. Branch offices permits for farm manufacturers. 1. (a) A branch
13 office permit shall allow a licensed farm manufacturer to conduct all
14 activities allowed at and limited to the licensed manufacturing premises
15 at a location away from such premises.

16 (b) Such branch office premises shall be considered part of the
17 licensed manufacturing premises.

18 2. (a) Except as provided for in paragraph (b) of this subdivision, no
19 more than five such permits shall be issued to the holder of a farm
20 manufacturer license.

21 (b) No more than one such permit shall be issued to the holder of a
22 farm distiller's license.

23 3. Such branch office shall not be located within, share a common
24 entrance and exit with, or have any interior access to any other busi-
25 ness, including premises licensed to sell alcoholic beverages at retail.

26 4. Prior to commencing operation of any such branch office, the licen-
27 see shall notify the authority of the location of such branch office and
28 the authority may issue a permit for the operation of same.

1 § 726. Satellite store license for wineries. 1. A satellite store
2 license shall allow a winery, or multiple wineries acting jointly, to
3 sell for off-premises consumption and conduct tastings of New York state
4 labelled wine at a location other than at such winery or wineries.

5 2. Not more than five such licenses shall be issued, either singly or
6 jointly, to any licensed winery.

7 3. All other provisions of this chapter relative to off-premises wine
8 licenses shall apply so far as applicable to such application.

9 4. The authority is hereby authorized to adopt such rules as it may
10 deem necessary to carry out the purpose of this section, provided that
11 all licenses issued pursuant to this section shall be subject to the
12 same rules and regulations as are applicable to the sale of wine at
13 retail for consumption off the premises of the winery licensee.

14 5. For licensees applying singly, the duration of such license shall
15 be coextensive with the duration of such licensee's winery license.

16 6. The fee for a satellite office shall be:

17 (a) five hundred dollars if such retail premises is located in a city
18 having a population of one million or more;

19 (b) two hundred fifty dollars if such retail premises is located in a
20 city having a population of less than one million and more than one
21 hundred thousand; and

22 (c) one hundred twenty-five dollars if such retail premises is located
23 elsewhere.

24 § 727. Satellite store license for cider producers. 1. A satellite
25 store license shall allow a cider producer, or multiple wineries acting
26 jointly, to sell for off-premises consumption and conduct tastings of
27 New York state labelled cider at a location other than at such winery or
28 wineries.

1 2. Not more than five such licenses shall be issued, either singly or
2 jointly, to any licensed cider producer.

3 3. All other provisions of this chapter relative to the sale of cider
4 for off-premises consumption shall apply so far as applicable to such
5 application.

6 4. The authority is hereby authorized to adopt such rules as it may
7 deem necessary to carry out the purpose of this section, provided that
8 all licenses issued pursuant to this section shall be subject to the
9 same rules and regulations as are applicable to the sale of cider at
10 retail for consumption off the premises of the cider producer.

11 § 728. Direct shipper's license. 1. (a) A direct shipper's license
12 shall authorize any holder of a license to manufacture wine in any other
13 state to ship no more than thirty-six cases (no more than nine liters
14 each case) of wine produced by such license holder per year directly to
15 a resident of New York who is at least twenty-one years of age, for such
16 resident's personal use and not for resale.

17 (b) No such permit shall be issued unless:

18 (i) the state in which such person is so licensed affords lawful means
19 for shipments of wine to be received by a resident thereof who is at
20 least twenty-one years of age, for such resident's personal use and not
21 for resale, from a person licensed in this state as a manufacturer; and

22 (ii) the state in which such out-of-state winery is located affords to
23 New York state winery and farm winery licensees reciprocal shipping
24 privileges, meaning shipping privileges that are substantially similar
25 to the requirements in this section.

26 2. (a) Before sending any shipment hereunder to a resident in this
27 state, the out-of-state shipper shall first obtain the license provided

1 for in this section under procedures prescribed by rules and regulations
2 of the authority.

3 (b) The out-of-state shipper shall provide the authority with a true
4 copy of its current license to manufacture wine in the applicant's state
5 of domicile along with a copy of the applicant's federal basic permit.

6 (c) The authority in its discretion, may excuse an out-of-state winery
7 from the submission of any information required pursuant to this chapter
8 to be contained in an application for a license.

9 3. Any common carrier with a trucking permit to whom such out-of-state
10 shipper's license is presented is authorized to make delivery of ship-
11 ments on behalf of such licensee in this state subject to the provisions
12 of this section.

13 4. The holder of an out-of-state direct shipper's license shall:

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

18 (b) ensure that the outside of each shipping container used to ship
19 wine directly to a New York resident is conspicuously labelled with the
20 words: "CONTAINS WINE - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR
21 DELIVERY - NOT FOR RESALE," or with other language specifically approved
22 by the New York state liquor authority;

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

1 (d) in connection with the acceptance of an order for a delivery of
2 wine to a New York resident, require the prospective customer to repre-
3 sent that he or she has attained the age of twenty-one years or more and
4 that the wine being purchased will not be resold or introduced into
5 commerce;

6 (e) require common carriers to:

7 (i) require a recipient, at the delivery address, upon delivery, to
8 demonstrate that the recipient is at least twenty-one years of age by
9 providing a valid form of photographic identification authorized by
10 section twelve hundred three of this chapter;

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

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

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

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

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

27 (i) execute a written consent to the jurisdiction of this state, its
28 agencies and instrumentalities and the courts of this state concerning

1 enforcement of this section and any related laws, rules, or regulations,
2 including tax laws, rules or regulations; and

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

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

14 6. The out-of-state shipper may annually renew its license, providing
15 the authority with a true copy of its current license in such other
16 state as an alcoholic beverage manufacturer and by complying with such
17 other procedures as are prescribed by rule of the authority.

18 7. The authority and the department of taxation and finance may
19 promulgate rules and regulations to effectuate the purposes of this
20 section.

21 8. In addition to any disciplinary action taken against the holder of
22 a license issued under this section, or a common carrier delivering wine
23 in this state for such license, the authority or the attorney general of
24 the state of New York shall report violations of this section, where
25 appropriate, to the United States department of treasury, tax and trade
26 bureau, for administrative action to suspend or revoke the federal basic
27 permit.

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

3 10. The annual fee for a direct shipper's license shall be one hundred
4 twenty-five dollars.

5 § 729. Tasting permit for wine manufacturers. 1. A tasting permit
6 issued under this section shall authorize a winery or farm winery to
7 conduct wine tastings throughout the state.

8 2. Such permit may be issued on an annual basis or for individual
9 events.

10 3. Each such permit and the exercise of the privilege granted thereby
11 shall be subject to such rules of the authority as it deems necessary.

12 § 730. Certificate to sell wine for sacramental purposes. 1. A certif-
13 icate under this section shall authorize a winery to sell wine at retail
14 in sealed containers to a regularly organized church, synagogue or reli-
15 gious organization for sacramental purposes.

16 2. The annual fee for such a certificate shall be one hundred twenty-
17 five dollars.

18 § 731. Cider producer's retail permit. 1. A permit issued under this
19 section shall authorize the holder of a cider producer's license to sell
20 cider at retail in sealed containers to a householder for consumption in
21 their home, but no sale to such householder shall be in quantities
22 aggregating more than fifteen gallons.

23 2. Revenues received by any such licensed cider producer from the sale
24 of cider at retail to householders under such a permit during the term
25 thereof shall not exceed five per centum of all the revenues derived by
26 such licensee from the sale of apples and cider during such term.

27 3. The annual fee for a permit under this section shall be one hundred
28 twenty-five dollars.

1 § 732. Temporary and annual brewer tasting permits. 1. A permit issued
2 under this section shall allow a brewer or manufacturer of beer as
3 defined in section one hundred two of this chapter or its employee or
4 representative, or an importer having a basic permit as required by
5 section 1.20 of title 27 of the code of federal regulations or its
6 employee or representative, to conduct tastings of beer or malt beverage-
7 s they produce or import at establishments with off-premises beer or
8 off-premises beer and wine products licenses.

9 2. Such permit may also be used by the permit holder to conduct tast-
10 ings of beer or malt beverages produced or imported by the permit holder
11 at annual fairs sponsored by agricultural and horticultural societies as
12 defined in section fourteen hundred nine of the not-for-profit corpo-
13 ration law, and for tastings at an establishment with a beer whole-
14 saler's license, provided that such wholesaler's license was issued or
15 renewed prior to July first, nineteen hundred sixty, and thereafter
16 renewed or transferred, which authorizes the holder thereof to sell beer
17 at retail to a person for consumption in their home.

18 3. For purposes of this section, a representative of the permit holder
19 shall not include a person holding a beer wholesaler's license or their
20 employees.

21 4. The fee for a temporary brewer tasting permit shall be twenty
22 dollars and shall be issued by the authority and dated for its period of
23 use, which shall not exceed three days.

24 5. The fee for an annual brewer tasting permit shall be one thousand
25 dollars.

26 6. Tastings at such licensed establishments or annual fairs shall be
27 conducted only within the hours fixed by or pursuant to this chapter,
28 during which alcoholic beverages may be lawfully sold or permitted upon

1 premises licensed to sell beer or malt beverages for off-premises
2 consumption.

3 7. All beer or other malt beverages served pursuant to a permit issued
4 under this section shall have been purchased by the retail licensee upon
5 whose premises the serving of samples is taking place.

6 8. A permit holder may not be assessed a fee or charge by the retail
7 licensee upon whose premises the serving is taking place for the privi-
8 lege of serving such samples.

9 9. The authority is authorized and directed to provide such forms to a
10 brewer or importer to obtain the permit and promulgate such rules and
11 regulations, as it deems necessary or appropriate to implement the
12 provisions of this section to protect the health, safety and welfare of
13 the people of this state.

14 § 733. Negotiator's permit. 1. A permit under this section shall
15 authorize a person duly licensed outside the state of New York to manu-
16 facture or sell alcoholic beverages at wholesale, or their duly author-
17 ized representative, to negotiate and consummate contracts or agreements
18 with licensed wholesalers in this state for the establishment of operat-
19 ing agency relationships for the sale of its products in this state.

20 2. A negotiator's permit shall be issued for one transaction at a fee
21 fixed by the authority not to exceed ninety dollars.

22 § 734. Brewer temporary beer and wine permit. 1. A brewer temporary
23 beer and wine permit shall authorize a brewer to sell beer for consump-
24 tion at outdoor or indoor gatherings, functions, occasions or events.

25 2. Such a permit shall be subject to the following conditions:

26 (a) such gatherings are not open to admission to the general public;

27 (b) admission to the gathering is not made contingent upon the payment
28 of an admission fee, donation or contribution;

1 (c) such beer is not resold at such gatherings;

2 (d) the permit holder shall require every person to whom beer shall be
3 sold for use at such gatherings to make, execute and file with such
4 brewer or beer wholesaler, upon a form to be prescribed by the authori-
5 ty, a statement, that the beer purchased by such person will not be sold
6 or offered for sale by such person. Such statement shall be accepted for
7 all purposes as the equivalent of an affidavit, and if false, shall
8 subject the person making and executing the same to the same penalties
9 as if he or she had been duly sworn.

10 3. Such a permit and the exercise of the privileges granted thereunder
11 shall be subject to such rules by the authority as it deems necessary.
12 The provisions hereof shall not apply to the sale of beer for consump-
13 tion in the home.

14 4. A permit under this section shall run concurrently with the annual
15 term of the brewer's license.

16 5. The fee for such permit shall be sixty-four dollars.

17 § 735. Winery temporary beer and wine permit. 1. A winery temporary
18 beer and wine permit shall authorize a holder of any license to manufac-
19 ture wine in this or any other state, to sell wine at outdoor or indoor
20 gatherings, functions, occasions, or events, provided that such manufac-
21 turer produces not more than one hundred fifty thousand gallons of wine
22 annually.

23 2. The fee for a one-day winery temporary beer and wine permit shall
24 be twenty-six dollars.

25 § 736. Sale of alcoholic beverages at the New York state fair. 1. The
26 holder of a farm distiller's license and any license to manufacture
27 wine, beer, mead or cider that also holds a concessionaire's license
28 issued by the division of the New York state fair in the department of

1 agriculture and markets may sell alcoholic beverages on the New York
2 state fairgrounds.

3 2. Such alcoholic beverages shall be limited to the alcoholic beverage-
4 es that can be sold for on-premises consumption by the licensee at its
5 licensed premises.

6 3. Such licensee shall also be allowed to store alcoholic beverages
7 upon the New York state fairgrounds, in areas designated by the
8 concessionaire's license, during the seven days immediately preceding
9 and the seven days immediately following the state fair.

10 § 737. Custom winemakers' center license. 1. A custom winemakers'
11 center license shall authorize the holder thereof to operate a custom
12 winemakers' center facility and provide individuals with rental space,
13 the use of equipment and storage facilities, and/or fruit for the
14 production of wine by such individuals for personal household use and
15 not for resale in accordance with state and federal laws, rules, and
16 regulations authorizing such production.

17 2. No application for a new license under this section or under former
18 section seventy-seven of this chapter may be applied for after December
19 thirty-first, two thousand nineteen, however, the holder of such a
20 license may renew such license after such date.

21 3. For the purposes of this section, "fruit" shall mean grapes, other
22 fruits, fruit juices, and other agricultural products including, but not
23 limited to, honey and flowers, that are grown or produced in the state
24 of New York.

25 4. A custom winemakers' center license shall also authorize the holder
26 thereof to, provided such activities are permitted by the federal Alco-
27 hol and Tobacco Tax and Trade Bureau for the manufacture of tax exempt
28 wine for personal household use, to:

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

2 (b) conduct wine tastings for those individuals taking such classes
3 and/or using such facilities for the production of wine at the licensed
4 facility.

5 5. The custom winemakers' center licensee shall be subject to the
6 supervision of the authority to ensure that the licensee and the indi-
7 viduals utilizing such center are in compliance with the provisions of
8 this chapter, state laws, rules, and regulations, and the laws, rules,
9 and regulations of the federal Alcohol and Tobacco Tax and Trade Bureau.

10 6. The licensee or an official agent of the licensee shall be phys-
11 ically present at all times during the facility's hours of operations.

12 7. (a) The annual aggregate production of wine at any such center for
13 all individuals making wine at such premises, pursuant to a custom wine-
14 makers' center license, shall not exceed the production limits set forth
15 by the authority that are commensurate with a non-commercial production
16 facility.

17 (b) Such aggregate production limit shall not be offset by wine
18 produced at such facility under a winery's license or farm winery
19 license.

20 8. Notwithstanding any other provision of this chapter, the authority
21 may issue a custom winemakers' center license to the holder of a farm
22 winery or winery license for use at such licensee's existing licensed
23 premises.

24 9. The authority is hereby authorized to promulgate rules and regu-
25 lations to effectuate the purposes of this section.

26 10. The licensee shall maintain a record of the name, address, and
27 contact information of the individual or individuals that have used such

1 facility and the annual amount of wine produced by each individual at
2 the facility pursuant to the rules of the authority.

3 11. A custom winemakers' center license shall be effective for one
4 year.

5 12. The annual fee for a license to operate a custom winemakers'
6 center shall be three hundred twenty dollars.

7 § 738. Custom beermakers' center license. 1. A custom beermakers'
8 center license shall authorize the holder thereof to operate a custom
9 beermakers' center facility and provide individuals with rental space,
10 the use of equipment and storage facilities, and/or beermaking supplies
11 for the production of beer by such individuals for personal household
12 use and not for resale in accordance with state and federal laws, rules,
13 and regulations authorizing such production.

14 2. No application for a new license under this section or under former
15 section fifty-two of this chapter may be applied for after December
16 thirty-first, two thousand nineteen, however, the holder of such a
17 license may renew such license after such date.

18 3. For the purposes of this section, "beer making supplies" shall mean
19 hops, grains, malted grains, wort, sugars, yeasts, water, fruits, fruit
20 juices, and other agricultural products including, but not limited to,
21 honey and flowers, that are grown or produced in the state of New York.

22 4. Such a license shall also authorize the licensee, provided such
23 activities are permitted by the federal Alcohol and Tobacco Tax and
24 Trade Bureau for the manufacture of tax exempt beer for personal house-
25 hold use, to:

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

1 (b) conduct beer tastings for those individuals taking such classes
2 and/or using such facility for brewing purposes at the licensed facili-
3 ty.

4 5. The custom beermakers' center licensee shall be subject to the
5 supervision of the authority to ensure that the licensee and the indi-
6 viduals utilizing such center are in compliance with the provisions of
7 this chapter, state laws, rules, and regulations, and the laws, rules,
8 and regulations of the federal Alcohol and Tobacco Tax and Trade Bureau.

9 6. The licensee or an official agent of the licensee shall be phys-
10 ically present at all times during the facility's hours of operations.

11 7. (a) The annual aggregate production of beer at any such center for
12 all individuals making beer at such premises, pursuant to a custom beer-
13 makers' center license, shall not exceed the production limits set by
14 the authority that are commensurate with a non-commercial production
15 facility.

16 (b) Provided that such aggregate production limit shall not be offset
17 by beer produced at such facility under a brewer's license or farm brew-
18 ery license.

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

23 9. The authority is hereby authorized to promulgate rules and regu-
24 lations to effectuate the purposes of this section.

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

1 11. A custom beermakers' center license shall be effective for one
2 year.

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

5 § 739. Custom cidermakers' center license. 1. A custom cidermakers'
6 center license shall authorize the holder thereof to operate a custom
7 cidermakers' center facility and provide individuals with rental space,
8 the use of equipment and storage facilities, and/or fruit for the
9 production of cider by such individuals for personal household use and
10 not for resale in accordance with state and federal laws, rules, and
11 regulations authorizing such production.

12 2. No application for a new license under this section or under former
13 section fifty-eight-d of this chapter may be applied for after December
14 thirty-first, two thousand nineteen, however, the holder of such a
15 license may renew such license after such date.

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

19 4. Such a license shall also authorize the licensee, provided such
20 activities are permitted by the federal Alcohol and Tobacco Tax and
21 Trade Bureau for the manufacture of tax exempt cider for personal house-
22 hold use, to:

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

24 (b) conduct cider tastings for those individuals taking such classes
25 and/or using such facility for the production of cider at the licensed
26 facility.

27 5. The custom cidermakers' center licensee shall be subject to the
28 supervision of the authority to ensure that the licensee and the indi-

1 viduals utilizing such center are in compliance with the provisions of
2 this chapter, state laws, rules, and regulations, and the laws, rules,
3 and regulations of the federal Alcohol and Tobacco Tax and Trade Bureau.

4 6. The licensee or an official agent of the licensee shall be phys-
5 ically present at all times during the facility's hours of operations.

6 7. (a) The annual aggregate production of cider at any such center for
7 all individuals making cider at such premises, pursuant to a custom
8 cidermakers' center license, shall not exceed the production limits set
9 forth by the authority that are commensurate with a non-commercial
10 production facility.

11 (b) Such aggregate production limit shall not be offset by cider
12 produced at such facility under a cidery license or farm cidery license.

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

17 9. The authority is hereby authorized to promulgate rules and regu-
18 lations to effectuate the purposes of this section.

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

23 11. A custom cidermakers' center license shall be effective for one
24 year.

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

27 § 740. Availability of grapes for farm wineries. 1. In the event that
28 the commissioner of agriculture and markets, after investigating and

1 compiling information pursuant to subdivision forty-two of section
2 sixteen of the agriculture and markets law, determines that a natural
3 disaster, act of God, or continued adverse weather condition has
4 destroyed no less than forty percent of a specific grape varietal grown
5 or produced in New York state and used for winemaking, the commissioner,
6 in consultation with the chairperson of the state liquor authority, may
7 give authorization to a duly licensed farm winery to manufacture or sell
8 wine produced from grapes grown outside this state.

9 2. No such authorization shall be granted to a farm winery licensee
10 unless such licensee certifies to the commissioner the quantity of New
11 York grown grapes unavailable to such licensee due to such natural
12 disaster, act of God or continuing adverse weather condition and satis-
13 fies the commissioner that reasonable efforts were made to obtain grapes
14 from a New York state source for such wine making purpose.

15 3. No farm winery shall utilize an amount of out-of-state grown grapes
16 or juice exceeding the amount of New York grown grapes that such winery
17 is unable to obtain due to the destruction of New York grown grapes by a
18 natural disaster, act of God or continuing adverse weather condition as
19 determined by the commissioner of agriculture and markets pursuant to
20 this section.

21 4. For purposes of this subdivision, the department of agriculture and
22 markets and the state liquor authority are authorized to adopt rules and
23 regulations as they may deem necessary to carry out the provisions of
24 this section which shall include ensuring that in manufacturing wine
25 farm wineries utilize grapes grown or produced in New York state to the
26 extent they are reasonably available, prior to utilizing grapes or juice
27 from an out-of-state source for such purpose.

1 5. The commissioner of agriculture and markets shall make available to
2 farm wineries and to the public each specific grape varietal loss deter-
3 mination issued pursuant to this section on or before August twentieth
4 of each year.

5 6. In the event that the continuing effects of a natural disaster, act
6 of God, or adverse weather condition which occurred prior to August
7 twentieth of each year or the effects of a natural disaster, act of God,
8 or adverse weather condition which occurs subsequent to August twentieth
9 each year results in any grape varietal loss which meets the standards
10 provided in subdivision one of this section, the commissioner of agri-
11 culture and markets, in consultation with the chairperson of the state
12 liquor authority, may issue additional grape varietal loss determi-
13 nations and shall expeditiously make available to farm wineries and to
14 the public each specific grape varietal loss determination issued pursu-
15 ant to this section prior to October tenth of each year.

16 § 741. Availability of ingredients for farm brewers. 1. (a) In the
17 event that the commissioner of agriculture and markets, after investi-
18 gating and compiling information pursuant to subdivision forty-two of
19 section sixteen of the agriculture and markets law, determines that a
20 natural disaster, act of God, or continued adverse weather condition has
21 destroyed much of the necessary ingredients for brewing beer, such
22 commissioner, in consultation with the chairperson of the state liquor
23 authority, may give authorization to a duly licensed farm brewer to
24 manufacture or sell beer produced from ingredients grown or produced
25 outside this state.

26 (b) No such authorization shall be granted to a farm brewery licensee
27 unless such licensee certifies to such commissioner the quantity of New
28 York grown ingredients unavailable to such licensee due to such natural

1 disaster, act of God or continuing adverse weather condition and satis-
2 fies such commissioner that reasonable efforts were made to obtain brew-
3 ing ingredients from a New York state source for such beer making
4 purpose.

5 (c) No farm brewery shall utilize an amount of out-of-state grown or
6 produced ingredients exceeding the amount of New York grown ingredients
7 that such brewery is unable to obtain due to the destruction of New York
8 grown or produced ingredients by a natural disaster, act of God or
9 continuing adverse weather condition as determined by the commissioner
10 of agriculture and markets pursuant to paragraph (a) of this subdivi-
11 sion.

12 (d) For purposes of this subdivision, the department of agriculture
13 and markets and the state liquor authority are authorized to adopt rules
14 and regulations as they may deem necessary to carry out the provisions
15 of this section which shall include ensuring that in manufacturing beer
16 farm breweries utilize ingredients grown or produced in New York state
17 to the extent they are reasonably available, prior to utilizing ingredi-
18 ents from an out-of-state source for such purpose.

19 (e) The commissioner of agriculture and markets shall make available
20 to farm breweries and to the public each specific ingredient loss deter-
21 mination issued pursuant to this section on or before August twentieth
22 of each year.

23 (f) In the event that the continuing effects of a natural disaster,
24 act of God, or adverse weather condition which occurred prior to August
25 twentieth of each year or the effects of a natural disaster, act of God,
26 or adverse weather condition which occurs subsequent to August twentieth
27 each year results in any ingredient loss which meets the standards
28 provided in this subdivision, the commissioner of agriculture and

1 markets, in consultation with the chairperson of the authority, may
2 issue additional ingredient loss determinations and shall expeditiously
3 make available to farm breweries and to the public each specific ingre-
4 redient loss determination issued pursuant to this paragraph prior to
5 October tenth of each year.

6 2. (a) In the event that the commissioner of agriculture and markets,
7 after investigating and compiling information pursuant to subdivision
8 forty-two of section sixteen of the agriculture and markets law, deter-
9 mines that a natural disaster, act of God, or continued adverse weather
10 condition has destroyed much of the apple crop necessary for producing
11 cider, such commissioner, in consultation with the chairperson of the
12 authority, may give authorization to a duly licensed farm brewery to
13 manufacture or sell cider produced from apples grown outside this state.

14 (b) No such authorization shall be granted to a farm brewery licensee
15 unless such licensee certifies to such commissioner the quantity of New
16 York grown apples unavailable to such licensee due to such natural
17 disaster, act of God or continuing adverse weather condition and satis-
18 fies such commissioner that reasonable efforts were made to obtain
19 apples from a New York state source for such cider making purpose.

20 (c) No farm brewery shall utilize an amount of out-of-state grown
21 apples exceeding the amount of New York grown apples that such brewery
22 is unable to obtain due to the destruction of New York grown apples by a
23 natural disaster, act of God or continuing adverse weather condition as
24 determined by the commissioner of agriculture and markets pursuant to
25 paragraph (a) of this subdivision.

26 (d) For purposes of this subdivision, the department of agriculture
27 and markets and the state liquor authority are authorized to adopt rules
28 and regulations as they may deem necessary to carry out the provisions

1 of this section which shall include ensuring that in manufacturing cider
2 farm breweries utilize apples grown in New York state to the extent they
3 are reasonably available, prior to utilizing apples from an out-of-state
4 source for such purpose.

5 (e) The commissioner of agriculture and markets shall make available
6 to farm breweries and to the public each specific apple loss determi-
7 nation issued pursuant to this subdivision on or after August twentieth
8 of each year.

9 (f) In the event that the continuing effects of a natural disaster,
10 act of God, or adverse weather condition which occurred prior to August
11 twentieth of each year or the effects of a natural disaster, act of God,
12 or adverse weather condition which occurs subsequent to August twentieth
13 of each year results in any apple crop loss which meets the standards
14 provided in this subdivision, the commissioner of agriculture and
15 markets, in consultation with the chairperson of the authority, may
16 issue additional apple crop loss determinations and shall expeditiously
17 make available to farm breweries and to the public the loss determi-
18 nation issued pursuant to this paragraph prior to October tenth of each
19 year.

20 § 742. Availability of apples for farm cideries. 1. In the event that
21 the commissioner of agriculture and markets, after investigating and
22 compiling information pursuant to subdivision forty-two of section
23 sixteen of the agriculture and markets law, determines that a natural
24 disaster, act of God, or continued adverse weather condition has
25 destroyed much of the apple crop necessary for producing cider, such
26 commissioner, in consultation with the chairperson of the state liquor
27 authority, may give authorization to a duly licensed farm cidery to
28 manufacture or sell cider produced from apples grown outside this state.

1 2. No such authorization shall be granted to a farm cidery licensee
2 unless such licensee certifies to such commissioner the quantity of New
3 York grown apples unavailable to such licensee due to such natural
4 disaster, act of God or continuing adverse weather condition and satis-
5 fies such commissioner that reasonable efforts were made to obtain
6 apples from a New York state source for such cider making purpose.

7 3. No farm cidery shall utilize an amount of out-of-state grown apples
8 exceeding the amount of New York grown apples that such cidery is unable
9 to obtain due to the destruction of New York grown apples by a natural
10 disaster, act of God or continuing adverse weather condition as deter-
11 mined by the commissioner of agriculture and markets pursuant to subdi-
12 vision one of this section.

13 4. For purposes of this section, the department of agriculture and
14 markets and the state liquor authority are authorized to adopt rules and
15 regulations as they may deem necessary to carry out the provisions of
16 this section which shall include ensuring that in manufacturing cider
17 farm cideries utilize apples grown in New York state to the extent they
18 are reasonably available, prior to utilizing apples from an out-of-state
19 source for such purpose.

20 5. The commissioner of agriculture and markets shall make available to
21 farm cideries and to the public each specific apple loss determination
22 issued pursuant to this section on or after August twentieth of each
23 year.

24 6. In the event that the continuing effects of a natural disaster, act
25 of God, or adverse weather condition which occurred prior to August
26 twentieth of each year or the effects of a natural disaster, act of God,
27 or adverse weather condition which occurs subsequent to August twentieth
28 of each year results in any apple crop loss which meets the standards

1 provided in subdivision one of this section, the commissioner of agri-
2 culture and markets, in consultation with the chairperson of the state
3 liquor authority, may issue additional apple crop loss determinations
4 and shall expeditiously make available to farm cideries and to the
5 public the loss determination issued pursuant to this paragraph prior to
6 October tenth of each year.

7 § 743. Tastings by wine grape growers and wine producer organizations.

8 1. Wine grape growers or wine producer organizations or associations,
9 incorporated within the state for the purpose of wine or wine grape
10 promotion may hold wine tastings for purposes of education in the
11 production and proper use of wine products under the same rules applying
12 to winery licensees.

13 2. The authority is hereby authorized to promulgate rules and regu-
14 lations to effectuate the purposes of this section.

15 ARTICLE 8

16 MISCELLANEOUS PERMITS

17 Section 801. Miscellaneous permit classes.

18 802. Trucking permit.

19 803. Warehouse permit.

20 804. Liquidator's permit.

21 805. Industrial alcohol permit.

22 806. Industrial alcohol manufacturers' permit.

23 807. Alcohol permit.

24 808. Alcohol distributor's permit.

25 809. Drug store permit.

26 810. Charitable permit.

- 1 811. Bottling permit.
- 2 812. Reconditioning permit.
- 3 813. Hospital permit.
- 4 814. Fire insurance or fire salvage company permit.
- 5 815. Higher education permit.
- 6 816. Permit to employ minor as entertainer.
- 7 817. Miscellaneous permits to sell or purchase alcoholic bever-
- 8 ages.
- 9 818. Miscellaneous plenary permit.

10 § 801. Miscellaneous permit classes. 1. The following classes of
11 permits may be issued with respect to the manufacture, distribution or
12 sale of alcoholic beverages on the premises:

- 13 (a) Trucking permit.
- 14 (b) Warehouse permit.
- 15 (c) Liquidator's permit.
- 16 (d) Industrial alcohol permit.
- 17 (e) Industrial alcohol manufacturers' permit.
- 18 (f) Alcohol permit.
- 19 (g) Alcohol distributor's permit.
- 20 (h) Drug store permit.
- 21 (i) Charitable permit.
- 22 (j) Bottling permit.
- 23 (k) Reconditioning permit.
- 24 (l) Hospital permit.
- 25 (m) Fire insurance or fire salvage company permit.
- 26 (n) Higher education permit.
- 27 (o) Permit to employ minor as entertainer.

1 (p) Miscellaneous permits to sell or purchase alcoholic beverages.

2 (q) Miscellaneous plenary permit.

3 2. Such permits shall be exercised in accordance with the terms and
4 conditions thereof.

5 3. Except as otherwise provided for in this chapter, no person shall
6 engage in any of these activities without having first obtained the
7 appropriate permit as required by this article.

8 § 802. Trucking permit. 1. A trucking permit shall authorize the hold-
9 er thereof to transport alcoholic beverages in this state.

10 2. Such permit may be issued for a duly licensed taxicab used in
11 cities having a population of one million or less to deliver only wine
12 or liquor sold at retail.

13 3. (a) In lieu of a permit issued under subdivision one of this
14 section, the authority may issue a fleet permit.

15 (b) Such fleet permit shall cover any and all vehicles owned or hired,
16 and operated, by such permittee.

17 4. (a) In lieu of a permit issued under subdivision one of this
18 section, the authority may issue a company permit to a licensed manufac-
19 turer or beer wholesaler.

20 (b) Such company permit shall cover any and all vehicles over sixty-
21 five thousand pounds hired or contracted for a term by such permittee.

22 5. (a) All vehicles covered by a permit issued under this section
23 shall have affixed thereto a sign to be approved by the authority
24 containing the registration number of such vehicle.

25 (b) In lieu of such sign a vehicle may have in its cab a photostatic
26 copy of its current permit issued by the authority.

27 6. A trucking permit shall be issued for the calendar year.

1 7. (a) The annual fee for such permit shall be at the rate of fifty-
2 one dollars per truck or such duly licensed taxicab per year, provided
3 that the annual fee for a fleet permit shall be sixty-four hundred
4 dollars and the annual fee for a company permit shall be sixty-four
5 hundred dollars.

6 (b) If an application for a permit is made after July first in any one
7 year, the fee shall be one-half of the annual fee herein provided for.

8 § 803. Warehouse permit. 1. A warehouse permit shall authorize the
9 holder thereof to store alcoholic beverages on the premises identified
10 on the permit.

11 2. Except as set forth in subdivisions three and four of this section,
12 no such permit shall be issued to a retail off-premises beer licensee.

13 3. A retail off-premises beer licensee may be issued a permit pursuant
14 to this section for the storage of a private label brand or brands of
15 beer for which the licensee is the registered owner or for a brand or
16 brands of beer of which the licensee is the exclusive retail seller in
17 the state.

18 4. (a) A retail off-premises beer licensee may be issued a special
19 retail warehouse permit for the storage of beer.

20 (b) No more than five such special warehouse permits may be issued by
21 the authority on a statewide basis at any time.

22 (c) Such permits may only be issued to a retail off-premises beer
23 licensee having a premises with no more than twenty-five hundred square
24 feet of retail space per each such premises and employing no more than
25 five people on each premises during any period of operation.

26 5. A warehouse permit shall be issued for the calendar year.

27 6. The annual fee for the permit shall be two hundred fifty-six
28 dollars, except that where the application is filed after July first in

1 any year the fee shall be one hundred twenty-eight dollars for the
2 remainder of such period.

3 § 804. Liquidator's permit. 1. A permit under this section shall
4 authorize a licensee who is liquidating or selling its business, or a
5 former licensee whose license has been surrendered, revoked, cancelled
6 or has expired, to sell its entire stock of alcoholic beverages to other
7 licensees.

8 2. Provided, that no such permit shall be issued to a licensee or
9 former licensee who is delinquent under the provisions of section one
10 thousand two or section one thousand three of this chapter.

11 3. A former licensee whose license has been surrendered, revoked,
12 cancelled, or has expired, may not transfer its stock of alcoholic
13 beverages to any other person unless it obtains such a permit.

14 4. Each such permit and the exercise of the privilege granted thereby
15 may be subjected to such rules and conditions by the authority as it
16 deems necessary.

17 5. A liquidator's permit shall be issued for one transaction at a fee
18 fixed by the authority not to exceed ninety dollars.

19 § 805. Industrial alcohol permit. 1. An industrial alcohol permit
20 shall authorize the holder thereof to purchase alcohol intended for use
21 in the manufacture and sale of any of the following when they are unfit
22 for beverage purposes:

23 (a) denatured alcohol purchased and used pursuant to acts of Congress
24 and regulations promulgated thereunder;

25 (b) patent, proprietary, medicinal, pharmaceutical, antiseptic and
26 toilet preparations;

27 (c) flavoring extracts, syrups and food products; and

28 (d) scientific, chemical, mechanical and industrial products.

1 2. Any person who shall knowingly sell any of the products enumerated
2 in this section for beverage purposes, or who shall sell any of the same
3 under circumstances from which he might reasonably deduce the intention
4 of the purchaser to use them for such purposes, shall be subject to the
5 penalties provided for in this chapter.

6 3. An industrial alcohol permit shall be issued for a calendar year,
7 and the fee therefor shall be sixty-four dollars per year, or for any
8 part thereof.

9 § 806. Industrial alcohol manufacturers' permit. 1. An industrial
10 alcohol manufacturer's permit shall authorize the holder thereof to
11 manufacture alcohol intended for use and/or used for the following
12 purposes:

13 (a) for scientific, chemical, mechanical, industrial, medicinal and
14 culinary purposes.

15 (b) for use by those authorized to procure alcohol tax-free, as
16 provided by the acts of congress and regulations promulgated thereunder.

17 (c) in the manufacture of denatured alcohol as provided by the acts of
18 congress and regulations promulgated thereunder.

19 (d) in the manufacture of patented, patent, proprietary, medicinal,
20 pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and
21 industrial preparations or products, unfit for beverage purposes.

22 (e) in the manufacture of flavoring extracts and syrups, unfit for
23 beverage purposes.

24 (f) in the manufacture of ethanol from biomass feedstock for use as
25 fuel (including but not limited to motor fuel, heating fuel or fuel for
26 process heat).

27 2. Such permit shall also allow the holder to distribute such alcohol
28 to holders of industrial alcohol permits, alcohol permits, class A alco-

1 hol distributors' permits, class B alcohol distributors' permits, and
2 class C alcohol distributors' permits.

3 3. Nothing contained herein shall authorize the manufacturing and
4 distribution of such alcohol for beverage purposes.

5 4. An industrial alcohol manufacturer's permit shall be effective for
6 a license year expiring on the thirty-first day of December following
7 the date of issue, and the fee prescribed therefor by this section shall
8 be the fee due and payable therefor.

9 5. (a) The annual fee for an industrial alcohol manufacturer's permit
10 shall be eight hundred dollars, except that:

11 (i) no holder of a distiller's license shall be required to obtain
12 such permit or pay such fee;

13 (ii) no fee shall be required from any applicant who certifies that
14 they will manufacture, solely from biomass feedstock, ethanol for their
15 own use as fuel;

16 (iii) no fee shall be required from any applicant who certifies that
17 they will manufacture, solely from biomass feedstock, less than one
18 hundred thousand gallons of ethanol annually for use as a fuel;

19 (iv) no fee shall be required from any applicant who certifies that
20 they will manufacture, solely from biomass feedstock other than food
21 crops, ethanol for use as fuel; and

22 (v) no fee shall be required from any applicant who certifies that
23 they are the holder of an experimental distilled spirits plant permit,
24 as provided by federal law and regulation, for the manufacture of etha-
25 nol for their own use as fuel.

26 (b) When application for a permit is made after the first day of Janu-
27 ary in any year, the fee therefor shall, for the balance of the year, be
28 in proportion as the remainder of such year shall bear to the whole

1 year, except, that it shall in no case be for less than one-half of such
2 year.

3 § 807. Alcohol permit. 1. An alcohol permit shall authorize any of the
4 following to purchase alcohol:

5 (a) the superintendent, or duly authorized officer, of a hospital,
6 museum, laboratory, art, charitable, educational, or similar public
7 institution;

8 (b) a drug store or licensed physician, dentist, veterinarian, optome-
9 trist and chiropodist;

10 (c) a manufacturing establishment using alcohol in its processes of
11 manufacture.

12 2. Any person who shall knowingly sell any alcohol for beverage
13 purposes or who shall sell the same under circumstances from which he
14 might reasonably deduce the intention of the purchaser to use it for
15 such purposes, shall be subject to the penalties provided for in this
16 chapter.

17 3. An alcohol permit shall be issued for a calendar year and the fee
18 therefor shall be six dollars per year or for any part thereof.

19 § 808. Alcohol distributor's permit. 1. A class A alcohol distribu-
20 tor's permit shall authorize the holder thereof to sell and distribute
21 alcohol to licensed rectifiers alcohol which is to be used for beverage
22 purposes and to all holders of permits issued pursuant to this and to
23 the holders of industrial alcohol and industrial alcohol manufacturer's
24 permits.

25 2. A class B alcohol distributor's permit shall authorize the holder
26 thereof to sell and distribute alcohol to holders of a class C alcohol
27 distributor's permit or to holders of industrial alcohol and industrial
28 alcohol manufacturer's permits.

1 3. (a) A class C alcohol distributor's permit shall authorize the
2 holder thereof to sell and distribute alcohol to holders of permits
3 issued pursuant to section eight hundred six of this article and to use
4 alcohol in the preparation by them of any of the products enumerated in
5 section eight hundred four of this article.

6 (b) Such a permit may be applied for by and shall be issued only to a
7 wholesale druggist.

8 4. (a) A class D alcohol distributor's permit shall authorize the
9 holder thereof to sell and distribute alcohol to the holder of winery
10 licenses.

11 (b) Such permits shall be issued only to a person holding a winery
12 license under this chapter.

13 5. (a) An alcohol distributor's permit shall be effective for a
14 license year expiring on the thirty-first day of December following the
15 date of issuance, and the fee prescribed therefor by this section shall
16 be the fee due and payable therefor.

17 (b) When application for any permit under this section is made, after
18 the first day of January in any year, the fee therefor shall, for the
19 balance of the year, be in proportion as the remainder of such year
20 shall bear to the whole year, except, that it shall in no case be for
21 less than one-half of such year.

22 6. The annual fee for a:

23 (a) class A alcohol distributor's permit shall be sixteen hundred
24 dollars;

25 (b) class B alcohol distributor's permit shall be eight hundred
26 dollars;

27 (c) class C alcohol distributor's permit shall be one hundred sixty
28 dollars; and

1 (d) class D alcohol distributor's permit shall be three hundred eight-
2 y-four dollars.

3 § 809. Drug store permit. 1. A drug store permit shall authorize a
4 drug store to sell liquor and/or wine for off-premises consumption.

5 2. (a) Such permit shall authorize the permittee to sell liquor or
6 wine in the original sealed package only upon a written prescription of
7 a regularly licensed physician in a quantity not exceeding one pint of
8 liquor and one quart of wine.

9 (b) Such prescription shall:

10 (i) state the date thereof;

11 (ii) state the name of the person for whom prescribed; and

12 (iii) be preserved by the vendor and pasted in a book kept for the
13 purpose and be but once filled.

14 (c) Such package shall not be opened after sale nor its contents
15 consumed on the premises where sold.

16 3. No such permittee shall have, keep or offer for sale, or sell in
17 the premises designated in the permit any liquor which is not of the
18 strength, quality and purity prescribed in the latest United States
19 Pharmacopoeia.

20 4. A drug store permit shall be issued for a calendar year.

21 5. The fee for such permit shall be at the rate of fifty-one dollars
22 per year for each place where such traffic is carried on except that
23 where an application shall be filed after July first in any year the fee
24 to be paid shall be twenty-six dollars for the balance of such year.

25 § 810. Charitable permit. 1. A permit under this section shall author-
26 ize an organization to sell alcoholic beverages, at auction or other-
27 wise, where the authority is satisfied:

1 (a) that contributions made by an individual donor to such organiza-
2 tion are deductible for Federal income tax purposes;

3 (b) that the funds so raised will be used for the non-profit purposes
4 of the organization;

5 (c) that all such alcoholic beverages shall be in sealed containers;
6 and

7 (d) that not more than eighty cases shall be sold.

8 2. Such permit shall be valid for a twenty-four hour period commencing
9 at eight o'clock a.m. and only during the hours when such alcoholic
10 beverages may lawfully be sold by retail licensees in the county in
11 which the auction or sale is held.

12 3. No alcoholic beverages sold pursuant to such permit shall be
13 consumed on the premises at which they are sold.

14 4. The fee for a one-day charitable permit shall be twenty dollars.

15 § 811. Bottling permit. 1. A permit under this section shall author-
16 ize:

17 (a) a licensed wine or liquor wholesaler to bottle, recask, filter or
18 clarify wine (in the case of a wine wholesaler) or liquor and wine (in
19 the case of a liquor wholesaler that has been imported in bulk from a
20 foreign country); or

21 (b) a person to bottle liquor manufactured outside of the state of New
22 York or wine produced in a foreign country and received in this state in
23 bulk.

24 2. A permit issued under paragraph (b) of subdivision one of this
25 section shall authorize the holder thereof:

26 (a) to bottle such liquor for or on behalf of wholesale liquor or wine
27 licensees or for persons authorized to sell liquor or wine at wholesale

1 pursuant to the laws and regulations of any other state, territorial
2 possession of the United States or foreign country; and

3 (b) to rebottle or recondition liquors and wines manufactured outside
4 of the state of New York and received in this state, for or on behalf of
5 wholesale liquor or wine licensees, or for persons authorized to sell
6 liquor or wine at wholesale pursuant to the laws and regulations of any
7 other state, territorial possession of the United States or foreign
8 country.

9 3. (a) A permit issued under paragraph (a) of subdivision one of this
10 section may only be issued for a United States customs bonded warehouse
11 for which a warehouse permit has been issued under this chapter or in a
12 premises in a foreign trade zone established pursuant to federal law.

13 (b) A permit issued under paragraph (b) of subdivision one of this
14 section may only be issued for the premises designated in the permit or
15 in a United States customs bonded warehouse for which a warehouse permit
16 has been issued under this article.

17 4. Such permit shall be issued for the calendar year.

18 5. (a) The fee for a permit issued under paragraph (a) of subdivision
19 one of this section shall be at the rate of four hundred eighty dollars
20 per annum, except that where the application shall be filed after July
21 first in any year the fee shall be two hundred forty dollars for the
22 remainder of such period.

23 (b) The fee for a permit issued under paragraph (b) of subdivision one
24 of this section shall be at the rate of sixteen hundred dollars per
25 annum, except that where the application shall be filed after July first
26 in any year the fee shall be eight hundred dollars for the remainder of
27 such period.

1 6. Such permit and the exercise of the privileges granted thereunder
2 shall be subject to the laws of the United States and the rules of the
3 federal agency having jurisdiction thereunder, and such other rules as
4 the authority deems necessary.

5 § 812. Reconditioning permit. 1. A permit under this section shall
6 authorize:

7 (a) a licensed liquor wholesaler to recondition wines and liquors
8 manufactured outside of the state of New York including filtering, clar-
9 ifying, rebottling, labeling, relabeling or repacking such wines and
10 liquors; or

11 (b) a licensed wine wholesaler to recondition wines manufactured
12 outside of the state of New York including filtering, clarifying, rebot-
13 tling, labeling, relabeling or repacking such wines.

14 2. Such reconditioning shall be done on such premises and under such
15 conditions as the authority may prescribe.

16 3. Each such permit shall be valid for one day only.

17 4. The fee for each such permit shall not exceed twenty-six dollars.

18 5. Each such permit and the exercise of the privilege granted thereby
19 shall be subject to the laws of the United States and the rules of the
20 federal agency having jurisdiction thereunder and the rules and regu-
21 lations to be promulgated by the liquor authority and operations
22 conducted pursuant thereto shall be performed under such supervision as
23 the authority shall require.

24 § 813. Hospital permit. 1. A permit under this section shall authorize
25 a hospital, which shall mean a place for overnight care of the sick,
26 conducted or licensed by the state or a political subdivision thereof or
27 subject to visitation and inspection by the state board of social

1 welfare, to purchase liquor, wine or beer for medicinal use only in the
2 treatment of bona fide patients of such hospital.

3 2. Each such permit and the exercise of the privilege granted thereby
4 may be subjected to such rules and conditions by the authority as it
5 deems necessary.

6 3. A hospital permit shall be issued for:

7 (a) one transaction at a fee fixed by the authority not to exceed
8 ninety dollars; or

9 (b) a calendar year at a fee fixed by the authority not to exceed two
10 hundred fifty-six dollars.

11 § 814. Fire insurance or fire salvage company permit. 1. A permit
12 under this section shall authorize a fire insurance company or fire
13 salvage company, under the supervision of the New York state department
14 of financial services, to sell to licensees alcoholic beverages which
15 came into its possession as a result of a fire on licensed premises.

16 2. Each such permit and the exercise of the privilege granted thereby
17 may be subjected to such rules and conditions by the authority as it
18 deems necessary.

19 3. A fire insurance or fire salvage company permit shall be issued for
20 one transaction at a fee fixed by the authority not to exceed ninety
21 dollars.

22 § 815. Higher education permit. 1. A permit under this section shall
23 authorize an institution of higher education operating under authority
24 granted by the state education department to deliver or cause to be
25 delivered alcoholic beverages to a person who is at least twenty-one
26 years of age enrolled in a single class or course of classes authorized
27 by the institution of higher education and conducted by an instructor or

1 instructors engaged by the institution of higher education, provided
2 that:

3 (a) such person's imbibing or tasting of such alcoholic beverages is a
4 required part of the class or course of classes; and

5 (b) such person's imbibing or tasting of such alcoholic beverages is
6 only for instructional purposes.

7 2. (a) No alcoholic beverage shall be delivered, or shall be permitted
8 to be delivered, to a person under twenty-one years of age during any
9 class conducted under the authority of such permit.

10 (b) The provisions of subdivision three of section twelve hundred one
11 and paragraph (a) of subdivision two of section twelve hundred four of
12 this chapter shall not apply to any delivery made during any class
13 conducted under the authority of such permit.

14 3. Each such permit and the exercise of the privilege granted thereby
15 may be subjected to such rules and conditions by the authority as it
16 deems necessary.

17 4. A higher education permit shall be issued for:

18 (a) one transaction at a fee fixed by the authority not to exceed
19 ninety dollars; or

20 (b) a calendar year at a fee fixed by the authority not to exceed two
21 hundred fifty-six dollars.

22 § 816. Permit to employ minor as entertainer. 1. A permit under this
23 section shall authorize a person under the age of eighteen years to
24 appear as an entertainer on any premises licensed for retail sale here-
25 under.

26 2. A permit under this section shall be required for a person under
27 the age of eighteen years who is not otherwise eligible to act as an
28 entertainer pursuant to this chapter.

1 3. Such permit shall be issued, in the discretion of the authority,
2 upon the application of such minor.

3 4. (a) No such special permit shall be granted unless the written
4 consent of both parents or the lawful guardian or guardians of such
5 minor shall appear upon such application.

6 (b) (i) The authority may require the personal appearance at an office
7 of the authority of such applicant and their parents or legal guardians
8 at the time such application is made or at any other time prior to the
9 consideration of such application by the authority upon written notice
10 to the applicant and/or their parents or legal guardians.

11 (ii) Such personal appearance, if requested, shall be for the purpose
12 of enabling the authority to establish that the entertainment that the
13 applicant is intending to perform is not contrary to the best interests
14 of the minor.

15 5. (a) The authority is hereby authorized and directed to promulgate
16 rules and regulations for the orderly implementation and administration
17 of the provisions of this section.

18 (b) Such rules and regulations shall provide for a reasonable limita-
19 tion upon the types of entertainment for which an application for a
20 special permit shall be granted and may provide for conditions or limi-
21 tations which may be attached to the granting of such special permit.

22 (c) In addition to any conditions or limitations as may be so imposed,
23 such rules or regulations shall impose as a condition for the granting
24 of such permit that a parent or legal guardian of the minor shall be
25 present during such minor's appearance as an entertainer.

26 6. Such permit shall be subject to revocation, after a hearing upon a
27 determination by the authority that the conditions or limitations
28 attached upon such permit have been violated.

1 7. Such permits shall be issued for limited periods not to exceed one
2 year.

3 8. The authority shall revoke any special permit upon the written
4 request of the parents or legal guardians of such minor.

5 § 817. Miscellaneous permits to sell or purchase alcoholic beverages.

6 1. A permit to sell alcoholic beverages may be issued in the following
7 circumstances:

8 (a) to a sheriff, marshal, assignee for the benefit of creditors,
9 trustee or receiver in bankruptcy, executor or administrator of an
10 estate, to sell the stock of alcoholic beverages which came into his or
11 her possession pursuant to judicial process.

12 (b) to a steamship company or company operating aircraft, or its duly
13 authorized agent, to purchase from a manufacturer or wholesaler in this
14 state alcoholic beverages for ship's stores for consumption outside the
15 territorial jurisdiction of the state, and not for purposes of resale in
16 this state.

17 (c) to a person engaged in the manufacture of products which are unfit
18 for beverage use and classified by the United States treasury department
19 as exempt from special and commodity taxes to purchase liquor, wine or
20 beer from licensed wholesalers and manufacturers for use only in the
21 process of manufacture of such products.

22 (d) to a warehouseman, railroad company, steamship company, or other
23 person who has acquired a lien pursuant to law for the storage or
24 carriage of alcoholic beverages, to sell such alcoholic beverages to a
25 licensee.

26 (e) to a bank or trust company incorporated under article three or
27 twelve of the banking law or a foreign banking corporation licensed by
28 the superintendent of financial services of this state or a banking

1 corporation organized under the laws of the United States and doing
2 business in this state, to sell warehouse receipts pertaining to alco-
3 holic beverages which it has accepted as collateral security for a loan
4 to a licensee and which it acquired through default in the payment of
5 such loan.

6 2. Each such permit and the exercise of the privilege granted thereby
7 may be subjected to such rules and conditions by the authority as it
8 deems necessary.

9 3. A miscellaneous permit under paragraph (a), (d) or (e) of subdivi-
10 sion one of this section shall be issued for one transaction at a fee
11 fixed by the authority not to exceed ninety dollars.

12 4. A miscellaneous permit under paragraph (b) or (c) of subdivision
13 one of this section shall be issued:

14 (a) for one transaction at a fee fixed by the authority not to exceed
15 ninety dollars; or

16 (b) a calendar year at a fee fixed by the authority not to exceed two
17 hundred fifty-six dollars.

18 § 818. Miscellaneous plenary permit. 1. The authority may issue a
19 miscellaneous plenary permit to a person to purchase, receive or sell
20 alcoholic beverages or receipts, certificates, contracts or other docu-
21 ments pertaining to alcoholic beverages, in cases not expressly provided
22 for by this chapter, when in the judgment of the authority it would be
23 appropriate and consistent with the purpose of this chapter.

24 2. The authority may, by rule, fix the quantity of alcoholic beverages
25 to be involved in a single transaction under a permit issued pursuant to
26 this section, but no single transaction so authorized shall involve more
27 than twenty cases of alcoholic beverages.

1 3. Each such permit and the exercise of the privilege granted thereby
2 may be subjected to such rules and conditions by the authority as it
3 deems necessary.

4 4. A miscellaneous plenary permit shall be issued for:

5 (a) one transaction at a fee fixed by the authority not to exceed
6 ninety dollars; or

7 (b) a calendar year at a fee fixed by the authority not to exceed two
8 hundred fifty-six dollars.

9 ARTICLE 9

10 RESPONSIBILITIES OF LICENSEES, PERMITTEES AND OTHER PERSONS UNDER

11 THIS CHAPTER

12 Section 901. Manufacture and sale of alcoholic beverages without license
13 or permit.

14 902. Transfer of license privileges to another person or prem-
15 ises.

16 903. Bringing alcoholic beverages into the state.

17 904. Intrastate shipping of alcoholic beverages.

18 905. License not to be used as collateral.

19 906. Sale at wholesale to unlicensed persons.

20 907. Purchase from unlicensed sources.

21 908. Acting as a broker in a purchase and sale without a permit.

22 909. Soliciting orders without a permit.

23 910. Sale of cannabis by licensees.

24 911. Sale of powered or crystalline alcoholic products.

25 912. Possession or use of alcohol vaporizing devices.

26 913. Posting license certificate at premises.

- 1 914. Peddling and soliciting orders at residences and places of
2 business.
- 3 915. Employment of minors.
- 4 916. Employment of minors as entertainer.
- 5 917. Employment of felons.
- 6 918. Inspection of premises.
- 7 919. Books and records.
- 8 920. Warehouse receipts.
- 9 921. Size of containers of alcoholic beverages.
- 10 922. Storage of alcoholic beverages.
- 11 923. Transporting alcoholic beverages.
- 12 924. Hours of business for off-premises liquor and off-premises
13 wine licensees.
- 14 925. Hours of sale and consumption for on-premises consumption.
- 15 926. Sale of beer at retail on Sunday.
- 16 927. Disorderly conduct, illicit drug activity and gambling.
- 17 928. BYOB and giving alcoholic beverages away to persons on the
18 premises.
- 19 929. Sale of liquor or wine "to go" by on-premises licensees.
- 20 930. Unlimited drink offerings.
- 21 931. Hotel mini-bars.
- 22 932. Restrictions on sales by club licensees.
- 23 933. Use, refilling and contamination of original containers.
- 24 934. Requirement of food purchase with purchase of alcoholic
25 beverage.
- 26 935. Service of liquor and wine at tables required.
- 27 936. Service of liquor and wine at legitimate theaters and other
28 lawful adult entertainment and recreational facilities.

- 1 937. Beer taps to be marked.
- 2 938. Restrictions on vessels with retail on-premises liquor or
3 retail on-premises wine licenses.
- 4 939. Restrictions on railroad cars and aircraft with retail
5 on-premises liquor or retail on-premises wine licenses.
- 6 940. Sale on credit by retail off-premises licensees.
- 7 941. Required signage at premises for wholesalers, for off-prem-
8 ises liquor and off-premises wine licensees.
- 9 942. Posting of prices by off-premises liquor and off-premises
10 wine licensees.
- 11 943. Restrictions on interior, windows and doors of off-premises
12 liquor and off-premises wine licensees.
- 13 944. Restrictions on drug store permit holders.
- 14 945. Restrictions on beer vendor's licenses.
- 15 946. Required signs to be posted by retail licensees.
- 16 947. Provisions governing tastings of alcoholic beverages.
- 17 948. Notice to authority of arrests and convictions.

18 § 901. Manufacture and sale of alcoholic beverages without license or
19 permit. No person shall manufacture for sale or sell at wholesale or
20 retail any alcoholic beverage within the state without obtaining the
21 appropriate license therefor required by this chapter.

22 § 902. Transfer of license privileges to another person or premises.
23 1. A license issued to any person under this chapter for any licensed
24 premises shall not be transferable to any other person or to any other
25 premises or to any other part of the building containing the licensed
26 premises except in the discretion of the authority.

1 2. Such license shall be available only to the person therein speci-
2 fied, and only for the premises licensed and no other except if author-
3 ized by the authority.

4 3. The provisions of this section shall not be deemed to prohibit the
5 issuance of certain manufacturing licenses for premises where there
6 shall already be a manufacturing license.

7 4. The license of a sole proprietor converting to corporate form,
8 where such proprietor becomes the sole stockholder and only officer and
9 director of such new corporation, may be transferred to the subject
10 corporation if all requirements of this chapter remain the same with
11 respect to such license as transferred and, further, the licensee shall
12 transmit to the authority, within ten days of the transfer of license
13 allowable under this subdivision, on a form prescribed by the authority,
14 notification of the transfer of such license.

15 5. For the purposes of this section, each railroad car and each vessel
16 shall be deemed premises separately to be licensed.

17 § 903. Bringing alcoholic beverages into the state. 1. (a) No alcohol-
18 ic beverages shall be shipped into the state unless the same shall be
19 consigned to a person duly licensed hereunder to traffic in alcoholic
20 beverages.

21 (b) Such prohibition shall apply to all shipments of alcoholic bever-
22 ages into New York state:

23 (i) and includes importation or distribution for commercial purposes,
24 personal use, or otherwise; and

25 (ii) irrespective of whether such alcoholic beverages were purchased
26 within or without the state.

1 (c) The prohibition in paragraph (a) of this subdivision shall not
2 apply to any shipment made by the holder of a direct interstate wine
3 shipping license made pursuant to the provisions of this chapter.

4 (d) (i) The prohibition in paragraph (a) of this subdivision shall not
5 apply to any shipment consigned to a New York state resident who has
6 personally purchased alcoholic beverages for their personal use while
7 outside the United States for a minimum period of forty-eight consec-
8 utive hours and which they have shipped as consignor to themselves as
9 consignee.

10 (ii) Purchases made outside the United States by persons other than
11 the purchaser themselves, regardless whether made as their agent, or by
12 their authorization or on their behalf, are deemed not to have been
13 personally purchased within the meaning of this paragraph.

14 2. (a) No carrier or other person shall bring or carry into the state
15 any alcoholic beverages, unless the same shall be consigned to a person
16 duly licensed hereunder to traffic in alcoholic beverages.

17 (b) No trucking permittee shall accept for delivery, deliver or trans-
18 port from a steamship or railroad station or terminal any shipment of
19 alcoholic beverages consigned to a non-licensed person having their home
20 or business in New York state.

21 (c) The prohibitions in paragraphs (a) and (b) of this subdivision
22 shall not apply to any shipment made by the holder of a direct inter-
23 state wine shipping license made pursuant to the provisions of this
24 chapter.

25 (d) (i) Alcoholic beverages may be delivered by a trucking permittee
26 from a steamship or railroad station or terminal to a New York state
27 resident who has personally purchased alcoholic beverages for their
28 personal use while outside the United States for a minimum period of

1 forty-eight consecutive hours, and which they have shipped as consignor
2 to themselves as consignee.

3 (ii) Purchases of alcoholic beverages made outside the United States
4 by persons other than the purchaser themselves, regardless whether made as
5 their agent, or by their authorization or on their behalf, are deemed
6 not to have been personally purchased within the meaning of this para-
7 graph.

8 3. Subdivisions one and two of this section shall apply to alcoholic
9 beverages, either in the original package or otherwise, whether intended
10 for commercial or personal use, as well as otherwise, and to foreign,
11 interstate, as well as intrastate, shipments or carriage, irrespective
12 of whether such alcoholic beverages were purchased within or without the
13 state.

14 4. Nothing in this chapter shall be deemed to exempt from taxation the
15 sale or use of any alcoholic beverages subject to any tax imposed under
16 or pursuant to the authority of the tax law or to grant any other
17 exemption from the provisions of such law.

18 § 904. Intrastate shipping of alcoholic beverages. 1. Except as
19 provided for herein, no holder of a manufacturer's or wholesaler's
20 license issued under this chapter shall ship alcoholic beverages to a
21 person in this state who is not duly licensed to sell such alcoholic
22 beverages.

23 2. (a) Any person holding a winery or farm winery license under this
24 chapter may ship no more than thirty-six cases (no more than nine liters
25 per case) of wine produced by such winery or farm winery per year
26 directly to a New York state resident who is at least twenty-one years
27 of age, for such resident's personal use and not for resale.

28 (b) Any such licensee shall:

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

5 (ii) ensure that the outside of each shipping container used to ship
6 wine directly to a New York state resident is conspicuously labeled with
7 the words: "CONTAINS WINE - SIGNATURE OF PERSON AGE 21 OR OLDER
8 REQUIRED FOR DELIVERY," or with other language specifically approved by
9 the New York state liquor authority;

10 (iii) maintain records in such manner and form as the authority may
11 direct showing the total amount of wine shipped in the state each calen-
12 dar year, the names and addresses of the purchasers to whom the wine was
13 shipped, the date purchased, the name of the common carrier used to
14 deliver the wine, and the quantity and value of each shipment. Such
15 records shall be kept for three years and, upon written request, be
16 provided to the authority or the department of taxation and finance;

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

22 (v) require common carriers to:

23 (A) require a recipient, at the delivery address, upon delivery, to
24 demonstrate that the recipient is at least twenty-one years of age by
25 providing a valid form of photographic identification authorized by
26 section twelve hundred three of this chapter;

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

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

4 (c) In any action brought under this subdivision, the common carrier
5 and the licensee shall only be held liable for their independent acts.

6 § 905. License not to be used as collateral. No license shall be
7 pledged or deposited as collateral security for any loan or upon any
8 other condition; and any such pledge or deposit, and any contract
9 providing therefor, shall be void.

10 § 906. Sale at wholesale to unlicensed persons. No manufacturer and no
11 wholesaler shall sell, or agree to sell or deliver in this state any
12 alcoholic beverage for the purposes of resale to any person who does not
13 hold a license or permit under this chapter to sell such beverages, at
14 wholesale or retail, as the case may be, at the time of such agreement
15 and sale.

16 § 907. Purchase from unlicensed sources. No licensee or permittee
17 shall purchase or agree to purchase or receive any alcoholic beverages
18 from any person within the state who is not duly licensed to sell such
19 alcoholic beverage as the case may be, at the time of such agreement and
20 sale nor give any order for any alcoholic beverage to any individual who
21 is not the holder of a solicitor's permit, except as provided for with
22 respect to the sale of private collections.

23 § 908. Acting as a broker in a purchase and sale without a permit. No
24 person shall engage as a broker in the purchase and sale of alcoholic
25 beverages in this state unless such person shall have a broker's permit.

26 § 909. Soliciting orders without a permit. Except as provided for in
27 this chapter, no individual shall offer for sale or solicit any order in
28 the state for the sale of any alcoholic beverage irrespective of whether

1 such sale is to be made within or without the state, unless such person
2 shall have a solicitor's permit.

3 § 910. Sale of cannabis by licensees. No person holding a retail
4 license shall sell cannabis, as defined in section three of the cannabis
5 law, nor have or possess a license or permit to sell cannabis, on the
6 same premises where alcoholic beverages are sold.

7 § 911. Sale of powdered or crystalline alcoholic products. No person
8 shall sell, offer for sale, or otherwise provide for the consumption of
9 any powdered or crystalline alcoholic product.

10 § 912. Possession or use of alcohol vaporizing devices. 1. No licensee
11 shall knowingly possess or make available for use an alcohol vaporizing
12 device upon the premises of an establishment licensed pursuant to this
13 chapter.

14 2. (a) A violation of the provisions of this section shall be an
15 offense punishable by a fine of not more than five thousand dollars.

16 (b) A violation of the provisions of this section after having been
17 previously convicted of such an offense within the previous five years
18 shall be a class B misdemeanor punishable by a fine of not more than ten
19 thousand dollars.

20 3. Nothing in this section shall be construed to prohibit the authori-
21 ty from instituting proceedings to suspend, cancel, or revoke a license
22 as provided for in this chapter.

23 § 913. Posting license certificate at premises. 1. Before commencing
24 or doing any business for the time for which a license has been issued,
25 the license certificate issued to the licensee shall be enclosed in a
26 suitable wood or metal frame having a clear glass space and a substan-
27 tial wood or metal back so that the whole of said license may be seen
28 therein, and shall be posted up and at all times displayed in a conspic-

1 uous place in the room where such business is carried on, so that all
2 persons visiting such place may readily see the same.

3 2. It shall be unlawful for any person holding a license to post such
4 license or to permit such license to be posted upon premises other than
5 the premises licensed, or upon premises where traffic in alcoholic
6 beverages is being carried on by any person other than the licensee, or
7 knowingly to deface, destroy or alter any such license in any respect.

8 3. Whenever a license shall be lost or destroyed without fault on the
9 part of the licensee or his agents or employees, a duplicate license in
10 lieu thereof may be issued by the authority in its discretion and in
11 accordance with such rules and regulations and the payment of such fees,
12 not exceeding five dollars, as it may prescribe.

13 § 914. Peddling and soliciting orders at residences and places of
14 business. 1. (a) No licensee or any of their agents, servants or employ-
15 ees shall peddle any liquor and/or wine from house to house by means of
16 a truck or otherwise where the sale is consummated and delivery made
17 concurrently at the residence or place of business of a consumer.

18 (b) This subdivision shall not prohibit the delivery by a licensee to
19 consumers, pursuant to sales made at the place of business of said
20 licensee.

21 2. (a) No licensee shall employ any canvasser or solicitor for the
22 purpose of receiving an order from a consumer for any liquor and/or wine
23 at the residence or place of business of such consumer, nor shall any
24 licensee receive or accept any order, for the sale of any liquor and/or
25 wine, which shall be solicited at the residence or place of business of
26 a consumer.

1 (b) This subdivision shall not prohibit the solicitation by a whole-
2 saler of an order from any licensee at the licensed premises of such
3 licensee.

4 § 915. Employment of minors. 1. Except as provided for in this
5 section, no retailer shall employ, or permit to be employed, or shall
6 suffer to work, on any premises licensed for retail sale hereunder, any
7 person under the age of eighteen years, as a hostess, waitress, waiter,
8 or in any other capacity where the duties of such person require or
9 permit such person to sell, dispense or handle alcoholic beverages.

10 2. A person under the age of eighteen years and employed by any person
11 holding an off-premises beer license shall be permitted to handle and
12 deliver alcoholic beverages for such licensee.

13 3. A person under the age of eighteen employed as a cashier by a
14 person holding an off-premises beer license shall be permitted to record
15 and receive payment for alcoholic beverages when in the presence of and
16 under the direct supervision of a person eighteen years of age or over.

17 4. A person under the age of eighteen years and employed by a person
18 holding an off-premises beer license as either a cashier or in any other
19 position to which handling of containers which may have held alcoholic
20 beverages is necessary shall be permitted to handle the containers if
21 such have been presented for redemption in accordance with the
22 provisions of title ten of article twenty-seven of the environmental
23 conservation law.

24 5. A person under the age of eighteen years employed as a dishwasher,
25 busboy, or other such position as to which handling of containers which
26 may have held alcoholic beverages is necessary shall be permitted to do
27 so under the direct supervision of a person of legal age to purchase
28 alcoholic beverages in the state.

1 § 916. Employment of minors as entertainer. 1. Subject to the
2 provisions of subdivisions three and four of this section, no person
3 holding an on-premises license shall permit or suffer to appear on such
4 premises any person under the age of eighteen years as an entertainer.

5 2. Failure to restrain such a person from so appearing shall be deemed
6 to constitute permission.

7 3. A person under the age of eighteen years may appear as such enter-
8 tainer provided:

9 (a) the parents or lawful guardian of such person expressly consent in
10 writing to such appearance;

11 (b) the appearance is for a special function, occasion, or event;

12 (c) the appearance is approved by and made under the sponsorship of a
13 primary or secondary school;

14 (d) the appearance takes place in the presence and under the direct
15 supervision of a teacher of such school; and

16 (e) the appearance does not take place in a tavern.

17 4. A person under the age of eighteen years may appear as such enter-
18 tainer provided the authority has granted permission under this chapter.

19 § 917. Employment of felons. 1. (a) Except as provided for in this
20 section, no person holding any license under this chapter shall knowing-
21 ly employ in connection with his business in any capacity whatsoever,
22 any person, who has been convicted of a felony, or any of the following
23 offenses, who has not subsequent to such conviction received an execu-
24 tive pardon therefor removing any civil disabilities incurred thereby, a
25 certificate of relief from disabilities or a certificate of good conduct
26 pursuant to article twenty-three of the correction law, or other relief
27 from disabilities provided by law, or the written approval of the state
28 liquor authority permitting such employment.

1 (b) In addition to any felony, the following offenses are subject to
2 the provisions of paragraph (a) of this subdivision:

3 (i) illegally using, carrying or possessing a pistol or other danger-
4 ous weapon;

5 (ii) making or possessing burglar's instruments;

6 (iii) buying or receiving or criminally possessing stolen property;

7 (iv) unlawful entry of a building;

8 (v) aiding escape from prison;

9 (vi) unlawfully possessing or distributing habit forming narcotic
10 drugs;

11 (vii) violating subdivision six, ten or eleven of former section seven
12 hundred twenty-two of the penal law as in force and effect immediately
13 prior to September first, nineteen hundred sixty-seven, or violating
14 section 165.25 or 165.30 of the penal law;

15 (viii) vagrancy or prostitution; or

16 (ix) ownership, operation, possession, custody or control of a still
17 subsequent to July first, nineteen hundred fifty-four.

18 2. The provisions of subdivision one of this section shall not apply:

19 (a) to a retail off-premises licensee;

20 (b) to a retail on-premises licensee where the premises is a catering
21 establishment, hotel, restaurant, club, or recreational facility; or

22 (c) when the authority has given written approval permitting such
23 employment.

24 3. If, as hereinabove provided, the authority issues its written
25 approval for the employment by a licensee, in a specified capacity, of a
26 person previously convicted of a felony or any of the offenses above
27 enumerated, such person, may, unless he is subsequently convicted of a
28 felony or any of such offenses, thereafter be employed in the same

1 capacity by any other licensee without the further written approval of
2 the authority unless the prior approval given by the authority is termi-
3 nated.

4 4. The authority may make such rules as it deems necessary to carry
5 out the purpose and intent of this subdivision.

6 5. As used in this section, "recreational facility" shall mean:

7 (a) premises that are part of a facility the principal business of
8 which shall be the providing of recreation in the form of golf, tennis,
9 swimming, skiing or boating; and

10 (b) premises in which the principal business shall be the operation of
11 a theatre, concert hall, opera house, bowling establishment, excursion
12 and sightseeing vessel, or accommodation of athletic events, sporting
13 events, expositions and other similar events or occasions requiring the
14 accommodation of large gatherings of persons.

15 § 918. Inspection of premises. All premises with a retail license
16 shall be subject to inspection by any peace officer described in subdi-
17 vision four of section 2.10 of the criminal procedure law acting pursu-
18 ant to his special duties, or police officer or any duly authorized
19 representative of the authority, during the hours when such premises are
20 open for the transaction of business.

21 § 919. Books and records. 1. (a) Each manufacturer shall keep and
22 maintain upon the licensed premises adequate books and records of all
23 transactions involving the manufacture and sale of their products, which
24 shall show:

25 (i) the ingredients but not the formula or recipe used in the manufac-
26 ture of such alcoholic beverages;

27 (ii) the quantity of alcoholic beverages manufactured by such manufac-
28 turer; and

1 (iii) the names, addresses, and the license numbers of the purchasers
2 of such alcoholic beverages, together with the quantities involved in
3 such purchases, whether the same shall be sold within or without the
4 state.

5 (b) (i) Each sale by a wholesaler shall be recorded separately on a
6 numbered invoice, which shall have printed thereon the number, the name
7 of the licensee, the address of the licensed premises, and the current
8 license number.

9 (ii) Such wholesaler shall deliver to the purchaser a true duplicate
10 invoice stating the name and address of the purchaser, the quantity of
11 alcoholic beverages, description by brands and the price of such alco-
12 holic beverages, and a true, accurate and complete statement of the
13 terms and conditions on which such sale is made.

14 (iii) Any terms and conditions of a sale not stated on said invoice
15 shall constitute a service within the meaning of section eleven hundred
16 two of this chapter.

17 (c) (i) Such books, records and invoices shall be kept for a period of
18 two years and shall be available for inspection by any authorized repre-
19 sentative of the authority.

20 (ii) Any books and records required by this chapter to be maintained
21 by a winery, farm winery, special winery, special farm winery or micro-
22 winery shall be kept either upon the licensed premises or such other
23 location as may be approved by the authority.

24 2. (a) Each wholesaler shall keep and maintain upon the licensed prem-
25 ises adequate books and records of all transactions involving the busi-
26 ness transacted by such wholesaler, which shall show:

27 (i) the amount of alcoholic beverages in gallons, purchased by such
28 wholesaler together with the names, license numbers and places of busi-

1 ness of the persons from whom the same was purchased and the amount
2 involved in such purchases;

3 (ii) the amount of alcoholic beverages, in gallons, sold by such
4 wholesaler together with the names, addresses, and license numbers of
5 such purchasers whether the same shall be purchased or sold within or
6 without the state.

7 (b) (i) Each sale by a wholesaler shall be recorded separately on a
8 numbered invoice, which shall have printed thereon the number, the name
9 of the licensee, the address of the licensed premises, and the current
10 license number.

11 (ii) Such wholesaler shall deliver to the purchaser a true duplicate
12 invoice stating the name and address of the purchaser, the quantity of
13 alcoholic beverages, description by brands and the price of such alco-
14 holic beverages, and a true, accurate and complete statement of the
15 terms and conditions on which such sale is made.

16 (iii) Any terms and conditions of a sale not stated on said invoice
17 shall constitute a service within the meaning of section eleven hundred
18 two of this chapter.

19 (c) Such books, records and invoices shall be kept for a period of two
20 years and shall be available for inspection by any authorized represen-
21 tative of the authority.

22 3. (a) Each off-premises liquor, off-premises wine and roadside farm
23 market shall keep and maintain upon the licensed premises, adequate
24 books and records of all transactions involving the business transacted
25 by such licensee, which shall show the amount of liquors and wines,
26 purchased by such licensee together with the names, license numbers and
27 places of business of the persons from whom the same were purchased, and

1 the amount involved in such purchases, as well as the amount of liquors
2 or wines, sold by such licensee, and the amount involved in each sale.

3 (b) Such books and records shall be available for inspection by any
4 authorized representative of the authority.

5 4. (a) Each retail on-premises licensee shall keep and maintain upon
6 the licensed premises, adequate records of all transactions involving
7 the business transacted by such licensee which shall show the amount of
8 alcoholic beverages, in gallons, purchased by such licensee together
9 with the names, license numbers and places of business of the persons
10 from whom the same were purchased, the amount involved in such
11 purchases, as well as the sales of alcoholic beverages made by such
12 licensee.

13 (b) The authority is hereby authorized to promulgate rules and regu-
14 lations permitting a person operating two or more premises separately
15 licensed to sell alcoholic beverages for on-premises consumption to
16 inaugurate or retain in this state methods or practices of centralized
17 accounting, bookkeeping, control records, reporting, billing, invoicing
18 or payment respecting purchases, sales or deliveries of alcoholic bever-
19 ages, or methods and practices of centralized receipt or storage of
20 alcoholic beverages within this state without segregation or earmarking
21 for any such separately licensed premises, wherever such methods and
22 practices assure the availability, at such licensee's central or main
23 office in this state, of data reasonably needed for the enforcement of
24 this chapter.

25 (c) Such records shall be available for inspection by any authorized
26 representative of the authority.

27 § 920. Warehouse receipts. 1. No licensee shall sell or purchase any
28 receipts, certificates, contracts or other documents issued for the

1 storage of alcoholic beverages except as provided by the rules of the
2 authority.

3 2. The authority shall prescribe such rules for the purchase and sale
4 of such receipts, certificates, contracts or other documents issued for
5 the storage of alcoholic beverages which, in its opinion, will best
6 accomplish:

7 (a) elimination of fraudulent and deceptive transactions;

8 (b) protection of purchasers against defaults by sellers;

9 (c) the delivery of the alcoholic beverages represented by such
10 receipts or documents; and

11 (d) the payment of all taxes due thereon to the state.

12 § 921. Size of containers of alcoholic beverages. 1. No manufacturer
13 shall sell, or agree to sell or deliver in the state any liquors and/or
14 wines, as the case may be, in any cask, barrel, keg, hogshead or other
15 container, except in sealed containers containing quantities in accord-
16 ance with federal size standards adopted pursuant to the federal alcohol
17 administration act, as amended (27 U.S.C. 201 et. seq.).

18 2. Such containers shall have affixed thereto such labels as may be
19 required by the rules of the authority, together with all necessary
20 federal revenue and New York state excise tax stamps, as required by
21 law.

22 § 922. Storage of alcoholic beverages. 1. No alcoholic beverage shall
23 be stored or kept in or upon any premises which is not duly licensed for
24 such alcoholic beverages or subject to a warehouse permit issued under
25 this chapter.

26 2. No holder of an off-premises beer or off-premises beer and wine
27 products license shall store or cause to be stored any of its alcoholic
28 beverages other than in its licensed premises.

1 3. Subdivision one of this section shall not prohibit a person holding
2 a retail on-premises license and a retail off-premises beer or beer and
3 wine products license for an adjacent premises to transport alcoholic
4 beverages through such off-premises location to supply such adjacent
5 on-premises location.

6 4. No licensee except the holder of a license to manufacture alcoholic
7 beverages shall keep or permit to be kept or consumed on the licensed
8 premises any alcoholic beverage except the alcoholic beverages which
9 they are permitted to sell under the terms of the license issued to
10 them.

11 § 923. Transporting alcoholic beverages. 1. No alcoholic beverage
12 shall be transported within this state by any vehicle unless:

13 (a) such vehicle is owned and operated, or hired and operated by a
14 licensee delivering its own alcoholic beverages and:

15 (i) there shall be attached to or inscribed upon both sides of such
16 vehicle so as to be visible from a reasonable distance, a sign setting
17 forth the name and address of such licensee in such form and with such
18 additional information as the authority may prescribe; or

19 (ii) a photostatic copy of such licensee's current license is in the
20 cab of such vehicle; or

21 (b) the authority has issued a trucking permit under this chapter for
22 such vehicle.

23 2. No common carrier or person operating a transportation facility in
24 this state, other than the United States government, shall receive for
25 transportation or delivery within the state any alcoholic beverages
26 unless the shipment is accompanied by copy of a bill of lading, or other
27 document, showing the name and address of the consignor, the name and

1 address of the consignee, the date of the shipment, and the quantity and
2 kind of alcoholic beverage contained therein.

3 § 924. Hours of business for off-premises liquor and off-premises wine
4 licensees. 1. No off-premises liquor or off-premises wine licensee shall
5 remain open:

6 (a) on Sunday before twelve o'clock p.m. and after nine o'clock p.m.;
7 or

8 (b) on any day between 12 o'clock a.m. and eight o'clock a.m.

9 2. In any community where daylight saving time is in effect, such time
10 shall be deemed the standard time for the purpose of this subdivision.

11 3. (a) This section shall only be interpreted to prohibit the sale of
12 liquor and/or wine for off-premises consumption during the hours set
13 forth in subdivision one of this section.

14 (b) During the hours set forth in subdivision one of this section,
15 off-premises liquor and off-premises wine licensees may undertake all
16 other activities allowed during the course of normal business operations
17 including but not limited to:

18 (i) placing orders with or taking deliveries from wholesalers;

19 (ii) meeting with individuals who have valid solicitors permits issued
20 by the authority;

21 (iii) stocking shelves;

22 (iv) filling or building displays; and

23 (v) rotating product on store shelves.

24 § 925. Hours of sale and consumption for on-premises consumption. 1.
25 No alcoholic beverages shall be sold, offered for sale or given away
26 upon any premises licensed to sell alcoholic beverages at retail for
27 on-premises consumption, during the following hours:

1 (a) Except as provided in paragraph (c) of this subdivision, on
2 Sunday, from four o'clock a.m. to ten o'clock a.m., except pursuant to a
3 permit issued under section four hundred fourteen of this chapter.

4 (b) Except as provided in paragraph (c) of this subdivision, on any
5 other day between four o'clock a.m. and eight o'clock a.m.

6 (c) On any day between three o'clock a.m. and six o'clock a.m. for a
7 premises located within an international airport owned or operated by
8 the Port Authority of New York and New Jersey. The provisions of this
9 paragraph shall not be subject to change pursuant to subdivision nine of
10 section two hundred nine of this chapter.

11 2. Unless otherwise approved by the authority pursuant to subdivision
12 nine of section two hundred nine of this chapter, where any rule has
13 been adopted in a county on or before April first, nineteen hundred
14 ninety-five, further restricting the hours of sale for alcoholic bever-
15 ages, such restricted hours shall be the hours, during which the sale of
16 alcoholic beverages at retail for on-premises consumption shall not be
17 permitted within such county.

18 3. No licensee shall allow any person to consume any alcoholic bever-
19 ages upon any such premises later than one-half hour after the start of
20 the prohibited hours of sale provided for in this section.

21 § 926. Sale of beer at retail on Sunday. 1. Notwithstanding the
22 provisions of section nine hundred twenty-five of this article, and
23 except pursuant to a permit issued under section four hundred fourteen
24 of this chapter, no licensee or permittee shall sell, offer for sale or
25 give away beer at retail for on-premises consumption on Sunday between
26 three o'clock a.m. and ten o'clock a.m.

1 2. No licensee or permittee shall sell, offer for sale or give away
2 beer at retail for off-premises consumption on Sunday between three
3 o'clock a.m. and eight o'clock a.m.

4 § 927. Disorderly conduct, illicit drug activity and gambling. 1. (a)
5 No on-premises or off-premises licensee shall suffer or permit any
6 gambling on the licensed premises.

7 (b) The use of the licensed premises, or any part thereof, for the
8 sale of lottery tickets, playing of bingo or games of chance, or as a
9 simulcast facility or simulcast theater pursuant to the racing, pari-mu-
10 tuel wagering and breeding law, when duly authorized and lawfully
11 conducted thereon, shall not constitute gambling within the meaning of
12 this subdivision.

13 2. No on-premises licensee shall suffer or permit the premises to
14 become disorderly.

15 3. No on-premises licensee shall suffer or permit any contest or
16 promotion which endangers the health, safety, and welfare of any person
17 with dwarfism.

18 4. (a) No on-premises licensee shall suffer, permit or promote an
19 event on its premises wherein the contestants deliver, or are not
20 forbidden by the applicable rules thereof from delivering kicks, punches
21 or blows of any kind to the body of an opponent or opponents, whether or
22 not the event consists of a professional match or exhibition, and wheth-
23 er or not the event or any such act, or both, is done for compensation.

24 (b) The prohibition contained in paragraph (a) of this subdivision,
25 however, shall not be applied to any authorized combative sport.

26 5. Except where a permit to do so is obtained pursuant to section
27 405.10 of the penal law, no on-premises licensee shall suffer, permit,
28 or promote an event on its premises wherein any person shall use,

1 explode, or cause to explode, any fireworks or other pyrotechnics in a
2 building as defined in paragraph e of subdivision one of section 405.10
3 of the penal law, that is covered by such retail license or possess such
4 fireworks or pyrotechnics for such purpose.

5 § 928. BYOB and giving alcoholic beverages away to persons on the
6 premises. 1. It shall be unlawful for any person operating a place for
7 profit or pecuniary gain, with a capacity for the assemblage of twenty
8 or more persons to permit a person or persons to come to the place of
9 assembly for the purpose of consuming alcoholic beverages on said prem-
10 ises, which alcoholic beverages are either brought onto said premises by
11 the person or persons assembling at such place (BYOB) or provided by the
12 operator of the place of assembly, their agents, servants or employees,
13 or are, unless an appropriate license or permit has first been obtained
14 from the liquor authority by the operator of said place of assembly.

15 2. Nothing in this section shall:

16 (a) be construed as affecting the definition of place of assembly in
17 this chapter or any other law; or

18 (b) prohibit or restrict the leasing or use of such place of assem-
19 blage as defined as a club in section one hundred two of this chapter.

20 3. This section shall not apply to any non-profit religious, charita-
21 ble, or fraternal organization nor to a club as defined in section one
22 hundred two of this chapter, nor to a duly recognized political club,
23 except that it shall be unlawful for any of the above to permit consump-
24 tion of alcoholic beverages during the hours where on-premises consump-
25 tion of alcoholic beverages is prohibited in the county where the prem-
26 ises is located.

27 § 929. Sale of liquor or wine "to go" by on-premises licensees. 1. (a)
28 Except as otherwise provided for in this chapter, no on-premises licen-

1 see shall sell, deliver or give away, or cause or permit or procure to
2 be sold, delivered or given away any liquors and/or wines for consump-
3 tion off the premises where sold.

4 (b) The provisions of this section shall not prohibit a licensed
5 winery or farm winery from allowing a patron to leave the winery or farm
6 winery with a partially consumed bottle of wine provided that the
7 removal of the bottle is done in accordance with section four hundred
8 eighteen of this chapter.

9 2. (a) Notwithstanding any provision of law to the contrary, in addi-
10 tion to any other privilege provided under this chapter, any on-premises
11 liquor or on-premises wine license shall also include the privilege to
12 sell for take-out and delivery, any product it may otherwise sell at
13 retail, subject to the following conditions:

14 (i) any purchase for take-out or delivery must be accompanied by a
15 purchase of a substantial food item;

16 (ii) the alcoholic beverages are packaged in a container with a secure
17 lid or cap sealed in a manner designed to prevent consumption without
18 removal of the lid or cap by breaking the seal;

19 (iii) beverages purchased for take-out or delivery are subject to any
20 applicable state and municipal open container laws, rules, regulations,
21 or ordinances;

22 (iv) take-out and delivery of alcoholic beverages may only occur
23 during licensed hours of operation of on-premises retailers in the coun-
24 ty in which the licensed premises are located or, if different, the
25 hours of operation set forth in the licensee's method of operation with
26 the authority;

27 (v) the price per serving shall be the same as if consumed on-premises
28 and shall not be sold as part of any promotion or special unless such

1 promotion or special is also available for consumption on-premises, and
2 further provided each serving shall be available only in the same manner
3 as available on-premises;

4 (vi) the licensee shall not sell for take-out, or deliver, any bottles
5 of liquor or bottles of wine;

6 (vii) the licensee shall not advertise or promote the sale of full
7 bottles of wine or liquor for off-premises consumption; and

8 (viii) the licensee shall not display full bottles of wine or liquor
9 for the purpose of promoting the sale of such products for off-premises
10 consumption.

11 (b) Deliveries made pursuant to this subdivision shall be subject to
12 the following conditions:

13 (i) Deliveries by motor vehicle shall only be made in:

14 (A) a vehicle with a trucking permit issued by the authority; or

15 (B) in a vehicle owned and operated, or hired and operated, by the
16 licensee or its employee, provided:

17 (1) deliveries may be made utilizing the vehicle of an employee of the
18 licensee; and

19 (2) a copy of the permit or license must be present in any vehicle
20 while making deliveries.

21 (ii) Deliveries must be to a residential address, and may not be
22 delivered except to a person twenty-one years of age or older at that
23 residence who is not at the time of delivery intoxicated.

24 (iii) Delivery drivers shall require a recipient, at the delivery
25 address, upon delivery, to demonstrate that the recipient is at least
26 twenty-one years of age by providing a valid form of photographic iden-
27 tification authorized by section twelve hundred three of this chapter.

1 (c) Nothing in this subdivision shall be construed to change the
2 existing privilege of a retail licensee for on-premises consumption to
3 sell beer, cider, or mead for consumption off the premises as currently
4 provided for in this chapter.

5 (d) Provided, further, that nothing contained in this subdivision
6 shall be deemed to supersede the provisions of section twelve hundred
7 twenty-seven of the vehicle and traffic law.

8 (e) The authority may promulgate guidance, rules and regulations
9 necessary to implement the provisions of this subdivision.

10 (f) The authority may, on its own initiative or on complaint of any
11 person, institute proceedings to suspend or revoke a licensee's ability
12 to sell alcoholic beverages for take-out or delivery pursuant to this
13 subdivision after a hearing, in accordance with article thirteen of this
14 chapter, at which such licensee shall be given an opportunity to be
15 heard. Such proceedings and such hearing shall be held in such manner
16 and upon such notice as may be prescribed by the rules of the authority.

17 § 930. Unlimited drink offerings. 1. No licensee, acting individually
18 or in conjunction with one or more licensees, shall:

19 (a) offer, sell, serve, or deliver to any person or persons an unlim-
20 ited number of drinks during any set period of time for a fixed price.

21 (b) allow a person, agent, party organizer, or promoter, as such terms
22 shall be defined by the authority in rule and regulation, to offer,
23 sell, serve, or deliver to any person or persons an unlimited number of
24 drinks during any set period of time for a fixed price.

25 (c) advertise, promote, or charge a price for drinks that in the judg-
26 ment of the authority creates an offering of alcoholic beverages in
27 violation of the purposes and intent of this section, or which in the
28 judgment of the authority is an attempt to circumvent the intent and

1 purposes of this section, such as, but not limited to offerings of free
2 drinks, or multiple drinks for free or for the price of a single drink,
3 or for a low initial price followed by a price increment per hour or
4 other period of time, or for such a minor amount that in the judgment of
5 the authority the pricing would constitute an attempt to circumvent the
6 intent and purposes of this section.

7 2. As used in this section, licensee means and includes the licensee,
8 and any employees, or agents of such licensee.

9 3. With respect to an individual licensee, this section shall not
10 apply to:

11 (a) private functions not opened to the public, such as weddings,
12 banquets, or receptions, or other similar functions; or

13 (b) a package of food and beverages where the service of alcoholic
14 beverages is incidental to the event or function.

15 4. The authority shall investigate any documented allegation of a
16 violation of this section upon a complaint by any person.

17 5. The authority shall promulgate rules and regulations necessary to
18 implement the provisions of this section.

19 § 931. Hotel mini-bars. 1. Notwithstanding any other provision of law,
20 a premises operated as a hotel with an on-premises license shall be
21 permitted to sell liquors, beer, and/or wines through a mechanical
22 device or vending machine placed in the lodger's rooms.

23 2. (a) Access to such device or machine must be restricted by means of
24 a locking device which requires the use of a key, magnetic card or simi-
25 lar device.

26 (b) Provided, however, that no such key, card or similar device shall
27 be provided to any person under the age of twenty-one or to any person
28 who is visibly intoxicated.

1 § 932. Restrictions on sales by club licensees. A club or a luncheon
2 club licensed to sell alcoholic beverages for on-premises consumption
3 shall be permitted to sell such beverages only to its members and to
4 their guests accompanying them.

5 § 933. Use, refilling and contamination of original containers. 1. (a)
6 No off-premises liquor or off-premises wine licensee shall keep upon the
7 licensed premises any liquors and/or wines in any cask, barrel, keg,
8 hogshead or other container, except in the original sealed package, as
9 received from the manufacturer or wholesaler.

10 (b) Such containers shall have affixed thereto such labels as may be
11 required by the rules of the liquor authority, together with all neces-
12 sary federal revenue and New York state excise tax stamps, as required
13 by law.

14 (c) Such containers shall not be opened nor its contents consumed on
15 the premises where sold, except for the purpose of a tasting or sampling
16 allowed by this chapter.

17 (d) The provisions of this subdivision shall not prohibit a licensed
18 winery or farm winery from selling or delivering wine to a consumer for
19 off-premises consumption in a container not to exceed four liters in
20 capacity that shall have a temporarily secured seal for purposes of
21 removing the wine from the premises.

22 2. (a) No on-premises liquor, bottle club, restaurant-brewer or
23 on-premises wine licensee shall keep upon the licensed premises any
24 liquors and/or wines in any cask, barrel, keg, hogshead or other
25 container, except in the original sealed package as received from the
26 manufacturer or wholesaler.

27 (b) Such containers shall have affixed thereto such labels as may be
28 required by the rules of the liquor authority, together with all neces-

1 sary federal revenue and New York state excise stamps as required by
2 law.

3 (c) No such licensee for on-premises consumption shall reuse, refill,
4 tamper with, intentionally adulterate, dilute or fortify the contents of
5 any container of alcoholic beverages as received from the manufacturer
6 or wholesaler.

7 (d) The provisions of paragraph (a) of this subdivision shall not
8 apply to:

9 (i) corporations operating railroad cars or aircraft being operated on
10 regularly scheduled flights by a United States certificated airline; or

11 (ii) persons or corporations operating a hotel for exclusive use in
12 the furnishing of room service in the manner prescribed by rule or regu-
13 lation of the state liquor authority.

14 (e) Notwithstanding the provisions of paragraph (a) of this subdivi-
15 sion, an on-premises licensee may prepare and keep drinks containing
16 alcoholic beverages in dispensing machines, having capacities of not
17 less than a gallon, which continually mix such drinks.

18 § 934. Requirement of food purchase with purchase of alcoholic bever-
19 age. Except as otherwise provided for in this chapter, nothing
20 contained in this chapter shall be construed to require that any food be
21 sold or purchased with or in order to obtain any alcoholic beverage for
22 consumption on the premises where sold.

23 § 935. Service of liquor and wine at tables required. No liquors
24 and/or wines shall be sold or served in premises licensed as food and
25 drinking establishments, except at tables where food may be served and
26 at bars authorized under this chapter.

27 § 936. Service of liquor and wine at legitimate theaters and other
28 lawful adult entertainment and recreational facilities. No liquors

1 and/or wines shall be sold or served in premises licensed as legitimate
2 theaters or premises where the primary business is lawful adult enter-
3 tainment or recreational facilities, except at such times and upon such
4 conditions and by the use of such facilities as the liquor authority by
5 regulation, may prescribe with due regard to the convenience of the
6 public and the strict avoidance of sales prohibited by this chapter.

7 § 937. Beer taps to be marked. No beer shall be sold or served at a
8 bar, counter or other similar contrivance unless a card, sign or plate,
9 visible to the customer, upon which the name of the brewer is conspicu-
10 ously and legibly displayed, is annexed or affixed to the tap or faucet
11 from which the beer is drawn.

12 § 938. Restrictions on vessels with retail on-premises liquor or
13 retail on-premises wine licenses. 1. A vessel licensed to sell liquors
14 and/or wines for on-premises consumption shall not be permitted to sell
15 any liquors and/or wines, while such vessel is moored to a pier or dock.

16 2. Provided, however, that vessels sailing on established schedules
17 shall be permitted to sell liquors and/or wines for a period of three
18 hours prior to the regular advertised sailing time.

19 § 939. Restrictions on railroad cars and aircraft with retail on-prem-
20 ises liquor or retail on-premises wine licenses. 1. A railroad car or
21 aircraft being operated on regularly scheduled flights by a United
22 States certificated airline licensed to sell liquors and/or wines for
23 on-premises consumption shall be permitted to sell liquors and/or wines
24 only to passengers and while in actual transit.

25 2. Provided that a railroad operating licensed cars shall be allowed
26 to sell liquors and/or wines from portable carts located on station
27 platforms located at Penn Station, Grand Central Station, Jamaica,

1 Hunterspoint Avenue or Flatbush from which such licensed railroad cars
2 depart.

3 § 940. Sale on credit by retail off-premises licensees. 1. Except as
4 provided for in subdivisions three, four and five of this section, no
5 off-premises licensee shall sell, deliver or give away, or cause, permit
6 or procure to be sold, delivered or given away any alcoholic beverage,
7 other than as provided herein, on credit.

8 2. For purposes of this section, beer and wine products that are
9 delivered and left at the residence of a consumer without payment of the
10 balance due thereon shall not constitute a sale on credit.

11 3. An off-premises licensee may accept third party credit cards for
12 the sale of any alcoholic beverage for which it is licensed.

13 4. Any person duly authorized to sell wine at retail for consumption
14 off the premises may sell on credit to any regularly organized church,
15 synagogue or religious organization, wines to be used for sacramental
16 purposes only.

17 5. (a) Notwithstanding any provision of law, rule or regulation to the
18 contrary, an off-premises licensee may sell, deliver or give away, or
19 cause, permit or procure to be sold, delivered or given away any alco-
20 holic beverage on credit to a business or corporation, provided that the
21 business or corporation is permitted to purchase from such retail licen-
22 see under this chapter.

23 (b) Such credit period shall not exceed thirty days.

24 § 941. Required signage at premises for wholesalers, for off-premises
25 liquor and off-premises wine licensees. 1. (a) Each off-premises liquor
26 and off-premises wine licensee shall have painted on the front window of
27 the licensed premises, the name of the licensee together with the
28 inscription: "New York State Retail Liquor or Wine Store License No.

1"; as the case may be, in uniform letters not less than three
2 and one-half inches in height.

3 (b) No other sign of any kind printed, painted or electric, advertis-
4 ing any brand of liquors or wines shall be permitted on the exterior or
5 interior of such premises, except by permission of the liquor authority.

6 2. Each wholesale licensee shall have painted on the front window of
7 the licensed premises, or if there be no window, on a sign affixed to
8 the front of the building containing the licensed premises, the name of
9 the licensee together with the inscription: "New York State Wholesale
10 Beer, Liquor or Wine Store License No."; as the case may be,
11 in uniform letters not less than three and one-half inches in height.

12 § 942. Posting of prices by off-premises liquor and off-premises wine
13 licensees. 1. Each off-premises liquor and off-premises wine licensee
14 shall have conspicuously displayed within the interior of the licensed
15 premises where sales are made and where it can be readily inspected by
16 consumers a printed price list of the liquors and/or wines offered for
17 sale therein.

18 2. Each off-premises liquor and off-premises wine licensee shall
19 designate the price of each item of liquor or wine by attaching to or
20 otherwise displaying immediately adjacent to each such item displayed in
21 the interior of the licensed premises where sales are made a price tag,
22 sign or placard setting forth the bottle price at which each such item
23 is offered for sale therein.

24 3. No liquor and/or wine shall be sold except at the price displayed
25 pursuant to this section.

26 § 943. Restrictions on interior, windows and doors of off-premises
27 liquor and off-premises wine licensees. 1. No off-premises liquor and
28 off-premises wine licensee shall have a screen, blind, curtain, parti-

1 tion, article or thing in the windows or upon the doors of such licensed
2 premises which shall prevent a clear view into the interior of such
3 licensed premises from the sidewalk.

4 2. No off-premises liquor and off-premises wine licensee shall have a
5 booth, screen, partition or other obstruction in the interior of said
6 licensed premises.

7 § 944. Restrictions on drug store permit holders. A drug store holding
8 a permit to sell liquors and/or wines for off-premises consumption
9 pursuant to this chapter shall be subject to the following conditions:

10 1. Liquors and/or wines sold by it shall not be consumed on the prem-
11 ises where sold or in any outbuilding, yard, booth or garden appertain-
12 ing thereto or connected therewith.

13 2. Such permittee shall keep and maintain upon the licensed premises,
14 adequate books and records, which shall show the amount of liquors and
15 wines, in gallons, purchased by such permittee together with the names,
16 license numbers and places of business, of the persons from whom the
17 same were purchased and the amount involved in such purchases, which
18 books and records shall be available for inspection by any authorized
19 representative of the liquor authority.

20 3. No liquor or wine shall be displayed in any window of the premises
21 designated in the drug store permit.

22 4. No drug store permittee shall use any placard or card advertising
23 the sale of any liquor or wine unless such card, placard or advertise-
24 ment shall conspicuously state that the sale of liquor or wine in the
25 said premises designated in the drug store permit is limited to medi-
26 cinal liquor to be sold by prescription only.

27 § 945. Restrictions on beer vendor's licenses. 1. No sign, of any
28 kind, printed, painted, or electric, advertising any brand of beer shall

1 be permitted on the exterior or interior of any premises with a beer
2 vendor's license, except by permission of the liquor authority.

3 2. No beer vendor licensee shall sell or deliver to any person beer in
4 excess of five gallons at one and at the same time.

5 § 946. Required signs to be posted by retail licensees. 1. (a) The
6 authority shall prepare, have printed and distribute across the state to
7 all persons with a retail license issued under this chapter a sign or
8 poster with conspicuous lettering that states the following: "No person
9 shall sell or give away any alcoholic beverages to: 1. any person under
10 the age of twenty-one years; or 2. any visibly intoxicated person. IT IS
11 A VIOLATION PUNISHABLE UNDER LAW FOR ANY PERSON UNDER THE AGE OF TWEN-
12 TY-ONE TO PRESENT ANY WRITTEN EVIDENCE OF AGE WHICH IS FALSE, FRAUDULENT
13 OR NOT ACTUALLY HIS OWN FOR THE PURPOSE OF ATTEMPTING TO PURCHASE ANY
14 ALCOHOLIC BEVERAGE".

15 (b) Such sign or poster shall be captioned with the word "warning" in
16 at least two inch lettering.

17 (c) All retail licensees shall display, in an upright position and in
18 a conspicuous place, where it can be easily read by the clientele of the
19 establishment, the sign or poster upon receiving it from the authority.

20 2. (a) The authority shall require any person with a retail on-premis-
21 es license who indicated on their application that topless entertainment
22 and/or exotic dancing, whether topless or otherwise, including but not
23 limited to, pole dancing and lap dancing, would occur at the establish-
24 ment, to display one or more signs or posters designated by the authori-
25 ty.

26 (b) Any sign or poster so designated shall meet the following specifi-
27 cations:

1 (i) Each sign or poster shall include information on human trafficking
2 and the toll free telephone number of the National Human Trafficking
3 hotline.

4 (ii) Any sign or poster must be at least eight and one-half inches
5 wide and eleven inches high.

6 (c) (i) The authority shall make any designated sign or poster avail-
7 able for download from its website or from one or more links posted on
8 its website or on the website of the office of temporary and disability
9 assistance as provided in section four hundred eighty-three-ff of the
10 social services law.

11 (ii) If the National Human Trafficking hotline toll free number chang-
12 es, the authority shall notify each licensee that is subject to the
13 posting requirement of this section of the change and shall require the
14 display of one or more signs or posters with the new toll free number
15 within thirty days of such notification.

16 (d) (i) At a minimum, such licensee shall be required to display a
17 bilingual version of the sign or poster in English and Spanish or to
18 display one sign or poster in English and one sign or poster in Spanish.

19 (ii) A licensee may be required to display signs or posters in other
20 languages as determined by the authority.

21 (e) Any retail licensee that is subject to the posting requirement of
22 this subdivision shall display, in an upright position and in a conspic-
23 uous place where it can be easily read by clientele and employees of the
24 establishment, any sign or poster required by the authority.

25 3. (a) The authority shall prepare, have printed and distribute across
26 the state to all persons with a retail license a sign or poster with
27 conspicuous lettering that states: "Government Warning: According to the

1 Surgeon General, women should not drink alcoholic beverages during preg-
2 nancy because of the risk of birth defects".

3 (b) Such sign or poster must have conspicuous lettering in at least
4 seventy-two point bold face type that states the warning set forth in
5 this subdivision, except that such sign or poster shall be captioned
6 with the word "warning" in at least two inch lettering.

7 (c) (i) All retail licensees shall display in a conspicuous place the
8 sign or poster upon receiving it from the authority.

9 (ii) Such sign shall be placed as close as possible to the place where
10 alcoholic beverages are sold.

11 (d) (i) Compliance with the provisions of any local law requiring the
12 posting of signs containing warnings regarding alcoholic beverages
13 enacted on or before the date on which the provisions of this section
14 shall have become a law, shall be deemed to be in compliance with the
15 provisions of this section.

16 (ii) Nothing contained herein, however, shall be deemed to exempt any
17 licensee not otherwise subject to the provisions of any such local law
18 from complying with the provisions of this section.

19 4. Any licensee who violates the provisions of subdivision one, two or
20 three of this section shall be subject to a civil penalty, not to exceed
21 one hundred dollars for each day of violation.

22 § 947. Provisions governing tastings of alcoholic beverages. 1. This
23 section shall apply to all tastings conducted of alcoholic beverages
24 authorized by this chapter.

25 2. Except as otherwise provided for in this chapter, no licensee or
26 permittee shall charge for a tasting of an alcoholic beverage.

27 3. (a) Tastings shall be conducted by the licensee, permittee or an
28 authorized agent of the licensee or permittee.

1 (b) Such licensee, permittee or agent shall be physically present upon
2 the premises at all times during the conducting of the tasting.

3 (c) Provided, however, a licensed beer wholesaler shall not serve as
4 the authorized agent for another entity, nor shall a licensed beer
5 wholesaler be involved in any manner with a tasting conducted by another
6 entity.

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

11 5. Tastings shall be subject to the following conditions:

12 (a) No more than three samples may be provided to a person in one
13 calendar day.

14 (b) No sample may exceed three fluid ounces, provided that no sample
15 of liquor for tasting may exceed one-quarter fluid ounce.

16 (c) No tasting shall be held during the hours when the sale of liquor,
17 wine or beer for off-premises consumption is prohibited.

18 (d) No person under the age of twenty-one shall be permitted to serve
19 a sample or handle an open container of an alcoholic beverage.

20 6. The liquor authority shall promulgate rules and regulations regard-
21 ing liquor tastings as provided for in this section.

22 § 948. Notice to authority of arrests and convictions. 1. When an
23 arrest for gambling activity, illicit drug activity, prostitution activ-
24 ity, or for a breach of the peace or for a crime of a violent nature, or
25 for a crime of weapons possession occurs or where the activity or crime
26 has taken place in a licensed premises, the arresting agency shall noti-
27 fy in writing, the authority and the district attorney of the county in
28 which the licensed premises are located within two weeks of the arrest

1 and set forth therein the name of the arrestee, the date of the arrest,
2 the time of the arrest, the exact place of the arrest, the name of the
3 licensee, the name and address of the licensed premises, the offense or
4 offenses allegedly committed by the arrestee, the factual circumstances
5 of the arrest, the name or names of the arresting officer, and such
6 other information as may reasonably be required by the authority.

7 2. (a) Such district attorney shall maintain a written record of all
8 notices forwarded as required by subdivision one of this section and
9 where the arrestee named in said notice is convicted of either the
10 offense charged or a lesser included offense as defined by the penal
11 law, the district attorney shall so notify the authority in writing.

12 (b) In addition, where a person is convicted of a violation of subdi-
13 vision one of section one thousand two hundred three of this chapter or
14 of a violation of paragraph (a) of subdivision one of section twelve
15 hundred one of this chapter, the district attorney shall promptly notify
16 the authority of such conviction in writing and shall include in such
17 notification the information required to be provided pursuant to subdi-
18 vision one of this section.

19 ARTICLE 10

20 DISTRIBUTION OF ALCOHOLIC BEVERAGES

21 Section 1001. Brand label registration.

22 1002. Terms of sale for liquor and wine.

23 1003. Terms of sale for beer and wine products.

24 1004. Unlawful discrimination prohibited.

25 1005. Price schedules for liquor and wine.

1 1006. Manner of changing beer prices to wholesalers and retail
2 licensees.

3 1007. Franchise agreements between brewers and beer wholesalers.

4 1008. Sale of privately held wines and liquors.

5 § 1001. Brand label registration. 1. No alcoholic beverage shall be
6 offered or advertised for sale in this state unless:

7 (a) there is a brand or trade name label affixed to or imprinted upon
8 the container of such alcoholic beverage;

9 (b) such label is registered with and approved by the authority and
10 contains the information required in this section; and

11 (c) the appropriate fee has been paid as provided for in this section.

12 2. No licensee shall bottle, package, sell, offer or possess any alco-
13 holic beverage not labelled in conformity with this section.

14 3. (a) Each brand or trade name label shall contain the following
15 information:

16 (i) the brand or trade name;

17 (ii) the class and type, if applicable, of alcoholic beverage in
18 accordance with the labeling regulations promulgated by the Alcohol and
19 Tobacco Tax and Trade Bureau of the United States Department of Treas-
20 ury; and

21 (iii) the net contents of the container.

22 (b) The brand or trade name label, or a separate label on the front or
23 back of the container shall contain information consistent with the
24 labeling regulations promulgated by the Alcohol and Tobacco Tax and
25 Trade Bureau of the United States Department of Treasury.

26 (c) No brand or trade name label, or any separate label on the front
27 or back of the container shall contain:

- 1 (i) any statement that is false or untrue in any particular manner;
2 (ii) any statement that is disparaging of a competitor's product;
3 (iii) any statement, design, device or representation that is likely
4 to mislead the consumer; or
5 (iv) any statement or claim of health benefits to be derived from
6 consumption by the consumer.

7 4. (a) An application for registration of a brand or trade name label
8 shall be filed by:

9 (i) the owner of the brand or trade name if such owner is licensed by
10 the authority; or

11 (ii) a wholesaler selling such brand who is appointed as exclusive
12 agent, in writing, by the owner of the brand or trade name for the
13 purpose of filing such application, if the owner of the brand or trade
14 name is not licensed by the authority; or

15 (iii) any wholesaler, with the approval of the authority, in the event
16 that the owner of the brand or trade name does not file or is unable to
17 file such application or designate an agent for such purposes; or

18 (iv) any wholesaler, with the approval of the authority, in the event
19 that the owner of the brand or trade name is a retailer who does not
20 file such application, provided that the retailer shall consent to such
21 filing by such wholesaler. Such retailer may revoke his consent at any
22 time, upon written notice to the authority and to such wholesaler.

23 (b) Unless otherwise permitted or required by the authority, the
24 application for registration of a liquor or wine brand or trade name
25 label filed pursuant to this section shall be filed by the same licensee
26 filing schedules pursuant to section one thousand five of this article.

27 5. (a) The application for registration of a brand or trade name label
28 shall be filed by certified mail return receipt requested, registered

1 mail return receipt requested, overnight delivery service with proof of
2 mailing, or via electronic filing, on a form prescribed by the authori-
3 ty, and shall contain such information as the authority shall require.

4 (b) Such application shall be accompanied by the appropriate fee
5 prescribed by this section and may also require a processing fee of no
6 more than ten dollars paid to either the authority or a third party
7 provider.

8 (c) Provided, however, where a brand or trade name label has been
9 approved by the Alcohol and Tobacco Tax and Trade Bureau of the United
10 States Department of Treasury, it shall be deemed registered and
11 approved by the authority if:

12 (i) the applicant submits on a form prescribed by the authority, by
13 certified mail return receipt requested, registered mail return receipt
14 requested, or overnight delivery service with proof of mailing, or via
15 electronic filing, a true copy of the brand or trade name label approval
16 issued by the Alcohol and Tobacco Tax and Trade Bureau of the United
17 States Department of Treasury along with the appropriate fee as provided
18 for in this section; and

19 (ii) the authority does not deny such application within seven busi-
20 ness days after receipt.

21 (d) Provided, however, that where a brand or trade name label for wine
22 has been approved by the Alcohol and Tobacco Tax and Trade Bureau of the
23 United States Department of Treasury, it shall be deemed registered and
24 approved by the authority and no application, application fee, or annual
25 registration fee shall be submitted to the authority.

26 6. (a) A separate label registration shall be required in connection
27 with the registration of a brand or trade name label used where there is
28 a difference in any of the following information:

- 1 (i) the brand or trade name;
2 (ii) the class and type, if applicable, of alcoholic beverage in
3 accordance with federal label regulations; or
4 (iii) a private label owned and sold exclusively by one retailer,
5 where the alcoholic beverage is manufactured, bottled, or imported by a
6 different manufacturer, bottler, or importer, provided all other infor-
7 mation appearing on the label is the same.
- 8 (b) Cordials and wines which differ only as to fluid content, age, or
9 vintage year, as defined by such regulations, shall be considered the
10 same brand, and those that differ as to type or class may be considered
11 the same brand by the authority where consistent with the purposes of
12 this section.

13 7. Each brand or trade name label registration approved pursuant to
14 this section shall be valid for a term of three years as set forth by
15 the authority and which shall be prorated for partial years as applica-
16 ble.

17 8. Each brand or trade name label registration approved pursuant to
18 this section shall be valid only for the licensee to whom issued and
19 shall not be transferable.

20 9. (a) The annual fee for registration of any brand or trade name
21 label for:

- 22 (i) liquor shall be two hundred fifty dollars;
23 (ii) beer, mead or cider shall be one hundred fifty dollars;
24 (iii) wine or wine products shall be fifty dollars.

25 (b) Such fee shall be in the form of a check, draft, or via electronic
26 payment.

27 10. If the authority shall deny the application for registration of a
28 brand or trade name label pursuant to this section, it shall return the

1 registration fee to the applicant, less twenty-five per centum of such
2 fee and shall notify the applicant, in writing with the specific reasons
3 for its denial.

4 11. (a) The authority may at any time exempt any discontinued brand
5 from such fee provisions where a manufacturer or wholesaler has an
6 inventory of one hundred cases or less of liquor or wine and five
7 hundred cases or less of beer, and certifies to the authority in writing
8 that such brand is being discontinued.

9 (b) The authority may also at any time exempt any discontinued brand
10 from such fee provisions where a retailer discontinuing a brand owned by
11 him has a balance of an order yet to be delivered of fifty cases or less
12 of liquor or wine, or two hundred fifty cases or less of beer, mead,
13 wine products or cider.

14 (c) The authority shall exempt from such fee provisions the registra-
15 tion of each brand or trade name label used for beer, mead or cider that
16 is produced in small size batches totaling fifteen hundred barrels or
17 less of beer, mead or cider annually.

18 (d) The authority shall exempt from such fee provisions the registra-
19 tion of each brand or trade name label used for spirits or liquor that
20 is produced in small size batches totaling one thousand gallons or less
21 of spirits or liquor annually.

22 12. (a) The liquor authority is hereby authorized to promulgate rules
23 and regulations governing the labeling and offering of alcoholic bever-
24 ages bottled, packaged, sold or possessed for sale within this state.

25 (b) Such regulations shall be calculated to:

26 (i) prohibit deception of the consumer;

27 (ii) afford the consumer adequate information as to quality and iden-
28 tity; and

1 (iii) achieve national uniformity in so far as possible.

2 § 1002. Terms of sale for liquor and wine. 1. As used in this section:

3 (a) "Credit period" means a period beginning on the date alcoholic
4 beverages are delivered and ending thirty days thereafter.

5 (b) "Payment period" means the period beginning on the date alcoholic
6 beverages are delivered and ending on the thirtieth day following the
7 date on which alcoholic beverages are delivered.

8 (c) "Final payment date" means the last day of a payment period.

9 (d) "Notification date" means, notwithstanding section twenty-five of
10 the general construction law, for deliveries on:

11 (i) Monday, the Monday immediately following a final payment date;

12 (ii) Tuesday, the Tuesday immediately following the final payment
13 date;

14 (iii) Wednesday, the Wednesday immediately following the final payment
15 date;

16 (iv) Thursday, the Thursday immediately following the final payment
17 date;

18 (v) Friday, the Friday immediately following the final payment date.

19 (e) "Retail licensee" means a person licensed to sell liquor and/or
20 wine at retail for on-premise consumption or for off-premise consump-
21 tion, including a person holding a hotel off-premises permit issued
22 under this chapter.

23 (f) "Cash" means and includes currency and coin of the United States
24 of America, certified check, money order, electronic funds transfer,
25 bank officer's check or draft, or a check drawn on the account of the
26 retail licensee payable to the manufacturer or wholesaler and dated no
27 later than the date of delivery of the alcoholic beverages and which is
28 honored upon presentment for payment, provided, however, that:

1 (i) if any check or other instrument described herein tendered by a
2 retail licensee on the delinquent list is not honored upon presentment
3 for payment, the license of such retail licensee may be suspended for
4 not more than fifteen days for the first offense, and not more than
5 sixty days for a subsequent offense, which penalty shall be in addition
6 to the penalty provided for by the provisions of subdivision six of this
7 section; and

8 (ii) nothing herein contained shall require a manufacturer or whole-
9 saler to accept a check tendered by or drawn on the account of a retail
10 licensee on the delinquent list unless the same has been certified.

11 2. No manufacturer or wholesaler licensed under this chapter shall
12 sell or deliver any liquor or wine to any retail licensee except as
13 provided for in this section:

14 (a) for cash to be paid at the time of delivery; or

15 (b) on terms requiring payment by such retail licensee for such alco-
16 holic beverages on or before the final payment date of the credit period
17 for which delivery is made.

18 3. (a) Each such manufacturer and wholesaler is hereby required, on or
19 before the respective notification dates for each retail license, to
20 give written notice of default, by first class mail, to all such licen-
21 sees therein who have failed to make payment to him or her on or before
22 their final payment date for alcoholic beverages sold or delivered to
23 them during a credit period ending on their final payment date.

24 (b) No retail licensee shall be placed in default if the wholesaler
25 has issued an account credit to the licensee, which after application to
26 all debts owed by the retail licensee, is equal to or greater than the
27 amount of the default.

1 (c) Any such retail licensee receiving such notice shall not thereaft-
2 er purchase alcoholic beverages except for cash until such time as the
3 authority determines that their name shall not be published on the
4 delinquent list as provided in subdivision four of this section, or
5 until such time as the authority permits sales or deliveries to them as
6 provided in subdivision five of this section.

7 (d) Each such manufacturer and wholesaler is hereby required to file
8 with the authority, on or before each notification date, copies of the
9 notices sent by them to all delinquent retail licensees as required in
10 this subdivision, and in addition, if the authority shall so require, a
11 written list setting forth the names and addresses of all such delin-
12 quent licensees.

13 (e) The authority, in its discretion, may extend for a period not
14 exceeding three days the date for giving written notice of default to
15 delinquent retail licensees and extend for three days the date for
16 filing with the authority the copies of notices sent to such licensees
17 and/or the written list of delinquent retail licensees as required in
18 this subdivision.

19 (f) The authority, in its discretion, may limit the documents to be
20 filed to those relating to licensees who are to be added or deleted from
21 the default list and direct that the manufacturer or wholesaler maintain
22 copies of all other documents required under this section for future
23 inspection by the authority.

24 (g) The authority shall, as soon as practicable after each notifica-
25 tion date, compile and publish and furnish each manufacturer and whole-
26 saler licensed under this chapter a list, to be designated the delin-
27 quent list containing the names and addresses of all retail licensees
28 who have been reported by manufacturers and wholesalers pursuant to the

1 provisions of this section or section one thousand three of this article
2 as having failed to make payment as required by this section for alco-
3 holic beverages sold or delivered to them.

4 (h) No such manufacturer or wholesaler, on or after the fifth day
5 after the receipt of such delinquent list, shall knowingly, willfully or
6 intentionally sell or deliver any alcoholic beverages to any such licen-
7 see whose name appears on such list, except for cash, until such time as
8 the name of such licensee is removed therefrom, except as hereinafter
9 permitted.

10 (i) The receipt of a delinquent list by a manufacturer or wholesaler
11 shall constitute knowledge of the names of the retail licensees who have
12 failed to make payment for alcoholic beverages as required by this
13 section.

14 (j) The failure of any manufacturer or wholesaler to comply with the
15 foregoing provisions of this section may, at the discretion of the
16 authority, subject the license of such manufacturer or wholesaler to
17 suspension for not more than five days for the first offense, and not
18 more than thirty days for a subsequent offense.

19 (k) The authority may publish the delinquent list on its website,
20 provided, that full access shall be restricted to those manufacturers
21 and wholesalers licensed under this chapter and access to their specific
22 status shall be provided to retailers licensed under this chapter. Such
23 publication shall be considered receipt thereof by all manufacturers and
24 wholesalers.

25 4. In the event that any dispute shall exist between any manufacturer
26 or wholesaler and a retail licensee to whom the manufacturer or whole-
27 saler shall have sold alcoholic beverages, either as to the fact of
28 payment or as to the amount due for such alcoholic beverages or as to

1 the quantity of the alcoholic beverages sold or delivered, which dispute
2 cannot be adjusted between them, the authority is hereby authorized to
3 receive statements from each of the parties to such dispute as to the
4 facts and circumstances thereof and to determine whether or not such
5 retail licensee's name should be published on the appropriate delinquent
6 list.

7 5. The authority in the case of a retail licensee who has actually
8 made payment for alcoholic beverages, or on good cause shown to it, may
9 permit sales or deliveries to any retail licensee who has received
10 notice of default or who is named on any delinquent list, on terms other
11 than for cash, but within the limitations of this section, prior to the
12 publication of the next appropriate delinquent list.

13 6. (a) The license of any retail licensee who purchases or accepts
14 delivery of alcoholic beverages on any terms, other than as provided in
15 this section, may be suspended for not more than five days for the first
16 offense and not more than thirty days for a subsequent offense.

17 (b) The failure of any such retail licensee to pay any amount in
18 default before the expiration of the period of suspension shall be
19 deemed and punishable as a subsequent offense until paid.

20 (c) In addition, the authority may require any such retail licensee,
21 after default in making payment in accordance with the provisions of
22 this section to make payment in cash for alcoholic beverages subsequent-
23 ly delivered.

24 7. (a) All retail licensees who fail to pay manufacturers or whole-
25 salers for alcoholic beverages sold or delivered to such retail licen-
26 sees by such manufacturers or wholesalers subsequent to the effective
27 date of this section, shall liquidate and pay such unpaid balances to
28 such manufacturers or wholesalers in equal monthly installments over a

1 period of three months from the date upon which such unpaid balances
2 become due.

3 (b) The authority, shall not, however, because of such an indebtedness
4 or failure to pay such refuse to renew the license of any such licensee.

5 8. Nothing contained in this section shall be construed to require any
6 manufacturer or wholesaler to extend credit to any retail licensee nor
7 to restrain any manufacturer or wholesaler from seeking to enforce by
8 legal action or otherwise, payment of any sum or sums of money due or
9 alleged to be due to any such manufacturer or wholesaler for alcoholic
10 beverages sold or delivered to any such retail licensee.

11 9. For the purpose of raising the moneys necessary to defray the
12 expenses incurred in the administration of this section, there shall be
13 paid to the authority by each person hereafter applying for a license,
14 or renewal thereof, to manufacturer or sell at wholesale liquor, wine or
15 beer a sum equivalent to ten percent of the annual license fee
16 prescribed by this chapter for such licensee.

17 10. The state liquor authority is hereby authorized to do such acts,
18 prescribe such forms and make such rules, regulations and orders as it
19 may deem necessary or proper fully to effectuate the provisions of this
20 section, including but not limited to the changing of any date on which
21 any act or function pursuant to this section is to be performed by any
22 licensee or by the liquor authority.

23 § 1003. Terms of sale for beer and wine products. 1. As used in this
24 section:

25 (a) "Credit period" means the following:

26 (i) A period beginning on Thursday, January first, two thousand four
27 and ending on Sunday, January eighteenth, two thousand four; and

1 (ii) A period beginning on the first Monday succeeding the concluding
2 day of each prior period and ending on the second succeeding Sunday
3 thereafter.

4 (b) "Payment period" means the period ending on the twelfth day imme-
5 diately following the last day of any credit period.

6 (c) "Final payment date" means the last day of a payment period.

7 (d) "Delinquent notice date" means the third business day immediately
8 following a final payment date.

9 (e) "Notification date" means the day immediately following a delin-
10 quent notice date.

11 (f) "Retail licensee" means a person licensed pursuant to this chapter
12 who purchases beer and/or wine products for resale for on- or off-prem-
13 ises consumption, except a person licensed to sell liquor and/or wine
14 for off-premises consumption.

15 (g) "Cash" means and includes currency and coin of the United States
16 of America, certified check, money order, electronic funds transfer,
17 bank officer's check or draft, or a check drawn on the account of the
18 retail licensee payable to the manufacturer or wholesaler and dated no
19 later than the date of delivery of the alcoholic beverages and which is
20 honored upon presentment for payment, provided, however, that:

21 (i) if any check or other instrument described herein tendered by a
22 retail licensee on the delinquent list is not honored upon presentment
23 for payment, the license of such retail licensee may be suspended for
24 not more than fifteen days for the first offense, and not more than
25 sixty days for a subsequent offense, which penalty shall be in addition
26 to the penalty provided for by the provisions of subdivision four of
27 this section; and

1 (ii) nothing herein contained shall require a manufacturer or whole-
2 saler to accept a check tendered by or drawn on the account of a retail
3 licensee on the delinquent list unless the same has been certified.

4 (h) "Business payment card" means:

5 (i) any credit card issued to a retail licensee for business or
6 commercial use pursuant to an agreement that allows the holder thereof
7 to obtain goods and services on the credit of the issuer or a debit card
8 that provides access to a bank account of a retail licensee; and

9 (ii) a credit or debit card from an issuer accepted by the manufactur-
10 er or wholesaler as permitted by the authority in regulation; provided
11 that:

12 (A) such credit card shall not include cards in which a manufacturer
13 or wholesaler has a financial interest or cards by which their use bene-
14 fits a manufacturer or wholesaler; and

15 (B) such card must be issued in the same name as a retail licensee and
16 registered to the same address as the address on the retail license, or
17 as otherwise permitted by the authority in regulation.

18 (i) "Final cash invoice amount" means the amount charged by a manufac-
19 turer or wholesaler to a retail licensee pursuant to subparagraphs (i)
20 and (ii) of paragraph (a) of subdivision two of this section.

21 (j) "Final business payment card invoice amount":

22 (i) means the amount charged by a manufacturer or wholesaler to a
23 retail licensee pursuant to subparagraph (iii) of paragraph (a) of
24 subdivision two of this section; and

25 (ii) shall equal the final cash invoice amount plus three percent of
26 the final cash invoice amount. The three percent represents the
27 surcharges and fees that are charged to the manufacturer or wholesaler

1 by the business payment card issuer or a person or entity associated
2 with the issuer.

3 2. (a) No manufacturer or wholesaler licensed under this chapter shall
4 sell or deliver any beer, mead, cider or wine products to any retail
5 licensee except as provided for in this section:

6 (i) for cash to be paid at the time of delivery;

7 (ii) on terms requiring payment by such retail licensee for such beer,
8 mead, cider, or wine products on or before the final payment date of any
9 credit period within which delivery is made; or

10 (iii) by business payment card, provided that a manufacturer or whole-
11 saler that exercises reasonable diligence to ensure the sale comports
12 with the requirements of this section shall not be found to have
13 violated this subdivision where a retail licensee uses a credit card
14 other than a business payment card.

15 (b) Provided, however, that the sale of wine products, mead, or cider
16 to a retail licensee by a beer, cider or liquor wholesaler, or a
17 licensed liquor, wine, mead or cider manufacturer, shall be governed by
18 the provisions of section one thousand two of this article.

19 (c) A manufacturer or wholesaler that accepts business payment cards
20 shall clearly state the final cash invoice amount and the final business
21 payment card invoice amount on an invoice provided to a retail licensee.

22 (d) Nothing in this section shall preclude or permit a manufacturer or
23 wholesaler to prevent a retail licensee that receives such an invoice
24 from electing to use any other form of payment method permitted pursuant
25 to this subdivision following receipt of such invoice.

26 (e) Nothing herein contained shall be construed to require any
27 manufacturer or wholesaler to accept business payment cards as a method
28 of payment by any retail licensee, provided that if such payment method

1 is made available it shall be available on equal terms to all retail
2 licensees.

3 3. (a) Each such manufacturer and wholesaler shall, on or before the
4 respective delinquent notice date, give written notice of default, by
5 first class mail, to all such licensees who have failed to make payment
6 to the manufacturer or wholesaler on or before their final payment date
7 for beer or wine products sold or delivered to such licensees during the
8 previous credit period.

9 (b) Any such retail licensee receiving such notice shall not thereaft-
10 er purchase beer or wine products except for cash until such time as the
11 authority determines that its name shall not be published on the delin-
12 quent list as provided in this subdivision, or until such time as the
13 authority permits sales or deliveries to such licensee as provided in
14 subdivision seven of this section.

15 (c) Each such manufacturer and wholesaler shall file with the authori-
16 ty, on or before each notification date, copies of the notices sent by
17 it to all delinquent retail licensees.

18 (d) In addition, if the authority shall so require, each such manufac-
19 turer and wholesaler shall file with the authority a written list
20 setting forth the names and addresses of all such delinquent licensees.

21 (e) The authority, in its discretion, may extend for a period not
22 exceeding three days the date for giving written notice of default to
23 delinquent retail licensees and extend for three days the date for
24 filing with the authority the copies of notices sent to such licensees
25 and/or the written list of delinquent retail licensees.

26 (f) The authority shall, as soon as practicable after each notifica-
27 tion date, compile, publish, and furnish each manufacturer and whole-
28 saler licensed under this chapter a delinquent list containing the names

1 and addresses of all retail licensees who have been reported by manufac-
2 turers and wholesalers pursuant to the provisions of this section or
3 section one thousand two of this article as having failed to make
4 payment as required by this section or section one thousand two of this
5 article for beer or wine products sold or delivered to them.

6 (g) No such manufacturer or wholesaler, on or after the fifth day
7 after the receipt of such delinquent list, shall knowingly, willfully or
8 intentionally sell or deliver any beer or wine products to any such
9 licensee whose name appears on such list, except for cash, until such
10 time as the name of such licensee is removed therefrom, except as other-
11 wise permitted by this section.

12 (h) The receipt of a delinquent list by a manufacturer or wholesaler
13 shall constitute knowledge of the names of the retail licensees who have
14 failed to make payment for beer or wine products as required by this
15 section.

16 4. The failure of any manufacturer or wholesaler to comply with the
17 provisions of this section may, at the discretion of the authority,
18 subject the license of such manufacturer or wholesaler to suspension for
19 not more than five days for the first offense, and not more than thirty
20 days for a subsequent offense.

21 5. (a) The authority may publish the delinquent list on its website,
22 provided, however, that access shall be restricted to those manufactur-
23 ers and wholesalers licensed under this chapter.

24 (b) Such publication shall be considered receipt thereof by all
25 manufacturers and wholesalers.

26 6. In the event that any dispute shall exist between any manufacturer
27 or wholesaler and a retail licensee to whom such manufacturer or whole-
28 saler shall have sold beer or wine products, either as to the fact of

1 payment or as to the amount due for such beer or wine products or as to
2 the quantity of the beer or wine products sold or delivered, which
3 dispute cannot be adjusted between them, the authority is authorized to
4 receive statements from each of the parties to such dispute as to the
5 facts and circumstances thereof and to determine whether or not such
6 retail licensee's name should be published on the delinquent list.

7 7. The authority in the case of a retail licensee who has actually
8 made payment for beer or wine products, or on good cause shown to it,
9 may permit sales or deliveries to any retail licensee who has received
10 notice of default or who is named on any delinquent list, on terms other
11 than for cash, but within the limitations of this section, prior to the
12 publication of the next delinquent list.

13 8. (a) The license of any retail licensee who purchases or accepts
14 delivery of beer or wine products on any terms, other than as provided
15 in this section, may be suspended for not more than five days for the
16 first offense and not more than thirty days for a subsequent offense.

17 (b) The failure of any such retail licensee to pay any amount in
18 default before the expiration of the period of suspension shall be
19 deemed and punishable as a subsequent offense until paid.

20 (c) In addition, the authority may require any such retail licensee,
21 after default in making payment in accordance with the provisions of
22 this section to make payment in cash for beer or wine products subse-
23 quently delivered.

24 9. Nothing contained in this section shall be construed to require any
25 manufacturer or wholesaler to extend credit to any retail licensee nor
26 to restrain any manufacturer or wholesaler from seeking to enforce by
27 legal action or otherwise, payment of any sum or sums of money due or

1 alleged to be due to any such manufacturer or wholesaler for beer or
2 wine products sold or delivered to any such retail licensee.

3 10. For the purpose of raising the moneys necessary to defray the
4 expenses incurred in the administration of this section, there shall be
5 paid to the authority by each person hereafter applying for a license,
6 or renewal thereof, to sell beer at wholesale a sum equivalent to ten
7 percent of the annual license fee prescribed by this chapter for such
8 licensee.

9 § 1004. Unlawful discrimination prohibited. 1. It is the declared
10 policy of the state that it is necessary to regulate and control the
11 manufacture, sale, and distribution within the state of alcoholic bever-
12 ages for the purpose of fostering and promoting temperance in their
13 consumption and respect for and obedience to the law.

14 2. In order to eliminate the undue stimulation of sales of alcoholic
15 beverages and the practice of manufacturers and wholesalers in granting
16 discounts, rebates, allowances, free goods, and other inducements to
17 selected licensees, which contribute to a disorderly distribution of
18 alcoholic beverages, and which are detrimental to the proper regulation
19 of the liquor industry and contrary to the interests of temperance, it
20 is hereby further declared as the policy of the state that the sale of
21 alcoholic beverages should be subjected to certain restrictions, prohi-
22 bitions and regulations. The necessity for the enactment of the
23 provisions of this section and section one thousand five of this arti-
24 cle, therefore, declared as a matter of legislative determination.

25 3. It shall be unlawful for any person who sells liquors or wines to
26 wholesalers or retailers:

27 (a) to discriminate, directly or indirectly, in price, in discounts
28 for time of payment or in discounts on quantity of merchandise sold,

1 between one wholesaler and another wholesaler, or between one retailer
2 and another retailer purchasing liquor or wine bearing the same brand or
3 trade name and of like age and quality;

4 (b) to grant, directly or indirectly, any discount, rebate, free
5 goods, allowance or other inducement of any kind whatsoever, except a
6 discount or discounts for quantity of liquor or for quantity of wine and
7 a discount not in excess of one per centum for payment on or before ten
8 days from date of shipment.

9 § 1005. Price schedules for liquor and wine. 1. (a) No brand of liquor
10 or wine shall be sold to or purchased by a wholesaler, irrespective of
11 the place of sale or delivery, unless a schedule, as provided by this
12 section, is transmitted to and received by the liquor authority, and is
13 then in effect.

14 (b) Such brand of liquor or wine shall not be sold to wholesalers
15 except at the price and discounts then in effect unless prior written
16 permission of the authority is granted for good cause shown and for
17 reasons not inconsistent with the purpose of this chapter.

18 (c) Such schedule shall be transmitted by:

19 (i) the owner of such brand; or

20 (ii) a wholesaler selling such brand and who is designated as agent
21 for the purpose of filing such schedule if the owner of the brand is not
22 licensed by the authority;

23 (iii) or with the approval of the authority, by a wholesaler, in the
24 event that the owner of the brand is unable to transmit a schedule or
25 designate an agent for such purpose.

26 (d) Each such schedule required by this subdivision shall be filed on
27 or before the twenty-fifth day of each month and the prices and
28 discounts set forth therein shall become effective on the first day of

1 the second succeeding calendar month and shall be in effect for such
2 second succeeding calendar month.

3 2. (a) No brand of liquor or wine shall be sold to or purchased by a
4 retailer unless a schedule, as provided by this section, is transmitted
5 to and received by the liquor authority, and is then in effect.

6 (b) Such brand of liquor or wine shall not be sold to retailers except
7 at the price and discounts then in effect unless prior written permis-
8 sion of the authority is granted for good cause shown and for reasons
9 not inconsistent with the purpose of this chapter.

10 (c) Such schedule shall be transmitted by each manufacturer selling
11 such brand to retailers and by each wholesaler selling such brand to
12 retailers.

13 (d) Nothing contained in this section shall require any manufacturer
14 or wholesaler to list in any schedule to be filed pursuant to this
15 section any item offered for sale to a retailer under a brand which is
16 owned exclusively by one retailer and sold at retail within the state
17 exclusively by such retailer.

18 (e) Each such schedule required by this subdivision shall be filed on
19 or before the fifth day of each month, and the prices and discounts set
20 forth therein shall become effective on the first day of the calendar
21 month following the filing thereof, and shall be in effect for such
22 calendar month.

23 (f) Within ten days after the filing of such schedule, the authority
24 shall make them or a composite thereof available for inspection by
25 licensees.

26 (g) Within three business days after such inspection is provided for,
27 a wholesaler may amend his filed schedule for sales to retailers in
28 order to meet lower competing prices and discounts for liquor or wine of

1 the same brand or trade name, and of like age and quality, filed pursu-
2 ant to this section by any licensee selling such brand, provided such
3 amended prices are not lower and discounts are not greater than those to
4 be met.

5 (h) Any amended schedule so filed shall become effective on the first
6 day of the calendar month following the filing thereof and shall be in
7 effect for such calendar month.

8 3. (a) The schedules required by subdivisions one and two of this
9 section shall be transmitted to the authority in such form, manner,
10 medium and format as the authority may direct and shall be deemed duly
11 verified by the person submitting such schedule upon its transmission to
12 the authority.

13 (b) Such schedules shall contain, with respect to each item:

14 (i) the exact brand or trade name;

15 (ii) capacity of package;

16 (iii) nature of contents;

17 (iv) age and proof where stated on the label;

18 (v) the number of bottles contained in each case;

19 (vi) the bottle and case price to the purchaser;

20 (vii) the net bottle and case price paid by the seller; and

21 (viii) the discounts for quantity, if any, and the discounts for time
22 of payment, if any.

23 (c) The prices on such schedules shall be individual for each item and
24 not in "combination" with any other item, provided that an "item" shall
25 be deemed to include a sealed, pre-wrapped package consisting of a
26 sealed container of liquor, wine or wine product and other merchandise
27 reasonably used in connection with the preparation, storage or service

1 of liquor, wine or wine products provided that such other merchandise
2 shall not be potable or edible.

3 (d) (i) All schedules filed pursuant to this section shall be subject
4 to public inspection, from the time that they are required to be made
5 available for inspection by licensees, and shall not be considered
6 confidential.

7 (ii) The authority may make available such schedules to all licensed
8 wholesalers and retailers by way of controlled internet access.

9 (e) Each manufacturer and wholesaler shall retain in their licensed
10 premises for inspection by licensees a copy of their filed schedules as
11 then in effect.

12 4. No licensee shall refuse to sell any brand of liquor or wine to any
13 licensee authorized to purchase such brand of liquor or wine from such
14 licensee at the price listed in the schedule of prices of such brand of
15 liquor or wine required to be filed by such licensee with the authority
16 pursuant to this section, provided the purchaser pays cash therefor, and
17 except as herein provided.

18 5. (a) A schedule of prices to wholesalers filed by the brand owner or
19 its agent with the authority, pursuant to this section, may limit the
20 distribution or resale of a brand to wholesalers by the filing by the
21 brand owner or its agent with the authority of the names, addresses and
22 license numbers of such wholesalers.

23 (b) Such list shall be filed each month together with the schedule of
24 prices, and no name shall be added thereto or removed therefrom after
25 filing except with permission of the authority.

26 (c) Only those wholesalers listed, pursuant to paragraph (a) of this
27 subdivision, may schedule the price to retailers for such brand, except
28 that when not inconsistent with the purpose of this section, the author-

1 ity may authorize any other wholesaler to schedule a price after
2 furnishing the quantity, source of purchase and any other information
3 the authority may require.

4 (d) When distribution or resale of a brand has been restricted, pursu-
5 ant to paragraph (a) of this subdivision, such brand shall not be sold
6 or purchased by any wholesalers who are not listed in accordance with
7 paragraph (a) of this subdivision.

8 (e) For good cause shown to the satisfaction of the authority, permis-
9 sion may be granted for the filing of schedules limiting the distrib-
10 ution or resale of a brand to retailers.

11 6. Manufacturers and wholesalers shall not require or compel retailers
12 to purchase other brands in order to be able to buy a particular brand.

13 7. (a) Notwithstanding the provisions of paragraph (d) of subdivision
14 one of this section, the price schedule filed by a licensed wine or
15 liquor manufacturer shall be filed annually on or before the twenty-
16 fifth day of November.

17 (b) The prices and discounts set forth in such price schedules shall
18 become effective on the first day of the succeeding January, and shall
19 remain in effect for such twelve succeeding calendar months, unless a
20 price change filing is made pursuant to paragraph (c) of this subdivi-
21 sion.

22 (c) (i) A licensed wine or liquor manufacturer may file a price sched-
23 ule change at any time between the required annual filings.

24 (ii) Each such price schedule change shall be filed on or before the
25 twenty-fifth day of each month for a change in prices to become effec-
26 tive on the first day of the second succeeding calendar month and shall
27 remain in effect until the effective date of the next filing.

1 8. (a) Notwithstanding the provisions of paragraph (e) of subdivision
2 two of this section, the price schedule filed by a licensed wine or
3 liquor manufacturer shall be filed annually on or before fifth day of
4 December. The prices and discounts set forth therein shall become effec-
5 tive on the first day of the succeeding January, and shall remain in
6 effect for such twelve succeeding calendar months, unless a price change
7 filing is made pursuant to paragraph (b) of this subdivision.

8 (b) (i) A licensed wine or liquor manufacturer may file a price sched-
9 ule change at any time between the required annual filings.

10 (ii) Each such price schedule change shall be filed on or before the
11 fifth day of each month for a change in prices to become effective on
12 the first day of the calendar month following the filing thereof and
13 shall remain in effect until the effective date of the next filing.

14 9. Nothing contained in this section shall be construed as authority
15 for permitting any conduct or activity by any brand owner or its agent
16 or any wholesaler of liquor or wine proscribed by the antitrust laws of
17 this state or the United States.

18 10. If any provision of any paragraph of any subdivision, or any
19 subdivision of this section, or the application thereof to any person or
20 circumstance, shall be adjudged invalid by a court of competent juris-
21 diction, such order or judgment shall be confined in its operation to
22 the controversy in which it was rendered and shall not affect or invali-
23 date the remainder of any provision of this subdivision or any subdivi-
24 sion of this section or the application of any part thereof to any other
25 person or circumstance and to this end the provisions of each paragraph
26 of any subdivision and each subdivision of this section are hereby
27 declared to be severable.

1 11. The authority may revoke, cancel or suspend any license issued
2 pursuant to this chapter, and may recover the penal sum of the bond
3 filed by a licensee, or both, for any sale or purchase in violation of
4 any of the provisions of this section or for making a false statement in
5 any schedule filed pursuant to this section or for failing or refusing
6 in any manner to comply with any of the provisions of this section.

7 12. (a) For the purpose of raising the moneys necessary to defray the
8 expenses incurred in the administration of this section, there shall be
9 paid to the authority by each person hereafter applying for a license,
10 or renewal thereof, to manufacture or sell at wholesale liquor or wine a
11 sum equivalent to fifteen percent of the annual license fee prescribed
12 by this chapter for such licensee.

13 (b) In the event that any other law requires the payment of a fee by
14 any such licensee or applicant as set forth in this section for schedule
15 listing, then and in such event the total fee imposed by this section
16 and such other law or laws on each such licensee shall not exceed in the
17 aggregate a sum equivalent to fifteen per centum of the annual license
18 fee prescribed by this chapter for such license.

19 13. The liquor authority may make such rules as shall be appropriate
20 to carry out the purpose of this section.

21 § 1006. Manner of changing beer prices to wholesalers and retail
22 licensees. 1. It is hereby declared as the policy of the state that the
23 sale and distribution of beer shall be subject to certain restrictions,
24 prohibitions and regulations which tend to maintain an orderly market
25 and prevent destructive competition. The necessity of the provisions of
26 this section is therefore declared as a matter of legislative necessity.

27 2. (a) Except as provided for in paragraphs (b), (c) and (d) of this
28 subdivision, no brewer or beer wholesaler may increase the price per

1 case, draft package or special package of beer sold to beer wholesalers
2 or retail licensees until at least one hundred eighty days have elapsed
3 since their last price decrease on such case, draft package or special
4 package.

5 (b) A brewer or beer wholesaler may increase any price established by
6 them at any time in the amount of any direct tax increase on beer.

7 (c) A brewer or beer wholesaler may increase any price established by
8 them by three percent of the final cash invoice amount to reasonably
9 remunerate such wholesaler for surcharges and fees incurred for business
10 payment card payments, as provided for by section one thousand three of
11 this article, or on containers thereof, actually paid by such brewer or
12 beer wholesaler.

13 (d) In the event a brewer or beer wholesaler has increased their price
14 to beer wholesalers at any time pursuant to the provisions hereof, such
15 beer wholesalers may increase the price established by them on such
16 package in an amount equal to the direct price increase to the beer
17 wholesaler.

18 3. The authority is authorized and empowered to do such acts,
19 prescribe such forms and adopt rules and regulations as it may deem
20 necessary or proper to carry into effect the purpose and provisions of
21 this section and to prevent circumvention or evasion thereof. Without
22 limiting the generality of the foregoing, and in addition to its other
23 powers, the authority may, in its discretion, adopt rules or regu-
24 lations:

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

1 (b) Defining the guidelines relating to "price" within the purview of
2 this section which guidelines may provide, without limitation thereto,
3 that:

4 (i) Whenever a brewer or beer wholesaler decreases their price per
5 case, draft package or special package of beer to beer wholesalers, the
6 beer wholesaler may decrease their price to retail licensees on such
7 reduced item or items by no more than the amount in dollars and cents by
8 which the brewer or beer wholesaler has decreased the price per case,
9 draft package or special package to the beer wholesaler.

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

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

25 (iv) Whenever a brewer or beer wholesaler, following a price decrease,
26 raises its price per case, draft package or special package of beer to
27 any beer wholesaler in New York state it must raise its price on each

1 item or items by the same amount to all beer wholesalers throughout New
2 York state to whom such item or items are offered for sale.

3 (c) Provided that for good cause shown to its satisfaction, the
4 authority may grant waivers to licensees adversely affected by this
5 section, under such terms and conditions as the authority deems appro-
6 priate.

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

13 4. (a) For the purpose of defraying the expenses incurred in the
14 administration of this section, there shall be paid to the authority by
15 each person hereafter applying for a license, or renewal thereof, as
16 brewer or beer wholesaler the following sums:

17 (i) brewer whose annual production is sixty thousand barrels per year
18 or more, one thousand dollars;

19 (ii) brewer whose annual production is less than sixty thousand
20 barrels per year, one hundred dollars;

21 (iii) beer wholesaler, one hundred dollars.

22 (b) The sums prescribed by this subdivision shall not be prorated for
23 any portion of the license fee and shall have no refund value.

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

1 § 1007. Franchise agreements between brewers and beer wholesalers. 1.
2 It is hereby declared to be the policy of this state, that the sale and
3 delivery of beer by brewers to beer wholesalers shall be pursuant to a
4 written agreement. That further, the regulation of business relations
5 between brewers and beer wholesalers is necessary and appropriate to the
6 general economy and tax base of this state and in the public interest.

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

9 (a) "Affected brewers" means all other brewers with an agreement with
10 an affected wholesaler who is a multiple brands wholesaler.

11 (b) "Affected wholesalers" means wholesalers who may reasonably be
12 expected to experience a loss or diminishment of a right to distribute a
13 brand, in whole or in part, as a consequence of a proposed consolidation
14 policy.

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

20 (d) (i) "Annual volume" shall mean:

21 (A) the aggregate number of barrels of beer, under trademarks owned by
22 that brewery and brewed, directly or indirectly, by or on behalf of the
23 brewer during the measuring period, on a worldwide basis, plus

24 (B) the aggregate number of barrels of beer brewed, during the measur-
25 ing period, directly or indirectly, by or on behalf of any person or
26 entity which, at any time during the measuring period, controlled, was
27 controlled by or was under common control with the brewer, on a world-
28 wide basis.

1 (ii) Annual volume shall not include beer brewed under contract for
2 any other brewer. There shall be no double counting of the same barrels
3 of beer under clauses (A) and (B) of subparagraph (i) of this paragraph.

4 (e) "Beer wholesaler" and "wholesaler" means the holder of a whole-
5 saler's license under this chapter who purchases, offers to sell,
6 resells, markets, promotes, warehouses or physically distributes beer
7 sold by a brewer.

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

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

16 (h) "Good faith" means honesty in fact and the observance of reason-
17 able commercial standards in the trade.

18 (i) "Material modification" of an agreement or to "materially modify"
19 means and includes a substantial and significant change in the compet-
20 itive circumstances under which the agreement was entered into and is
21 performed which is caused by a brewer without fault on the part of the
22 wholesaler.

23 (j) "Measuring period" shall mean the twelve month calendar period
24 immediately preceding the date notice of termination, as required by
25 this section, was given by a brewer to the beer wholesaler.

26 (k) "Multiple brands wholesaler" means a wholesaler which pursuant to
27 agreements with different brewers holds the rights to purchase, resell,

1 warehouse or physically deliver two or more competing products in
2 substantially the same geographic area or to the same customer class.

3 (1) "Successor to a brewer" means any person or entity which acquires
4 the business or beer brands of a brewer, without limitation, by way of
5 the purchase, assignment, transfer, lease, or license or disposition of
6 all or a portion of the assets, business or equity of a brewer in any
7 transaction, including merger, corporate reorganization or consolidation
8 or the formation of a partnership, joint venture or other joint market-
9 ing alliance.

10 3. Except as otherwise provided for in this section, beer offered for
11 sale in this state by a brewer to a beer wholesaler shall be sold and
12 delivered pursuant to a written agreement which conforms to the
13 provisions of this section and which sets forth all essential and mate-
14 rial terms, requirements, standards of performance and conditions of the
15 business relationship between a brewer and a beer wholesaler.

16 4. Except as provided for in subdivisions seven and eight of this
17 section, no such agreement may be cancelled, terminated, materially
18 modified or not renewed without good cause, as provided for in subdivi-
19 sions five and six of this section.

20 5. (a) A brewer implementing a national or regional policy of consol-
21 idation which is reasonable, nondiscriminatory and essential shall have
22 good cause to cancel, terminate, materially modify or not renew an
23 agreement provided such policy:

24 (i) has been previously disclosed, in writing, in reasonable detail to
25 the brewer's wholesalers;

26 (ii) results in a contemporaneous reduction in the number of a
27 brewer's wholesalers not only for a brand in this state, but also for a

1 brand in contiguous states or in a majority of the states in which the
2 brewer sells the brand.

3 (b) All affected wholesalers and affected brewers shall be afforded
4 ninety days prior notice of the implementation of such policy, and such
5 notice shall be provided by the brewer implementing said policy.

6 (c) An affected wholesaler who has actual knowledge of the intended
7 implementation of such policy shall also notify each affected brewer.

8 (d) An affected brewer receiving notice pursuant to this paragraph
9 may, within one hundred twenty days after receiving such notice, termi-
10 nate an agreement with a multiple brands wholesaler in the event:

11 (i) the total case purchases computed in twenty-four twelve ounce
12 equivalent units by the wholesaler of the products of the affected brew-
13 er amounted to two percent or less of the multiple brands wholesaler's
14 total sales volume during the twelve month period preceding the notice;
15 and

16 (ii) the affected brewer, prior to such termination, pays compensation
17 to the multiple brands wholesaler.

18 6. A brewer shall have good cause to cancel, terminate, materially
19 modify or not renew an agreement if there has been a failure by the beer
20 wholesaler to comply with a material term of an agreement between the
21 brewer and beer wholesaler, provided that:

22 (a) The brewer gave the wholesaler written notice of the failure to
23 comply with the agreement as provided for in subdivision nine of this
24 section and in which the brewer states with particularity the basis for
25 the brewer's determination of non-compliance, and upon the wholesaler's
26 written request within ten days of receipt of the notice, the brewer has
27 supplemented such notice by submitting to the wholesaler in writing the

1 brewer's recommended plan of corrective action to cure the claimed
2 defaults or deficiencies in a manner satisfactory to it;

3 (b) The wholesaler was afforded a reasonable opportunity to assert
4 good faith efforts to comply with the agreement by curing the claimed
5 defaults or deficiencies specified in said notice within the time
6 provided for in paragraph (c) of this subdivision; and

7 (c) (i) The wholesaler was afforded fifteen days after receipt of such
8 notice to submit a written plan of corrective action to comply with the
9 agreement by curing the claimed non-compliance and seventy-five days to
10 cure such non-compliance in accordance with the plan.

11 (ii) Provided, however, that such period for cure may be increased or
12 reduced to a commercially reasonable period by an order of a court in
13 this state entered after a hearing at which the brewer has the burden to
14 demonstrate that the claimed defaults or deficiencies can be substan-
15 tially rectified in the period of time afforded the wholesaler or that,
16 after receipt of notice of default or deficiency as provided for in
17 subdivision five of this section, the wholesaler has intentionally
18 engaged in an affirmative course of conduct in which the brewer's
19 current marketing plans and other trade secrets are disclosed to a third
20 party without the prior consent of the brewer or in which the wholesaler
21 acts or threatens to act to significantly impair, harm or dilute the
22 reputation or competitive position of the brewer or otherwise irrepar-
23 ably injure the brewer, its brands or trademarks.

24 (iii) Provided, that such period for cure need not exceed forty-five
25 days if within the twelve months immediately following a cure, the
26 wholesaler intentionally engages in conduct which repeats the same spec-
27 ified default and deficiency which the brewer had deemed cured.

1 (iv) Provided that such period for cure need not exceed sixty days in
2 the event that during the twelve month period preceding the notice, the
3 total case purchases by the wholesaler of the affected products of the
4 brewer account for less than one-half of one percent of the wholesaler's
5 aggregate case purchases from all sources or one thousand cases.

6 (v) For purposes of this subdivision, case purchases of affected
7 products whether package or draught shall be computed in twenty-four
8 twelve ounce equivalent units.

9 7. (a) Any brewer with an annual volume of less than three hundred
10 thousand barrels of beer and whose sales to an affected beer wholesaler
11 are three percent or less of the beer wholesaler's total annual brand
12 sales measured in case equivalent sales of twenty-four twelve ounce
13 units may terminate an agreement with any beer wholesaler without having
14 good cause for such termination and shall not be subject to liability to
15 the beer wholesaler under paragraph (b) of subdivision eleven of this
16 section provided that, prior to the effective date of the termination,
17 the brewer pays the beer wholesaler the fair market value of the
18 distribution rights which will be lost or diminished by reason of the
19 termination.

20 (b) If such brewer and beer wholesaler cannot mutually agree to the
21 fair market value of the applicable distribution rights lost or dimin-
22 ished by reason of the termination, then the brewer shall pay the beer
23 wholesaler a good faith estimate of the fair market value of the appli-
24 cable distribution rights.

25 (c) If the beer wholesaler being terminated under this subdivision
26 disputes that the payment made by the brewer was less than the fair
27 market value of the distribution rights, then the beer wholesaler may
28 within forty-five days of termination submit the question of fair market

1 value of the applicable distribution rights lost or diminished by reason
2 of the termination to binding arbitration before a panel of three
3 neutral arbitrators appointed in accordance with the commercial arbi-
4 tration rules of the American Arbitration Association, which panel shall
5 determine by majority decision whether the brewer's payment meets the
6 requirements of paragraph (a) of this subdivision.

7 (d) If the arbitration panel rules that the payment made by the brewer
8 to the beer wholesaler upon termination was less than the fair market
9 value of distribution rights lost or diminished by reason of the termi-
10 nation, then the brewer must pay the beer wholesaler the difference
11 between the payment made to the beer wholesaler and the determined fair
12 market value plus interest.

13 (e) If the arbitration panel rules that the payment made by the brewer
14 to the beer wholesaler upon termination was more than the fair market
15 value of distribution rights lost or diminished by reason of the termi-
16 nation, then the beer wholesaler must pay the brewer the difference
17 between the payment made to the beer wholesaler and the determined fair
18 market value plus interest.

19 (f) All arbitration fees and expenses shall be equally divided among
20 the parties to the arbitration except if the arbitration panel deter-
21 mines that the brewer's payment upon termination was not a good faith
22 estimate of the fair market value, then the panel may award up to one
23 hundred percent of the arbitration costs to the brewer.

24 (g) Notwithstanding any provision of this section to the contrary, for
25 purposes of this subdivision, the term "brewer" shall mean any person or
26 entity engaged primarily in business as a brewer or manufacturer of
27 beer.

1 8. For one hundred twenty days after the formation, licensing and
2 commencement of operations as a beer wholesaler of a limited partnership
3 or the making of a loan, and upon at least fifteen days prior notifica-
4 tion as required by subdivision nine of this section, a brewer may
5 terminate an agreement with a multiple brands wholesaler in the event:

6 (a) a competing brewer or its affiliate becomes a limited partner with
7 or loans money to a general partner of a multiple brands wholesaler;

8 (b) by reason of said loan, the performance of a loan agreement, or
9 the terms or conduct of the limited partnership, there is a reasonable
10 likelihood that competition between brands of the competing brewers has
11 been or may be significantly reduced in a relevant geographic area or
12 market; and

13 (c) in lieu of other rights and remedies it might have under this
14 chapter to terminate for good cause, the terminating brewer pays compen-
15 sation to the multiple brands wholesaler.

16 9. (a) Except as provided in paragraph (e) of this subdivision, no
17 brewer may cancel, fail to renew or terminate an agreement unless the
18 brewer or beer wholesaler furnished prior notification in accordance
19 with paragraph (c) of this subdivision.

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

24 (c) The notification required under this subdivision shall be in writ-
25 ing and sent to the affected party by certified mail.

26 (d) Such notification shall contain:

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

1 (ii) a statement of all reasons therefor, stated with particularity;
2 and
3 (iii) the date on which such action shall take effect.

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

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

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

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

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

18 (v) in the event of the failure by either party to pay sums of money
19 to the other party when due or if either the wholesaler or brewer takes
20 any action which would provide grounds for immediate termination pursu-
21 ant to the reasonable terms of a written enforceable agreement between
22 them, which was freely entered into without threat of termination or
23 other coercion or compulsion and was in full force and effect sixty days
24 from the effective date of chapter six hundred twelve of the laws of
25 nineteen hundred ninety-seven which amended the former section fifty-
26 five-c of this chapter; or

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

1 10. (a) If a brewer fails to comply with the provisions of this
2 section, a beer wholesaler may maintain a civil action in a court of
3 competent jurisdiction within this state for damages sustained in
4 accordance with the laws of this state which shall govern all disputes
5 arising under an agreement or by reason of its making and performance.

6 (b) (i) In any such action the court may grant such equitable relief
7 as is necessary or appropriate, considering the purposes of this
8 section, to remedy the effects of any failure to comply with the
9 provisions of this section or the effects of conduct prohibited here-
10 under, including declaratory judgment, mandatory or prohibitive injunc-
11 tive relief, or preliminary or other interim equitable relief;

12 (ii) Permanent injunctive relief shall not be granted to prohibit the
13 effectiveness of a termination or non-renewal of an agreement in furth-
14 erance of a policy of consolidation that is in compliance with subdivi-
15 sion five of this section.

16 (c) In any legal action challenging any cancellation, termination or
17 failure to renew, or where an issue is the brewer's compliance with the
18 provisions of subdivision five of this section, the brewer shall have
19 the burden of proof that its action was based upon good cause, provided
20 however, the wholesaler shall retain the burden of proof in all other
21 respects.

22 (d) The rights and remedies provided in this section to a beer whole-
23 saler with respect to an agreement with a brewer and to an affected
24 wholesaler or an affected brewer shall be intended to supplement and not
25 be exclusive of any rights and remedies otherwise available pursuant to
26 any other statute, or at law or equity.

27 11. (a) Any brewer who shall implement a national or regional consol-
28 idation policy, pursuant to this section, shall not terminate its

1 relationship with an affected wholesaler until compensation as provided
2 for in this subdivision has been paid. Such brewer shall pay the
3 affected beer wholesaler the fair market value of the distribution
4 rights which will be lost or diminished by reason of the implementation
5 of such policy, together with fair and reasonable compensation for other
6 damages sustained.

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

16 (c) (i) In the event that the brewer and the beer wholesaler are
17 unable to agree on the compensation to be paid for the value of the beer
18 wholesaler's business and assets, the matter may with the consent of
19 both the brewer and the beer wholesaler, be submitted to a neutral arbi-
20 trator to be selected by the parties; if they cannot agree on such an
21 arbitrator, the same shall be selected by a judge of a court of compe-
22 tent jurisdiction.

23 (ii) No brewer or beer wholesaler may impose binding arbitration of
24 any issue as a term or condition of an agreement.

25 (iii) Arbitration costs shall be equally divided by the beer whole-
26 saler and the brewer.

1 (iv) The award of the arbitrator shall be confirmed by a court of
2 competent jurisdiction in this state, the judgment of which shall be
3 binding.

4 12. No brewer shall unreasonably withhold or delay its approval of any
5 assignment, sale or transfer of all or any portion of beer wholesaler's
6 corporate equity or debt or assets, including the beer wholesaler's
7 rights and obligations under the terms of an agreement, whenever the
8 person or persons to be substituted meet objectively reasonable stand-
9 ards imposed by the brewer.

10 13. A wholesaler who sells, assigns or transfers an agreement made
11 pursuant to this section shall provide written notice of such sale,
12 assignment or transfer to all other brewers with whom it has entered
13 agreements.

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

18 (b) Notwithstanding any other provision of law, such brewer may loan
19 money to a general partner of an aforementioned limited partnership.
20 Provided, however, any brewer or its affiliate who holds an interest in
21 a limited partnership licensed by the authority as a wholesaler or who
22 loans money to a general partner of such limited partnership may only
23 exercise such control of the business as permitted by section 121-303 of
24 the partnership law.

25 (c) Notwithstanding paragraphs (a) and (b) of this subdivision, no
26 brewer or its affiliate may acquire or hold an interest in or loan money
27 to a general partner of a multiple brands wholesaler unless and until
28 all other brewers having agreements with said multiple brands wholesaler

1 have been afforded sixty days prior written notice of the particular
2 terms and conditions of the limited partnership or loan agreement or of
3 any change therein.

4 (d) A "loan" for purposes of this subdivision shall not include bona
5 fide credit terms for product purchases customarily extended by a brewer
6 to wholesalers in the normal course of business.

7 15. (a) This section shall not apply to written agreements that were
8 in effect prior to the effective date of chapter six hundred seventy-
9 nine of the laws of nineteen hundred ninety-six which set forth all
10 terms and conditions of material significance governing the relationship
11 between the brewer and beer wholesaler, including but not limited to the
12 grounds and procedures which govern:

13 (i) termination of the relationship;

14 (ii) approval and disapproval of managers;

15 (iii) change in ownership; and

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

22 (b) Where an agreement between a brewer and beer wholesaler in effect
23 prior to the effective date of chapter six hundred seventy-nine of the
24 laws of nineteen hundred ninety-six is continuous in nature or has no
25 specific duration or has no renewal provision and fails to set forth all
26 terms and conditions of material significance governing the relationship
27 between the brewer and beer wholesaler, including but not limited to the
28 grounds and procedures which govern:

1 (i) termination of the relationship;
2 (ii) approval and disapproval of managers;
3 (iii) change in ownership; and
4 (iv) whether or not the wholesaler is entitled to compensation in the
5 event the wholesaler is terminated for deficient performance under such
6 agreement or without good cause; such agreement shall be considered for
7 purposes of this section to have been renewed sixty days after the
8 effective date of chapter six hundred seventy-nine of the laws of nine-
9 teen hundred ninety-six.

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

14 § 1008. Sale of privately held wines and liquors. 1. Notwithstanding
15 any other provision of this chapter, any non-licensed person legally
16 owning bottled wine or liquor is authorized to sell such wine or liquor
17 to a wholesale or retail licensee authorized to sell wine or through a
18 licensee to an individual or group of individuals by any lawful method
19 of sale, or by means of an auction pursuant to a permit issued under
20 section five hundred nine of this chapter.

21 2. The licensee involved in such sale shall ensure that each bottle of
22 wine or liquor sold from a private collection has a permanently affixed
23 label stating that the wine or liquor was acquired from a private
24 collection.

25 ARTICLE 11

26 TIED HOUSE AND GIFTS AND SERVICES LAWS

1 Section 1101. Tied house laws.

2 1102. Gifts and services law.

3 § 1101. Tied house laws. 1. Except as otherwise allowed by this chap-
4 ter, no person holding a manufacturing or wholesale license under this
5 chapter shall be interested directly or indirectly, by stock ownership,
6 interlocking directors, mortgage or lien or any personal or real proper-
7 ty, or by any other means:

8 (a) in any premises where any alcoholic beverage is sold at retail; or

9 (b) in any business devoted wholly or partially to the sale of any
10 alcoholic beverage at retail.

11 2. (a) Except as otherwise allowed by this chapter, no person holding
12 an off-premises liquor, retail off-premises wine or roadside farm market
13 license shall be interested directly or indirectly, by stock ownership,
14 interlocking directors, mortgage or lien or any personal or real proper-
15 ty, or by any other means:

16 (i) in any premises where liquors, wines or beer are manufactured or
17 sold at wholesale; or

18 (ii) any other premises where liquor or wine is sold at retail for
19 off-premises consumption.

20 (b) The provisions of paragraph (a) of this subdivision shall not
21 apply to any lien, mortgage or other interest or estate now held by such
22 retailer on or in the personal or real property of such manufacturer or
23 wholesaler, which mortgage, lien, interest or estate was acquired on or
24 before December thirty-first, nineteen hundred thirty-two, provided that
25 the burden of establishing the time of the accrual of the interest
26 comprehended by this subdivision shall be upon the person who claims to
27 be entitled to the protection and exemption afforded hereby.

1 3. Except as otherwise allowed by this chapter, no retail on-premises
2 licensee shall be interested directly or indirectly, by stock ownership,
3 interlocking directors, mortgage or lien on any personal or real proper-
4 ty or by any other means in any premises where liquors, wines or beer
5 are manufactured or sold at wholesale.

6 § 1102. Gifts and services law. 1. No manufacturer or wholesaler
7 licensed under this chapter shall make, or cause to be made, any loan to
8 any person engaged in the manufacture or sale of any alcoholic beverage
9 at wholesale or retail.

10 2. (a) No manufacturer or wholesaler licensed under this chapter shall
11 make any gift or render any service of any kind whatsoever, directly or
12 indirectly, to any person licensed under this chapter which in the judg-
13 ment of the liquor authority may tend to influence such licensee to
14 purchase the product of such manufacturer or wholesaler.

15 (b) The provisions of this subdivision shall not be construed to
16 prevent a manufacturer or wholesaler from:

17 (i) entertaining a licensee at lunch or dinner;

18 (ii) from participating in or supporting bona fide retailer associ-
19 ation activities such as, but not limited to, associate memberships,
20 dinners, conventions, trade shows, product tastings and product educa-
21 tion where such participation is in reasonable amounts and does not
22 reach proportions that indicate attempts to influence the purchase of
23 products of contributing manufacturers and wholesalers by the members of
24 such retailer associations.

25 3. No manufacturer or wholesaler licensed under this chapter shall
26 enter into any contract with any retail licensee whereby such licensee
27 agrees to confine his sales to alcoholic beverages manufactured or sold
28 by one or more such manufacturers or wholesalers. Any such contract

1 shall be void and subject the licenses of all parties concerned to revo-
2 cation.

3 4. No manufacturer or wholesaler licensed under this chapter shall
4 furnish or cause to be furnished to any licensee, any exterior or inte-
5 rior sign, printed, painted, electric or otherwise, except as authorized
6 by the liquor authority.

7 5. No retail off-premises licensee shall make or cause to be made any
8 loan to any person engaged in the manufacture or sale of liquors, wines
9 or beer at wholesale.

10 6. No retail off-premises liquor, retail off-premises wine or roadside
11 farm market licensee shall make or cause to be made any loan to any
12 person engaged in the manufacture or sale of liquors, wines or beer at
13 wholesale or to any person engaged in the sale of liquors and/or wines
14 at retail for off-premises consumption.

15 ARTICLE 12

16 UNDERAGE AND INTOXICATED PERSONS.

17 Section 1201. Prohibited sales.

18 1202. Purchase or attempted purchase of alcoholic beverages by a
19 person under the age of twenty-one years through fraudu-
20 lent means.

21 1203. Acceptable proof of age and transaction scan of same.

22 1204. Unlawful possession of an alcoholic beverage with the
23 intent to consume by persons under the age of twenty-one
24 years.

25 1205. Alcohol training awareness program.

1 § 1201. Prohibited sales. 1. No person shall sell, deliver or give
2 away or cause or permit or procure to be sold, delivered or given away
3 any alcoholic beverages to:

4 (a) Any person, actually or apparently, under the age of twenty-one
5 years;

6 (b) Any visibly intoxicated person;

7 (c) Any habitual drunkard known to be such to the person authorized to
8 dispense any alcoholic beverages.

9 2. (a) No person refusing to sell or deliver under this section nor
10 their employer shall be liable in any civil or criminal action or for
11 any fine or penalty based upon such refusal.

12 (b) Provided that no sale or delivery shall be refused, withheld from
13 or denied to any person on account of race, creed, color or national
14 origin.

15 3. The provisions of paragraph (a) of subdivision one of this section
16 shall not apply to a person who gives or causes to be given any such
17 alcoholic beverage to a person under the age of twenty-one years, who is
18 a student in a curriculum licensed or registered by the state education
19 department and is required to taste or imbibe alcoholic beverages in
20 courses which are part of the required curriculum, provided such alco-
21 holic beverages are used only for instructional purposes during on-cam-
22 pus or off-campus courses conducted pursuant to such curriculum.

23 4. In any proceeding brought pursuant to this chapter to revoke,
24 cancel or suspend a license to sell alcoholic beverages, in which
25 proceeding it is alleged that the licensee violated paragraph (a) of
26 subdivision one of this section:

27 (a) It shall be an affirmative defense that such person had produced a
28 photographic identification card apparently issued by a governmental

1 entity and that the alcoholic beverage had been sold, delivered or given
2 to such person in reasonable reliance upon such identification. In eval-
3 uating the applicability of such affirmative defense, the authority
4 shall take into consideration any written policy adopted and implemented
5 by the seller to carry out the provisions of subdivision one of section
6 twelve hundred three of this article.

7 (b) It shall be an affirmative defense that, at the time of such
8 violation the person who committed such alleged violation held a valid
9 certificate of completion or renewal from an entity authorized to give
10 and administer an alcohol training awareness program pursuant to section
11 twelve hundred five of this article.

12 (i) Such licensee shall have diligently implemented and complied with
13 all of the provisions of the approved training program.

14 (ii) In such proceeding, the licensee must prove each element of such
15 affirmative defense by a preponderance of the credible evidence.

16 (iii) Evidence of three unlawful sales of alcoholic beverages by any
17 employee of a licensee to persons under twenty-one years of age, within
18 a two year period, shall be considered by the authority in determining
19 whether the licensee had diligently implemented such an approved
20 program.

21 (c) (i) It shall be an affirmative defense that such person had
22 produced a driver's license or non-driver identification card apparently
23 issued by a governmental entity, successfully completed a transaction
24 scan, and that the alcoholic beverage had been sold, delivered or given
25 to such person in reasonable reliance upon such identification and tran-
26 saction scan.

27 (ii) In evaluating the applicability of such affirmative defense, the
28 liquor authority shall take into consideration any written policy

1 adopted and implemented by the seller to carry out the provisions of
2 this chapter.

3 (iii) Use of a transaction scan shall not excuse any licensee under
4 this chapter, or agent or employee of such licensee, from the exercise
5 of reasonable diligence otherwise required by this section.

6 (iv) Notwithstanding the above provisions, any such affirmative
7 defense shall not be applicable in any other civil or criminal proceed-
8 ing, or in any other forum.

9 5. In any proceeding pursuant to this chapter to revoke, cancel or
10 suspend a license, in which proceeding a charge is sustained that the
11 licensee violated paragraph (a) or (b) of subdivision one of this
12 section and the licensee has not had any adjudicated violation of this
13 chapter at the licensed premises where the violation occurred within the
14 previous five year period:

15 (a) the civil penalty related to such offense shall be recovery of, as
16 provided for in this chapter, the penal sum of the bond on file during
17 the period in which the violation took place at the time of such
18 violation if the person that committed such violation held a valid
19 certificate of completion or renewal from an entity authorized to give
20 and administer an alcohol training awareness program pursuant to section
21 twelve hundred five of this article; or

22 (b) any civil penalty imposed shall be reduced by twenty-five percent
23 if the licensee submits written proof, within ninety days of the imposi-
24 tion of such civil penalty, that all of the licensee's employees
25 involved in the direct sale or service of alcoholic beverages to the
26 public at the licensed premises where the violation occurred have
27 obtained a valid certificate of completion or renewal from an entity

1 authorized to give and administer an alcohol training awareness program
2 pursuant to section twelve hundred five of this article.

3 6. For the purposes of subdivision five of this section, the five year
4 period shall be measured from the dates that the violations occurred.

5 § 1202. Purchase or attempted purchase of alcoholic beverages by a
6 person under the age of twenty-one years through fraudulent means. 1. No
7 person under the age of twenty-one years shall present or offer to any
8 licensee under this chapter, or to the agent or employee of such licen-
9 see, any written evidence of age which is false, fraudulent or not actu-
10 ally their own, for the purpose of purchasing or attempting to purchase
11 any alcoholic beverage.

12 2. A person violating the provisions of subdivision one of this
13 section shall be guilty of a violation and shall be sentenced in accord-
14 ance with the following:

15 (a) (i) For a first violation, the court shall order payment of a fine
16 of not more than one hundred dollars and/or an appropriate amount of
17 community service not to exceed thirty hours.

18 (ii) In addition, the court may order completion of an alcohol aware-
19 ness program established pursuant to section 19.25 of the mental hygiene
20 law.

21 (b) (i) For a second violation, the court shall order payment of a
22 fine of not less than fifty dollars nor more than three hundred fifty
23 dollars and/or an appropriate amount of community service not to exceed
24 sixty hours.

25 (ii) The court also shall order completion of an alcohol awareness
26 program as referenced in paragraph (a) of this subdivision if such
27 program has not previously been completed by the offender, unless the
28 court determines that attendance at such program is not feasible due to

1 the lack of availability of such program within a reasonably close prox-
2 imity to the locality in which the offender resides or matriculates, as
3 appropriate.

4 (c) (i) For third and subsequent violations, the court shall order
5 payment of a fine of not less than fifty dollars nor more than seven
6 hundred fifty dollars and/or an appropriate amount of community service
7 not to exceed ninety hours.

8 (ii) The court also shall order that such person submit to an evalu-
9 ation by an appropriate agency certified or licensed by the office of
10 addiction services and supports to determine whether the person suffers
11 from the disease of alcoholism or alcohol abuse, unless the court deter-
12 mines that under the circumstances presented such an evaluation is not
13 necessary, in which case the court shall state on the record the basis
14 for such determination.

15 (iii) Payment for such evaluation shall be made by such person.

16 (iv) If, based on such evaluation, a need for treatment is indicated,
17 such person may choose to participate in a treatment plan developed by
18 an agency certified or licensed by the office of addiction services and
19 supports.

20 (v) If such person elects to participate in recommended treatment, the
21 court shall order that payment of such fine and community service be
22 suspended pending the completion of such treatment.

23 3. For purposes of this section, the following shall apply:

24 (a) The contents of an evaluation pursuant to paragraph (c) of this
25 subdivision shall be used for the sole purpose of determining if such
26 person suffers from the disease of alcoholism or alcohol abuse.

27 (b) The agency designated by the court to perform such evaluation
28 shall conduct the evaluation and return the results to the court within

1 thirty days, subject to any state or federal confidentiality law, rule
2 or regulation governing the confidentiality of alcohol and substance
3 abuse treatment records.

4 (c) The office of addiction services and supports shall make available
5 to each supreme court law library in this state, or, if no supreme court
6 law library is available in a certain county, to the county court law
7 library of such county, a list of agencies certified to perform evalu-
8 ations as required by subdivision (f) of section 19.07 of the mental
9 hygiene law.

10 (d) All evaluations required under this section shall be in writing
11 and the person so evaluated or their counsel shall receive a copy of
12 such evaluation prior to its use by the court.

13 (e) A minor evaluated under this section shall have, and shall be
14 informed by the court of, the right to obtain a second opinion regarding
15 their need for alcoholism treatment.

16 4. (a) In addition to the penalties otherwise provided in subdivision
17 two of this section, if a determination is made sustaining a charge of
18 illegally purchasing or attempting to illegally purchase an alcoholic
19 beverage, the court may suspend such person's license to drive a motor
20 vehicle and the privilege of an unlicensed person of obtaining such
21 license, in accordance with the following and for the following periods,
22 if it is found that a driver's license was used for the purpose of such
23 illegal purchase or attempt to illegally purchase; provided, however,
24 that where a person is sentenced pursuant to paragraph (b) or (c) of
25 subdivision two of this section, the court shall impose such license
26 suspension if it is found that a driver's license was used for the
27 purpose of such illegal purchase or attempt to illegally purchase:

1 (i) For a first violation of subdivision one of this section, a three
2 month suspension.

3 (ii) For a second violation of subdivision one of this section, a six
4 month suspension.

5 (iii) For a third or subsequent violation of subdivision one of this
6 section, a suspension for one year or until the holder reaches the age
7 of twenty-one, whichever is the greater period of time.

8 (b) Such person may thereafter apply for and be issued a restricted
9 use license in accordance with the provisions of section five hundred
10 thirty of the vehicle and traffic law.

11 5. No determination of guilt pursuant to this section shall operate as
12 a disqualification of any such person subsequently to hold public
13 office, public employment, or as a forfeiture of any right or privilege
14 or to receive any license granted by public authority, and no such
15 person shall be denominated a criminal by reason of such determination.

16 § 1203. Acceptable proof of age and transaction scan of same. 1. No
17 licensee, or agent or employee of such licensee shall accept as written
18 evidence of age by any such person for the purchase of any alcoholic
19 beverage, any documentation other than:

20 (a) a valid driver's license or non-driver identification card issued
21 by the commissioner of motor vehicles, the federal government, any
22 United States territory, commonwealth or possession, the District of
23 Columbia, a state government within the United States or a provincial
24 government of the dominion of Canada; or

25 (b) a valid passport issued by the United States government or any
26 other country; or

27 (c) an identification card issued by the armed forces of the United
28 States.

1 2. Upon the presentation of such driver's license or non-driver iden-
2 tification card issued by a governmental entity, such licensee or agent
3 or employee thereof may perform a transaction scan, as defined in
4 section one hundred two of this chapter, as a precondition to the sale
5 of any alcoholic beverage.

6 3. Nothing in this section shall prohibit a licensee or agent or
7 employee from performing such a transaction scan on any of the other
8 documents listed in subdivision one of this section if such documents
9 include a bar code or magnetic strip that may be scanned by a device
10 capable of deciphering any electronically readable format, as defined in
11 section one hundred two of this chapter.

12 4. In instances where the information deciphered by the transaction
13 scan fails to match the information printed on the driver's license or
14 non-driver identification card presented by the card holder, or if the
15 transaction scan indicates that the information is false or fraudulent,
16 the attempted purchase of the alcoholic beverage shall be denied.

17 5. (a) A licensee or agent or employee of a licensee may electron-
18 ically or mechanically record and maintain only the information from a
19 transaction scan necessary to effectuate the purposes of this section.

20 (b) Such information shall be limited to the following:

21 (i) name;

22 (ii) date of birth;

23 (iii) driver's license or non-driver identification number; and

24 (iv) expiration date.

25 (c) The liquor authority and the state commissioner of motor vehicles
26 shall jointly promulgate any regulation necessary to govern the record-
27 ing and maintenance of these records by a licensee under this chapter.
28 The liquor authority and the commissioner of health shall jointly

1 promulgate any regulations necessary to ensure quality control in the
2 use of transaction scan devices.

3 (d) A licensee or agent or employee of such licensee shall only use
4 the information recorded and maintained through the use of such devices
5 for the purposes of completing a transaction scan, and shall only use
6 such devices for the purposes contained in this section.

7 (e) (i) No licensee or agent or employee of a licensee shall resell or
8 disseminate the information recorded during such scan to any third
9 person.

10 (ii) Such prohibited resale or dissemination includes, but is not
11 limited to, any advertising, marketing or promotional activities.

12 (iii) Notwithstanding the restrictions imposed by this subdivision,
13 such records may be released pursuant to a court ordered subpoena or
14 pursuant to any other statute that specifically authorizes the release
15 of such information.

16 (f) Each violation of this subdivision shall be punishable by a civil
17 penalty of not more than one thousand dollars.

18 6. A person violating the provisions of subdivision one of this
19 section shall be guilty of a violation punishable by a fine of not more
20 than one hundred dollars, and/or an appropriate amount of community
21 service not to exceed thirty hours. In addition, the court may order
22 completion of an alcohol training awareness program established pursuant
23 to section thirteen hundred five of this chapter where such program is
24 located within a reasonably close proximity to the locality in which the
25 offender is employed or resides.

26 7. No determination of guilt pursuant to this section shall operate as
27 a disqualification of any such person subsequently to hold public
28 office, public employment, or as a forfeiture of any right or privilege

1 or to receive any license granted by public authority, and no such
2 person shall be denominated a criminal by reason of such determination.

3 § 1204. Unlawful possession of an alcoholic beverage with the intent
4 to consume by persons under the age of twenty-one years. 1. Except as
5 hereinafter provided, no person under the age of twenty-one years shall
6 possess any alcoholic beverage, as defined in this chapter, with the
7 intent to consume such beverage.

8 2. A person under the age of twenty-one years may possess any alcohol-
9 ic beverage with intent to consume if the alcoholic beverage is given:

10 (a) to a person who is a student in a curriculum licensed or regis-
11 tered by the state education department and the student is required to
12 taste or imbibe alcoholic beverages in on-campus or off-campus courses
13 which are a part of the required curriculum, provided such alcoholic
14 beverages are used only for instructional purposes during class
15 conducted pursuant to such curriculum; or

16 (b) to the person under twenty-one years of age by that person's
17 parent or guardian.

18 3. Any person who unlawfully possesses an alcoholic beverage with
19 intent to consume may be summoned before and examined by a court having
20 jurisdiction of that charge; provided, however, that nothing contained
21 herein shall authorize, or be construed to authorize, a peace officer as
22 defined in subdivision thirty-three of section 1.20 of the criminal
23 procedure law or a police officer as defined in subdivision thirty-four
24 of section 1.20 of such law to arrest a person who unlawfully possesses
25 an alcoholic beverage with intent to consume.

26 4. (a) If a determination is made sustaining such charge the court may
27 impose a fine not exceeding fifty dollars and/or completion of an alco-
28 hol awareness program established pursuant to section 19.25 of the

1 mental hygiene law and/or an appropriate amount of community service not
2 to exceed thirty hours.

3 (b) No such determination shall operate as a disqualification of any
4 such person subsequently to hold public office, public employment, or as
5 a forfeiture of any right or privilege or to receive any license granted
6 by public authority; and no such person shall be denominated a criminal
7 by reason of such determination, nor shall such determination be deemed
8 a conviction.

9 5. (a) Whenever a peace officer as defined in subdivision thirty-three
10 of section 1.20 of the criminal procedure law or police officer as
11 defined in subdivision thirty-four of section 1.20 of the criminal
12 procedure law shall observe a person under twenty-one years of age open-
13 ly in possession of an alcoholic beverage as defined in this chapter,
14 with the intent to consume such beverage in violation of this section,
15 said officer may seize the beverage, and shall deliver it to the custody
16 of their department.

17 (b) Any alcoholic beverage seized in violation of this section is
18 hereby declared a nuisance. The official to whom the beverage has been
19 delivered shall, no earlier than three days following the return date
20 for initial appearance on the summons, dispose of or destroy the alco-
21 holic beverage seized or cause it to be disposed of or destroyed.

22 (c) (i) Any person claiming ownership of an alcoholic beverage seized
23 under this section may, on the initial return date of the summons or
24 earlier on five days' notice to the official or department in possession
25 of the beverage, apply to the court for an order preventing the
26 destruction or disposal of the alcoholic beverage seized and ordering
27 the return of that beverage.

1 (ii) The court may order the beverage returned if it is determined
2 that return of the beverage would be in the interest of justice or that
3 the beverage was improperly seized.

4 § 1205. Alcohol training awareness program. 1. The chairperson shall
5 have the power to develop and establish minimum criteria for alcohol
6 training awareness programs which may be given and administered by:

7 (a) schools;

8 (b) other entities including trade associations whose members are
9 engaged in or involved in the retail sale of alcoholic beverages;

10 (c) national and regional franchisors who have granted at least five
11 franchises in the state which are licensed to sell beer at retail for
12 off-premises consumption;

13 (d) licensees authorized to sell alcoholic beverages at retail for
14 off-premises consumption operating five or more licensed premises; and

15 (e) persons interested, whether as an individual proprietor or partner
16 or officer or member of a limited liability company, in five or more
17 licenses authorized to sell alcoholic beverages at retail for off-prem-
18 ises consumption.

19 2. (a) The authority shall provide for the issuance of certificates of
20 approval to all certified alcohol training awareness programs.

21 (b) Certificates of approval may be revoked by the authority for fail-
22 ure to adhere to the authority's rules and regulations.

23 (c) Such rules and regulations shall afford those who have been issued
24 a certificate of approval an opportunity for a hearing prior to any
25 determination of whether such certificate should be revoked.

26 (d) No licensee shall be required to apply for any such certificate or
27 renewal certificate and the licensee may voluntarily surrender such a
28 certificate or renewal certificate at any time.

1 (e) A fee in the amount of nine hundred dollars shall be paid to the
2 authority with each application for a certificate of approval or renewal
3 certificate.

4 (f) The authority shall promptly refund such fee to an applicant whose
5 application was denied.

6 (g) Each certificate of approval and renewal thereof shall be issued
7 for a period of three years.

8 (h) To effectuate the provisions of this section, the authority is
9 empowered to:

10 (i) require in connection with an application the submission of such
11 information as the authority may direct;

12 (ii) prescribe forms of applications and of all reports which it deems
13 necessary to be made by any applicant or certificate holder;

14 (iii) conduct investigations;

15 (iv) to require the maintenance of such books and records as the
16 authority may direct; and

17 (v) revoke, cancel, or suspend for cause any certificate provided for
18 in this subdivision.

19 3. (a) Each entity authorized to give and administer an alcohol train-
20 ing awareness program shall issue certificates of completion to all
21 licensees and employees who successfully complete such an approved alco-
22 hol training awareness program.

23 (b) Such entity shall regularly transmit to the authority the names,
24 addresses and dates of attendance of all the licensees and employees of
25 licensees who successfully complete an approved alcohol training aware-
26 ness program.

27 (c) Such transmittal shall be in a form and manner prescribed by the
28 authority.

1 4. (a) The authority shall adopt rules and regulations to effectuate
2 the provisions of this section, including the minimum requirements for
3 the curriculum of each such training program and the regular ongoing
4 training of employees holding certificates of completion or renewal
5 certificates.

6 (b) Such rules and regulations shall include:

7 (i) the minimum requirements for a separate curriculum for licensees
8 and their employees authorized to sell alcoholic beverages at retail for
9 off-premises consumption;

10 (ii) the minimum requirements for a separate curriculum for licensees
11 and their employees authorized to sell alcoholic beverages at retail for
12 on-premises consumption; and

13 (iii) the form of a certificate of completion or renewal thereof to be
14 issued in respect to each such type of program.

15 (c) (i) Such rules and regulations shall include a requirement that
16 all curriculums include training related to human trafficking awareness.

17 (ii) Such human trafficking awareness training curriculum shall be
18 developed in conjunction with, and approved by, the New York state
19 interagency task force on human trafficking.

20 (iii) Such human trafficking awareness training program shall be
21 implemented by each entity authorized to give and administer an alcohol
22 training awareness program.

23 (iv) Any such entity that does not implement a human trafficking
24 awareness program as part of its curriculum shall no longer be author-
25 ized to administer any alcohol training awareness program and shall not
26 be eligible to be certified as a state liquor authority school.

27 (v) Any alcohol training awareness program that is currently certified
28 by the state liquor authority shall lose its certification if such

1 program fails to include human trafficking awareness training as part of
2 its curriculum.

3 5. (a) A certificate of completion or renewal thereof issued by an
4 entity authorized to give and administer an alcohol training awareness
5 program pursuant to this section to licensees and their employees
6 authorized to sell alcoholic beverages at retail for off-premises
7 consumption shall not be invalidated by a change of employment to anothe-
8 er such licensee.

9 (b) A certificate of completion or renewal thereof issued by an entity
10 authorized to give and administer an alcohol training awareness program
11 pursuant to this subdivision to licensees and their employees authorized
12 to sell alcoholic beverages at retail for on-premises consumption shall
13 not be invalidated by a change of employment to another such licensee.

14 (c) Attendance at any course established pursuant to this section
15 shall be in person, through distance learning methods, or through an
16 internet based online program.

17 ARTICLE 13

18 COMPLIANCE

19 Section 1301. Revocation, cancellation, suspension or imposition of
20 civil penalty for cause.

21 1302. Disciplinary proceedings.

22 1303. Civil penalties.

23 1304. Child support, spousal support and paternity proceedings.

24 1305. Additional penalties for licensee with qualifying
25 offenses.

1 1306. Injunction for unlawful manufacturing, sale or consumption
2 of liquor, wine or beer.

3 1307. Notice of revocation of license.

4 1308. Penalties in criminal proceedings for violations of chap-
5 ter.

6 § 1301. Revocation, cancellation, suspension or imposition of civil
7 penalty for cause. 1. Any license or permit issued pursuant to this
8 chapter may be revoked, cancelled, suspended and/or subjected to the
9 imposition of a civil penalty:

10 (a) for a violation of any provision of this chapter, or a rule of the
11 liquor authority, unless a different penalty is specifically provided
12 for a violation of such provision or rule;

13 (b) for cause; and

14 (c) must be revoked for the following causes:

15 (i) conviction of the licensee, permittee or their agent or employee
16 for selling any illegal alcoholic beverages on the premises licensed; or

17 (ii) for transferring, assigning or hypothecating a license or permit.

18 2. Notwithstanding the renewal of a license or permit by way of
19 renewal, the liquor authority may revoke, cancel or suspend such license
20 or permit and/or may impose a civil penalty against any holder of such
21 license or permit, as prescribed by this article for causes or
22 violations occurring:

23 (a) during the current license or permit period; and

24 (b) during the license or permit period immediately preceding the
25 issuance of such license or permit.

1 3. In addition to any other penalty provided for by this chapter, the
2 liquor authority may recover the penal sum of the bond on file during
3 the license or permit period when the causes or violations took place.

4 4. As used in this section, the term "for cause" shall include:

5 (a) (i) the existence of a sustained and continuing pattern of noise,
6 disturbance, misconduct, or disorder on or about the licensed premises,
7 related to the operation of the premises or the conduct of its patrons,
8 which adversely affects the health, welfare or safety of the inhabitants
9 of the area in which such licensed premises are located;

10 (ii) the existence of a sustained and continuing pattern of noise,
11 disturbance, misconduct, or disorder on or about the licensed premises,
12 related to the operation of the premises or the conduct of its patrons,
13 will be presumed upon the sixth incident reported to the authority by a
14 law enforcement agency of noise or disturbance or misconduct or disorder
15 on or about the licensed premises or related to the operation of the
16 premises or the conduct of its patrons, in any sixty day period, absent
17 clear and convincing evidence of either fraudulent intent on the part of
18 any complainant or a factual error with respect to the content of any
19 report concerning such complaint relied upon by the authority.

20 (b) for licensees that sell alcoholic beverages for on-premises
21 consumption, deliberately misleading the authority:

22 (i) as to the nature and character of the business to be operated on
23 the licensed premises; or

24 (ii) by substantially altering the nature or character of such busi-
25 ness at the licensed premises, as such term is defined in section one
26 hundred two of this chapter, during the licensing period without seeking
27 appropriate approvals from the authority.

1 (c) a licensee's or permittee's failure to cure a violation of law or
2 rule in the time period prescribed by the authority pursuant to subdivi-
3 sion five of this section.

4 5. Notwithstanding any other provision of this chapter to the contra-
5 ry, a suspension imposed under this section against the holder of a
6 combined craft manufacturing license shall only suspend the licensed
7 activities related to the type of alcoholic beverage involved in the
8 violation resulting in the suspension.

9 6. (a) Notwithstanding any other provision of this chapter, in lieu of
10 commencement of a disciplinary proceeding against a licensee or permit-
11 tee, the authority shall provide a cure period or other opportunity for
12 ameliorative action if the violation can be corrected for a first-time
13 violation of either a provision of this chapter or a rule of the author-
14 ity that is deemed by the authority under its discretion to be de minim-
15 is under the circumstances, and is related to:

16 (i) an administrative process; or

17 (ii) paperwork requested or received by the authority, or

18 (iii) acts or omissions of the licensee or permittee.

19 (b) Upon such first-time violation, the authority shall:

20 (i) provide the licensee with a copy of the applicable law or rule and
21 any other helpful guidance or information explaining such law or rule,
22 to the extent such materials exist; or

23 (ii) to the extent practicable, provide such licensee assistance with
24 compliance with the law or the authority's rules.

25 (c) The authority shall have the discretion to determine the appropri-
26 ate period of time to allow such licensee to cure or take such other
27 ameliorative action to address such violation, which shall be reasonable
28 but shall not be less than fifteen business days and not more than twen-

1 ty business days, unless a longer period is allowed pursuant to law or
2 regulation.

3 (d) No waiver of penalties or cure period or other opportunity for
4 ameliorative action may be given if the authority determines that such
5 violation:

6 (i) may result in serious actual harm;

7 (ii) may present an endangerment to public safety, human health or the
8 environment;

9 (iii) is a violation of human or civil rights law;

10 (iv) results in loss of employee wages or benefits;

11 (v) interferes with any remedy, review, or resolution related to
12 harassment or discrimination claims;

13 (vi) was or is a willful violation;

14 (vii) involves tax fraud;

15 (viii) violates requirements related to federal funding to the state;

16 (ix) relates to state funding or procurement;

17 (x) is similar to prior violations;

18 (xi) is a penal law violation;

19 (xii) relates to a material or substantive portion of the licensee's
20 business; or

21 (xiii) is in contravention of the public interest and/or policy
22 reflected by the authority's mission.

23 § 1302. Disciplinary proceedings. 1. Any license or permit issued by
24 the liquor authority pursuant to this chapter may be revoked, cancelled
25 or suspended and/or be subjected to the imposition of a monetary penalty
26 in the manner prescribed by this section.

27 2. (a) The liquor authority may on its own initiative or on complaint
28 of any person institute proceedings to revoke, cancel or suspend any

1 license and may impose a civil penalty against the licensee after a
2 hearing at which the licensee shall be given an opportunity to be heard.

3 (b) Such hearing shall be held in such manner and upon such notice as
4 may be prescribed by the rules of the liquor authority.

5 § 1303. Civil penalties. 1. Any civil penalty imposed shall not exceed
6 the sum of:

7 (a) Ten thousand dollars as against the holder of any retail license,
8 any permit, and any other license where no other maximum penalty is
9 specifically provided for in this section;

10 (b) (i) Thirty thousand dollars as against the holder of any license
11 to manufacture mead, a beer wholesaler's license, a combined craft manu-
12 facturing license, an importer's license, any license to manufacture
13 wine, or a wine wholesaler's license;

14 (ii) Provided that the civil penalty against the holder of a beer
15 wholesaler's license shall not exceed the sum of ten thousand dollars
16 where that licensee violates provisions of this chapter during the
17 course of the sale of beer at retail to a person for consumption at
18 home;

19 (c) One hundred thousand dollars as against the holder of any license
20 to manufacture beer or liquor and a liquor wholesaler's license;

21 (i) a fruit brandy producer's license; and

22 (ii) a farm distiller's license.

23 2. Any civil penalty so imposed shall be in addition to and separate
24 and apart from the terms and provisions of the bond required pursuant to
25 this chapter.

26 3. (a) If no appeal is pending on the imposition of such civil penal-
27 ty, in the event such civil penalty imposed by the liquor authority
28 remains unpaid, in whole or in part, more than forty-five days after

1 written demand for payment has been sent by first class mail to the
2 address of the licensed premises, a notice of impending default judgment
3 shall be sent by first class mail to the licensed premises and by first
4 class mail to the last known home address of the person who signed the
5 most recent license application.

6 (b) The notice of impending default judgment shall advise the licen-
7 see:

8 (i) that a civil penalty was imposed on the licensee;

9 (ii) the date the penalty was imposed;

10 (iii) the amount of the civil penalty;

11 (iv) the amount of the civil penalty that remains unpaid as of the
12 date of the notice;

13 (v) the violations for which the civil penalty was imposed; and

14 (vi) that a judgment by default will be entered in the supreme court
15 of the county in which the licensed premises are located, or other court
16 of civil jurisdiction or any other place provided for the entry of civil
17 judgments within the state of New York unless the division receives full
18 payment of all civil penalties due within twenty days of the date of the
19 notice of impending default judgment.

20 (c) If full payment shall not have been received by the liquor author-
21 ity within thirty days of mailing of the notice of impending default
22 judgment, the liquor authority shall proceed to enter with such court a
23 statement of the default judgment containing the amount of the penalty
24 or penalties remaining due and unpaid, along with proof of mailing of
25 the notice of impending default judgment.

26 (d) The filing of such judgment shall have the full force and effect
27 of a default judgment duly docketed with such court pursuant to the
28 civil practice law and rules and shall in all respects be governed by

1 that chapter and may be enforced in the same manner and with the same
2 effect as that provided by law in respect to execution issued against
3 property upon judgments of a court of record.

4 (e) A judgment entered pursuant to this subdivision shall remain in
5 full force and effect for eight years notwithstanding any other
6 provision of law.

7 § 1304. Child support, spousal support and paternity proceedings. 1.
8 The provisions of this section shall apply in all cases of a licensee or
9 permittee failing, after receiving appropriate notice, to comply with a
10 summons, subpoena or warrant relating to a paternity or child support
11 proceeding and arrears in payment of child support or combined child and
12 spousal support referred to the authority by a court pursuant to the
13 requirements of section two hundred forty-four-c of the domestic
14 relations law or pursuant to section four hundred fifty-eight-b or five
15 hundred forty-eight-b of the family court act.

16 2. Upon receipt of an order from the court based on arrears in payment
17 of child support or combined child and spousal support pursuant to one
18 of the foregoing provisions of law, the authority, if it finds such
19 person to have been issued a license or permit, shall within thirty days
20 of receipt of such order from the court, provide notice to the licensee
21 or permittee of, and initiate, a hearing which shall be held at least
22 twenty days and no more than thirty days after the sending of such
23 notice to the licensee or permittee.

24 3. (a) The hearing shall be solely held for the purpose of determining
25 whether there exists as of the date of the hearing proof that full
26 payment of all arrears of support established by the order of the court
27 to be due from the licensee or permittee have been paid.

28 (b) Proof of such payment shall be:

1 (i) a certified check showing full payment of established arrears; or
2 (ii) a notice issued by the court or the support collection unit,
3 where the order is payable to the support collection unit designated by
4 the appropriate social services district. Such notice shall state that
5 full payment of all arrears of support established by the order of the
6 court to be due have been paid.

7 (c) The licensee or permittee shall be given full opportunity to pres-
8 ent such proof of payment at the hearing in person or by counsel.

9 (d) The only issue to be determined by the authority as a result of
10 the hearing is whether the arrears have been paid.

11 (e) No evidence with respect to the appropriateness of the court order
12 or ability of the respondent party in arrears to comply with such order
13 shall be received or considered by the authority.

14 4. (a) Notwithstanding any inconsistent provision of this article or
15 of any other provision of law to the contrary, such license or permit
16 shall be suspended if at the hearing, provided for by section, the
17 licensee or permittee fails to present proof of payment as required by
18 this section.

19 (b) Such suspension shall not be lifted unless the court or the
20 support collection unit, where the court order is payable to the support
21 collection unit designated by the appropriate social services district,
22 issues notice to the authority that full payment of all arrears of
23 support established by the order of the court to be due have been paid.

24 5. (a) Upon receipt of an order from the court based on failure to
25 comply with a summons, subpoena, or warrant relating to a paternity or
26 child support proceeding, the authority, if it finds such person has
27 been issued a license or permit, shall within thirty days of receipt of
28 such order from the court, provide notice to the licensee or permittee

1 that their license shall be suspended in sixty days unless the condi-
2 tions in paragraph (b) of this subdivision are met.

3 (b) Notwithstanding any inconsistent provision of this article or of
4 any other provision of law to the contrary, such license or permit shall
5 be suspended in accordance with the provisions of subdivision four of
6 this section unless the court terminates its order to commence suspen-
7 sion proceedings.

8 (c) Such suspension shall not be lifted unless the court issues an
9 order to the authority terminating its order to commence suspension
10 proceedings.

11 6. The authority shall inform the court of all actions taken hereunder
12 as required by law.

13 7. This subdivision applies to support obligations paid pursuant to
14 any order of child support or child and spousal support issued under
15 provisions of article thirteen of the domestic relations law, or article
16 four, five, five-A or five-B of the family court act.

17 8. Notwithstanding any inconsistent provision of this article or of
18 any other provision of law to the contrary, the provisions of this
19 section shall apply to the exclusion of any other requirements of this
20 article and to the exclusion of any other requirements of this article
21 and to the exclusion of any other requirement of law to the contrary.

22 § 1305. Additional penalties for licensee with qualifying offenses. 1.
23 Where a licensee is convicted of two or more qualifying offenses within
24 a five year period, the authority, upon receipt of notification of such
25 second or subsequent conviction pursuant to the provisions of subdivi-
26 sion two of section nine hundred forty-eight of this chapter, shall, in
27 addition to any other sanction or civil or criminal penalty imposed

1 pursuant to this chapter, impose on such licensee a civil penalty not to
2 exceed five hundred dollars.

3 2. For purposes of this section, a conviction of a licensee or an
4 employee or agent of such licensee shall constitute a conviction of such
5 licensee.

6 § 1306. Injunction for unlawful manufacturing, sale or consumption of
7 liquor, wine or beer. 1. (a) If any person shall engage or participate
8 or be about to engage or participate in the manufacturing or sale of
9 liquor, wine or beer in this state without obtaining the appropriate
10 license therefor, or shall traffic in liquor, wine or beer contrary to
11 any provision of this chapter, or otherwise unlawfully, or shall traffic
12 in illegal liquor, wine or beer, or, operating a place for profit or
13 pecuniary gain, with a capacity for the assemblage of twenty or more
14 persons, shall permit a person or persons to come to such place of
15 assembly for the purpose of consuming alcoholic beverages without having
16 a bottle club license pursuant to this chapter, the liquor authority or
17 any taxpayer residing in the city, village or town in which such activ-
18 ity is or is about to be engaged or participated in or such traffic is
19 being conducted, or the city, town or village, may present a verified
20 petition or complaint to a justice of the supreme court at a special
21 term of the supreme court of the judicial district in which such city,
22 village or town is situated, for an order enjoining such person engaging
23 or participating in such activity or from carrying on such business.

24 (b) Such petition or complaint shall state the facts upon which such
25 application is based.

26 (c) Upon the presentation of the petition or complaint, the justice or
27 court shall grant an order requiring such person to appear before such
28 justice or court at or before a special term of the supreme court in

1 such judicial district on the day specified therein, not more than ten
2 days after the granting thereof, to show cause why such person should
3 not be permanently enjoined from engaging or participating in such
4 activity or from carrying on such business, or why such person should
5 not be enjoined from carrying on such business contrary to the
6 provisions of this chapter.

7 (d) A copy of such petition or complaint and order shall be served
8 upon the person, in the manner directed by such order, not less than
9 three days before the return day thereof.

10 (e) On the day specified in such order, the justice or court before
11 whom the same is returnable shall hear the proofs of the parties and
12 may, if deemed necessary or proper, take testimony in relation to the
13 allegations of the petition or complaint.

14 (f) If the justice or court is satisfied that such person is about to
15 engage or participate in the unlawful traffic in alcoholic beverages or
16 has unlawfully manufactured or sold liquor, wine or beer without having
17 obtained a license or contrary to the provisions of this chapter, or has
18 trafficked in illegal liquor, wine or beer, or, is operating or is about
19 to operate such place for profit or pecuniary gain, with such capacity,
20 and has permitted or is about to permit a person or persons to come to
21 such place of assembly for the purpose of consuming alcoholic beverages
22 without having such appropriate license, an order shall be granted
23 enjoining such person from thereafter engaging or participating in or
24 carrying on such activity or business.

25 (g) If, after the entry of such an order in the county clerk's office
26 of the county in which the principal place of business of the corpo-
27 ration or partnership is located, or in which the individual so enjoined
28 resides or conducts such business, and the service of a copy thereof

1 upon such person, or such substituted service as the court may direct,
2 such person, partnership or corporation shall, in violation of such
3 order, manufacture or sell liquor, wine or beer, or illegal liquor,
4 wine, or beer, or permit a person or persons to come to such place of
5 assembly for the purpose of consuming alcoholic beverages, such activity
6 shall be deemed a contempt of court and be punishable in the manner
7 provided by the judiciary law, and, in addition to any such punishment,
8 the justice or court before whom or which the petition or complaint is
9 heard, may, in its discretion, order the seizure and forfeiture of any
10 liquor, wine or beer and any fixtures, equipment and supplies used in
11 the operation or promotion of such illegal activity, including any bar,
12 bar or refrigeration equipment, vending machines, gaming machines and
13 jukeboxes, and such property shall be subject to forfeiture pursuant to
14 the provisions of subdivision two of this section.

15 (h) Costs upon the application for such injunction may be awarded in
16 favor of and against the parties thereto in such sums as in the
17 discretion of the justice or court before whom or which the petition or
18 complaint is heard may seem proper.

19 (i) The owner, lessor and lessee of a building, erection or place
20 where alcoholic beverages are unlawfully manufactured, sold, consumed or
21 permitted to be unlawfully manufactured, sold or consumed may be made
22 respondents or defendants in the proceeding or action.

23 2. (a) This seized property shall be delivered by the peace officer,
24 acting pursuant to his special duties or police officer having made the
25 seizure to the custody of the authority or the district attorney of the
26 county wherein the seizure was made as may be directed by the court,
27 except that in the cities of New York and Buffalo, the seized property
28 shall be delivered to the custody of the authority or of the police

1 department of such cities, together with a report of all the facts and
2 circumstances of the seizure.

3 (b) It shall be the duty of the authority or such district attorney
4 or, if the seizure was made in the cities of New York or Buffalo, of the
5 authority or corporation counsel of such city, as the case may be, to
6 inquire into the facts of the seizure so reported and if it appears
7 probable that a forfeiture has been incurred, for the determination of
8 which the institution of proceedings in the supreme court is necessary,
9 to cause the proper proceedings to be commenced and prosecuted, at any
10 time after thirty days from the date of seizure, to declare such forfei-
11 ture, unless, upon inquiry and examination the authority or such person,
12 as the case may be, decides that such proceedings cannot probably be
13 sustained or that the ends of public justice do not require that they
14 should be instituted or prosecuted, in which case, the authority or such
15 person shall cause such seized property to be returned to the owner
16 thereof.

17 (c) Notice of the institution of the forfeiture proceeding shall be
18 served either:

- 19 (i) personally to the owners of the seized property; or
20 (ii) by registered mail to the owners' last known address.

21 (d) Notice of the institution of the forfeiture proceeding shall also
22 be made by publication of the notice once a week for two successive
23 weeks in a newspaper published or circulated in the county wherein the
24 seizure was made.

25 (e) Forfeiture shall not be adjudged where the owners established by
26 preponderance of the evidence that (i) the use of such seized property
27 was not intentional on the part of any owner, or (ii) said seized prop-
28 erty was used by any person other than an owner thereof, while such

1 seized property was unlawfully in the possession of a person who
2 acquired possession thereof in violation of the criminal laws of the
3 United States, or of any state.

4 (f) The person having custody of the seized property, after such judi-
5 cial determination of forfeiture, shall, by a public notice of at least
6 five days, sell such forfeited property at public sale. The net proceeds
7 of any such sale, after deduction of the lawful expenses incurred, shall
8 be paid into the general fund of the county wherein the seizure was made
9 except that the net proceeds of the sale of property seized in the
10 cities of New York and Buffalo shall be paid into the respective general
11 funds of such cities.

12 (g) Whenever any person interested in any property which is seized and
13 declared forfeited under the provisions of this section files with a
14 justice of the supreme court a petition for the recovery of such
15 forfeited property, the justice of the supreme court may restore said
16 forfeited property upon such terms and conditions as they deem reason-
17 able and just, if the petitioner establishes either of the affirmative
18 defenses set forth in paragraph (e) of this subdivision and that the
19 petitioner was without personal or actual knowledge of the forfeiture
20 proceeding.

21 (h) If the petition be filed after the sale of the forfeited property,
22 any judgment in favor of the petitioner shall be limited to the net
23 proceeds of such sale, after deduction of the lawful expenses and costs
24 incurred by the seizing party.

25 (i) No suit or action under this section for wrongful seizure shall be
26 instituted unless such suit or action is commenced within two years
27 after the time when the property was seized.

1 § 1307. Notice of revocation of license. 1. Within three days after a
2 license shall have been revoked pursuant to this chapter, notice thereof
3 shall be given to the licensee by mailing such notice addressed to it at
4 the premises licensed.

5 2. Notice shall also be mailed to the owner of the premises licensed.

6 3. The holder of such license shall thereupon surrender same to the
7 liquor authority. The mailing thereof by the licensee to the liquor
8 authority by registered mail or insured parcel post shall be deemed
9 sufficient compliance with this section.

10 4. The liquor authority, immediately upon giving notice of revocation
11 to the licensee, shall serve a written notice thereof upon the commis-
12 sioner of police, chief of police or chief police officer of the city,
13 or village in which the premises for which the revoked license was
14 issued is situated, or upon the sheriff of the county or a constable of
15 the town in case the license was issued for premises situated in a town
16 and not within any city or village.

17 5. Such notices shall include a statement of the number of such
18 license, the name and place of residence of the holder thereof, the
19 location of the licensed premises, and the date when such license was
20 revoked.

21 6. In case such license is not forthwith surrendered by the licensee,
22 the liquor authority shall issue a written demand for the surrender of
23 such license and deliver said demand to the sheriff of the county in
24 which the licensed premises are located, or to any representative of the
25 liquor authority, and said sheriff or representative shall immediately
26 take possession of such license and return the same to the liquor
27 authority.

1 § 1308. Penalties in criminal proceedings for violations of chapter.

2 1. (a) Any person who manufactures for sale or sells alcoholic beverage-
3 es, other than the illicit alcoholic beverages, as defined in section
4 one hundred two of this chapter, without having an appropriate license
5 therefor, or whose license has been revoked, surrendered or cancelled,
6 shall be guilty of a misdemeanor.

7 (b) Upon first conviction thereof, such person shall be punished by:

8 (i) a fine not more than two times the cost of an on-premises liquor
9 license in the county where the unlawful act took place; or

10 (ii) by imprisonment in a county jail or penitentiary for a term of
11 not less than thirty days nor more than one year; or

12 (iii) both a fine pursuant to subparagraph (i) of this paragraph and
13 imprisonment pursuant to subparagraph (ii) of this paragraph.

14 (c) Upon second conviction thereof, such person shall be punished by:

15 (i) a fine not less than two times and not more than three times the
16 cost of an on-premises liquor license in the county where the unlawful
17 act took place; or

18 (ii) by imprisonment in a county jail or penitentiary for a term of
19 not less than thirty days nor more than one year; or

20 (iii) both a fine pursuant to subparagraph (i) of this paragraph and
21 imprisonment pursuant to subparagraph (ii) of this paragraph.

22 (d) Upon all subsequent convictions thereof, such person shall be
23 punished by:

24 (i) a fine not less than three times and not more than four times the
25 cost of an on-premises liquor license in the county where the unlawful
26 act took place; or

27 (ii) by imprisonment in a county jail or penitentiary for a term of
28 not less than thirty days nor more than one year; or

1 (iii) both a fine pursuant to subparagraph (i) of this paragraph and
2 imprisonment pursuant to subparagraph (ii) of this paragraph.

3 (e) Where a person is in default of payment of any fine imposed pursu-
4 ant to this subdivision, such person shall be imprisoned in a county
5 jail or penitentiary for a term of not less than thirty days.

6 2. Any licensee, whose license has been suspended pursuant to the
7 provisions of this chapter, who sells alcoholic beverages during the
8 suspension period, shall be guilty of a misdemeanor, and upon conviction
9 thereof shall be punished by a fine of not more than two hundred dollars
10 or by imprisonment in a county jail or penitentiary for a term of not
11 more than six months, or by both such fine and imprisonment.

12 3. Any person who shall make any false statement in the application
13 for a license or a permit under this chapter shall be guilty of a misde-
14 meanor, and upon conviction thereof shall be punishable by a fine of not
15 more than two hundred dollars, or by imprisonment in a county jail or
16 penitentiary for a term of not more than six months, or both.

17 4. Any violation by any person of any provision of this chapter for
18 which no punishment or penalty is otherwise provided shall be a misde-
19 meanor, provided, however, that the provisions of this subdivision shall
20 not apply to the prohibitions provided for in section one thousand five
21 of this chapter.

22 5. In the city of New York, a summons shall be issued for a violation
23 of the provisions of sections nine hundred twenty-four, nine hundred
24 twenty-five and nine hundred twenty-six of this chapter in the same
25 manner as provided by section sixty-one of the New York city criminal
26 court act.

1 ARTICLE 142 LOCAL OPTIONS3 Section 1401. Applicability of chapter before local option.4 1402. Local option for towns.5 1403. Local option for cities.6 1404. Filing certificate of result with liquor authority.7 1405. Contesting validity of petition.8 1406. False statements and forgery.9 1407. Effective duration of local option determination.

10 § 1401. Applicability of chapter before local option. 1. Until such
11 time as it shall become unlawful to sell alcoholic beverages in any town
12 or city by the vote of the voters in such town or city in the manner
13 provided in this article, all of the provisions of this chapter shall
14 apply throughout the entire state.

15 2. This article shall not apply to the Whiteface mountain ski center,
16 owned by the state and located in the town of Wilmington, county of
17 Essex.

18 § 1402. Local option for towns. 1. Not less than sixty days nor more
19 than seventy-five days before the general election in any town at which
20 the submission of the questions hereinafter stated is authorized by this
21 article, a petition signed by electors of the town to a number amounting
22 to twenty-five per centum of the votes cast in the town for governor at
23 the then last preceding gubernatorial election, acknowledged by the
24 signers or authenticated by witnesses as provided in the election law in
25 respect of a nominating petition, requesting the submission at such

1 election to the electors of the town of one or more of the following
2 questions, may be filed with the town clerk:

3 Question 1. Tavern alcoholic beverage license. Shall a person be
4 allowed to obtain a license to operate a tavern with a limited-service
5 menu (sandwiches, salads, soups, etc.) which permits the tavern opera-
6 tor to sell alcoholic beverages for a customer to drink while the
7 customer is within the tavern. In addition, unopened containers of beer
8 (such as six-packs and kegs) may be sold "to go" for the customer to
9 open and drink at another location (such as, for example, at their
10 home)?

11 Question 2. Restaurant alcoholic beverage license. Shall the operator
12 of a full-service restaurant be allowed to obtain a license which
13 permits the restaurant operator to sell alcoholic beverages for a
14 customer to drink while the customer is within the restaurant. In addi-
15 tion, unopened containers of beer (such as six-packs and kegs) may be
16 sold "to go" for the customer to open and drink at another location
17 (such as, for example, at their home)?

18 Question 3. Year-round hotel alcoholic beverage license. Shall the
19 operator of a year-round hotel with a full-service restaurant be allowed
20 to obtain a license which permits the year-round hotel to sell alcoholic
21 beverages for a customer to drink while the customer is within the
22 hotel. In addition, unopened containers of beer (such as six-packs and
23 kegs) may be sold "to go" for the customer to open and drink at another
24 location (such as, for example, at their home)?

25 Question 4. Summer hotel alcoholic beverage license. Shall the opera-
26 tor of a summer hotel with a full-service restaurant, open for business
27 only within the period from May first to October thirty-first in each
28 year, be allowed to obtain a license which permits the summer hotel to

1 sell alcoholic beverages for a customer to drink while the customer is
2 within the hotel. In addition, unopened containers of beer (such as
3 six-packs and kegs) may be sold "to go" for the customer to open and
4 drink at another location (such as, for example, at their home)?

5 Question 5. Retail package liquor or wine store license. Shall a
6 person be allowed to obtain a license to operate a retail package
7 liquor-and-wine or wine-without-liquor store, to sell "to go" unopened
8 bottles of liquor or wine to a customer to be taken from the store for
9 the customer to open and drink at another location (such as, for exam-
10 ple, at their home)?

11 Question 6. Off-premises beer and wine cooler license. Shall the oper-
12 ator of a grocery store, drugstore or supply ship operating in the
13 harbors of Lake Erie be allowed to obtain a license which permits the
14 operator to sell "to go" unopened containers of beer (such as six-packs
15 and kegs) and wine coolers with not more than 6% alcohol to a customer
16 to be taken from the store for the customer to open and drink at another
17 location (such as, for example, at their home)?

18 Question 7. Baseball park, racetrack, athletic field or stadium
19 license. Shall a person be allowed to obtain a license which permits the
20 sale of beer for a patron's consumption while the patron is within a
21 baseball park, racetrack, or other athletic field or stadium where
22 admission fees are charged?

23 2. Upon the due filing of such petition complying with the foregoing
24 provisions, such questions shall be submitted in accordance therewith.

25 3. The town clerk shall, within five days from the filing of such
26 petition in their office, prepare and file in the office of the board of
27 elections, as defined by the election law, of the county, a certified
28 copy of such petition.

1 4. Such questions may be submitted only at the time of a general
2 election.

3 5. (a) At least ten days before such general election, the board of
4 elections shall cause to be printed and posted in at least four public
5 places in such town, a notice of the fact that all of the local option
6 questions will be voted on at such general election.

7 (b) Said notice shall also be published at least five days before the
8 vote is to be taken once in a newspaper published in the county in which
9 such town is situated, which shall be a newspaper published in the town,
10 if there is a newspaper published in the town.

11 6. Whenever such questions are to be submitted under the provisions of
12 this article the board of elections shall cause the proper ballot labels
13 to be printed and placed on all voting machines used in the town in
14 which such questions are to be submitted, in the form prescribed by the
15 election law in respect of other propositions or questions, upon the
16 face of which shall be printed in full the said questions.

17 7. Any elector qualified to vote for state officers shall be entitled
18 to vote upon such local option questions.

19 8. (a) As soon as the election shall be held, a return of the votes
20 cast and counted shall be made as provided by law and the returns
21 canvassed by the inspectors of election.

22 (b) If a majority of the votes cast shall be in the negative on all or
23 any of the questions, no person shall, after such election, sell alco-
24 holic beverages in such town contrary to such vote or to the provisions
25 of this chapter, provided that:

26 (i) the result of such vote shall not shorten the term for which any
27 license may have been lawfully issued under this chapter or affect the
28 rights of the licensee thereunder; and

1 (ii) no person shall after such vote apply for or receive a license to
2 sell alcoholic beverages at retail in such town contrary to such vote,
3 until, by referendum as hereinafter provided for, such sale shall again
4 become lawful.

5 § 1403. Local option for cities. 1. (a) Not less than sixty days nor
6 more than eighty days before the general election in any city at which
7 the submission of the questions hereinafter stated is authorized by this
8 article, a petition signed by electors of the city to a number amounting
9 to twenty-five percent of the votes cast in the city for governor at the
10 then last preceding gubernatorial election, requesting the submission at
11 such election to the electors of the city of the questions contained in
12 section fourteen hundred two of this article, substituting however the
13 word "city" for "town," may be filed with the city clerk or, in the city
14 of New York, with the board of elections.

15 (b) Opposite and on the right of the name of each elector signing such
16 petition shall be written their residence address by house number and
17 street name, if any, and otherwise by an appropriate designation, and
18 the date of his signing.

19 (c) Each signature shall be made personally by the one whose name is
20 signed and not by another.

21 (d) No signature shall be valid or counted as to which any of such
22 requirements is not complied with, nor as to which the date of signing
23 is more than four months prior to the day of the election.

24 (e) No signature shall be withdrawn after the petition is filed.

25 (f) At the bottom of each sheet of the petition shall be a statement,
26 signed by a duly qualified elector of the city, with their residence
27 address, stating that every signature on that sheet of the petition is
28 genuine and that to the best of their knowledge and belief every person

1 so signing was at the time thereof a qualified elector of such city,
2 that their respective residences are correctly stated therein and that
3 each signer signed the same on the date set opposite their name. Such
4 statement shall be sworn to before an officer authorized to administer
5 oaths within such city.

6 (g) The same petition may be either in one document or prepared and
7 signed in two or more documents. Such documents shall constitute one
8 petition and be filed as a whole.

9 (h) (i) The petition shall also appoint a committee upon whom or any
10 of its members a summons, order or notice may be served in any proceed-
11 ing respecting the validity of the petition or of an election held
12 pursuant thereto, and shall also designate the chairperson of such
13 committee.

14 (ii) The residence address of each member of the committee shall be
15 stated.

16 (iii) Such committee may fill a vacancy at its chairperson or in its
17 membership, and notice of any such change shall promptly be filed with
18 the officer with whom the petition is required to be filed, provided
19 that failure to file such notice shall not invalidate any proceeding
20 under this chapter.

21 (i) Upon the due filing of such a petition, complying with the forego-
22 ing provisions, such questions shall be submitted in accordance there-
23 with.

24 (j) If the petition be filed with the city clerk, they shall within
25 five days from the filing thereof, prepare and file in the office of the
26 board of elections of the county, as defined by the election law, a
27 certified copy thereof.

1 2. The method and manner of submission, preparation and provision of
2 ballot labels, balloting by voting machine and conducting the election,
3 canvassing the result and making and filing the returns and all other
4 procedure with reference to the submission of and action upon any such
5 question shall be the same as in the case of any other proposition to be
6 submitted to the electors of a city at a general election as provided by
7 law.

8 3. If a majority of the votes cast shall be in the negative on any or
9 all of the questions, no person shall, after such election, sell alco-
10 holic beverages in such city contrary to such vote or to the provisions
11 of this chapter; provided that:

12 (a) the result of such vote shall not shorten the term for which any
13 license may have been lawfully issued under this chapter or affect the
14 rights of the licensee thereunder; and

15 (b) no person shall after such vote apply for or receive a license to
16 sell alcoholic beverages at retail in such city contrary to such vote,
17 until, by referendum as hereinafter provided for, such sale shall again
18 become lawful.

19 § 1404. Filing certificate of result with liquor authority. Whenever
20 at an election a vote shall be taken on the local option questions
21 pursuant to section fourteen hundred two or fourteen hundred three of
22 this article in any town or city, the officer or board charged by law
23 with the duty of filing a statement of the result and certificate of
24 determination of such election shall file a duplicate thereof with the
25 liquor authority.

26 § 1405. Contesting validity of petition. Proceedings may be instituted
27 and maintained to contest the validity, sufficiency or legality of any

1 petition provided for in this article, in the manner provided by the
2 election law, as though such petition were a certificate of nomination.

3 § 1406. False statements and forgery. A person who forges the signa-
4 ture of any person upon any petition or statement provided for in this
5 article shall be guilty of forgery in the third degree and on conviction
6 thereof be punished accordingly.

7 § 1407. Effective duration of local option determination. 1. In any
8 town or city in which a vote shall be taken on any one or more of the
9 local option questions provided for in this article, no further vote
10 shall be submitted upon any local option question that was presented to
11 the voters before the second general election thereafter.

12 2. If at the time of any subsequent submission of such questions it
13 shall be lawful to sell alcoholic beverages and a majority of the votes
14 cast shall be in the negative on such questions, then all of the
15 provisions of this article applicable thereto shall become effective.

16 ARTICLE 15

17 ILLICIT ALCOHOLIC BEVERAGES

18 Section 1501. Possession of illicit alcoholic beverages.

19 1502. Sale of illicit alcoholic beverages.

20 1503. Stills and distilling apparatus.

21 1504. Premises used for manufacture or storage of illicit alco-
22 holic beverages.

23 1505. Punishment for second offenders.

24 § 1501. Possession of illicit alcoholic beverages. Any person who
25 shall knowingly possess or have under their control any illicit alcohol-

1 ic beverages, as defined in section one hundred two of this chapter, is
2 guilty of a misdemeanor.

3 § 1502. Sale of illicit alcoholic beverages. 1. Any person who shall
4 knowingly barter or exchange with, or sell, give, offer to sell or to
5 give another any illicit alcoholic beverage is guilty of a misdemeanor.

6 2. (a) Any person who shall possess or have under their control or
7 transport any illicit alcoholic beverage with intent to barter or
8 exchange with, or to sell or give to another the same or any part there-
9 of is guilty of a misdemeanor.

10 (b) Such intent is presumptively established by proof that the person
11 knowingly possessed or had under their control one or more gallons of
12 illicit alcoholic beverages. This presumption may be rebutted.

13 § 1503. Stills and distilling apparatus. 1. Any person who shall manu-
14 facture any illicit alcoholic beverage or who, not being duly licensed
15 as a distiller under the provisions of this chapter, shall own, operate,
16 possesses or have under their control any still or distilling apparatus
17 is guilty of a felony.

18 2. Provided, however, that it shall not be unlawful for any person to
19 own, possess or have under their control any still or distilling appara-
20 tus:

21 (a) where the same has been duly registered in compliance with or has
22 otherwise complied with the provisions of federal law and regulations
23 issued pursuant thereto; or

24 (b) where the same is not required to be registered under federal law;
25 or

26 (c) where the same is in the possession of a duly qualified manufac-
27 turer of stills under federal law.

1 3. The unlawful ownership, operation, possession, control or use of
2 any still or distilling apparatus or illicit alcoholic beverage is a
3 nuisance, and each such still and distilling apparatus and illicit alco-
4 holic beverage is hereby declared to be a nuisance, and when any such
5 still or distilling apparatus or illicit alcoholic beverage shall be
6 taken from the possession of any person, the same shall be surrendered
7 and forfeited to the sheriff of the county wherein the same shall be
8 taken, except that:

9 (a) in a city having a population of seventy-five thousand or more,
10 the same shall be surrendered and forfeited to the police commissioner
11 or other head of the police force or department of said city; and

12 (b) in the county of Nassau, the same shall be surrendered and
13 forfeited to the commissioner of the county police department.

14 § 1504. Premises used for manufacture or storage of illicit alcoholic
15 beverages. Any person who, being the owner, lessee, or occupant of any
16 room, shed, tenement, booth or building, float or vessel, or part there-
17 of, knowingly permits the same to be used for the manufacture, distrib-
18 ution, purchase, sale, bottling, rectifying, blending, treating, forti-
19 fying, mixing, processing, warehousing, transportation, distilling, or
20 storage of an illicit alcoholic beverage, is guilty of a misdemeanor.

21 § 1505. Punishment for second offenders. Any person who is convicted
22 of violating section fifteen hundred two or section fifteen hundred four
23 of this article and who has been previously convicted of a violation of
24 either of these said sections or after the effective date of this arti-
25 cle has been convicted in any other state or federal court of a crime
26 which if committed in this state would constitute a violation of either
27 of said sections, is guilty of a felony and shall be punishable for a
28 felony.

1 ARTICLE 16

2 GEOGRAPHIC EXCEPTIONS TO PROVISIONS OF THIS CHAPTER

3 Section 1601. Exceptions to two hundred foot law.

4 1602. Exceptions to tied house laws.

5 1603. Exceptions to gifts and services law.

6 1604. Exceptions to Sunday hours of sale for beer and unlimited
7 drink offerings.

8 1605. Exceptions to any other provision of chapter to the
9 contrary.

10 § 1601. Exceptions to two hundred foot law. Notwithstanding the fact
11 that the premises is on the same street and within two hundred feet of a
12 school or place of worship, the liquor authority may issue an on-premis-
13 es liquor license to:

14 1. A premises used for the sale of food or beverages at retail for
15 consumption on the premises and/or an overnight lodging facility located
16 wholly within the boundaries of the borough of Manhattan in the city and
17 county of New York, bounded and described as follows: BEGINNING at a
18 point on the southerly side of 49th Street, distant 160 feet easterly
19 from the corner formed by the intersection of the southerly side of 49th
20 Street with the easterly side of 8th Avenue; running thence southerly,
21 parallel with 8th Avenue and part of the distance through a party wall,
22 100 feet 5 inches to the center line of the block between 48th and 49th
23 Streets; thence easterly along the center line of the block, 40 feet;
24 thence northerly, parallel with 8th Avenue and part of the distance
25 through a party wall, 100 feet 5 inches to the southerly side of 49th
26 Street; thence westerly along the southerly side of 49th Street, 40 feet

1 to the point or place of beginning. Premises known as 240 and 242 West
2 49th Street, New York City. Being the same premises described in deed
3 made by Hotel Mayfair Inc. to Harry Etkin and Freda Rubin, dated 1/23/50
4 and recorded 1/27/50 in liber 4657 Cp. 250.

5 2. A premises located wholly within the boundaries of the county of
6 Ulster, bounded and described as follows:

7 ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and
8 improvements erected thereon, situated in the Village of Ellenville,
9 Town of Wawarsing, County of Ulster and State of New York, being further
10 bounded and described as follows: Beginning at a three-quarter inch
11 diameter iron rod found on the southwesterly bounds of Canal Street,
12 marking the northeasterly corner of the lands, now or formerly, John
13 Georges, as described in liber 2645 of deeds at page 278. Thence along
14 the southeasterly bounds of the lands of John Georges, passing 1.42 feet
15 northwesterly from the southwesterly corner of the building situated on
16 the premises described herein, South thirty-nine degrees, forty-one
17 minutes, fifty-two seconds West, one hundred fifty and zero hundredths
18 feet (S 39-41-52 W, 150.00') to the northeasterly bounds of the lands,
19 now or formerly, Thomas Powers, as described in liber 1521 of deeds at
20 page 749. Thence along the northeasterly bounds of the lands of Thomas
21 Powers, South fifty degrees, thirty-nine minutes, sixteen seconds East,
22 twenty-eight and zero hundredths feet (S 50-39-16 E, 28.00'). Thence
23 passing 1.92 feet southeasterly from the southeasterly corner of the
24 building situated on the premises described herein. North thirty-nine
25 degrees, forty-one minutes, fifty-two seconds East, one hundred fifty
26 and zero hundredths feet (N 39-41-52 E, 150.00') to the southwesterly
27 bounds of Canal Street. Thence along the southwesterly bounds of Canal
28 Street, North fifty degrees, thirty-nine minutes, sixteen seconds West,

1 twenty-eight and zero hundredths feet (N 50-39-16 W, 28.00') to the
2 point of beginning. Containing 4,199.92 square feet of land or 0.0996 of
3 an acre of land. Being the same premises as conveyed by deed dated
4 September 2, 1999 from Chris M. Camio as Executor of the Last Will and
5 Testament of Alice Manzo to Bill Lelbach, John Eckert, Jeffrey Schneid-
6 er, Jack Harris and Alfred S. Dannhauser and recorded in the Ulster
7 County Clerk's Office on September 15, 1999 in Liber 2966 at page 291.
8 The undivided interests of John Harris and Alfred S. Dannhauser having
9 been conveyed to Bill Lelbach by deed dated August 21, 2001 and recorded
10 in the Ulster County Clerk's Office in Liber 3213 p 65.

11 3. A premises used for the sale of food or beverages at retail for
12 consumption on the premises and/or an overnight lodging facility located
13 wholly within the boundaries of the borough of Manhattan in the city and
14 county of New York, bounded and described as follows: Beginning at a
15 point on the southerly side of 46th street, distant three hundred fifty
16 (350) feet westerly from the corner formed by the intersection of the
17 westerly side of Sixth Avenue with the said southerly side of 46th
18 street. Running thence southerly parallel with the said westerly side of
19 Sixth Avenue and for part of the distance through a party wall, one
20 hundred (100) feet four (4) inches; thence westerly parallel with the
21 southerly side of 46th street, eighty (80) feet; thence northerly again
22 parallel with the westerly side of Sixth Avenue, one hundred (100) feet
23 four (4) inches to the southerly side of 6th street; and thence easterly
24 along the said southerly side of 46th street, eighty (80) feet to the
25 point or place of beginning. Premises known as 130 West 46th Street, New
26 York City. Being the same premises described in deed made by Massachu-
27 setts Mutual Life Insurance Company to West 46th Street Hotel, LLC,

1 dated 12/22/06 and recorded 2/06/07 in the Office of the City Register,
2 New York County, on February 6, 2007 as CFRN 2007000069808.

3 4. A premises used for the sale of food or beverages at retail for
4 consumption on the premises located wholly within the boundaries of the
5 county of Ulster, bounded and described as follows: THOSE THREE BUILDING
6 LOTS situate on the northeasterly side of Union Avenue in the city of
7 Kingston, between Thomas and Cornell Streets, known and distinguished
8 upon a map of the property of the estate of said Thomas Cornell made by
9 B.B. Codwise, Civil Engineer, bearing date April 11th, 1888, as lot five
10 (5) six (6) and seven (7) upon said map, and bounded and described as
11 follows: BEGINNING at the west corner of lot seven which is also the
12 corner of Cornell Street, where it intersects with Union Avenue, and
13 runs from thence in the southerly bounds of Cornell Street, N. 48
14 degrees 10' east the distance of one hundred and thirty-eight (138)
15 feet, to the south bounds of lot (8) eight as laid down upon said map,
16 thence along in the south bounds of lot (8) aforesaid S. 41 degrees 50'
17 east along the rear of lots seven, six and five (7, 6 & 5) as aforesaid
18 the distance of seventy-two (72) feet to a lot of land owned by Max
19 Oppenheimer and known on said map as lot four (4); thence in the divi-
20 sion line between lot four and five as laid down upon said map, south 48
21 degrees 10' W. one hundred and twenty-two (122) feet, and fifty-four
22 hundredths of a foot (122 54/100 feet) to the northeasterly bounds of
23 said Union Avenue; thence along in said northeasterly bounds of said
24 Union Avenue north 53 degrees 57' west along the front of said lots
25 five, six and seven (5, 6 & 7) the distance of seventy-three feet and
26 sixty-five hundredths of a foot (73 65/100 feet) to the place of begin-
27 ning; and a part of said premises being a part of the same that was
28 conveyed to Thomas Cornell by Jansen Hasbrouck and wife bearing date

1 March 3, 1877 and recorded in the office of the Clerk of Ulster County
2 in book No. 204 of deeds at page 403 March 6th, 1877, the balance of the
3 property hereinbefore described and herein intended to be conveyed was
4 conveyed to Thomas Cornell by James E. Ostrander and wife by deed bear-
5 ing date February 8th, 1869, and recorded in Ulster County Clerk's
6 Office in book 175 of deeds at page 29, February 6th, 1872.

7 5. A premises used for the sale of food or beverages at retail for
8 consumption on the premises located wholly within the boundaries of the
9 borough of Brooklyn in the county of Kings and the city of New York,
10 bounded and described as follows: Beginning at a point on the westerly
11 side of Washington Avenue distant 636.45 feet southerly from the inter-
12 section of the southerly side of Eastern Parkway and westerly side of
13 Washington Avenue, said point being the point of beginning; Running
14 thence southerly along the westerly side of Washington Avenue, a
15 distance of 345.43 feet; thence westerly along the line forming an inte-
16 rior angle with the previous course of 90 degrees 00 minutes 00 seconds,
17 a distance of 122.68 feet; Thence northerly along the line forming an
18 interior angle with the previous course of 58 degrees 50 minutes 53
19 seconds, a distance of 123.94 feet; Thence northerly along the line
20 forming an exterior angle with the previous course of 159 degrees 18
21 minutes 33 seconds, a distance of 36.59 feet; Thence northerly along the
22 line forming an exterior angle with the previous course of 169 degrees
23 36 minutes 23 seconds, a distance of 26.26 feet; Thence westerly along
24 the line forming an exterior angle with the previous course of 123
25 degrees 49 minutes 33 seconds, a distance of 58.57 feet; Thence south-
26 westerly along the line forming an exterior angle with the previous
27 course of 29 degrees 53 minutes 13 seconds, a distance of 108.38 feet;
28 Thence westerly, a distance of 84.05 feet along a curve to the right,

1 which has a radius of 192.59 feet, and having a central angle of
2 25°00'14"; Thence westerly, a distance of 58.94 feet along a curve to
3 the right, which has a radius of 181.42 feet, and having a central angle
4 of 18°36'54". Thence westerly, a distance of 354.56 feet; Thence north-
5 erly along the line forming an interior angle with the previous course
6 of 90 degrees 14 minutes 09 seconds, a distance of 114.49 feet; Thence
7 easterly along the line forming an exterior angle with the previous
8 course of 286 degrees 53 minutes 22 seconds, a distance of 7.54 feet;
9 Thence easterly along the line forming an interior angle with the previ-
10 ous course of 195 degrees 07 minutes 53 seconds, a distance of 159.88
11 feet; Thence easterly along the line forming an interior angle with the
12 previous course of 193 degrees 52 minutes 57 seconds, a distance of
13 161.51 feet; Thence westerly along the line forming an interior angle
14 with the previous course of 257 degrees 31 minutes 43 seconds, a
15 distance of 116.17 feet; Thence northeasterly, a distance of 7.07 feet
16 along a non-tangent curve to the right, having a radius of 4.50 feet, a
17 central angle of 89°59'10" and a chord of 6.36 feet, which chord makes
18 an interior angle with the previous course of 135 degrees 01 minutes 12
19 seconds; Thence easterly along the line forming an interior angle with
20 the chord of the above-referenced curve of 135 degrees 01 minutes 17
21 seconds, a distance of 135.59 feet; Thence easterly, a distance of 81.93
22 feet along a non-tangent curve to the left, having a radius of 272.93
23 feet, a central angle of 17°11'59" and a chord of 81.63 feet, which
24 chord makes an interior angle with the previous course of 186 degrees 52
25 minutes 37 seconds; Thence easterly along the line forming an interior
26 angle with the chord of the above-referenced curve of 192 degrees 21
27 minutes 11 seconds, a distance of 38.24 feet; Thence easterly along the
28 line forming an interior angle with the previous course of 183 degrees

1 09 minutes 51 seconds, a distance of 21.53 feet to the point of begin-
2 ning.

3 6. A premises used for the sale of food or beverages at retail for
4 consumption on the premises located wholly within the boundaries of the
5 county of Kings, bounded and described as follows: ALL that certain
6 plot, piece or parcel of land situate lying and being in the Borough of
7 Brooklyn, County of Kings, City and State of New York, bounded and
8 described as follows: BEGINNING at the corner formed by the intersection
9 of the southerly side of Synder Avenue, with the easterly side of
10 Bedford Avenue; THENCE easterly along the southerly side of Synder
11 Avenue, 99 feet 10 inches; THENCE southerly parallel with Medford
12 Avenue, 80 feet 11 1/6 inches to the center line of Union Street, as
13 shown on the Bergen Map; THENCE westerly along the center line of Union
14 Street, as aforesaid, 99 feet 10 inches to the easterly side of Bedford
15 Avenue; THENCE northerly along the easterly side of Bedford Avenue, 81
16 feet 1/8 inches to the point or place of BEGINNING.

17 7. A premises used for the sale of food or beverages at retail for
18 consumption on the premises located wholly within the boundaries of the
19 county of Kings, bounded and described as follows: BEGINNING at a point
20 on the northerly side of Grand Street, distant three hundred and nine-
21 teen feet and three inches easterly from the corner formed by the inter-
22 section of the northerly of Grand Street with the easterly side of Berry
23 (formerly Third) Street, which point of beginning is where a line drawn
24 along the easterly wall of the house now or formerly owned by one Schae-
25 fer intersects the northerly side of Grand Street; running thence north-
26 erly along the easterly wall of the house now or formerly owned by one
27 Schaefer, seventy one feet and six inches; thence easterly nearly paral-
28 lel with Grand Street, eighteen feet and five inches; thence southerly,

1 seventy feet and seven inches to the northerly side of Grand Street at a
2 point, sixteen feet easterly from the point of beginning; thence wester-
3 ly along the northerly ide of Grand Street, sixteen feet.

4 8. A premises used for the sale of food or beverages at retail for
5 consumption on the premises located wholly within the boundaries of the
6 borough of Manhattan in the city and county of New York, bounded and
7 described as follows: BEGINNING at the corner formed by the intersection
8 of the southerly side of Fulton Street with the westerly side of Broad-
9 way; RUNNING THENCE southerly along the westerly side of Broadway, 78
10 feet 11 1/2 inches to an angle point, in said westerly side of Broadway;
11 THENCE southerly still along the westerly side of Broadway, 75 feet 3
12 inches to the corner formed by the intersection of the westerly side of
13 Broadway with the northerly side of Dey Street; THENCE westerly along
14 the northerly side of Dey Street, 275 feet 6 3/4 inches; THENCE norther-
15 ly along a line which forms an angle on its westerly side with the
16 northerly side of Dey Street of 91 degrees 21 minutes 50 seconds, 77
17 feet 5 1/2 inches; THENCE easterly along a line which forms an angle on
18 its southerly side with the last described course of 91 degrees 21
19 minutes 50 seconds, 75 feet 4 5/8 inches; THENCE northerly along a line
20 which forms an angle on its westerly side with the last described course
21 of 91 degrees 00 minutes 00 seconds, 77 feet 5 1/4 inches to the south-
22 erly side of Fulton Street; THENCE easterly along the southerly side of
23 Fulton Street, 99 feet 8 inches to an angle point on said southerly side
24 of Fulton Street; THENCE easterly still along the southerly side of
25 Fulton Street, 100 feet 2 1/2 inches to the point or place of BEGINNING.
26 TOGETHER with benefits and subject to the terms contained in that
27 certain Easement and License Agreement dated as of April 20, 1993

1 between Kalikow Fulton Church Realty Company and 195 Property Company
2 and recorded on May 10, 1993 in Reel 1969 page 1310.

3 9. A premises used for the sale of food or beverages at retail for
4 consumption on the premises located wholly within the boundaries of the
5 county of Ulster, bounded and described as follows: All that piece or
6 parcel of land, situate in the City of Kingston, County of Ulster and
7 State of New York described as follows: Beginning at a spike in the
8 concrete sidewalk on the south bounds of Main Street at its intersection
9 with the west bounds of Fair Street; Thence south 8 degrees 10 hours 9
10 minutes east along the west bounds of Fair Street 105.31 feet to a spike
11 in line with a three story brick building on lands now or formerly
12 Norman G. Lebhar and John W. Krueger (L.1516 P.425); Thence south 83
13 degrees 26 hours 38 minutes west along said building and lands of Lebhar
14 and Krueger 46.27 feet to a corner of said building; Thence north 8
15 degrees 4 hours 13 minutes west along lands now or formerly Lawrence A.
16 Quilty and others (L.1422 P.123) and along the brick building on the
17 herein described parcel 102.62 feet to a reinforcement rod set on the
18 south bounds of Main Street; Thence north 80 degrees 6 hours 32 minutes
19 east along said bounds of Main Street 46.10 feet to the point and place
20 of beginning. Being the same premises as conveyed by Bernard R. Herzberg
21 and the Estate of Rosalyn M. Nave, Margaret D. Huff, Executrix to Mark
22 J. Berlanga by deed dated September 15, 1995 and recorded in the Ulster
23 County Clerk's Office on September 20, 1995 in Liber 2525 of Deeds at
24 Page 200.

25 10. A premises used for the sale of food or beverages at retail for
26 consumption on the premises located wholly within the boundaries of the
27 county of Erie, bounded and described as follows: ALL that certain plot,
28 piece or parcel of land situate in the City of Buffalo, County of Erie

1 and state of New York, being part of Lot No. 77, Township 11, Range 8
2 of the Holland Land Company's Survey, and further distinguished as parts
3 of subdivision Lots 1 and 2 in Block "D" as shown on a map filed in the
4 Erie County Clerk's Office under Cover No. 781 and more particularly
5 bounded and described as follows: BEGINNING at the point of inter-
6 section of the northerly line of Hertel Avenue as now laid out 100 feet
7 wide with the easterly line of Saranac Avenue; thence northerly along
8 the easterly line of Saranac Avenue 120 feet; thence easterly parallel
9 with Hertel Avenue 100 feet; thence southerly parallel with Saranac
10 Avenue and along the easterly line of said subdivision Lot No. 2, a
11 distance of 120 feet to the northerly line of Hertel Avenue; thence
12 westerly along said line of Hertel Avenue 100 feet to the point of
13 beginning.

14 11. A premises used for the sale of food or beverages at retail for
15 consumption on the premises located wholly within the boundaries of the
16 county of Erie, bounded and described as follows: ALL THAT TRACT OR
17 PARCEL OF LAND situate in the City of Buffalo, County of Erie and State
18 of New York, being part of Lot No.48, Township 11, Range 8 of the
19 Holland Land Company's Survey, described as follows: BEGINNING at a
20 point in the easterly line of Elmwood Avenue distant 191.1 feet north of
21 the intersection of said easterly line of Elmwood Avenue with the north-
22 erly line of Bird Avenue; running thence northerly along the said east-
23 erly line of Elmwood Avenue 63 feet; thence easterly at right angles
24 with Elmwood Avenue 140 feet; thence southerly parallel with Elmwood
25 Avenue 63 feet; thence westerly at right angles to Elmwood Avenue 140
26 feet to the said easterly line of Elmwood Avenue to the point or place
27 of beginning. All that Tract or Parcel of Land, situate in the City of
28 Buffalo, County of Erie and State of New York, being part of Lot No.

1 Forty-Eight (48), Township Eleven (11) and Range Eight (8) of the
2 Holland Land Company's survey and bounded and described as follows:
3 BEGINNING at a point in the easterly line of Elmwood Avenue One Hundred
4 Sixty and one-tenth (160.10) feet northerly from its intersection with
5 the northerly line of Bird Avenue, running thence northerly on said
6 easterly line of Elmwood Avenue Thirty-one (31) feet; thence easterly at
7 right angles to Elmwood Avenue One Hundred forty (140)feet; thence
8 southerly parallel with Elmwood Avenue Thirty-one (31) feet; thence
9 westerly at right angles to Elmwood Avenue, One Hundred forty (140) feet
10 to the easterly line of Elmwood Avenue at the place of beginning. All
11 that Tract or Parcel of Land, situate in the City of Buffalo, County of
12 Erie and State of New York, being part of Lot No. 48, Township 11, Range
13 8 of the Holland Land Company's Survey and bounded and described as
14 follows: BEGINNING at a point in the east line of Elmwood Avenue,
15 distant 321.50 feet south from the intersection of said east line with
16 the south line of Forest Avenue; thence south along the east line of
17 Elmwood Avenue, 49 feet to a point; thence east at right angles to the
18 east line of Elmwood Avenue, 140 feet to a point, thence north, parallel
19 with the east line of Elmwood Avenue, 49 feet to a point; thence west in
20 a straight line, 140 feet to the point of beginning.

21 12. A premises for the Lewiston fire department located wholly within
22 the boundaries of the county of Niagara, bounded and described as
23 follows: ALL that certain plot, piece or parcel of land situate in the
24 Village of Lewiston, County of Niagara and state of New York, being New
25 Lot "C" according to a map made by James M. McIntyre, Surveyor, on
26 April 8, 2011 and filed in the Niagara County Clerk's Office on June 13,
27 2012 in Book 64 of Microfilmed Maps, at page 6441m showing re-subdivi-
28 sion of Old Sublots 169 and 170 on the east side of the North Fifth

1 Street; and sublots 154, 155 and 156 on the south side of Onondaga
2 Street as shown on Map of Part 1 of said Village made by J.P. Haines,
3 C.E. in 1839 and filed with the Deed Atlas in Niagara County Clerk's
4 Office, and bounded and described as follows: BEGINNING at a point in
5 the intersection of the south line of Onondaga Street and the west line
6 of North Sixth Street; thence south along the west line of North Sixth
7 Street, a distance of 264.00 feet; thence west at an interior angle of
8 90°10'33", a distance of 198.00 feet to the east line of North Fifth
9 Street; thence north along the east lone of North Fifth Street, at an
10 interior angle of 89°29'47", a distance of 132.00 feet; thence east at
11 an interior angle of 90°10'33", a distance of 102.00 feet; thence north
12 at an exterior angle of 90°10'33", a distance of 132.00 feet to the
13 south line of Onondaga Street; thence east along the south line of Onon-
14 daga Street, a distance of 96.00 feet to the point of beginning.

15 13. A premises used for the sale of food or beverages at retail for
16 consumption on the premises located wholly within the boundaries of the
17 county of Jefferson, bounded and described as follows: ALL that certain
18 lot, piece or parcel of land, situated in the City of Watertown, County
19 of Jefferson and State of New York, described as follows: BEGINNING in
20 the westerly margin of Massey Street where it intersects the southerly
21 margin of Prospect Street; THENCE southerly along the margin of said
22 Massey Street about 6 rods and 1/4 of a rod to land formerly owned by
23 Ed. Bohl; THENCE westerly at right angles along the northerly line of
24 said Bohl lot to a point therein 34 feet from the southeasterly corner
25 of a lot of land conveyed to Charles J. Gillingham by James A. Bell
26 about 115 feet 7 inches; THENCE northerly at right angles and parallel
27 with the easterly line of said Gillingham's lot about 6 1/4 rods to
28 Prospect Street; THENCE easterly along the south margin of said Prospect

1 Street to the place of beginning, and all the lands belonging to the
2 land hereby conveyed and lying in front of the same Massey and Prospect
3 Streets; BEING the same premises conveyed to Vincent Cavallerio and
4 Adrianna Cavallario by Joseph Scarabino, by deed dated May 27, 1977, and
5 recorded in the Jefferson County Clerk's office on May 27, 1977 in Liber
6 881 of Deeds at page 418. Vincent Cavallario died in the City of Water-
7 town on August 17, 1984; ALSO BEING the same premises conveyed to Adria-
8 na Cavallario and Peter G. Cavallario, as Trustees of the living Trust
9 of Adriana Cavallario, under agreement dated October 14, 1995, by Adria-
10 na Cavallaria, by warranty deed dated October 24, 1995 and recorded in
11 the Jefferson County Clerk's office on November 8, 1995 in Liber 1483 at
12 Page 15; ALSO BEING the premises known as 133 North Massey Street,
13 Watertown, New York.

14 14. A premises used for the sale of food or beverages at retail for
15 consumption on the premises located wholly within the boundaries of the
16 county of Washington, bounded and described as follows: ALL THAT CERTAIN
17 PARCEL OF LAND located at the southeasterly corner of the intersection
18 of Main Street and Maple Street in the Village of Hudson Falls, Washing-
19 ton County, New York, and which said parcel in more particularly bounded
20 and described as follows: BEGINNING at a point marking the intersection
21 of the easterly bounds of Main Street with the southerly bounds of Maple
22 Street; running thence from the point of beginning in an easterly direc-
23 tion along the southerly bounds of Maple Street. South 86 degrees 47
24 minutes 40 seconds East for a distance of 229.47 feet to a point;
25 running thence in a southerly direction, south 07 degrees 28 minutes 10
26 seconds West for a distance of 100.05 feet to a point; running thence in
27 a northerly line of lands of the First Baptist Church of Hudson Falls;
28 running thence in a westerly direction along the northerly line of said

1 lands of said Church, North 84 degrees 58 minutes 20 seconds West for a
2 distance of 206.70 feet to a point in the easterly bounds of Main
3 Street; running thence in a northerly direction along the easterly
4 bounds of Main Street, North 06 degrees 11 minutes 40 seconds West for a
5 distance of 94.47 feet to the point of beginning. The same to contain
6 0.483 acres ±. REFERENCE to the above description is a survey map titled
7 "Map of a Survey of Lands of the County of Washington" prepared by
8 Charles T. Nancy, Licensed Land Surveyor, Dated August 4, 1994 and on
9 file at the Washington County Clerk's Office in Drawer 31B of Maps and
10 Map Number 31B-160. ALL THAT CERTAIN LOT OR PARCEL OF LAND situated in
11 the Village of Hudson Falls, Washington County, New York bounded and
12 described as follows: BEGINNING at a point on the south line of Maple
13 Street in said Village fifty feet westerly of a steel bolt in the north-
14 west corner of the New York Telephone Co.'s Lot, which said point is at
15 the west end of a retaining curbing to the south line of brick driveway,
16 thence running north 75 degrees east along said south line of Maple
17 Street fifty feet to a bolt driven in the ground for a monument as a
18 marker; thence southerly one hundred and eight and seven tenths feet to
19 an iron bolt driven in the ground fifty feet from the west line of lot
20 hereby conveyed; thence easterly fifty-one feet to a large iron pipe
21 driven in the ground for a monument; thence southerly about two feet
22 easterly of the garage building on said property fifty-six feet to the
23 location of the boundary line between lands formerly owned by Elisha
24 Baker, and Samuel Tappin and U. Cornell Allen, the same being the south-
25 erly boundary line of the premises hereby conveyed; thence westerly on
26 said boundary line one hundred and two feet to the east line of the
27 Baptist Church lot, which lot last mentioned line is monumented; thence
28 along the east line of said Church lot and the lot formerly owned by

1 Crenville M. Ingalsbe one hundred and sixty-one feet to the place of
2 beginning. The above described premises are conveyed subject to a
3 certain right of way over same heretofore granted by George H. Newton to
4 Hudson River Telephone Co. by Deed dated July 10, 1915 and recorded in
5 Washington County Clerk's Office in Liber 138 of Deeds at Page 134. A
6 more modern description of the above premises is as follows: Commencing
7 in the southerly bounds of Maple Street at the northwest corner of prem-
8 ises formerly of New York Telephone Company; running thence along the
9 westerly bounds of said lands formerly of New York Telephone Company;
10 running thence along the westerly bounds of said lands formerly of New
11 York Telephone Company on a course of south 7 degrees 29 minutes west
12 for a distance of 108.66 feet to a point for a corner; running thence
13 south 85 degrees 03 minutes east for a distance of 50.97 feet to an iron
14 pipe found for a corner; running thence south 8 degrees 35 minutes west
15 for a distance of 56.65 feet to an iron pipe found for a corner; running
16 thence north 83 degrees 40 minutes west for a distance of 101.94 feet
17 along the northerly bounds of lands formerly of O.T. Griffin to a point
18 for a corner in the easterly bounds of the Baptist Church lot; running
19 thence north 8 degrees 17 minutes east for a distance of 162.10 feet to
20 a point in the southerly bounds of Maple Street; running thence south 85
21 degrees 57 minutes east for a distance of 49.90 feet to the point and
22 place of beginning. The aforescribed premises are depicted on a
23 certain "Map of Lands of Village of Hudson Falls at "#8 Maple Street"
24 dated November 2, 1953 by Leslie W. Coulter and filed in the Washington
25 County Clerk's Office on January 1, 1954, as Map No. 02.

26 15. A premises used for the sale of food or beverages at retail for
27 consumption on the premises occupying the southernmost portion of the
28 buildings and improvements further identified as suite two hundred ten

1 and located wholly within the boundaries of the county of Westchester,
2 bounded and described as follows: ALL THAT CERTAIN PLOT, PIECE OR PARCEL
3 OF LAND, with the buildings and improvements thereon erected, situate,
4 lying and being in the City of White Plains, County of Westchester,
5 State of New York, more particularly described as follows: BEGINNING at
6 a point in the northerly side of Main Street as the same is now laid out
7 and established where said northerly side of Main Street is intersected
8 by the division line between the premises hereby described and land now
9 or formerly of Henry E. Hartnett said point being at the southeasterly
10 corner of the parcel hereby described; THENCE RUNNING along the norther-
11 ly side of Main Street as now established, South 76 degrees 38 minutes
12 54 seconds West 48.24 feet to a monument thence on a curve to the right
13 forming the northeasterly corner of Main Street and Church Street said
14 curve having a radius of 26.03 feet, a distance of 39.836 feet (39.84
15 feet per deed) to the easterly side of Church Street; THENCE RUNNING
16 along the easterly side of Church Street North 15 degrees 40 minutes
17 West 205.61 feet to the northwesterly corner of the premises hereby
18 described and to the southerly line of a 12 foot driveway leading from
19 land of Henry E. Hartnett to Church Street; THENCE RUNNING along the
20 southerly side of said driveway, North 74 degrees 18 minutes 50 seconds
21 East 74.84 feet to the northeasterly corner of the premises hereby
22 described and land of Henry E. Hartnett; THENCE along said land of Henry
23 E. Hartnett, South 15 degrees 15 minutes 30 seconds East 233.60 feet to
24 the northerly side of Main Street, at the point or place of BEGINNING.
25 TOGETHER with the benefits of a certain Declaration of Easement made by
26 Markbeth Building Corp dated October 28, 1981 and November 10, 1981 in
27 Liber 7736 cp 262 as set forth therein.

1 16. A premises used for the sale of food or beverages at retail for
2 consumption on the premises located wholly within the boundaries of the
3 county of Erie, bounded and described as follows: ALL THAT TRACT OR
4 PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State
5 of New York, and bounded and described as follows: being part of Lot
6 number seventy-one (71), Township eleven (11), Range eight (8) of the
7 Holland Land Company's survey and in a subdivision of part of said lots
8 71 and 72, made for Main Street Land and Improvement Co., by C.F.
9 Witmer, surveyor, a map of which subdivision is on file in Erie County
10 Clerk's Office under Cover 292. This premises herby conveyed being
11 designated as subdivision lot No. thirty-nine (39) in Block "C" and
12 bounded and described as follows: BEGINNING at a point in the westerly
13 line of Main Street thirty-six and one-half (36-1/2) feet northerly from
14 its intersection with the northerly line of Heath Street (formerly
15 Morton Street). Running thence northerly along said line of Main Street
16 thirty-six and one-half (36-1/2) feet; thence westerly at right angles
17 with said line of Main Street to a sixteen (16) foot alley; thence
18 southerly along the easterly line of said alley to a point where a line
19 drawn at right angles with said line of Main Street would intersect said
20 line of Main Street at the place of beginning and thence easterly at
21 right angles with Main Street to the said line of Main Street at the
22 place of beginning.

23 17. A premises used for the sale of food or beverages at retail for
24 consumption on the premises located wholly within the boundaries of the
25 county of Broome, bounded and described as follows: ALL THAT TRACT OR
26 PARCEL OF LAND situate in the City of Binghamton, County of Broome,
27 State of New York, bounded and described as follows: BEGINNING at a
28 point at the intersection of the northerly street boundary of Henry

1 Street and the easterly street boundary of Water Street, at the south-
2 westerly corner of the premises herein described; THENCE N 17°-02'-44" E
3 along said easterly street boundary of Water Street a distance of 96.66
4 feet to a point; THENCE N 19°-42'-08" E along said easterly street boun-
5 dary of Water Street a distance of 25.28 feet to a 5/8 inch rebar with
6 plastic yellow cap marked "Jennings" found at the southwesterly corner
7 of lands owned by the City of Binghamton as recorded in the Broome Coun-
8 ty Clerk's Office in Liber 549 at page 418; THENCE S 77°-19'-48" E along
9 the southerly boundary of lands owned by said City of Binghamton a
10 distance of 118.89 feet to a masonry nail found in the westerly boundary
11 of lands owned by Samuel Diamond (Liber 1198, page 377); THENCE S
12 17°-49'-47" W along said westerly boundary of lands owned by Diamond a
13 distance of 14.00 feet to a 1/2 inch rebar found; THENCE S 82°-36'-13" E
14 along the southerly boundary of lands owned by said Diamond a distance
15 of 5.06 feet to a point at the northwesterly corner of lands owned by
16 Washington Building Management Company (Liber 1750, page 69); THENCE S
17 15°-00'-17" W along the westerly boundary of lands owned by said Company
18 a distance of 42.68 feet to a point; THENCE, S 83°-53'-13" E along the
19 southerly boundary of lands owned by said Company a distance of 28.00
20 feet to a point at the northwesterly corner of lands owned by Kenneth
21 and Isabelle Mitchell (Liber 1316, page 33) on the exterior face of a
22 building wall; THENCE, along the westerly boundary of lands owned by
23 said Mitchell the following three courses: 1. S 11°-52'-47" W along said
24 wall a distance of 33.68 feet to a point in a party building wall; 2. S
25 84°-51'-13" E along said party wall a distance of 7.57 feet to a point;
26 3. S 14°-48'-47" W along the centerline of a party building wall a
27 distance of 35.26 feet to a point in said northerly street boundary of
28 Henry Street; THENCE N 77°-32'-37" W along said northerly street bounda-

1 ry of Henry Street a distance of 165.87 feet to the point of beginning
2 as surveyed by Paul B. Koerts, Professional Land Surveyor on March 11,
3 1996. The bearings are referenced to record north for lands owned by
4 said City of Binghamton (Liber 549, page 418). Together with the follow-
5 ing: 1. A right-of-way over the westerly 12.5 feet of so much of the
6 remises described above as adjoins the premises formerly of Charles A.
7 Wilkinson, now of Clare B. Risk, on the west (being the northerly 40
8 feet thereof, more or less), and adjoining the premises described above
9 on the east, as granted in a deed from Charles A. Wilkinson, et al, to
10 John Hull, Jr., et al, dated February 24, 1886 and recorded in the
11 Broome County Clerk's Office on November 20, 1886 in Book 130 of Deeds
12 at page 546. 2. The benefits contained in an agreement between Hull,
13 Grummond & Co. and George F. O'Neil providing for the erection of a
14 party wall recorded in the Broome County Clerk's Office on October 28,
15 1913 in Book 247 of Deeds at Page 313. 3. The benefits contained in an
16 agreement between Mabel D. Eggleston and Hull-Grummond & Co., Inc.
17 providing for the erection of a party wall recorded in the Broome County
18 Clerk's Office on August 28, 1918 in Book 281 of Deeds at page 179.

19 18. A premises used for the sale of food or beverages at retail for
20 consumption on the premises located wholly within the boundaries of the
21 Borough of Brooklyn, county of Kings, bounded and described as follows:
22 ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and
23 improvements thereon erected, situate, lying and being in the Borough of
24 Brooklyn, County of Kings, City and State of New York, bounded and
25 described as follows: BEGINNING at a point on the northerly side of
26 Lafayette Avenue, distant 43 feet westerly from the corner formed by the
27 intersection of the northerly side of Lafayette Avenue with the westerly
28 side of St. Felix Street, which point is opposite the center line of a

1 party wall on the premises herein described and the premises adjoining
2 on the east; RUNNING THENCE westerly along the northerly side of Lafay-
3 ette Avenue, 21 feet 6 inches to a point opposite the center line of
4 another party wall on the premises herein described and premises adjoin-
5 ing on the west; THENCE northerly parallel with the westerly side of St.
6 Felix Street, and part of the distance through a party wall, 100 feet to
7 a point distant 63 feet westerly (deed) 64 feet 6 inches (tax map) from
8 the westerly side of St. Felix Street measuring along a line drawn at
9 right angles thereto from a point thereon distant 100 feet northerly
10 from the corner formed by the intersection of the northerly side of
11 Lafayette Avenue with the westerly side of St. Felix Street; THENCE
12 easterly parallel with the northerly side of Lafayette Avenue and at
13 right angles to St. Felix Street, 21 feet 6 inches; THENCE southerly
14 parallel with St. Felix Street and part of the distance through a party
15 wall, 100 feet to the northerly side of Lafayette Avenue at the point or
16 place of BEGINNING. For Information Only: Said premises are known as 33
17 Lafayette Avenue, Brooklyn, NY and designated as Block 2108 Lot 19 as
18 shown on the Tax Map of the City of New York, County of Kings.

19 19. A premises used for the sale of food or beverages at retail for
20 consumption on the premises located wholly within the boundaries of the
21 city of Niagara Falls, county of Niagara, bounded and described as
22 follows: ALL THAT TRACT OR PARCEL OF LAND situate in the City of Niagara
23 Falls, County of Niagara and State of New York, being part of Lot No. 43
24 of the Mile Reserve and further distinguished as Lots Nos. 2 and 4 as
25 shown on map made by Jesse P. Haines and filed on December 20, 1861
26 under Cover No. 389, being situate on the east line of Second Street,
27 bounded and described as follows: BEGINNING at the intersection of the
28 north line of Rainbow Boulevard, formerly Jefferson Avenue and formerly

1 Union Street, with the east line of Second Street; thence northerly
2 along the east line of Second Street, a distance of about 106.56 feet to
3 the south line of Lot No. 6; thence easterly along the south line of Lot
4 No. 6, a distance of 132.52 feet to the west line of an alley which is
5 also the east line of Lots Nos. 2 and 4; thence southerly along the
6 west line of said alley, a distance of 186.8 feet to the north line of
7 Rainbow Boulevard; thence westerly along the north line of Rainbow
8 Boulevard, as distance of about 154.34 feet to the east line of Second
9 Street and point of beginning.

10 20. A premises used for the sale of food or beverages at retail for
11 consumption on the premises located wholly within the boundaries of the
12 Village of Jeffersonville, Town of Callicoon, county of Sullivan, bound-
13 ed and described as follows: BEGINNING at a Point in the northwesterly
14 bounds of New York State Route No. 52 (Main Street) at its northwesterly
15 corner of Parcel II as described in the Deed Instrument 2019-9072,
16 thence running North 47 degrees 46 minutes West 135.00 feet to an iron
17 set on the southeasterly bounds of lands of Schnabele (Deed Instrument
18 2016-2475), thence running along the southeasterly bounds of said lands
19 of Schnabele South 42 degrees 31 minutes West 60 feet to an iron rod
20 found at the southerly corner of said lands of Schnabele, thence running
21 along the southwesterly bounds of said lands of Schnabele and a projec-
22 tion thereof North 53 degrees 51 minutes 00 seconds West 276.00 feet to
23 a point in a twin hemlock tree on the easterly bounds of lands of Rich-
24 ard and Kathleen Herbert Irrevocable Trust (Deed Liber 3561 at page
25 360), thence running along said easterly bounds of lands of Richard and
26 Kathleen Herbert Irrevocable Trust and running generally along a ditch
27 South 12degrees 52 minutes 44 seconds West 125 feet to an iron pipe set,
28 said iron pipe set being approximately three feet easterly of an iron

1 bar found at the northerly corner of lands of Yeung & Cheung (Deed Liber
2 1613 at page 46), thence running South 46 degrees 44 minutes 26 seconds
3 East 255.50 feet to an iron spike set on the Northwesterly bounds of an
4 eight foot right of way, thence running along said right of way bounds
5 and running along the bounds of lands of Yeung & Cheung North 44 degrees
6 05 minutes East 3.00 feet to an iron rod found, thence South 47 degrees
7 21 minutes East 84 feet to a point on the approximate northwesterly
8 bounds of New York State Route No. 52, thence running along said approx-
9 imate northwesterly highway bounds North 44 degrees 12 minutes 18
10 seconds East 200.59 feet to the point or place of beginning and contain-
11 ing 1.3 acre of land to be the same more or less. TOGETHER with the use
12 of an eight foot wide right of way through the lands of Yeung & Cheung.
13 The northeasterly bounds of said right of way being the above mentioned
14 course of South 47 degrees 21 minutes East 84.00. See Deed Liber 430 at
15 Page 404 and Deed Liber 1613 at Page 46. SUBJECT any use, dedication,
16 conveyance or easement(s) of record for public highway or public utility
17 purposes. Being and intended to be the same premises described in a
18 deed from RCAIS HOLDINGS LLC to WLMC LLC dated December 2, 2016 and
19 recorded on December 14, 2016 in the Sullivan county clerk's office as
20 Instrument No. 2016-9588.

21 21. A premises used for the sale of food or beverages at retail for
22 consumption on the premises located wholly within the boundaries of the
23 county of Saratoga, bounded and described as follows: ALL THOSE CERTAIN
24 PARCELS OF LAND and the improvements thereon situate in the City of
25 Saratoga Springs, County of Saratoga, State of New York lying Northwes-
26 terly of and adjacent to Broadway, a.k.a. New York State Route #50 and
27 U.S. Route 9, and being more particularly bounded and described as
28 follows: BEGINNING at the point of intersection of the division line

1 between the lands of Alice M. Bode as described in Book 808 of Deeds at
2 Page 494 on the Northeast and other lands of Alice M. Bode as described
3 in Book 808 of Deeds at Page 496 on the Southwest with the Northwesterly
4 line of Broadway and runs thence along said division line North 6
5 degrees 40 minutes 20 seconds West in part passing through the middle of
6 the brick all between these premises and premises adjoining on South, a
7 distance of 151.18 feet to its intersection with the Southeasterly line
8 of Long Alley; thence along said Southeasterly line North 33 degrees 34
9 minutes 10 seconds East a distance of 34.38 feet to its intersection
10 with the Southwesterly line of Walton Street; thence South 56 degrees 15
11 minutes 46 seconds East along said Southwesterly line a distance of
12 151.18 feet to its intersection with the Northwesterly line of Broadway;
13 thence along said Northwesterly line South 33 degrees 34 minutes 10
14 seconds West a distance of 33.30 feet to the point of beginning. BEING
15 the same premises conveyed by Deed by John A. Slade, as Administrator of
16 the goods, chattels and credit of Alice Maude Jenkins to Alice M. Bode
17 dated January 1, 1967 and recorded in the Saratoga County Clerk's Office
18 on June 5, 1967 in Liber 808 of Deeds at Page 494. Subject to an ease-
19 ment granted by Alice M. Bode to Carolyn B. Siewers and Leslie J. Supre-
20 nant dated December 15, 1987 and recorded in the Saratoga County Clerk's
21 Office in Liber 1222 of Deeds at Page 113 on December 15, 1987. BEGIN-
22 NING at the point of intersection of the division line between lands of
23 Alice M. Bode as described in Book 808 of Deeds at Page 494 on the
24 Northeast and other lands of Alice M. Bode as described in Book 808 of
25 Deeds at Page 496 on the Southwest with the Northwesterly line of Broad-
26 way, a.k.a. New York State Route 50 and U.S. Route 9, and runs hence
27 along said Northwesterly line South 33 degrees 34 minutes 10 seconds
28 West a distance of 22.83 feet to its point of intersection with the

1 division line between the lands of Alice M. Bode as described in Book
2 808 of Deeds at Page 496 on the Northeast and the lands of James W. and
3 Christine Breitenfeld as described in Book 1085 of Deeds at Page 323 on
4 the Southwest; thence along said division line and the division between
5 the buildings located at 493 and 495 Broadway North 56 degrees 40
6 minutes 20 seconds West a distance of 106.98 feet to its point of inter-
7 section with the division line between said lands of Bode on the South-
8 east and the lands of John F. Baker as described in Book 1350 of Deeds
9 at Page 773 on the Northwest; thence along said division line North 33
10 degrees 34 minutes 10 seconds East a distance of 22.83 feet to a point
11 on the first herein described division line; thence along said division
12 line South 56 degrees 40 minutes 20 seconds East, in part passing
13 through the middle of the brick wall between these premises and premises
14 adjoining on North, a distance of 106.98 feet to the point of beginning.
15 BEING a portion of the premises conveyed by Deed by John A. Slade, as
16 Administrator of the goods, chattels and credit of Alice Maude Jenkins
17 to Alice Bode dated January 1, 1967 and recorded in the Saratoga County
18 Clerk's Office on June 5, 1967 in Liber 808 of Deeds at Page 496.
19 TOGETHER with the appurtenances and all the estate which the decedent
20 had at the time of the decedent's death in the subject premises, and
21 also the estate therein, which the Party of the First Part has or has
22 power to convey and dispose of, whether individually, or otherwise.

23 22. A premises used for the sale of food or beverages at retail for
24 consumption on the premises located wholly within the boundaries of the
25 city of Beacon, county of Dutchess, bounded and described as follows:
26 ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and
27 improvements thereon erected, situate, lying and being in the city of
28 Beacon, County of Dutchess, State of New York, bounded and described as

1 follows: BEGINNING at a point on the northeasterly line of Main Street
2 where the division line between Parcels 1 and 2 intersects said road
3 line; thence northwesterly along the northeasterly line of Main Street N
4 47-13-26 W 35.30 feet to a point; thence northeasterly along the lands
5 now or formerly of Molitoris Enterprises Inc. N 43-43-20 E 100.14 feet
6 to a point; thence southeasterly along lands now or formerly Hill and
7 lands now or formerly Mazzacone S 50-57-30 E 10.25 feet and S 46-11-30 E
8 25.73 feet to a point; thence southwesterly along Parcel 1 S 44-05-30 E
9 100.36 feet to the point or place of BEGINNING. For Information Only:
10 Said premises are known as 468-472 Main Street, Beacon NY- Grid No.
11 0200-6054-37-094741. ALL THAT CERTAIN plot, piece or parcel of land,
12 with the buildings and improvements thereon erected, situate, lying and
13 being in the city of Beacon, County of Dutchess, State of New York,
14 bounded and described as follows: BEGINNING at a point on the northeast-
15 erly line of Main Street where the division line between Parcels 1 and 2
16 intersects said road line; thence northeasterly along Parcel 2 N 44-05-
17 30 E 100.36 feet to a point; thence southeasterly along the lands now or
18 formerly of Mazzacone S 43-01-43 E 26.32 feet to a point; thence south-
19 westerly along land now or formerly of Main St. Realty S 49-39-32 W
20 18.68 feet and S 44-05-34 W 79.88 feet to the point on the northeasterly
21 line of Main Street; thence northwesterly along the northeasterly line
22 of Main Street N 47-13-26 W 24.48 feet to the point or place of BEGIN-
23 NING. For Information Only: Said premises are known as 472 Main Street,
24 Beacon NY- Grid No. 0200-6054-37-096740.

25 23. A premises used for the sale of food or beverages at retail for
26 consumption on the premises located wholly within the boundaries of the
27 county of Wayne, bounded and described as follows: All that certain
28 parcel of land located just north of the intersection of North Main

1 Street and Buffalo Street in the Town of Marion, Wayne County, New York
2 and which aid parcel is more particularly bounded and described as
3 follows: The parcel is located at 3829 North Main Street, tax map ID #
4 543200-65114-12-849598. The property is on .16 acres with a Global Posi-
5 tioning System (GPS) location 43.14365, -77.18897 which is 43°08'37.1"N
6 77°11'20.3"W.

7 24. A premises used for the sale of food or beverages at retail for
8 consumption on the premises located wholly within the boundaries of the
9 county of Erie, bounded and described as follows: ALL THAT TRACT OR
10 PARCEL OF LAND situate in the City of Buffalo, County of Erie and State
11 of New York, being part of Lot Number 76, Township 11, Range 8 of the
12 Holland Land Company's Survey and according to a map filed under Cover
13 Number 613 is known as part of Subdivision Lots Numbers 56 and 57 in
14 Block "C" and more fully described as follows: BEGINNING at a point of
15 intersection of the southerly line of Hertel Avenue with the easterly
16 line of North Park Avenue; running thence easterly along the southerly
17 line of Hertel Avenue one hundred five (105) feet; thence southerly and
18 parallel with North Park Avenue one hundred fifteen (115) feet; hence
19 westerly and parallel with Hertel Avenue one hundred five (105) feet to
20 the said easterly line of North Park Avenue and thence northerly along
21 said easterly line of North Park Avenue one hundred fifteen (115) feet
22 to the said southerly line of Hertel Avenue, the point or place of
23 beginning.

24 25. A premises used for the sale of food or beverages at retail for
25 consumption on the premises located wholly within the boundaries of the
26 borough of Manhattan in the city and county of New York, bounded and
27 described as follows: BEGINNING at a point on the easterly side of
28 Greenwich Street, distant 82 feet 8 inches southerly from the corner

1 formed by the intersection of the easterly side of Greenwich Street with
2 the southerly side of Thames Street; RUNNING THENCE southerly along the
3 easterly side of Greenwich Street, 178 feet 2 inches to the northerly
4 face of the northerly wall of the building erected on the premises
5 adjoining on the south; THENCE easterly along the northerly face of the
6 northerly wall of the building on the premises adjoining on the south
7 and on a line in continuation thereof, 107 feet 1 1/4 inches; THENCE
8 northwesterly on a line forming an angle in the north west quadrant of
9 84 degrees 12 minutes 20 seconds with the last mentioned course, 47 feet
10 8 1/4 inches to the centre of a party wall; THENCE easterly along the
11 centre of said party wall, 52 feet 2 1/2 inches to the westerly side of
12 Trinity Place; RUNNING THENCE northerly along the westerly side of Trin-
13 ity Place, 124 feet 7 3/4 inches to the southerly face of the southerly
14 wall of the building erected on the premises adjoining on the north;
15 THENCE westerly along the southerly face of said wall and on a line
16 drawn in continuation thereof, 74 feet 5 inches; THENCE northerly, 4
17 inches; THENCE westerly and partly along the southerly face of the
18 southerly wall of the building adjoining on the north, 107 feet 1 3/4
19 inches to the point or place of BEGINNING; and BEGINNING at the corner
20 formed by the intersection of the easterly side of Greenwich Street with
21 the southerly side of Thames Street; RUNNING THENCE easterly along the
22 southerly side of Thames Street, 119 feet 3 1/2 inches to the ground now
23 or late belonging to James Walker and formerly leased to E. Devoe and M.
24 Williams; THENCE southerly along the same, 79 feet 8 inches to the
25 southerly line of land conveyed by the Rector, Church Wardens and
26 Vestrymen of the Protestant Episcopal Church of St. Stephens of the
27 City of New York to The Hamilton Building Company by Deed dated February
28 1, 1907 and recorded February 4, 1907 in Liber 110 Cp. 42 Sec. 1 in the

1 Office of the Register of the County of New York; THENCE westerly along
2 the same, 106 feet 10 inches, more or less, to the easterly side of
3 Greenwich Street; and THENCE northerly along the said easterly side of
4 Greenwich Street, 82 feet 7 inches to the point or place of BEGINNING.

5 26. A premises used for the sale of food or beverages at retail for
6 consumption on the premises located wholly within the boundaries of the
7 Borough of Manhattan, county of New York, City and State of New York,
8 bounded and described as follows: PARCEL I: ALL that certain plot,
9 piece or parcel of land, situate, lying and being in the Borough of
10 Manhattan, County of New York, City and State of New York, bounded and
11 described as follows: BEGINNING at the corner formed by the intersection
12 of the westerly side of Broadway with the southerly side of Thames
13 Street, as shown on certain map entitled, "Map or Plan of the closing
14 and discontinuing of that part of Thames Street between Broadway and
15 Trinity Place or Church Street and of that part of Temple Street the
16 north side of Thames Street and a new street laid out between Broadway
17 and Trinity Place or Church Street, to be known as Thames Street and
18 that part of Temple Street, between the north side of said new street
19 and the south side of Cedar Street, as widened, and the laying out of a
20 new street between Broadway and Trinity Place or Church Street, to be
21 known as Thames Street, and the widening of Cedar Street at the souther-
22 ly side thereof between Broadway and Trinity Place or Church Street in
23 the First Ward, Borough of Manhattan, City of New York, dated April 25,
24 1906, Jos. O.B. Webster, Engineer of street opening", filed in the
25 Office of the Register of the County of New York on May 1, 1906, as Map
26 No, 1109-A; and RUNNING THENCE Westerly along the southerly side of
27 Thames Street as shown on aid map, two hundred sixty-six and seventy-
28 eight one hundredths feet to the easterly side of Trinity Place; THENCE

1 Southerly along the easterly side of Trinity Place, seventy-five and
2 thirty one-hundredths feet to the northerly side of Trinity Church Prop-
3 erty; THENCE Easterly along the northerly side of Trinity Church Proper-
4 ty, two hundred sixty and fifty-four one-hundredths feet to the westerly
5 side of Broadway; and THENCE Northerly along the westerly side of Broad-
6 way, sixty-nine and eight-one-hundredths feet, to the point or place of
7 BEGINNING. PARCEL II: ALL that certain plot, piece or parcel of land,
8 situate, lying and being in the Borough of Manhattan, County of New
9 York, City and State of New York, bounded and described as follows:
10 BEGINNING at the corner formed by the intersection of the westerly side
11 of Broadway with the new line of the southerly side of Cedar Street, as
12 shown on a certain map entitled, "Map or Plan of the closing and discon-
13 tinuing of that part of Temple Street between Broadway and Trinity Place
14 or Church Street and that part of Temple Street between the north side
15 of Thames Street and a new street and the south side of Cedar Street, as
16 widened, and the laying out of a new street between Broadway and Trinity
17 Place or Church Street, to be known as Thames Street, and the widening
18 of Cedar Street on the southerly side thereof between Broadway and Trin-
19 ity Place or Church Street in the First Ward, Borough of Manhattan, City
20 of New York, dated April 25, 1906, Jos. O.B. Webster, Engineer of street
21 opening", filed in the Register of the County of New York on May 1,
22 1906, as Map No. 1109-A; and RUNNING THENCE Westerly along the said new
23 line of Cedar Street, two hundred seventy-five and thirty-one one
24 hundredths feet to the easterly side of Trinity Place; THENCE Southerly
25 along the easterly side of Trinity Place, sixty-one eleven one-hun-
26 dredths feet to the northerly side of Thames Street, as shown on the
27 above described map; THENCE Easterly along the northerly side of Thames
28 Street, two hundred sixty-nine and sixty one-hundredths feet to the

1 westerly side of Broadway; and THENCE Northerly along the westerly side
2 of Broadway, sixty-one and five one-hundredths feet to the point or
3 place of BEGINNING. PARCEL III: TOGETHER WITH those certain rights and
4 privileges in favor of Parcels I and II, as contained in the Revocable
5 Consent Agreement given by the New York City Department of Transporta-
6 tion, as grantor, to Trinity Centre LLC, as grantee, dated February 10,
7 2006 and recorded in the New York City Register's Office on April 21,
8 2006, as CRFN 2006000225366. PARCEL IV: TOGETHER WITH those certain
9 rights and privileges in favor of Parcels I and II, as contained in the
10 Revocable Consent Agreement given by the New York City Department of
11 Transportation, as grantor, to Trinity Centre LLC, as grantee, dated
12 February 10, 2006 and recorded in the New York City Register's Office on
13 April 21, 2006, as CRFN 2006000225398.

14 27. A premises used for the sale of food or beverages at retail for
15 consumption on the premises located wholly within the boundaries of the
16 county of Onondaga, bounded and described as follows: Beginning at the
17 intersection of the southwesterly boundary of Court Street with the
18 easterly boundary of Windham Avenue, said point also being the northwes-
19 terly corner of said Lot No.314 of Lyncourt Lawns; Thence S.
20 67°-14'-30" E., along said southwesterly boundary of Court Street, a
21 distance of 225.86 feet to the northeasterly corner of said Lot No.3;
22 Thence S. 22°-45'-28" W., along the easterly boundary of said Lot No.3
23 of Lyncourt Knolls, a distance of 112.01 feet to the northerly boundary
24 of Lot No.5 of Lyncourt Knolls; Thence N. 79°-00'-48" W., along said
25 northerly boundary of Lot No.5 of Lyncourt Knolls, a distance of 107.26
26 feet to the easterly boundary of Lot No.313 of Lyncourt Lawns; Thence N.
27 10°-43'-54" E., through said Lot No.1 of Lyncourt Knolls, a distance of
28 81.52 feet to the easterly prolongation of the northerly face of an

1 existing concrete pad; Thence N. 75°-58'-26" W., along said easterly
2 prolongation and along said northerly face of the existing concrete pad
3 and its westerly prolongation, a distance of 105.0 feet to a point in
4 the easterly boundary of Windam Avenue; Thence N. 22°-41'-00" E., along
5 said easterly boundary of Windham Avenue, a distance of 70.10 feet to
6 the point of beginning.

7 28. A premises used for the sale of food or beverages at retail for
8 consumption on the premises and/or an overnight lodging facility located
9 wholly within the boundaries of the borough of Manhattan in the city and
10 county of New York, bounded and described as follows: BEGINNING at a
11 point on the easterly side of 7th Avenue, distant 25 feet northerly from
12 the northeasterly corner of 7th Avenue and 132nd Street; RUNNING THENCE
13 easterly parallel with the northerly side of 132nd Street and part of
14 the distance of the distance through a party wall, 75 feet; THENCE
15 northerly parallel with 7th Avenue, 49 feet 11 inches; THENCE westerly
16 parallel with 132nd Street 75 feet to the easterly side of 7th Avenue;
17 THENCE southerly along the easterly side of 7th Avenue, 49 feet 11 inch-
18 es to the point or place of BEGINNING, being the same premises located
19 at 2247 Adam Clayton Powell, Jr. Boulevard (Seventh Avenue), block 1917,
20 lot 2 described in deed made by 2247-49 ACP South realty LLC to AIMCO
21 2247-2253 ACP, LLC, dated June twenty-ninth, two thousand seven and
22 recorded July seventh, two thousand seven in the Office of the City
23 Register, New York County as document number 2007071001657001.

24 29. A premises used for the sale of food or beverages at retail for
25 consumption on the premises located wholly within the boundaries of the
26 town of Bainbridge, county of Chenango, bounded and described as
27 follows: BEGINNING at an iron stake at the curb on the north side of
28 North Main Street, which stake is in a line with the edge of the

1 concrete sidewalk in front of the Ireland Hardware Block; thence to the
2 joint corner of said hardware block and the concrete post at the south-
3 west corner of the Central Hotel, twenty-seven (27) feet; thence along
4 the foundation wall of said hotel forty (40) feet to an iron stake under
5 a part of the Ireland Hardware Store Building six (6) feet from the
6 corner of said foundation wall and on a continuation of said line along
7 the Hotel foundation; thence at an approximate right angle in a
8 northeasterly direction along a line parallel to and six (6) feet
9 distant from the foundation wall on the "ell" of the Hotel to a point
10 six (6) feet distant from the foundation wall of the main building of
11 the Hotel, fourteen (14) feet; thence again at a right angle in an
12 approximately north-westerly direction on a line parallel to and six (6)
13 feet distant from the foundation wall of said Hotel building forty-three
14 (43) feet to an iron stake; thence in a northeasterly direction on a
15 line from said stake touching the corner of the foundation wall to a
16 point on the line of premises of the Vendor and premises now owned by
17 Edward Danforth, known as the Danforth Block; thence in a southeasterly
18 direction along said boundary line between said premises, which line is
19 believed to be nine (9) feet distant southwesterly from the foundation
20 wall of said Danforth Block, to the curb line; thence along said curb
21 line in a southwesterly direction to the point or place of beginning.
22 Being known and designated on the Chenango County Tax Map for the
23 Village and Town of Bainbridge as parcel 265.11-2-15 as said tax map was
24 on the 15th day of June 2010.

25 30. A premises used for the sale of food or beverages at retail for
26 consumption on the premises and/or an overnight lodging facility located
27 wholly within the boundaries of the borough of Manhattan in the city and
28 county of New York, bounded and described as follows: BEGINNING at the

1 intersection formed by the easterly side of Fifth Avenue and the south-
2 erly side of East 117th Street; and RUNNING THENCE easterly along the
3 southerly side of East 117th Street, 110 feet 0 inches; THENCE southerly
4 at right angles to the last mentioned course, 100 feet 11 inches; THENCE
5 westerly at right angles to the last mentioned course, 110 feet 0 inches
6 at right angles to the easterly side of Fifth Avenue; THENCE northerly
7 along the easterly side of Fifth Avenue at right angles to the last
8 mentioned course, 100 feet 11 inches to the point or place of BEGINNING.
9 Being known and designated on the Tax Map of The City of New York, for
10 the Borough of Manhattan, as Section 6, Block 1622 Lot 73 as said Tax
11 Map was on the 26th day of November 1974.

12 31. A premises used for the sale of food or beverages at retail for
13 consumption on the premises located wholly within the boundaries of the
14 city of Binghamton, county of Broome, bounded and described as follows:
15 ALL THAT TRACT OR PARCEL OF LAND situate in the City of Binghamton,
16 County of Broome, State of New York, more particularly bounded and
17 described as follows: BEGINNING at the intersection of the east line of
18 Front Street and the south line of Main Street; thence easterly along
19 the south line of Main Street making an interior angle of 100° 54' with
20 the east line of Front Street a distance of 35.36 feet to a point in the
21 center line of a former ten-foot right of way; thence southerly making
22 an interior angle of 79° 15' with the last course a distance of 107 feet
23 to a point in the north line of an alley; thence westerly along the
24 north line of said alley and making an interior angle of 90° 07' with
25 the last course a distance of 35 feet to a point in the east line of
26 Front Street; thence northerly along said east line of Front Street and
27 making an interior angle of 89° 44' with the last course a distance of

1 100.46 feet to the point of beginning. Hereby intending to describe the
2 premises commonly known as 11 Main Street.

3 32. A premises used for the sale of food or beverages at retail for
4 consumption on the premises located wholly within the boundaries of the
5 city of Binghamton, county of Broome, bounded and described as follows:
6 All that tract or parcel of land, situate in the City of Binghamton,
7 County of Broome and State of New York, on the west side of the Chenango
8 River at the west end of the Court Street Bridge, and bounded and
9 described as follows: Commencing at the southeasterly corner of premises
10 conveyed by Harry Smolensky and Anna Smolensky to Guilio Mattioli and
11 Anthony F. Mattioli, Sr. by Full Covenant Deed dated February 28th,
12 1963 and recorded in the Broome County Clerk's office in Book 1063 of
13 Deeds at page 731 and running thence northerly along the easterly line
14 of premises so conveyed in a straight line to lands formerly the home-
15 stead property of Benjamin F. Sisson, the southerly part of which is the
16 third parcel of land described in a Warranty Deed from Archie S. Beers
17 by Roland F. Beers, his attorney in fact to Arthur Kradjian and Kenneth
18 Kradjian dated April 18, 1967 and recorded in the Broome County Clerk's
19 office in Book 1119 of Deeds at page 737; thence in an easterly direc-
20 tion along the south line of the said premises formerly of Arthur Krad-
21 jian and Kenneth Kradjian to the Chenango River; thence southerly along
22 the westerly bank of the Chenango River as it winds and turns to the
23 north side of Main Street; thence in a westerly direction along the
24 north side of said Main Street to the point or place of beginning.

25 33. A premises used for the sale of food or beverages at retail for
26 consumption on the premises located wholly within the boundaries of the
27 city of Binghamton, county of Broome, bounded and described as follows:
28 All that tract or parcel of land situate in the City of Binghamton,

1 County of Broome and State of New York, being a strip of land twelve
2 (12) feet wide, front and rear taken off the entire southerly side of
3 premises described in 1936 as follows: All that tract or parcel of land
4 situate in the City of Binghamton, County of Broome and State of New
5 York, and being the homestead property of Benjamin F. Sisson, deceased,
6 situate on the east side of Front Street in said city and being about
7 eighty-seven (87) feet wide front on Front Street and extending to the
8 Chenango River and bounded as follows: on the north by lands of Carrie
9 M. Waldron (formerly owned by Charles D. Rogers), on the south by lands
10 of Conine & Gleason, C. F. & W. W. Sisson, Ida R. Buckingham and James
11 W. Lyon; on the east by the Chenango River and on the west by Front
12 Street, and including all the lands conveyed to Benjamin F. Sisson by
13 three deeds, to wit: one from the Village of Binghamton dated April 10,
14 1867 and recorded in the Broome County Clerk's office in Book 74 of
15 Deeds at page 125; one from Sarah R. Graves and Herman W. Graves dated
16 July 9, 1875 and recorded in the Broome County Clerk's office in Book 93
17 of Deeds at page 174; and one from Charles D. Rogers and wife dated July
18 9, 1875 and recorded in the Broome County Clerk's office in Book 98 of
19 Deed at page 369 and also includes the northerly part of lands conveyed
20 to Benjamin F. Sisson by John S. Wells and wife by deed dated June 28,
21 1853 and recorded in the Broome County Clerk's office in Book 39 of
22 Deeds at page 401 and 402 to all of which deed reference is had.

23 § 1602. Exceptions to tied house laws. The provisions of the tied
24 house laws in section eleven hundred one of this chapter shall not apply
25 to:

26 1. Any such premises or business constituting the overnight lodging
27 and resort facility located wholly within the boundaries of the town of
28 North Elba, county of Essex, township eleven, Richard's survey, great

1 lot numbers two hundred seventy-eight, two hundred seventy-nine, two
2 hundred eighty, two hundred ninety-eight, two hundred ninety-nine, three
3 hundred, three hundred eighteen, three hundred nineteen, three hundred
4 twenty, three hundred thirty-five and three hundred thirty-six, and
5 township twelve, Thorn's survey, great lot numbers one hundred six and
6 one hundred thirteen, as shown on the Adirondack map, compiled by the
7 conservation department of the state of New York - nineteen hundred
8 sixty-four edition, in the Essex county atlas at page twenty-seven in
9 the Essex county clerk's office, Elizabethtown, New York, provided that
10 such facility maintains not less than two hundred fifty rooms and suites
11 for overnight lodging.

12 2. All that tract or parcel of land situate in the City of Canandaig-
13 ua, County of Ontario, State of New York, all as shown on a map entitled
14 "Meridian Automotive Systems Subdivision Plan", prepared by Costich
15 Engineering, P.C., having drawn number 3203-01, last dated 8/4/2003, and
16 is to be filed in the Ontario County Clerk's Office and being more
17 particularly bounded and described as follows: Beginning at a point on
18 the east right-of-way line of North Bloomfield Road said point also
19 being the northwest corner of lands now or formerly owned by Donald and
20 Jean Baier having T.A. #070.19-01-06; thence 1. N60°57'16"W, along said
21 east right-of-way of North Bloomfield Road a distance of 1,266.75 feet
22 to a point; thence 2. N50°14'22"W, along said east right-of-way line of
23 North Bloomfield Road a distance of 143.38 feet to a point; thence 3.
24 N31°52'21"W, along said east right-of-way line of North Bloomfield Road
25 a distance of 187.27 feet to a point on the south right-of-way line of
26 North Street; thence 4. N46°08'48"E, along said south right-of-way like
27 of North Street a distance of 119.22 feet to a point; thence 5.
28 N63°01'14"E, along said south right-of-way line or North Street a

1 distance of 741.98 feet to a point; thence 6. N86°19 '13"E, along said
2 south right-of-way of North Street a distance of 19.24 feet to a point;
3 thence 7. N65°53'43"E, along said south right-of-way line: of North
4 Street a distance of 404.05 feet to a point; thence 8. N6 1°36'29'"E,
5 along said south right-of-way line: of North Street a distance of 169.25
6 feet to a point; thence 9. N22°28'53"E, along said south right-of-way
7 line of North Street a distance of 36.46 feet to a point; thence 10.
8 N63°01'14"E, along said south right-of-way line of North Street a
9 distance of 3.25 feet to a point; thence 11. N62°49'02"E, along said
10 south right-of-way line of North Street a distance of 37.27 feet to a
11 point; thence 12. S32°33'19"E, a distance of 325.41 feet to a point;
12 thence 13. S50°20'56'E, a distance of 218.92 feet to a point, thence 14.
13 S77°44'52'E. a distance of 213.31 feet to a point, thence 15. Southerly
14 along a curve to the right having a delta angle of 03°50'08", a radius
15 of 5,720.16 feet, and an arc length of 382.93 feet, said curve also
16 having a chord of S47°19'56"E, 382.85 feet to a point; thence 16.
17 S45°26'16"E. a distance of 510.13 feet to a point; thence 17.
18 S62°47'34"W. a distance of 1,052.60 feet to a point, thence 18.
19 N52°52'16"W, a distance of 185.00 feet to a point, thence 19.
20 S43°29'44"W. a distance of 190.00 feet to a point and place of begin-
21 ning. Containing 48,584 acres of land, more or less.

22 3. All that piece or parcel of land situate in the City of Rochester,
23 county of Monroe, State of New York, and more particularly described as
24 follows: Commencing at the northeast corner of Lot number 180 of the
25 Hayward Homestead Subdivision, said subdivision being filed in the
26 Monroe County Clerk's Office in Liber 8 of maps at page 67, thence
27 southeasterly along the southerly right-of-way line of Railroad Street
28 (50 feet wide) on a bearing of S 54°01'27" E a distance of 105.51 feet

1 to a point, said point being the true point and place of beginning.
2 Thence the following courses and distance; 1. Thence S 54°01'27" E a
3 distance of 97.00 feet to a point; 2. Thence S 35°49'08" W a distance of
4 80.23 feet to a point; 3. Thence N 53°53'17" W a distance of 97.00 feet
5 to a point; 4. Thence N 35°49'05" E a distance of 80.00 feet to a point
6 on said southerly right-of-way line of Railroad Street, said point the
7 true point and place of beginning. Being and hereby intending to
8 describe a portion of an existing building located at 85-97 Railroad St,
9 Rochester New York, having an area of 7,771 square feet or 0.178 acres.
10 Bearings referenced to deed bearings as described in liber 10480 of
11 deeds page 278.

12 4. Real property owned by an interstate railroad corporation or a
13 United States certificated airline with a retail license for on-premises
14 consumption.

15 5. Any such premises or business constituting an alcoholic beverage
16 manufacturer or wholesaler in the town of Hyde Park, county of Dutchess
17 owned and operated by the Culinary Institute of America, a not-for-pro-
18 fit 501(c)(3) higher education institution chartered by the New York
19 state board of regents located at: SCHEDULE A - ALL that certain tract,
20 lot and parcel of land lying and being in the Town of Hyde Park, County
21 of Dutchess and State of New York, being more particularly described as
22 follows: BEGINNING at a point on the easterly side of Albany Post Road
23 (NYS Route 9), said point being the southwesterly corner of the herein
24 described premises and the northwesterly corner of lands now or formerly
25 of Traver; running thence along the said easterly side of Albany Post
26 Road the following four (4) courses and distances: North 03° 15' 30"
27 East 68.91 feet, North 09° 35' 20" East 31.09 feet, North 06° 53' 00"
28 East 148.62 feet, and North 12° 25' 00" East 62.03 feet to the corner

1 formed by the intersection of the said easterly side of Albany Post Road
2 and the Southerly side of West Dorsey Lane; running thence along the
3 said southerly side of West Dorsey Lane North 38° 26' 00" East 25.02
4 feet, North 63° 13' 00" East 37.83 feet, and North 67° 25' 00" East
5 121.38 feet to the northwest corner of lands now or formerly of
6 Firneiss; running thence along the westerly and southerly line of lands
7 now or formerly of Firneiss, South 03° 16' 59" East 179.57 feet and
8 South 79° 13' 59" East 121.73 feet to lands now or formerly of Maidman;
9 running thence along the westerly line of lands now or formerly of Maid-
10 man South 28° 34' 00" West 105.08 feet, South 32° 18' 00", East 12.15
11 feet, and South 35° 55' 00" West 193.04 feet to lands now or formerly of
12 Traver; running thence along lands now or formerly of Traver North 68°
13 00' 00" West 188.12 feet to the said easterly side of Albany Post Road,
14 the point or place of beginning. EXCEPTING AND RESERVING THEREFROM: ALL
15 that piece or parcel of property hereinafter designated as Parcel No.
16 72, being a portion of Section 6063-02, Parcel 987506, as shown on the
17 Official Tax Map, situate in the Town of Hyde Park, County of Dutchess,
18 State of New York as shown on the accompanying map and described as
19 follows: PARCEL NO. 72 BEGINNING at a point on the southeasterly bounda-
20 ry of the existing West Dorsey Lane at the intersection of the said
21 boundary with the division line between the property of Herbert Redl
22 (reputed owner) on the west and the property of Michael Firneiss and
23 Margaretha Firneiss (reputed owner) on the east, said point being 160+
24 feet distant easterly, measured at right angles, from station H2654-74+
25 of the hereinafter described survey baseline for the reconstruction of
26 the Poughkeepsie-Hyde Park State Highway No. 453; thence southerly along
27 said division line 59+ feet to a point 168+ feet distant easterly, meas-
28 ured at right angles, from station H265+16+ of said baseline; thence

1 through the property of Herbert Redl (reputed owner) the following two
2 (2) courses and distances: (1) South 74° 03'-27" West 68+ feet to a
3 point 101.00 feet distant easterly, measured at right angles, from
4 station H265+08.00 of said baseline; and (2) North 30° 39' 40" West, 32+
5 feet to a point on the southerly boundary of said existing West Dorsey
6 Lane, the last mentioned point being 86± feet distant easterly, measured
7 at right angles, from station H265+37+ of said baseline; thence
8 northeasterly along the last mentioned boundary of said existing West
9 Dorsey Lane, 83+ feet to the point of beginning; being 3,327 square feet
10 or 0.076 acre more or less. The above mentioned survey baseline is a
11 portion of the 1988 survey baseline for the reconstruction of the Pough-
12 keepsie-Hyde Park, State Highway No. 453 as shown on a map and plan on
13 file in the office of the State Department of Transportation and
14 described as follows: BEGINNING at a station H258+36.14; thence North
15 09° 19'45" West to station H267+62.73. ALL bearings referred to TRUE
16 NORTH at the 74' - 20' MERIDIAN OF WEST LONGITUDE. SUBJECT to utility
17 company agreements, easements, covenants, conditions and restrictions of
18 record. SUBJECT to the following restrictions, to run with the land in
19 perpetuity and be enforceable at law or in equity by the party of the
20 first part, its successors and assigns: (i) the premises may not be
21 used, in whole or in part, for any form of live entertainment including,
22 but not limited to, bands or DJ's, at any time; provided however, this
23 restriction shall automatically terminate five (5) years from the date
24 of this deed; and(ii) if the premises are used to serve any form of
25 alcoholic beverage, the premises must be closed for business no later
26 than 11:59 o'clock p.m. every day; provided, however, this restriction
27 shall automatically terminate five (5) years from the date of this deed.
28 The party of the second part waives and releases any claim that said

1 restrictions are unenforceable for any reason, including the allegation
2 that such restrictions constitute a restraint upon alienation, are an
3 unreasonable restriction or restraint on business or economic develop-
4 ment, are a violation of any law, regulation or right, or that they are
5 not for the benefit of adjoining lands, or are not part of a common
6 scheme or plan, it being clearly understood and expressly agreed by the
7 parties that these restrictions are for the benefit of the party of the
8 first part's other businesses and properties, for the term set forth
9 above both now and hereafter, and that the lack of such restrictions
10 will damage and harm the grantor, its successors and assigns. Without
11 all of these restrictions, the party of the first part would not sell
12 the premises to the party of the second part. In any proceeding to
13 enforce said restrictions or prevent the violation thereof, the party of
14 the first part shall be entitled to judgment for its costs and reason-
15 able attorney's fees. The parties execute this deed to acknowledge the
16 preceding restrictions. The premises are not in an agricultural district
17 and are entirely owned by the transferor. This conveyance was unanimous-
18 ly approved by the board of directors of the grantor corporation and all
19 of its shareholders. This statement is made pursuant to Section 909 of
20 the Business Corporation Law. SCHEDULE B- ALL that plot, piece or
21 parcel of land situate and being in the Town of Hyde Park, County of
22 Dutchess and State of New York, bounded and described as follows:
23 BEGINNING at a point on the westerly boundary of US Route 9, (AKA Albany
24 Post Road), said point being the southeasterly corner of the herein
25 described parcel and said point being the northeasterly corner of the
26 lands now or formerly of St Andrews Chapel; thence along the division
27 line between the herein described parcel and said lands now or formerly
28 of St Andrews Chapel; N 75°47'50" W 14.13 feet, N 88°00'00" W 19.26

1 feet, S 89°03'40" W 71.81 feet, N 85°27'10" W 26.53 feet, N 78°46'10" W
2 19.94 feet, N 67°29'50" W 16.69 feet, N 59°35'20" W 19.23 feet, N
3 38°17'40" W 23.84 feet, N 24°05'30" W 19.00 feet, N 09°55'10" W 37.76
4 feet, N 14°28'00" W 46.56 feet, N 27°34'30" W 37.18 feet, N 41°31'30" W
5 33.65 feet, N 49°50'10" W 23.03 feet, N 53°39'00" W 32.91 feet, S
6 14°48'10" W 3.06 feet, S 44°29'40" W 7.00 feet, S 44°31'13" W 59.42
7 feet, S 49°07'20" 18.46 feet, S 71°48'50" W 21.08 feet, N 79°41'00" W
8 22.25 feet and 12°45'40" W 164.91 feet to a point on the northerly boun-
9 dary of Marilyn C. Hoe as described in Liber 1859 of deeds at page 118;
10 thence along the division line between the herein described parcel and
11 said lands now or formerly of Hoe, N 77°14'20" W 144.93 feet, N
12 78°11'10" W 166.93 feet, N 77°46'10" W 113.88 feet, N 75°19'10" W 99.31
13 feet and N 76°27'50" W 255.82 feet to a point on the easterly bounds of
14 the lands now or formerly of New York Central Lines LLC as described in
15 deed document # 02-1999-5513; thence along the division line between the
16 herein described parcel and said lands now or formerly of New York
17 Central Lines LLC, N 07°10'10" E 386.40 feet, S 81°18'10" E 12.00 feet,
18 N 08°41'50" E 600.00 feet, N 12°59'10" E 200.56 feet and N 08°41'50" E
19 151.13 feet to the point of curvature of a non-tangent curve to the
20 right having a radius of 3010.00 feet; thence northeasterly along said
21 curve an arc length of 240.05 feet, having a chord bearing N 10°57'40" E
22 239.98 feet to a point; thence N 76°46'30" W 10.00 feet, N 13°13'30" E
23 499.68 feet and N 02°20'30" E 132.97 feet to the point of curvature of a
24 non-tangent curve to the left having a radius of 4077.00 feet; thence
25 northeasterly along said curve an arc length of 249.92 feet, having a
26 chord bearing N 11°02'44" E 249.88 feet to a point; thence N 25°43'50" E
27 134.21 feet, N 07°55'30" E 257.99 feet, N 07°21'10" W 285.52 feet, N
28 02°27'50" E 482.00 feet, N 47°10'10" W 26.25 feet, N 02°27'50" E 466.37

1 feet and N 87°32'10" W 20.00 feet to the point of curvature of a non-
2 tangent curve to the left having a radius of 3165.00 feet; thence
3 northwesterly along said curve an arc length of 293.54 feet, having a
4 chord bearing N 00°11'31" W 293.43 feet to a point; thence N 01°22'30" E
5 110.01 feet to the point of curvature of a non-tangent curve to the left
6 having a radius of 3175.00 feet; thence northwesterly along said curve
7 an arc length of 141.96 feet, having a chord bearing N 06°06'27" W
8 141.95 feet to a point; thence along the division line between the here-
9 in described parcel and the lands now or formerly of the United States
10 of America as described in deed document 402-2002-4850 and designated as
11 Lot 1 as shown on Filed Map #10481, S 36°25'00" E 87.53 feet, S
12 57°59'40" E 52.51 feet, S 77°19'10" E 166.22 feet, S 77°55'50" E 100.43
13 feet, S 77°40'40" E 107.11 feet, N 35°39'40" E 233.03 feet, N 36°54'30"
14 E 105.52 feet, N 69°23'50" E 179.67 feet, N 35°19'50" E 60.26 feet, N
15 60°24'40" E 155.25 feet, N 08°43'28" E 923.94 feet, S 77°31'22" E 34.05
16 feet, N 28°59'38" E 583.86 feet and S 77°26'02" E 436.02 feet to a
17 point; thence along the division line between the herein described
18 parcel and the lands now or formerly of Gardner and Donna Van Valkenburg
19 as described in deed document #02-2001-10201 and also along the lands
20 now or formerly of Edwin D. Beck as described in Liber 1697 of deeds at
21 page 301, S 14°34'48" 95.96 feet, N 75°25'12" W 10.00 feet, S 14°34'48"
22 W 125.00 feet, S 75°25'12" E 10.00 feet, S 14°34'48" W 325.00 feet and S
23 75°25'12" E 203.05 feet to a point on the westerly bounds of U.S. Route
24 9; thence along the westerly bounds of U.S. Route 9, S 14°12'43" W
25 366.41 feet, N 75°47'17" W 3.21 feet, S 16°51'36" W 357.10 feet, S
26 16°51'37" W 264.56 feet, S 17°21'41" W 200.79 feet, S 06°47'36" W 236.91
27 feet, S 03°54'03" E 113.84 feet, S 11°33'18" W 168.19 feet, S 11°33'18"
28 W 144.66 feet, S 24°42'50" W 210.43 feet, S 14°35'17" W 42.95 feet, S

1 15°01'19" W 27.66 feet, S 11°16'33" E. 114.76 feet, S 11°22'40" W
2 1485.99 feet, S 02°37'22" W 92.32 feet, S 07°24'10" W 114.00 feet, S
3 11°34'59" W 200.60 feet, S 06°37'42" W 438.02 feet, S 09°11'00" W 460.65
4 feet, S 13°21'53" W 180.57 feet, S 18°59'07" W 45.72 feet, S 21°30'45" W
5 19.23 feet, S 10°46'21" W 148.66 feet, S 16°10'46" W 157.35 feet, S
6 09°41'50" W 135.29 feet, and S 16°37'07" W 229.64 feet to the point or
7 place of beginning. CONTAINING 171.33 ACRES OF LAND MORE OR LESS.
8 EXCEPTING and reserving all that plot, piece or parcel of land situate
9 and being in the Town of Hyde Park, County of Dutchess and State of New
10 York, known as St. Andrews Cemetery, bounded and described as follows:
11 BEGINNING at the southeasterly corner of the herein described parcel,
12 said point being located N 12°20'30" E 32.21 feet from the southwesterly
13 corner of the lands of the Culinary Institute of America as described in
14 Liber 1666 of deeds at page 607, thence along the division line between
15 the herein described parcel and said lands of the Culinary Institute of
16 America, N 77°39'30" W 331.51 feet, N 12°20'30" E 373.20 feet, S
17 77°39'30" E 331.51 feet and S 12°20'30" W 373.20 feet to the point or
18 place of beginning. CONTAINING 2.84 ACRES OF LAND MORE OR LESS.

19 6. PARCEL 1 ALL THAT TRACT OR PARCEL OF LAND, situate on the east side
20 of North Bloomfield Road in the City of Canandaigua, County of Ontario
21 and State of New York, bounded and described as follows: Beginning at
22 the southwest corner of lands of the grantor which point of beginning
23 marked by an iron in the east highway boundary of said Road 882.14 feet
24 northwesterly from the north line of Buffalo Street in said City;
25 running thence N 74° 22' 10" E a distance of 1108.20 feet to a point in
26 the west line of lands of the New York Central & Hudson River Railroad
27 Batavia Branch, marked by an existing iron; running, thence N 34° 34'
28 20" W along the westerly bounds of said Railroad a distance of 412.38

1 feet to a point, marked by an existing iron; running thence S 74° 01'
2 20" W a distance of 1241.03 feet, through an existing iron, to a point,
3 marked by a spike in the east line of said North Bloomfield Road;
4 running thence S 50° 34' 20" E and along the east highway boundary of
5 said North Bloomfield Road a distance of 466.65 feet to the point and
6 place of beginning. PARCEL 2 ALL THAT TRACT OR PARCEL OF LAND, lying to
7 the east of the parcel above described, and also west of lands of said
8 New York Central & Hudson River Railroad Auburn Branch in said City of
9 Canandaigua, County of Ontario and State of New York, bounded and
10 described as follows: Beginning at a point, marked by an iron, in the
11 east line of lands of the New York Central & Hudson River Railroad Bata-
12 via Branch, which point is at the northwest corner of other lands of the
13 grantee, said point being N 69° 14' 50" E a distance of 68.94 feet from
14 the easterly terminus of the first course in the description of Parcel
15 1, running thence N 70° 49' 40" E and along other lands of the grantee,
16 a distance of 726.63 feet to a point, marked by an iron in the west
17 boundary of lands of the New York Central & Hudson River Railroad Auburn
18 Branch; running thence N 19° 17' 20" W and along the westerly bounds of
19 said Railroad a distance of 391.29 feet to a point, marked by an iron;
20 running thence S 70° 41' 30" W a distance of 856.10 feet to a point,
21 marked by an existing iron in the easterly bounds of said New York
22 Central & Hudson River Railroad Batavia Branch; running thence S 37° 40'
23 30" E along the easterly bounds of said New York Central & Hudson River
24 Railroad Batavia Branch a distance of 410.47 feet to the point or place
25 of beginning. PARCEL 3 ALL THAT TRACT OR PARCEL OF LAND, situate in the
26 City of Canandaigua, County of Ontario and State of New York, bounded
27 and described as follows: Commencing at a point in the north line of
28 Buffalo Street where the same is intersected by the west line of the

1 Penn Central Railroad Auburn Branch and thence running (1) S 70° 25' 10"
2 W, along the north line of Buffalo Street a distance of 516.06 feet to a
3 point in the east line of the Penn Central Railroad Batavia Branch;
4 thence (2) N 37° 42' 55" W along the easterly line of Batavia Branch of
5 the railroad a distance of 758.52 feet to a point; thence (3) N 70° 25'
6 10" E a distance of 743.79 feet to a point in the west line of the
7 Auburn Branch of the railroad; thence (4) S 19° 36' 35" E along said
8 west line of the Auburn Branch of the railroad distance of 379.37 feet
9 to a point; thence (5) N 70° 25' 10" E a distance of 8.00 feet to a
10 point; thence (6) S 19° 36' 35" E a distance of 341.48 feet to a point
11 on the north line of Buffalo Street and the place of beginning. PARCEL 4
12 ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua,
13 County of Ontario and State of New York, bounded and described as
14 follows: Beginning at a point at a corner in the general easterly line
15 of land of Canandaigua Industries Co., Inc., distant 341.48 feet meas-
16 ured N 19° 36' 36" W along said easterly line, from the northerly line
17 of Buffalo Street at a point therein distant 1200 feet, more or less,
18 measured westwardly, along said line of Buffalo Street, from the wester-
19 ly line of Main Street; Extending from said beginning point the follow-
20 ing eight courses and distances, the first four thereof being along said
21 general easterly line of lands of Canandaigua Industries Co., Inc.: (1)
22 S 70° 25' 10" W 8.00 feet to an iron; (2) N 19° 36' 35" W, 379.37 feet
23 to a spike set in a railroad tie; (3) S 70° 25' 10" W, 17.00 feet to an
24 iron stake; and (4) N 19° 38' 00" W, 164.00 feet to an iron stake;
25 thence the following four courses and distances by remaining land of
26 Penn Central Transportation Company: (5) N 70° 22' 00" E, 33.00 feet to
27 an iron stake; (6) S 19° 38' 00" E, 164.02 feet to an iron stake; (7) S
28 19° 36' 35" E, 379.37 feet to an iron stake; and (8) S 70° 23' 25" W,

1 8.00 feet to the place of beginning. PARCEL 5 ALL THAT TRACT OR PARCEL
2 OF LAND, situate in the City of Canandaigua, County of Ontario, State of
3 New York, all as shown on a map entitled "8.512 acre parcel to be
4 conveyed to Constellation Brands, Inc. by Meridian Automotive Systems,
5 Inc.", prepared by Costich Engineering, P.C., having drawing number
6 3203-A, dated 6/18/2003, and being more particularly bounded and
7 described as follows: Commencing at a point on the south right-of-way
8 line of North (66.0' R.O.W.) Street said point being the northwest
9 corner of lands now or formerly owned by Cambridge Acquisition Corp,
10 having T.A. #070.19-01-04.2 and the northeast corner of lands now or
11 formerly owned by Cambridge Acquisition Corp having T.A. 070.19-01-03;
12 thence A. S38°37'53"E, along the aforementioned common property line a
13 distance of 772.95 feet to the point and place of beginning; thence 1.
14 S38°37'53"E, a distance of 772.95 feet to a point; thence 2.
15 S62°34'17"W, a distance of 440.56 feet to a point; thence 3.
16 N45°24'43"W, a distance of 531.72 feet to a point of curvature; thence
17 4. Northwesterly on a curve to the left having a delta angle of
18 02°38'31", a radius of 5,786.16 feet, and an arc length of 266.80 feet,
19 said curve also having a chord of N46°44'17"W, 266.78 feet to a point;
20 thence 5. N62°29'47"E, a distance of 542.77 feet to the point and place
21 of beginning. Containing 8.512 acres of land, more or less. PARCEL 6
22 ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Canandaigua,
23 County of Ontario, State of New York, bounded and described as follows:
24 Beginning at a point in the west line of Finger Lakes Railway Corp.,
25 said point being the northwest corner of a parcel of land conveyed by
26 George P. Baker, Richard C. Bond and Jervis Langdon, Jr., Trustees of
27 the Property of Penn Central Transportation Company, Debtor to Canan-
28 daigua Wine Company, Inc., Liber 729 of Deeds at page 95 and proceeding

1 thence, N 19° 38' 00" W, along the west line of Finger Lakes Railway
2 Corp., for a distance of 227.29 feet to a point in the north line of
3 lands of Ontario County Industrial Development Agency, Liber 1096 of
4 Deeds at page 335; thence, N 70° 17' 00" F, for a distance of 38.00 feet
5 to a point; thence, S 19° 38' 00" E, through lands of Finger Lakes Rail-
6 way Corp. for a distance of 227.35 feet to a point; thence, S 70° 22'
7 00" W, for a distance of 38.00 feet to the point and place of beginning
8 and containing 0.198 acre of land. PARCEL 7 ALL THAT PROPERTY situate
9 in the City of Canandaigua, County of Ontario and State of New York and
10 being all of the right, title and interest of The Owasco River Railway,
11 Inc., in and to all those certain pieces or parcels of land and prem-
12 ises, easements, rights of way and any other rights of any kind whatso-
13 ever appurtenant thereto or used in conjunction therewith on and along
14 that portion of a branch of railroad known as the Holcomb Branch which
15 lies north of the north line of West Avenue and extends in a northwes-
16 terly direction for a distance of 7370 feet, more or less, to the center
17 line of North Street, in said City of Canandaigua. Excepting from this
18 conveyance so much of the said property which lies south of the south
19 line of Buffalo Street. Excepting from this conveyance so much of he
20 said property as described in that certain deed from Ontario County
21 Industrial Development Agency to Meridian Automotive Systems-Composites
22 Operation, Inc, dated November 12, 2003 and recorded in the Ontario
23 County Clerk's Office on January 23, 2004 in Liber 1112 of Deeds at page
24 316. Excepting from this conveyance so much of said property lying
25 north of the above mentioned exception parcel conveyed to Meridian Auto-
26 motive Systems-Composites Operation, Inc. and the center line of North
27 Street.

1 7. Any such premises or business constituting the overnight lodging
2 facility located wholly within the boundaries of that tract or parcel of
3 land situated in the borough of Manhattan, city and county of New York,
4 beginning at a point on the northerly side of west fifty-fourth street
5 at a point one hundred feet easterly from the intersection of the said
6 northerly side of west fifty-fourth street and the easterly side of
7 seventh avenue; running thence northerly and parallel with the easterly
8 side of seventh avenue one hundred feet five inches to the center line
9 of the block; running thence easterly and parallel with the northerly
10 side of west fifty-fourth street and along the center line of the block
11 fifty feet to a point; running thence northerly and parallel with the
12 easterly side of seventh avenue one hundred feet five inches to the
13 southerly side of west fifty-fifth street at a point distant one hundred
14 fifty feet easterly from the intersection of the said southerly side of
15 west fifty-fifth street and the easterly side of seventh avenue; running
16 thence easterly along the southerly side of west fifty-fifth street
17 thirty-one feet three inches to a point; running thence southerly and
18 parallel with the easterly side of the seventh avenue one hundred feet
19 five inches to the center line of the block; running thence easterly
20 along the center line of the block and parallel with the southerly side
21 of west fifty-fifth street, one hundred feet; running thence northerly
22 and parallel with the easterly side of seventh avenue one hundred feet
23 five inches to the southerly side of west fifty-fifth street; running
24 thence easterly along the southerly side of west fifty-fifth street
25 twenty-one feet ten and one-half inches to a point; running thence
26 southerly and parallel with the easterly side of seventh avenue one
27 hundred feet five inches to the center line of the block; running thence
28 westerly along the center line of the block and parallel with the north-

1 erly side of west fifty-fourth street three feet one and one-half inch-
2 es; running thence southerly and parallel with the easterly side of
3 seventh avenue one hundred feet five inches to the northerly side of
4 west fifty-fourth street at a point distant three hundred feet easterly
5 from the intersection of the said northerly side of west fifty-fourth
6 street and the easterly side of seventh avenue; running thence westerly
7 and along the northerly side of west fifty-fourth street two hundred
8 feet to the point or place of beginning, provided that such facility
9 maintains not less than four hundred guest rooms and suites for over-
10 night lodging.

11 8. Any such premises or business located on that tract or parcel of
12 land, or any subdivision thereof, situate in the Village of Lake Placid,
13 Town of North Elba, Essex County, New York; it being also a part of Lot
14 No. 279, Township No. 11, Old Military Tract, Richard's Survey; it
15 being also all of Lot No. 23 and part of Lot No. 22 as shown and desig-
16 nated on a certain map entitled "Map of Building Sites for Sale by B.R.
17 Brewster" made by G.T. Chellis C.E. in 1892; also being PARCEL No. 1 on
18 a certain map of lands of Robert J. Mahoney and wife made by G.C.
19 Sylvester, P.E. & L.S. #21300, dated August 4, 1964, and filed in the
20 Essex County Clerk's Office on August 27, 1964, and more particularly
21 bounded and described as follows; BEGINNING at the intersection of the
22 northerly bounds of Shore Drive (formerly Mirror Street) with the
23 westerly bounds of Park Place (formerly Rider Street) which point is
24 also the northeast corner of Lot No. 23, from thence South 21°50' East
25 in the westerly bounds of Park Place a distance of 119 feet, more or
26 less, to a lead plug in the edge of the sidewalk marking the southeast
27 corner of Lot No. 23 and the northeast corner of Lot No. 24; from thence
28 South 68°00'50" West a distance of 50.05 feet to an iron pipe set in

1 concrete at the corner of Lots 23 and 22; from thence South 65°10'50"
2 West a distance of 7.94 feet along the south line of Lot No. 22 to an
3 iron pipe for a corner; from thence North 23°21'40" West and at 17.84
4 feet along said line passing over a drill hole in a concrete sidewalk,
5 and at 68.04 feet further along said line passing over an iron pipe at
6 the southerly edge of another sidewalk, and at 1.22 feet further along
7 said line passing over another drill hole in a sidewalk, a total
8 distance of 119 feet, more or less, to the northerly line of Lot. No.
9 22; from thence easterly in the northerly line of Lot 22 and 23 to the
10 northeast corner of Lot No. 23 and the point of beginning. Also includ-
11 ing the lands to the center of Shore Drive included between the norther-
12 ly straight line continuation of the side lines of the above described
13 parcel, and to the center of Park Place, where they abut the above
14 described premises SUBJECT to the use thereof for street purposes. Being
15 the same premises conveyed by Morestuff, Inc. to Madeline Sellers by
16 deed dated June 30, 1992, recorded in the Essex County Clerk's Office on
17 July 10, 1992 in Book 1017 of Deeds at Page 318.

18 9. Any such premises or business located on that certain piece or
19 parcel of land, or any subdivision thereof, situate, lying and being in
20 the Town of Plattsburgh, County of Clinton, State of New York and being
21 more particularly bounded and described as follows: Starting at an iron
22 pipe found in the easterly bounds of the highway known as the Old Mili-
23 tary Turnpike, said iron pipe being located 910.39 feet southeasterly,
24 as measured along the easterly bounds of said highway, from the souther-
25 ly bounds of the roadway known as Industrial Parkway West, THENCE
26 running S 31 ° 54' 33" E along the easterly bounds of said Old Military
27 Turnpike Extension, 239.88 feet to a point marking the beginning of a
28 curve concave to the west; thence southerly along said curve, having a

1 radius of 987.99 feet, 248.12 feet to an iron pipe found marking the
2 point of beginning for the parcel herein being described, said point
3 also marked the southerly corner of lands of Larry Garrow, et al, as
4 described in Book 938 of Deeds at page 224; thence N 07° 45' 4" E along
5 the easterly bounds of said Garrow, 748.16 feet to a 3"x4" concrete
6 monument marking the northeasterly corner of said Garrow, the northwes-
7 terly corner of the parcel herein being described and said monument also
8 marking the southerly bounds of lands of Salerno Plastic Corp. as
9 described in Book 926 of Deeds at Page 186; thence S 81° 45' 28" E along
10 a portion of the southerly bounds of said Salerno Plastic Corp., 441.32
11 feet to an iron pin found marking the northeasterly corner of the parcel
12 herein being described and also marking the northwest corner of the
13 remaining lands now or formerly owned by said Marx and Delaura; thence S
14 07° 45' 40" W along the Westerly bounds of lands now of formerly of said
15 Marx and DeLaura and along the easterly bounds of the parcel herein
16 being described, 560.49 feet to an iron pin; thence N 83° 43' 21" W
17 along a portion of the remaining lands of said Marx and DeLaura, 41.51
18 feet to an iron pin; thence S 08° 31' 30" W, along a portion of the
19 remaining lands of said Marx and Delaura, 75.01 feet to an iron pin
20 marking northeasterly corner of lands currently owned by the Joint Coun-
21 cil for Economic Opportunity of Plattsburgh and Clinton County, Inc. as
22 described in Book 963 of Deeds at Page 313; thence N 82° 20' 32" W along
23 a portion of the northerly bounds of said J.C.E.O., 173.50 feet to an
24 iron pin; thence 61° 21' 12" W, continuing along a portion of the north-
25 erly bounds of said J.C.E.O., 134.14 feet to an iron pin; thence S 07°
26 45' 42" W along the westerly bounds of said J.C.E.O., 50 feet to an iron
27 pin; thence S 66° 48' 56" W along a portion of the northerly bounds of
28 remaining lands of said Marx and DeLaura, 100.00 feet to an iron pipe

1 found on the easterly bounds of the aforesaid highway, said from pipe
2 also being located on a curve concave to the west; thence running and
3 running northerly along the easterly bounds of the aforesaid highway and
4 being along said curve, with the curve having a radius of 987.93 feet,
5 60.00 feet to the point of beginning and containing 6.905 acres of land.
6 Being the same premises as conveyed to Ronald Marx and Alice Marx by
7 deed of CIT Small Business Lending Corp., as agent of the administrator,
8 U.S. Small Business Administration, an agency of the United States
9 Government dated September 10, 2001 and recorded in the office of the
10 Clinton County Clerk on September 21, 2001 as Instrument #135020.

11 10. Any such premises or business located on the west side of New York
12 state route 414 in military lots 64 and 75 located wholly within the
13 boundaries of that tract or parcel of land situated in the town of Lodi,
14 county of Seneca beginning at an iron pin on the assumed west line of
15 New York State Route 414 on the apparent north line of lands reputedly
16 of White (lib. 420, page 155); said iron pin also being northerly a
17 distance of 1200 feet more or less from the centerline of South Miller
18 Road; Thence leaving the point of beginning north 85-17'-44" west along
19 said lands of White a distance of 2915.90 feet to an iron pin Thence
20 north 03-52'-48" east along said lands of White, passing through an iron
21 pin 338.36 feet distant, and continuing further along that same course a
22 distance of 13.64 feet farther, the total distance being 352.00 feet to
23 a point in the assumed centerline of Nellie Neal Creek; Thence in gener-
24 ally a north westerly direction the following courses and distances
25 along the assumed centerline of Nellie Neal Creek; north 69-25'-11" west
26 a distance of 189.56 feet to a point; north 63-40'-00" west a distance
27 of 156.00 feet to a point; north 49-25'-00" west a distance of 80.00
28 feet to a point; south 80-21'-00" west a distance of 90.00 feet to a

1 point; north 72-03'-00" west a distance of 566.00 feet to a point; north
2 68-15'-00" west a distance of 506.00 feet to a point; north 55-16'-00"
3 west a distance of 135.00 feet to a point; south 69-18'-00" west a
4 distance of 200.00 feet to a point; south 88-00'-00" west a distance of
5 170.00 feet to a point on a tie line at or near the high water line of
6 Seneca Lake; Thence north 25-17'-00" east along said tie line a distance
7 of 238.00 feet to an iron pipe; Thence south 82-04'-15" east along lands
8 reputedly of M. Wagner (lib. 464, page 133) a distance of 100.00 feet to
9 an iron pin; Thence north 06-56'-47" east along said lands of M. Wagner
10 a distance of 100.00 feet to an iron pipe; Thence north 09-34'-28" east
11 along lands reputedly of Schneider (lib. 429, page 37) a distance of
12 50.10 feet to an iron pipe; Thence north 07-49'-11" east along lands
13 reputedly of Oney (lib. 484, page 24) a distance of 50.00 feet to an
14 iron pipe; Thence north 82-29'-40" west along said lands of Oney a
15 distance of 95.30 feet to an iron pipe on a tie line at or near the
16 highwater line of Seneca Lake; Thence north 08-15'-22" east along said
17 tie line a distance of 25.00 feet to an iron pin; Thence south
18 82-28'-00" east along lands reputedly of Yu (lib. 405, page 420) a
19 distance of 96.53 feet to an iron pipe; Thence north 34-36'-59" east
20 along said lands of Yu a distance of 95.00 feet to a point in the
21 assumed centerline of Van Liew Creek; Thence in generally an easterly
22 direction the following courses and distances along the assumed center-
23 line of Van Liew Creek; north 72-46'-37" east a distance of 159.98 feet
24 to a point; north 87-53'-00" east a distance of 94.00 feet to a point;
25 south 71-12'-00" east a distance of 52.00 feet to a point; south
26 84-10'-00" east a distance of 158.00 feet to a point; south 59-51'-00"
27 east a distance of 160.00 feet to a point; south 83-29'-00" east a
28 distance of 187.00 feet to a point; Thence north 01-33'-40" east along

1 lands reputedly of Hansen (lib. 515, page 205) passing through an iron
2 pipe 32.62 feet distant, and continuing further along that same course
3 passing through an iron pin 205.38 feet farther, and continuing still
4 further along that same course a distance of 21.45 feet farther, the
5 total distance being 259.45 feet to the assumed remains of a White Oak
6 stump; Thence north 69-16'-11" east along lands reputedly of Schwartz
7 (lib. 374, page 733) being tie lines along the top of the south bank of
8 Campbell Creek a distance of 338.00 feet to a point; Thence south
9 57-17'32" east along said tie line a distance of 136.60 feet to a point;
10 Thence south 74-45'-00" east along said tie line a distance of 100.00
11 feet to an iron pin; Thence north 04-46'-00" east along said lands of
12 Schwartz a distance of 100.00 feet to a point in the assumed centerline
13 of Campbell Creek; Thence in generally an easterly direction the follow-
14 ing courses and distances along the assumed centerline of Campbell
15 Creek; south 71-34'-00" east a distance of 330.00 feet to a point; north
16 76-53'-00" east a distance of 180.00 feet to a point; north 83-05'00"
17 east a distance of 230.00 feet to a point; south 66-44'-00" east a
18 distance of 90.00 feet to a point; south 81-10'-00" east a distance of
19 240.00 feet to a point; south 45-29'-15" east a distance of 73.18 feet
20 to a point; Thence south 05-25'-50" west along lands reputedly of Stan-
21 ley Wagner (lib. 450, page 276) a distance of 135.00 feet to a point on
22 the assumed north line of Military Lot 75; Thence south 84-34'-10" east
23 along said lands of Wagner and the assumed north line of Military Lot 75
24 a distance of 1195.06 feet to an iron pin; Thence south 06-57'52" west
25 along said lands of M. Wagner (lib. 414, page 267) passing through an
26 iron pin 215.58 feet distant, and continuing further along that same
27 course a distance of 20.59 feet farther, the total distance being 236.17
28 feet to a point in the assumed centerline of Campbell Creek; Thence in

1 generally a south easterly direction the following course and distances
2 along the assumed centerline of Campbell Creek; north 78-23'-09" east a
3 distance of 29.99 feet to a point; south 46-09'-15" east a distance of
4 65.24 feet to a point; north 85-55'-09" east a distance of 60.10 feet to
5 a point; south 61-59'-50" east a distance of 206.91 feet to a point;
6 north 63-58'-27" east a distance of 43.12 feet to a point; south
7 28-51'-21" east a distance of 47.72 feet to a point; south 15-14'-08"
8 west a distance of 33.42 feet to a point; south 79-16'-32" east a
9 distance of 255.15 feet to a point; south 62-19'-46" east a distance of
10 75.82 feet to a point; north 76-10'-42" east a distance of 99.60 feet to
11 a point; north 82-12'55" east a distance of 86.00 feet to a point; south
12 44-13'53" east a distance of 64.08 feet to a point; north 67-52'-46"
13 east a distance of 73.98 feet to a point; north 88-13'-13" east a
14 distance of 34.64 feet to a point on the assumed west line of New York
15 State Route 414; Thence south 20-13'-30" east along the assumed west
16 line of New York State Route 414 a distance of 248.04 feet to a concrete
17 monument; Thence south 02-10'-30" west along said road line a distance
18 of 322.90 feet to an iron pin; Thence 13-14'-50" west along said road
19 line a distance of 487.41 feet to an iron pin, said iron pin being the
20 point and place of beginning; Comprising an area of 126.807 acres of
21 land according to a survey completed by Michael D. Karlsen entitled
22 "Plan Owned by Stanley A. Wagner" known as Parcel A of Job number
23 98-505. This survey is subject to all utility easements and easements
24 and right-of-ways of record which may affect the parcel of land. This
25 survey is also subject to the rights of the public in and to lands here-
26 in referred to as New York State Route 414. This survey intends to
27 describe a portion of the premises as conveyed by Ruth V. Wagner to
28 Stanley A. Wagner by deed recorded February 10, 1989 in Liber 450 of

1 deeds, at Page 286. This survey also intends to describe a portion of
2 the premises as conveyed by Stanley W. VanVleet to Stanley A. Wagner by
3 deed recorded April 30, 1980 in Liber 385 of Deeds, at Page 203. ALSO
4 ALL THAT OTHER TRACT OR PARCEL OF LAND SITUATE on the east side of New
5 York State Route 414 in Military Lot 75 in the Town of Lodi, County of
6 Seneca, State of New York bounded and described as follows: Beginning at
7 an iron pin on the assumed east line of New York State Route 414, said
8 iron pin being north 50-44'-57" east a distance of 274.92 feet from the
9 south east corner of the parcel of land herein above described; Thence
10 leaving the point of beginning north 00-26'01" east along a mathematical
11 tie line a distance of 504.91 feet to an iron pin; Thence south
12 37-00'-20" east along lands reputedly of Tomberelli (lib. 419, page
13 243) passing through an iron pin 176.00 feet distant, and continuing
14 further along that same course a distance of 2.01 feet farther, the
15 total distance being 178.01 feet to a point; Thence south 09-03'-55"
16 west along lands reputedly of M. Wagner (lib. 491, page 181) a distance
17 of 68.19 feet to an iron pipe; Thence south 15-36'-04" west along said
18 lands of M. Wagner a distance of 300.15 feet to an iron pipe; Thence
19 south 72-04'-59" west along said lands of M. Wagner a distance of 20.49
20 feet to an iron pin, said iron pin being the point and place of begin-
21 ning. Comprising an area of 0.727 acre of lands according to a survey
22 completed by Michael D. Karlsen entitled "Plan of Land Owned by Stanley
23 A. Wagner" known as Parcel B of job number 98-505. This survey is
24 subject to all utility easements and easements and right-of-ways of
25 record which may affect this parcel of land. This survey is also subject
26 to the rights of the public in and to lands herein referred to as New
27 York State Route 414. This survey intends to describe the same premises
28 as conveyed by Henry W. Eighmey as executor of the Last Will and Testa-

1 ment of Mary C. Eighmey to Stanley A. Wagner by deed recorded July 2,
2 1996 in liber 542, page 92. This survey also intends to describe a
3 portion of the premises as conveyed by Ruth V. Wagner to Stanley A.
4 Wagner by deed recorded February 10, 1989 in Liber 450 of deeds, at Page
5 286.

6 11. Any premises or business located wholly within the following
7 described parcel: ALL THAT TRACT OR PARCEL OF LAND situate in the City
8 of Corning, County of Steuben and State of New York bounded and
9 described as follows: Beginning at an iron pin situate at the terminus
10 of the westerly line of Townley Avenue at its intersection with the
11 southwesterly line of New York State Route 17; thence S 00° 45' 18" E
12 along the westerly line of Townley Avenue, a distance of 256.09 feet to
13 a point; thence S 89° 02' 07" W through an iron pin placed at a distance
14 of 200.00 feet, a total distance of 300.00 feet to an iron pin; thence N
15 00° 59' 17" W a distance of 47.13 feet to an iron pin; thence S 89° 02'
16 07" W a distance of 114.56 feet to a point situate in the southeast
17 corner of Parcel A-2 as set forth on a survey map hereinafter described;
18 thence N 14° 18' 49" E a distance of 124.40 feet to an iron pin situate
19 at the southeast corner of lands now or formerly of Cicci (Liber 923,
20 Page 771); thence N 14° 18' 49" E a distance of 76.46 feet to an iron
21 pin; thence N 00° 57' 53" W a distance of 26.25 feet to an iron pin
22 marking the southeast corner of parcel A-1 as set forth on the herein-
23 after described survey map; thence N 00° 58' 01" W a distance of 166.00
24 to an iron pin situate at the northeast corner of said Parcel A-1, which
25 pin also marks the southeast corner of lands now or formerly of Becraft
26 (Liber 1048, Page 1086); thence N 00° 57' 53" W a distance of 106.00
27 feet to an iron pin situate in the southerly line of lands now or
28 formerly of the United States Postal Service; thence N 89° 02' 07" E

1 along the southerly line of said United States Postal Service a distance
2 of 81.47 feet to a point; thence N 14° 18' 49" E along the easterly line
3 of said United States Postal Service a distance of 114.29 feet to an
4 iron pin situate in the southwesterly line of New York State Route 17;
5 thence S 32° 00' 31" E along the southwesterly line of New York State
6 Route 17, a distance of 358.93 feet to an iron pin; thence continuing
7 along the southwesterly line of New York state Route 17, S 38° 30' 04" E
8 a distance of 108.18 feet to the iron pin marking the place of begin-
9 ning. Said premises are set forth and shown as approximately 4.026 acres
10 of land designated as Parcel A (excluding Parcels A-1 and A-2) on a
11 survey map entitled "As-Built Survey of Lands of New York Inn, LLC, City
12 of Corning, Steuben County, New York" by Weiler Associates, dated Decem-
13 ber 27, 2001, designated Job No. 12462.

14 12. Any such premises or businesses located on that certain plot,
15 piece or parcel of land, situate, lying and being in the Second Ward of
16 the City of Schenectady, on the Northerly side of Union Street, bounded
17 and described as follows: to wit; Beginning at the Southeasterly corner
18 of the lands lately owned by Elisha L. Freeman and now by Albert Shear;
19 and running from thence Easterly along the line of Union Street, 44 feet
20 to the lands now owned by or in the possession of James G. Van Vorst;
21 thence Northerly in a straightline along the last mentioned lands and
22 the lands of the late John Lake, 102 feet to the lands of one Miss Rodg-
23 ers; thence Westerly along the line of the last mentioned lands of said
24 Rodgers to the lands of the said Shear; and thence Southerly along the
25 lands of said Shear 101 feet, 6 inches to Union Street, the place of
26 beginning. Also all that tract or parcel of land, with the buildings
27 thereon, situate in the City of Schenectady, County of Schenectady, and
28 State of New York, situate in the First, formerly the Second Ward of the

1 said City, on the Northerly side of Union Street, which was conveyed by
2 William Meeker and wife to Elisha L. Freeman by deed dated the second
3 day of December 1843, and recorded in the Clerk's Office of Schenectady
4 County on December 5, 1843, in Book V of Deeds at page 392, which lot in
5 said deed is bounded and described as follows: Beginning at a point in
6 the Northerly line of Union Street where it is intersected by the East-
7 erly line of property numbered 235 Union Street, which is hereby
8 conveyed, and running thence Northerly along the Easterly line of said
9 property, One Hundred Forty and Five-tenths (140.5) feet to a point
10 sixteen (16) feet Southerly from the Southerly line of the new garage
11 built upon land adjoining on the North; thence Westerly parallel with
12 said garage, Forty-six and Seven-tenths (46.7) feet; thence Southerly
13 One Hundred Forty and Eight-tenths (140.8) feet to the Northerly margin
14 of Union Street; thence Easterly along the Northerly margin of Union
15 Street, about Forty-eight and three-tenths (48.3) feet to the point or
16 place of beginning. The two above parcels are together more particularly
17 described as follows: All that parcel of land in the City of Schenectady
18 beginning at a point in the northerly margin of Union Street at the
19 southwesterly corner of lands now or formerly of Friedman (Deed Book 636
20 at page 423) which point is about 60 feet westerly of the westerly line
21 of North College Street and runs thence N. 86 deg. 42' 20" W. 92.30 feet
22 to the southeasterly corner of other lands now or formerly of Friedman
23 (Deed Book 798 at page 498); thence N. 04 deg. 06' 48" E. 140.50 feet
24 to the southwesterly corner of lands now or formerly of Stockade Associ-
25 ates (Deed Book 1038 at page 521); thence S. 87 deg. 05' 27" E. 46.70
26 feet to lands now or formerly of McCarthy (Deed Book 1129 at page 281);
27 thence along McCarthy S. 00 deg. 52' 02" E. 3.69 feet to the northwes-
28 terly corner of lands now or formerly of SONYMA (Deed Book 1502 at page

1 621); thence along lands of SONYMA S. 02 deg 24' 56" W.34.75 feet to a
2 corner; thence still along lands of SONYMA and lands now or formerly of
3 Magee (Deed Book 399 at page 165) S. 86 deg. 11' 52" E. 42.57 feet to a
4 corner; thence still along lands of Magee and Lands of Friedman first
5 above mentioned S. 03 deg. 10' 08" W. 102.00 feet to the point of
6 beginning. Excepting and reserving all that portion of the above parcel
7 lying easterly of a line described as follows: All that tract or parcel
8 of land, situated in the City of Schenectady and County of Schenectady
9 and State of New York, on the Northerly side of Union Street bounded and
10 described as follows: Beginning at a point in the northerly line of
11 Union Street, said point being in the division line between lands now or
12 formerly of Electric Brew Pubs, Inc. (1506 of Deeds at page 763) on the
13 West and lands now or formerly of Margaret Wexler and Donna Lee Wexler
14 Pavlovic, as trustees under Will of Ruth F. Wexler (Street number 241
15 Union Street) on the East; thence North 03 deg. 04' 10" East, along the
16 building known as Street No. 241 Union Street, a distance of 30.50 feet
17 to a point; thence North 88 deg. 45' 45" West, along said building and
18 building eve, a distance of 5.62 feet to a point; thence North 03 deg.
19 03' 30" East, along said building eve of Street No. 241 Union Street, a
20 distance of 32.74 feet; thence South 88 deg. 45' 45" East, along said
21 building eve, a distance of 1.2 feet to an intersection of building
22 corner of Street No. 241 Union Street and a brick wall; thence north 03
23 deg. 37' 30" East, along said brick wall, a distance of 14.47 feet to a
24 point in the corner of the brick wall, thence South 86 deg. 46' 45"
25 East along said brick wall a distance of 4.42 feet to the intersection
26 of brick wall with the boundary line between the Electric Brew Pubs,
27 Inc. (aforesaid) on the West and lands of Margaret Wexler and Donna Lee
28 Wexler Pavlovic, (aforesaid) on the East; thence North 03 deg 10' 08"

1 East a distance of 0.62 feet to the Northeast corner of lands belonging
2 to Margaret Wexler and Donna Lee Wexler Pavlovic. Also all that tract or
3 parcel of land commonly known as the Union Street School, located on the
4 Northeasterly corner of Union and North College Streets in the First
5 Ward of the City and County of Schenectady and State of New York, more
6 particularly bounded and described as follows: Beginning at a point in
7 the Northerly street line of Union Street where it is intersected by the
8 Easterly street line of North College Street, and runs thence Northerly
9 along the Easterly street line of North College Street, one hundred
10 seven and five-tenths (107.5) feet to a point, thence easterly at an
11 angle of ninety (90) degrees, one hundred ninety-one and seventy-five
12 hundredths (191.75) feet to a point in the Northwesterly street line of
13 Erie Boulevard thence southwesterly along the Northwesterly street line
14 of Erie Boulevard, one hundred twenty-three and eight-tenths (123.8)
15 feet to its intersection with the Northerly street line of Union Street;
16 thence Westerly along the Northerly street line of Union Street, one
17 hundred twenty-four and fifty-five hundredths (124.55) feet to the point
18 or place of beginning. The above described parcel of property includes
19 the Blue Line parcel of land, which is a portion of the abandoned Erie
20 Canal Lands, located in the First Ward of the City of Schenectady, New
21 York, and which Blue Line parcel lies between the Northwesterly line of
22 Erie Boulevard as set forth in the above described premises and the
23 Northeasterly lot line of the old Union Street School as it runs paral-
24 lel with the Northwesterly line of Erie Boulevard as aforesaid. The two
25 above parcels are together more particularly described as follows: All
26 that parcel of land in the City of Schenectady beginning at a point in
27 the northerly margin of Union Street and the northwesterly margin of
28 Erie Boulevard and runs thence along Union Street N. 86 deg. 42' 20" W.

1 124.55 feet to the easterly margin of North College Street; thence along
2 North College Street N. 05 deg 04' 40" E. 107.50 feet to the southeast-
3 erly corner of lands now or formerly of McCarthy (Deed Book 1129 at page
4 279); thence along McCarthy, Cottage Alley and lands now or formerly of
5 McGregor (Deed Book 912 at page 624) S. 84 deg. 55' 20" E. 191.75 feet
6 to the northwesterly margin of Erie Boulevard; thence along Erie Boule-
7 vard S. 38 deg. 03' 53" W. 123.54 feet to the point of beginning.

8 13. Any such premises or businesses located on that tract or parcel of
9 land situate in the Town of Hopewell, Ontario County, State of New York,
10 bounded and described as follows: Commencing at a 5/8" rebar found on
11 the division line between lands now or formerly of Ontario County -
12 Finger Lakes Community College (Liber 698 of Deeds, Page 466) on the
13 north and lands now or formerly of James W. Baird (Liber 768 of Deeds,
14 Page 1109) on the south; thence, North 43°-33'-40" West, on said divi-
15 sion line, a distance of 77.32 feet to the Point of Beginning. Thence,
16 North 43°-33'-40" West, continuing on said division line and through
17 said lands of Ontario County, a distance of 520.45 feet to a point on
18 the southeasterly edge of an existing concrete pad; thence, South
19 74°-19'-53" West, along said edge of concrete and the projection there-
20 of, a distance of 198.78 feet to a point on the easterly edge of pave-
21 ment of an existing campus drive; thence, the following two (2) courses
22 and distances along said edge of pavement: Northeasterly on a curve to
23 the left having a radius of 2221.65 feet, a chord bearing of North
24 30°-16'-39" East, a chord distance of 280.79, a central angle of
25 07°-14'-47", a length of 280.98 feet to a point of reverse curvature;
26 thence, Northeasterly on a curve to the right having a radius of 843.42
27 feet, a chord bearing of North 45°-25'-09" East, a chord distance of
28 534.08, a central angle of 36°-55'-01", a length of 543.43 feet to a

1 point; thence, South 30°-04'-59" East, a distance of 18.28 feet to the
2 corner of the property acquired by Ontario County (Liber 766 of Deeds,
3 Page 1112), as shown on a map recorded in the Ontario County Clerk's
4 Office as Map No. 6313; thence, the following four (4) courses and
5 distances along said property line: South 30°-04'-59" East, a distance
6 of 177.17 feet to a point; thence, South 02°-20'-33" East, a distance of
7 147.53 feet to a point; thence, South 41°-31'-35" East, a distance of
8 200.93 feet to a point; thence, South 23°-48'-53" West, along said prop-
9 erty line, and the projection thereof, through the first said lands of
10 Ontario County - Finger Lakes Community College (Liber 698 of Deeds,
11 Page 466), a distance of 517.96 feet to Point of Beginning. Said parcel
12 containing 7.834 acres, more or less, as shown on a map entitled
13 "Proposed Lease Area - Friends of the Finger Lakes Performing Arts
14 Center, Hopewell, NY", prepared by Bergmann Associates, drawing LM-01,
15 dated June 10, 2005, last revised August 17, 2005. The related PAC
16 Properties are shown on the Map denominated "FLCC Campus Property, FLPAC
17 Ground Lease, Parking, Vehicular & Pedestrian Access", recorded in the
18 Ontario County Clerk's Office on December 10, 2009 in Book 1237 of Deeds
19 at page 9 and are comprised of the areas separately labeled as Parking
20 Lot 'A', Parking Lot 'G', the Ticket Booth area, the Sidewalks, and the
21 Entry Roads.

22 14. Any such premises or businesses located on that tract or parcel of
23 land situate lying and being in the Town of Oneonta, County of Otsego
24 and State of New York and being a portion of Otsego County Tax Map
25 Department Parcel Number 287.00-1-33 and bounded and described as
26 follows: Beginning at a point 2.12 feet off the northeasterly corner of
27 a one story building on the lands, now or formerly, of Abner Doubleday,
28 LLC, aka Cooperstown All Star Village, LLC, as owned by Martin and Bren-

1 da Patton, which point lies N 87°55'13" W a distance of 149.37' from the
2 northeast corner of the Patton lands; thence N 74°30'18" W a distance of
3 51.50 feet to a point; thence S 15°29'42" W a distance of 2.00 feet to a
4 point; thence N 74°30'18" W a distance of 14.00 feet to a point; thence
5 S 15°29'42" W a distance of 19.20 feet to a point; thence S 74°30'18" E
6 a distance of 14.20 feet to a point; thence S 15°29'42" W a distance of
7 4.20 feet; thence S 74°30'18" E a distance of 51.30 feet to a point;
8 thence N 15°29'42" E a distance of 25.40 feet to a point to the point
9 and place of beginning. Containing an area of 1576.06 square feet, or
10 0.036 acres with such bearings referencing Magnetic North 1995. This
11 survey is subject to any rights of way or easements which may have been
12 granted to utility companies.

13 15. All that certain plot, piece or parcel of land, situate, lying and
14 being in the Town of Greenburgh, County of Westchester and State of New
15 York, being bounded and described as follows: BEGINNING at a point on
16 the easterly side of Saw Mill River Road where the same is intersected
17 by the division line between premises hereinafter described and lands
18 now or formerly of One Riverdale Ave. Development Co., Inc., said point
19 being North 11 Degrees 23' 24" West 22.83 feet from the former North
20 East corner of Saw Mill River Road and Hunter Lane; THENCE along said
21 division line, North 82 Degrees 18' 00" East 647.08 feet to land now or
22 formerly of One Riverdale Ave. Development Co., Inc.; THENCE northerly
23 along same, North 7 Degrees 42' 00" West 351.52 feet and North 10
24 Degrees 15' 00" West 282.50 feet to the southeast corner of lands now or
25 formerly of Hodes Daniels; THENCE westerly along same, South 80 Degrees
26 34' 00" West 85.00 feet, South 9 Degrees 26' 00" East 40.52 feet, South
27 80 Degrees 35' 00" West 120.56 feet, and South 81 Degrees 15' 00" West
28 485.74 feet to the east side of Saw Mill River Road; THENCE southerly

1 along same, South 18 Degrees 17' 40" East 150.40 feet and South 11
2 Degrees 23' 24" East 431.17 feet to the point of BEGINNING.

3 16. All those tracts or parcels of land, situate in the Tenth Ward of
4 the City of Troy, County of Rensselaer and State of New York, known as
5 Lots Number Seven (7), A Seven (A7), Six (6), A Six (A6), Five (5), A
6 Five (A5) and the southerly portions of Lots Four (4) and A Four (A4),
7 as the same are laid down and described on a certain Map made by Freder-
8 ick W. Orr, dated August 15, 1918, filed in the Office of the Clerk of
9 the County of Rensselaer as Map No. 29 1/2, Drawer 18. The said premises
10 hereby intended to be conveyed are bounded and described as follows:
11 COMMENCING at an iron rod in the westerly side of River Street at the
12 most southeasterly corner of premises heretofore conveyed by Harry Gold-
13 berg and Norman Goldberg to Arthur E. Collins and another, by Deed dated
14 November 8, 1940, recorded November 12, 1940 In the Office of the Clerk
15 of the County of Rensselaer in Book 633 of Deeds at page 400 and running
16 thence southerly along the westerly line of River Street 215.6 feet to a
17 pipe in the most southeasterly corner of Lot No. A7; thence westerly
18 along the southerly line of Lots Nos. A7 and 7, 163 feet more or less
19 to the easterly shore of the Hudson River; thence northerly along the
20 easterly shore of the Hudson River 216 feet more or less to the most
21 southwesterly corner of land heretofore conveyed by the said Harry Gold-
22 berg and Norman Goldberg to Arthur E. Collins and another hereinbefore
23 recited; thence along the southerly line of lands heretofore conveyed to
24 said Collins and another easterly 31.75 feet; thence northerly 6.33
25 feet; thence easterly 18 feet; thence southerly 6.33 feet; thence east-
26 erly 150.57 feet to the point or place of beginning. EXCEPTING THEREFROM
27 that portion of the above described premises as were conveyed by John B.
28 Garrett, Inc. to Cahill Orthopedic Laboratory, Inc. by deed dated June

1 22, 1993 and recorded in the Rensselaer County Clerk's Office on June
2 24, 1993 in Book 1690 of Deeds at Page 215, Containing 17,600 square
3 feet of land more or less. BEARINGS refer to the magnetic meridian of
4 1993. Said premises are also described as follows: Ward & Plate: 1005500
5 669 RIVER ST: frontage and depth 115.60 x 220.00 being the same premises
6 described in Book 6534 of Deeds at Page 256 in the Rensselaer County
7 Clerk's Office and being the same premises in the 2009 City of Troy
8 Assessment Rolls and 90.78-3-2.1 In Rem Serial No. AY0054 (RIVERVIEW
9 PROPERTIES INC; CORINA, ANGELO; MCLAUGHLIN, JOHN D & VASIL, SCOTT); and
10 being further bounded and described as follows: BEGINNING at a point
11 marked by a capped iron rod where the division line between lands now or
12 formerly of Walter Snyder Printer, Inc. (Liber 1334, Page 861) on the
13 northeast and lands herein described on the southwest intersects the
14 northwesterly side of River Street; running thence South 40° 01' 52"
15 West along the northwesterly side of River Street a distance of 100.00
16 feet to a point; thence North 49° 45' 31" West a distance of 41.97 feet
17 to a point at the southwesterly corner of the building located on the
18 herein described premises, said point also being the northeasterly
19 corner of the building located on the property adjoining on the south-
20 west; thence North 60° 59' 40" West along the building wall located on
21 the property adjoining on the southwest and the northwesterly continua-
22 tion of same a distance of 140.88 feet to the easterly shore of the
23 Hudson River; thence North 30° 16' 52" East along the shore of the
24 Hudson River a distance of 90.90 feet to a point; thence South 60° 44'
25 08" East along lands now or formerly of Walter Snyder Printer, Inc.
26 (Liber 1334, Page 861) a distance of 31.75 feet to a point; thence North
27 30° 16' 52" East continuing along lands now or formerly of Walter Snyder
28 Printer, Inc. a distance of 6.33 feet to a point; thence South 60° 44'

1 08" East continuing along lands now or formerly of Walter Snyder Print-
2 er, Inc a distance of 18.00 feet to a point; thence South 30° 16' 52"
3 West continuing along lands now or formerly of Walter Snyder Printer,
4 Inc. a distance of 6.33 feet to a point; thence South 60° 44' 08" East
5 continuing along lands now or formerly of Walter Snyder Printer, Inc. a
6 distance of 149.40 feet to the point and place of beginning. Be the
7 aforsaid dimensions in this clause more or less and encompassing lands
8 considered to be a single contiguous parcel.

9 17. Any premises with a retail on-premises liquor license in which a
10 manufacturer or wholesaler holds a direct or indirect interest, provided
11 that:

12 (a) said premises consist of an interactive entertainment facility
13 which predominantly offers interactive computer and video entertainment
14 attractions, and other games and also offers themed merchandise and food
15 and beverages;

16 (b) the sale of alcoholic beverages within the premises shall be
17 restricted to an area consisting of not more than twenty-five percent of
18 the total interior floor area of the premises;

19 (c) the retail licenses shall derive not less than sixty-five percent
20 of the total revenue generated by the facility from interactive video
21 entertainment activities and other games, including related attractions
22 and sales of merchandise other than food and alcoholic beverages;

23 (d) the interested manufacturer or wholesaler, or its parent company,
24 shall be listed on a national securities exchange and its direct or
25 indirect equity interest in the retail licensee shall not exceed twen-
26 ty-five percent;

1 (e) no more than fifteen percent of said licensee's purchases of alco-
2 holic beverages for sale in the premises shall be products produced or
3 distributed by the manufacturer or wholesaler;

4 (f) neither the name of the manufacturer or wholesaler nor the name of
5 any brand of alcoholic beverage produced or distributed by said manufac-
6 turer or wholesaler shall be part of the name of the premises;

7 (g) the name of the manufacturer or wholesaler or the name of products
8 sold or distributed by such manufacturer or wholesaler shall not be
9 identified on signage affixed to either the interior or the exterior of
10 the premises in any fashion;

11 (h) promotions involving alcoholic beverages produced or distributed
12 by the manufacturer or wholesaler are not held in such premises and
13 further, retail and consumer advertising specialties bearing the name of
14 the manufacturer or wholesaler or the name of alcoholic beverages
15 produced or distributed by the manufacturer or wholesaler are not
16 utilized in any fashion, given away or sold in said premises; and

17 (i) except to the extent provided in this subdivision, the licensing
18 of each premises covered by this subdivision is subject to all
19 provisions relating to an on-premises liquor license, including but not
20 limited to the liquor authority's approval of the specific location
21 thereof.

22 18. Any such premises where:

23 (a) a charitable organization holds a retail on on-premises license;
24 and

25 (b) an individual who is an officer or director of such organization
26 holds a manufacturer or wholesaler license, or is an officer, director
27 or partner of such manufacturer or wholesaler.

28 19. Any such premises with a retail license where:

- 1 (a) a manufacturer has an interest in such premises;
2 (b) the liquor authority consents to such interest;
3 (c) such premises is contiguous to the licensed premises of such
4 manufacturer;
5 (d) the liquor authority concludes that such interest is reasonably
6 necessary for the expansion of the facilities of such manufacturer; and
7 (e) the manufacturer shall not sell or deliver alcoholic beverages
8 manufactured by it to any licensee occupying such premises.

9 20. Any such premises or business located in the Town of Carmel, Coun-
10 ty of Putnam, State of New York, and being more particularly bounded and
11 described as follows: BEGINNING at a point on the westerly side of U.S.
12 Route 6 where the same is intersected by Lot No.1 as shown on "Minor
13 Subdivision Plat Prepared for Hinckley Holdings LLC Between Tax Lots
14 55.10-1-1, 55.10-1-3 & 55.6-1-53," filed in the Putnam County Clerks'
15 office on July 18, 2018 as filed map no. 3196 and lands now or formerly
16 of the Putnam County Bike path; THENCE from said point of beginning
17 along the westerly side of U.S. Route 6, S 14° 39' 25" E 16.79' to the
18 intersection of Lot Nos. 1 & 3 as shown on the aforementioned filed map
19 no. 3196; THENCE along the dividing line between Lot Nos. 1 & 3 as
20 shown on the aforementioned filed map no. 3196, S 75° 20' 35" W 6.53' to
21 a point on a curve to the right; THENCE along said curve to the right
22 with a radius of 150.00', a length of 49.19' and a central angle of 18°
23 47' 25" to a point; thence N 85° 52' 00" W 743.76', S 2° 05' 46" W
24 866.14' and N 88° 19' 25" W 258.90' to a point at the intersection of
25 Lot Nos. 1, 2, & 3 as shown on the aforementioned filed map no. 3196;
26 THENCE along the dividing line between Lot Nos. 1 & 2 as shown on the
27 aforementioned filed map no. 3196, N 28° 38' 52" W 218.96' and N 77° 16'
28 24" W 239.77' to a point on a curve to the right; THENCE along said

1 curve to the right with a radial bearing of S 84° 14' 21" E, a radius of
2 150.00', a length of 14.91' and a central angle of 5° 41' 49" to a
3 point; thence N 11° 27' 28" E 300.64' to a point on a curve to the left;
4 THENCE along said curve to the left with a radius of 70.00', a length of
5 121.16' and a central angle of 99° 10' 18" to a point; THENCE N 87° 42'
6 50" W 58.65' to a point on the easterly side of Seminary Hill Road;
7 THENCE along the easterly side of Seminary Hill Road, N 24° 43' 45" E
8 16.72', N 22° 06' 20" E 413.76', N 31° 12' 50" E 6.29', N 43° 03' 10" E
9 4.16' and N 42° 32' 19" E 6.72' to a point at the intersection of Lot
10 No. 1 as shown on the aforementioned filed map no. 3196 and lands now or
11 formerly of the Putnam County Bikepath; THENCE along the dividing line
12 between Lot No. 1 as shown on the aforementioned filed map no. 3196 and
13 lands now or formerly of the Putnam County Bikepath, N 63° 24' 48" E
14 12.80', N 72° 52' 19" E 17.05', S 68° 45' 13" E 41.08', S 88° 19' 31" E
15 215.42', S 29° 05' 17" E 71.85', S 74° 05' 17" E 393.67' and S 85° 52'
16 00" E 617.85' to the point and place of BEGINNING. Containing within
17 said bounds 13.003 acres of land more or less.

18 21. All those tract or parcel of land, lying and being in the Village
19 of South Glens Falls, County of Saratoga and State of New York, being
20 more particularly bounded and described as follows: BEGINNING at a point
21 at the southwest corner of the herein described parcel. Also being the
22 southeast corner of Lands of Village of South Glens Falls (L. 1448 P.
23 709) and being on the north boundary of West Marion Street, thence from
24 said point of beginning: n 21-21'-57" E 150.72 feet along lands of the
25 Village of South Glens Falls to a point on the south boundary of South
26 Glens Falls, thence S 67-34'-02" E 189.04 feet along lands of Village of
27 South Glens Falls and Mounir Rahal to a point at the southeast corner of
28 Rahal and on the west boundary of U.S. Rte. 9, thence S 21-16'-27" W

1 150.81 feet along Rte. 9 to a point at the intersection of the west
2 boundary of Rte. 9 and the north boundary of West Marion Street, thence
3 North 67-32'-32" West 189.29 feet along West Marion Street to the point
4 and place of beginning. Said parcel containing 0.507 plus or minus
5 acres.

6 22. ALL that certain plot, piece or parcel of land, situate, lying and
7 being a part of a condominium in the Town of East Hampton, County of
8 Suffolk and State of New York, known and designated as Unit No. 109,
9 together with a 6.167% undivided interest in the common elements of the
10 condominium hereinafter described as the same is defined in the Declara-
11 tion of Condominium herein after referred to. THE Condominium Unit
12 (hereinafter referred to as the Unit) known as a Unit, said unit being
13 designated in the Town of East Hampton, on "Map of East Hampton Office
14 Park Condominium" filed 2/6/91 as map No. 237, and described as Unit No
15 109 in a certain Declaration dated 1/22/91, made by Pantigo Office Asso-
16 ciates, Inc. Pursuant to Article 9-B of the Real Property Law of the
17 State of New York, establishing a plan for Condominium ownership of the
18 Building and Land upon which the building is situate, described below,
19 which Declaration was recorded in the Suffolk County Clerk's Office on
20 2/6/91 in Liber 11215 cp 01, as may be amended. Notwithstanding section
21 one thousand one of this chapter, the retail licensee and brand owner
22 located at the premises described in subdivision thirty-one of this
23 section may designate the importer licensee located at the premises
24 described in this subdivision as owner of such brands for purposes of
25 brand label registration and price scheduling under this chapter.

26 23. All that certain plot, piece or parcel of land, with the buildings
27 and improvements thereon erected, situate, lying and being at Bay Shore,
28 in the town of Islip, county of Suffolk and state of New York, bounded

1 and described as follows: BEGINNING at a point on the northerly side of
2 Spur Drive North distant 143.78 feet westerly from the corner formed by
3 the intersection of the northerly side of Spur Drive North and the
4 westerly side of Fifth Avenue; RUNNUNG THENCE South 86 degrees 45
5 minutes 15 seconds West along the northerly side of Spur Drive North
6 175.00 feet; THENCE North 43 degrees 41 minutes 20 seconds West 32.44
7 feet to the easterly side of 5th Industrial Court; THENCE North 5
8 degrees 52 minutes 00 seconds East along the easterly side of 5th Indus-
9 trial Court 175.00 feet; THENCE North 86 degrees 45 minutes 15 seconds
10 East 200.00 feet; THENCE South 5 degrees 52 minutes 00 seconds West 200
11 feet to the northerly side of Spur Dive North and the point or place of
12 BEGINNING. Being and intended to be the same premises as conveyed to the
13 Grantor herein by deed January 7, 2000 and recorded January 24, 2000 in
14 Liber 12015, page 422. Notwithstanding section one thousand one of this
15 chapter, the retail licensee and brand owner located at the premises
16 described in subdivision thirty-one of this section and further identi-
17 fied as Parcel A in such subdivision may designate the manufacturer
18 licensee located at the premises described in this subdivision as owner
19 of such brands for purposes of brand label registration and price sched-
20 uling under this chapter.

21 24. Any such premises located on that certain tract or parcel of land,
22 situate in the City of Rochester, County of Monroe and State of New
23 York, bounded and described as follows: BEGINNING at a point on the
24 northerly right-of-way line of East Avenue; said point being easterly
25 125.43 feet from the easterly right-of-way line of Alexander Street, as
26 measured along said northerly right-of-way line of East Avenue; thence,
27 1. N 07° 17' 46" E, a distance of 218.26 feet to a point; thence, 2. N
28 39° 14' 18" W, a distance of 27.51 feet to a point; thence, 3. N 20° 00'

1 35" E, a distance of 121.48 feet to a point; thence, 4. N 39° 47' 19" W,
2 a distance of 32.64 feet to a point; thence, 5. .S 74° 12' 52" W, a
3 distance of 30.93 feet to the point of intersection with the aforemen-
4 tioned easterly right-of-way line of Alexander Street; thence the
5 following three (3) courses along said easterly right-of-way line. 6. N
6 20° 04' 36" E, a distance of 210.80 feet to an angle point; thence; 7. N
7 20° 23' 26" E, a distance of 48.84 feet to a point of intersection with
8 the common line dividing lands at 390 East Avenue on the south and lands
9 of 350 Alexander Street on the north; thence, 8. N 20° 23' 26" E,
10 continuing along the easterly right-of-way line, a distance of 141.65
11 feet to a point; thence, 9. S 68° 41' 56" E, a distance of 81.10 feet to
12 a point; thence, 10. S 21° 46' 08" W, a distance of 142.27 feet to a
13 point; thence, 11. S 68° 13' 59" E, a distance of 92.32 feet to a point;
14 thence, 12. S 20° 04' 36" W, a distance of 600.00 feet to a point of
15 intersection with the aforementioned northerly right-of-way line of East
16 Avenue; thence, 13. N 71° 32' 04" W, along said northerly right-of-way
17 line, a distance of 44.84 feet to the Point of Beginning, TOGETHER WITH
18 THE BENEFITS and subject of the burdens of a certain Easement Agreement
19 for Ingress, Egress & Parking by and between City East LLC and 384 East
20 Avenue Inn of Rochester, LLC dated February 22, 2017 and recorded Febru-
21 ary 23, 2017 in Liber 11824 of Deeds, page 507, as amended by a certain
22 Amended and Restated Easement Agreement for Ingress, Egress & Parking by
23 and between City East LLC and 384 East Avenue Inn of Rochester, LLC
24 dated October 10, 2019 and recorded October 15, 2019 in Liber 12254 of
25 Deeds page 451.

26 25. Any such premises located on that certain piece or 2.68 acre
27 parcel of land situate in the Village of Lake Placid, Town of North
28 Elba, County of Essex, State of New York being part of Lot 279, Township

1 11, Old Military Tract, Richards' Survey lying northeast of Searle Lane,
2 so-called, fka Park Place, Rider Street, New Street, and Shadyside, a
3 partially opened street maintained by the Village of Lake Placid and
4 Mirror Lake Drive, so-called fka Lake Placid Club Drive, Shore Drive,
5 and Mirror Street, a village maintained street, and said parcel being
6 more particularly described as follows: Beginning at a point in the
7 center of Searle Lane at the most southerly corner of the premises;
8 Thence, North 36° 50' 00" West, 498.55 feet along the center of Searle
9 Lane to a point in the bounds of Mirror Lake Drive, and being the most
10 westerly corner of the premises; Thence, North 37° 10' 00" East, 255.37
11 feet along the bounds of Mirror Lake Drive to a point at the most north-
12 erly corner of the premises; Thence, South 52° 50' 00" East, 95.66 feet
13 along a line parallel to and thirty-six feet (36') distant from the
14 north wall of the "dorm", so-called, to a point; Thence, South 23° 43'
15 00" East, 80.00 feet along a line parallel to and thirty feet (30')
16 distant from the east wall of the "dorm" to a point; Thence, South 00°
17 24' 00" East, 293.48 feet along the east line of the premises to an
18 angle point; Thence, South 36° 50' 00" East, 150.00 feet along the east
19 line of the premises to an angle point and being the most easterly
20 corner; Thence, South 53° 10' 00" West, 135.00 feet along the southeast
21 line of the premises to the Point-of-Beginning and encompassing therein
22 2.68 acres more or less. All bearings are oriented to NYS Grid North,
23 East Zone. Together with all right, title and interest in and to the
24 land to the center of Mirror Lake Drive as it abuts the premises herein
25 above described. Granting and Reserving all structures, wires, lines,
26 easements of record, if any, for public utilities and highway purposes
27 as the same now exist upon or affect the premises hereinabove described.
28 Being part of the premises conveyed by Lake Placid Land Corporation to

1 Placid Gold, LLC by deed dated the 24th day of May 1996 and recorded in
2 the Essex County Clerk's Office in Deed Book 1113 at Page 302. The lands
3 conveyed are subject to the Terms and Conditions of Adirondack Park
4 Agency Permit Nos. 96-316, 96-316A, 96-316A, 97-38, 97-38A, 98-307,
5 98-307A which are binding upon the heirs, successors and assigns of the
6 grantors and all subsequent grantees. Said parcel being the Dormitory
7 lot and Lot Nos. 1, 2, 3 and 4 of the Executive Lodge Subdivision,
8 Section 1, Lake Placid Resort, filed in the Essex County Clerk's Office
9 as Map No. 3057 the 6th day of May 1981 and depicted on the 2010 Village
10 of Lake Placid Tax Map No. 042.0HL in Block 7 as Parcel 29,000.

11 26. (a) Any licensed manufacturer or wholesaler located on the 35th
12 floor of premises in the borough of Manhattan, city, county and state of
13 New York, bounded and described as follows: beginning at the corner
14 formed by the intersection of the easterly side of Washington Street and
15 the southerly side of Barclay Street; running thence easterly along the
16 southerly side of Barclay Street, the following three (3) courses and
17 distances: (1) South 88 degrees 37 minutes 20 seconds East 161.04 feet;
18 (2) South 88 degrees 39 minutes 01 seconds East 67.81 feet; and (3)
19 South 88 degrees 36 minutes 50 seconds East 112.04 feet to the corner
20 formed by the intersection of the southerly side of Barclay Street and
21 the westerly side of West Broadway; thence southerly along the westerly
22 side of West Broadway, the following three (3) courses and distances:
23 (1) South 13 degrees 29 minutes 10 seconds West 33.54 feet; (2) South 88
24 degrees 37 minutes 31 seconds East 7.16 feet; and (3) South 13 degrees
25 29 minutes 10 seconds West 172.20 feet to the corner formed by the
26 intersection of the westerly side of West Broadway and the northerly
27 side of Vesey Street; thence westerly along the northerly side of Vesey
28 Street, North 88 degrees 37 minutes 31 seconds West 233.48 feet to the

1 corner formed by the intersection of the northerly side of Vesey Street
2 and the easterly side of Washington Street; and thence northerly along
3 the easterly side of Washington Street, North 18 degrees 10 minutes 00
4 seconds West 213.45 feet to the point or place of beginning.

5 (b) Provided, however that, with respect to such manufacturer's or
6 wholesaler's interest in a retail licensee located at premises described
7 in subdivision forty-three of this section:

8 (i) such interest must have been acquired prior to the effective date
9 of chapter six hundred eleven of the laws of two thousand nineteen;

10 (ii) such manufacturer or wholesaler may not sell alcoholic beverages
11 directly to such retail licensee; and

12 (iii) no more than fifteen percent of the annual dollar value of alco-
13 holic beverages purchased by such retail licensee for sale on the prem-
14 ises may be produced by any such manufacturer.

15 27. (a) Any interest or estate held by a manufacturer or wholesaler in
16 an office building located in a city having a population of five hundred
17 thousand or more and in which is located the licensed premises of such
18 manufacturer or wholesaler.

19 (b) Provided, that a retail license for a restaurant in such building
20 shall only be issued if:

21 (i) the building is not less than five stories in height;

22 (ii) both the building and the interior of the restaurant premise have
23 been granted landmark status in accordance with applicable state or
24 local law;

25 (iii) space within the building is also occupied by persons other than
26 the manufacturer or wholesaler;

1 (iv) the rental for the retail premises applied for shall be compara-
2 ble to that for similar space in such building and similar buildings in
3 the immediate neighborhood; and

4 (v) The exemption herein provided shall apply to only one building and
5 shall not be extended to any other building in which such manufacturer
6 or wholesaler shall have any interest or estate.

7 (vi) The provisions of this subdivision shall apply solely with
8 respect to restaurant premises in a building located on a parcel of land
9 wholly within the boundaries of the borough of Manhattan, city and coun-
10 ty of New York, and bounded and described as follows: beginning at a
11 corner formed by the intersection of the northerly side of East Fifty-
12 second Street and the easterly side of Park Avenue; running northerly
13 along the easterly side of Park Avenue, two hundred feet ten inches;
14 thence easterly along the southerly side of East Fifty-third Street;
15 three hundred two feet; thence southerly parallel with the easterly side
16 of Park Avenue, one hundred feet five inches to the center line of the
17 block; thence westerly along the center line of the block at right
18 angles, seven feet; thence southerly parallel with the easterly side of
19 Park Avenue, one hundred feet five inches to the northerly side of East
20 Fifty-second Street; and thence westerly along the northerly side of
21 East Fifty-second Street two hundred ninety-five feet to the corner of
22 the point or place of beginning.

23 28. A premises operated by the holder of a restaurant-brewer's license
24 located wholly within the town of Ulster, county of Ulster, state of New
25 York, bounded and described as follows: ALL that certain plot, piece or
26 parcel of land with the buildings and improvements thereon erected,
27 situate, lying and being in the Town of Ulster, County of Ulster and the
28 State of New York, bounded and described as follows: BEGINNING at a

1 point on the Northeasterly side of City View Terrace, said point being
2 the Westerly corner of the lands of the State of New York and a South-
3 westerly corner of the herein described parcel; THENCE from said point
4 of beginning along the Northeasterly side of City View Terrace, North 43
5 degrees 36 minutes 03 seconds West, 109.02 feet to a point on the South-
6 easterly side of Forest Hill Drive; THENCE along the Southeasterly side
7 of Forest Hill Drive the following course and distances, North 16
8 degrees 32 minutes 34 seconds West, 92.62 feet to a point; THENCE North
9 10 degrees 38 minutes 26 seconds East, 70.45 feet to a point; THENCE
10 North 35 degrees 53 minutes 26 seconds East, 122.45 feet to a point;
11 THENCE North 46 degrees 30 minutes 26 seconds East, 203.40 feet to a
12 point; THENCE North 62 degrees 37 minutes 26 seconds East; 115.94 feet
13 to a point; THENCE North 79 degrees 39 minutes 26 seconds East, 47.82
14 feet to a point; THENCE North 45 degrees 16 minutes 41 seconds East,
15 63.33 feet to a recovered bar; THENCE along the bounds of lands of now
16 or formerly Skytop Village Associates, L. 1916-P. 134, the following
17 courses and distances, South 37 degrees 08 minutes 02 seconds East,
18 196.33 feet to a recovered bar; THENCE South 65 degrees 47 minutes 02
19 seconds East, 90.63 feet to a point; THENCE North 77 degrees 23 minutes
20 58 seconds East, 233.85 feet to a recovered bar; THENCE North 85 degrees
21 29 minutes 58 seconds East, 297.09 feet to a recovered bar; THENCE South
22 63 degrees 30 minutes 02 seconds East, 108.50 feet to a recovered bar;
23 THENCE along the bounds of lands of now or formerly Robert D. Sabino, L.
24 1487-P. 397, and along a stone wall, South 32 degrees 24 minutes 04
25 seconds West, 353.51 feet to a point; THENCE leaving said stone and
26 along the bounds of lands of now or formerly Stanley Amerling, L.
27 1440-P. 908, South 75 degrees 41 minutes 26 seconds West, 264.62 feet to
28 a point; THENCE along the bounds of lands of Summit Properties, LLC, L.

1 2856-P. 82, the following courses and distances, North 41 degrees 29
2 minutes 34 seconds West, 50.00 feet to a point; THENCE South 71 degrees
3 10 minutes 26 seconds West, 89.84 feet to a point; THENCE South 59
4 degrees 51 minutes 26 seconds West, 251.72 feet to a point; THENCE South
5 13 degrees 15 minutes 34 seconds East, 90.20 feet to a point; THENCE
6 along the bounds of lands of said State of New York, the following
7 courses and distances, North 56 degrees 41 minutes 34 seconds West,
8 168.79 feet to a point; THENCE North 75 degrees 51 minutes 34 seconds
9 West, 254.10 feet to the point and place of beginning. Being the same
10 premises as conveyed to Skytop Motel, LLC by deed of Stewart Title, as
11 agent of the grantor, Skytop Motel, Inc., dated April 29, 2003 and
12 recorded in the office of the Ulster County Clerk on June 10, 2003 as
13 document no. 2003-00016207, Receipt no. 48178, Bk-D VI-3621, pg-171.

14 29. A premises operated by the holder of a restaurant-brewer's license
15 located wholly within the city of Peekskill, county of Westchester,
16 state of New York, bounded and described as follows: Any such premises
17 or business located on all that certain parcel of land situate in the
18 City of Peekskill, County of Westchester and State of New York, that is
19 a portion of Parcel I as it is shown on that certain map entitled,
20 "Survey . . at Charles Point . ." which was filed in the Westchester
21 County Clerk's Office on October 23, 1980 as Map No. 20407 that is
22 bounded and described as follows: BEGINNING at a point on the easterly
23 shoreline of the Hudson River and within the bounds of the said Parcel I
24 as it is shown on the said Filed Map NO. 20407, which point occupies
25 coordinate position: North 464418.83 (y) East 607401.00 (x) of the New
26 York State Coordinate System, East Zone and which point is distant, the
27 following courses from the southerly corner of the Parcel shown on Map
28 No. 20407 that occupies coordinate position North 463520.804 (y) East

1 608470.681 (x) of the aforesaid New York State Coordinate System, East
2 Zone: North 47 degrees 30' 36" West 856.60 feet, North 77 degrees 10'
3 53" West 488.18 feet, North 41 degrees 17' 53" West 113.32 feet and
4 North 41 degrees 50' 16" East 169.08 feet; THENCE from the said point of
5 beginning along the said easterly shoreline (high water mark) of the
6 east bank of the Hudson River: Due North 16.17 feet, North 53 degrees
7 58' 22" West 13.60 feet, North 73 degrees 04' 21" West 24.04 feet, North
8 63 degrees 26' 06" West 22.36 feet, North 82 degrees 18' 14" West 37.34
9 feet, North 64 degrees 47' 56" West 37.58 feet, South 82 degrees 52' 30"
10 West 16.12 feet, North 61 degrees 41' 57" West 14.76 feet and South 21
11 degrees 48' 05" West 9.71 feet; THENCE leaving the high water mark and
12 running across a peninsula of land and along the division line between
13 Parcel I and Parcel II as shown on said Filed Map No. 20407, North 65
14 degrees 32' 43" West 30.18 feet to another point on the said easterly
15 shoreline (high water mark) of the East Bank of the Hudson River; THENCE
16 northerly along the said high water mark, the following courses: North 3
17 degrees 00' 46" West 17.54 feet, North 13 degrees 45' 39" West 50.45
18 feet, North 10 degrees 49' 23" West 69.23 feet, North 0 degrees 47' 22"
19 West 52.48 feet to a point which is the point of beginning of the here-
20 inafter described 40 foot easement which point occupies coordinate posi-
21 tion North 464676.48 (y) East 607189.28 (x) of the New York State Coor-
22 dinate System, East Zone; THENCE continuing along the aforesaid easterly
23 shoreline (high water mark) of the East Bank of the Hudson, the follow-
24 ing courses: North 10 degrees 18' 17" West 23.91 feet, North 39 degrees
25 04' 58" West 21.39 feet, North 20 degrees 13' 30" West 21.74 feet, North
26 39 degrees 02' 08" West 95.27 feet, North 13 degrees 08' 02" West 30.81
27 feet, North 18 degrees 26' 06" West 53.76 feet, North 28 degrees 10' 43"
28 West 63.53 feet, North 18 degrees 26' 06" West 50.60 feet, North 37

1 degrees 14' 05" West 31.40 feet, North 21 degrees 15' 02" West 96.57
2 feet, North 32 degrees 00' 19" West 47.17 feet, North 1 degree 18' 07"
3 West 44.01 feet and North 17 degrees 14' 29" East 29.32 feet to a point
4 on the southerly line of lands under lease to the County of Westchester
5 (Resco Site); THENCE along the said County of Westchester (Resco Site)
6 lands: Due East 432.31 feet to a point on the westerly line of an ease-
7 ment and a right-of-way leading to Charles Point Avenue; THENCE along
8 the said westerly and southwesterly line of the said right-of-way lead-
9 ing to Charles Point Avenue: Due South 241.16 feet and South 27 degrees
10 13' 00" East 406.90 feet to a point; THENCE leaving the said easement
11 and running along other lands now or formerly of The City of Peekskill
12 Industrial Development Agency, South 41 degrees 50' 16" West 270.01 feet
13 to the aforementioned easterly shoreline (high water mark) of the East
14 Bank of the Hudson River and the point or place of beginning. TOGETHER
15 with an easement over all that parcel of land situate in the City of
16 Peekskill, County of Westchester and State of New York that is more
17 particularly bounded and described as follows: BEGINNING at a point on
18 the westerly line of Charles Point Avenue with the said westerly line is
19 intersected by the line dividing the easement herein described on the
20 south from lands under lease to the County of Westchester (Resco Site)
21 on the north which point occupies coordinate position: North
22 464719.99(y) East 608004.15 (x) of the New York State Coordinate System,
23 East Zone; THENCE from the said point of beginning southerly along the
24 said westerly line of Charles Point Avenue, South 14 degrees 54' 00"
25 West 103.48 feet to a point; THENCE westerly along other lands of the
26 City of Peekskill Industrial Development Agency: Due West 396.44 feet to
27 a point which is the easterly most corner of the lands of Point Associ-
28 ates, the grantee herein; THENCE along the northeasterly line of the

1 said Point Associates' land, North 27 degrees 13' 00" West 406.90 feet
2 and Due North 241.16 feet to a point on the southerly line of the afore-
3 mentioned lands leased to the County of Westchester (Resco Site); THENCE
4 easterly along the said southerly line Due East 75.00 feet to a point;
5 THENCE southeasterly and easterly still along the said lands leased to
6 the County of Westchester (Resco Site) the following courses: Due South
7 223.00 feet, South 27 degrees 13' 00" East 314.87 feet and Due East
8 390.14 feet to the aforementioned westerly line of Charles Point Avenue
9 and the point or place of BEGINNING. TOGETHER WITH a non-exclusive ease-
10 ment for utilities, and ingress and egress over that certain right of
11 way leading from Charles Point Avenue, now known as John E. Walsh Boule-
12 vard, in a westerly and northwesterly direction to the above described
13 premises and as more fully described in the Declaration of Easement
14 recorded in Liber 8888 cp 35.

15 30. A premises operated as a brewery which shall be located wholly
16 within the town of Hyde Park, county of Dutchess, state of New York,
17 known and designated as Lot No. 1 shown on a map entitled "Subdivision
18 for Piney" filed in the Dutchess County Clerk's Office as Map No. 8764,
19 being more particularly bounded and described as follows: BEGINNING at a
20 point on the easterly line of State Highway Route 9 (also known as Alba-
21 ny Post Road) at the northwest corner of the herein described parcel and
22 the southwest corner of the lands now or formerly of Friendly Ice Cream
23 Corp.; thence along the division line between the herein described
24 parcel and the last mentioned lands; South 77 deg 10' 10" East 310.17
25 feet to the northeast corner of the herein described parcel and the
26 southeast corner of the last mentioned lands at a point on the westerly
27 line of other lands of Fernando Piney which are designated as Lot No. 1
28 as shown of Filed Map 5678; thence along the division line between the

1 herein described parcel and the last described lands of Piney. South 06
2 deg 34' 20" West 157.76 feet to the southeast corner of the herein
3 described parcel and the northeast corner of Lot No. 2 as shown on Filed
4 Map No. 8764; thence along the northerly line of Lot No. 2 as shown on
5 the last mentioned filed map. North 81 deg 25' 42" West 155.26 feet and
6 South 87 deg 45' 20" West 155.00 feet to the southwest corner of Lot No.
7 1 and the northwest corner of Lot No. 2 at a point on the easterly line
8 of State Highway Route 9; thence along the easterly line of State High-
9 way Route 9. North 06 deg 34' 20" East 210.00 feet to the point of
10 beginning. Being the same premises as conveyed to Anthony Lobianco,
11 Joseph Lobianco and Carmelo DeCicco by deed of Universal Land Abstract,
12 as agent of the grantor, Fernando Piney, dated March 21, 1995 and
13 recorded in the office of the Dutchess County Clerk on such date as
14 Receipt no. R12437, Batch record no. A00209; Being the same premises as
15 conveyed to Angela DeCicco by deed of Schirmer Hrdlicka & Strohsahl, as
16 agent of the grantor, Carmelo DeCicco, dated November 17, 2003 and
17 recorded in the office of the Dutchess County Clerk on December 9, 2004
18 as document no. 02 2004 12028, Receipt no. R98669, Batch record no.
19 C00440.

20 31. ALL that certain plot, piece or parcel of land, with the buildings
21 and improvements thereon erected, situate, lying and being in the Town
22 of East Hampton, County of Suffolk and State of New York, bounded and
23 described as follows: Beginning at a point on the northwesterly side of
24 Main Street (Montauk Highway - NYS Rte. 27) distant 541 feet more or
25 less northeasterly, as measured along the same, from the corner formed
26 by the intersection of the northeasterly side of Windmill Lane with the
27 northwesterly side of Main Street, said point being also at the division
28 line between the easterly side of land now or formerly of Stanley Flow-

1 er, Jr. and the westerly side of the hereafter described parcel; Running
2 thence along said division line and along the easterly side of land now
3 or formerly of Peter Bistrrian, North 21 degrees 34 minutes 40 seconds
4 West 380 feet; Thence still along land now or formerly of Peter Bistri-
5 an, North 64 degrees 52 minutes 20 seconds East, 74 feet; Thence along
6 land now or formerly of Peter Bistrrian, Cullum and EJS Realty Corp.
7 South 21 degrees 34 minutes 40 seconds East 380 feet to the northwester-
8 ly side of Main Street; and Thence along the northwesterly side of Main
9 Street, South 64 degrees 52 minutes 20 seconds West 74 feet to the point
10 or place of beginning. Being the same premises conveyed by Nicholas
11 Catalano by deed dated May 5, 1977 and recorded in the Suffolk County
12 Clerk's Office on May 16, 1977, in Liber 8235, cp 582. Being the same
13 premises conveyed in part to W. John Cox by deed dated May 23, 1985 and
14 recorded in the Suffolk County Clerk's Office on May 30, 1985, in Liber
15 9799, cp 453. Provided, however, notwithstanding section one hundred
16 seven-a of this article, the retail licensee and brand owner located at
17 the premises described in this subdivision may designate the importer
18 licensee located at the premises described in subdivision twenty-two of
19 this section as owner of such brands for purposes of brand label regis-
20 tration and price scheduling as required under this chapter.

21 32. A premises or with respect to the operation of a restaurant in an
22 office building located in a city having a population of five hundred
23 thousand or more and in which is located the licensed premises of such
24 manufacturer or wholesaler, provided that the building, the interior of
25 the retail premise and the rental therefor fully comply with the crite-
26 ria set forth in paragraph (b) of subdivision twenty-seven of this
27 section.

1 33. A premises or businesses located on all that certain piece or
2 parcel of land situate in the City of Syracuse, County of Onondaga,
3 State of New York, lying generally Northwesterly of the West Hiawatha
4 Boulevard, and generally Northeasterly of the New York State Barge
5 Canal, being a portion of Lot 11I and Lot 11J of the Carousel Center
6 Subdivision as shown on a resubdivision plan of the Carousel Center
7 Subdivision filed as Map No. 8743 in the Onondaga County Clerk's Office,
8 and as of May 20, 2014 identified as space L323 in a lease between the
9 liquor license applicant and property owner and on the third level of
10 the shopping center thereon, such shopping center land being more
11 particularly bounded and described as follows: BEGINNING at the point of
12 the intersection of the division line between the Northeasterly boundary
13 of the New York State Barge Canal, Syracuse Terminal designated as
14 "Parcel No. T-111" on the Southwest and Lot 11I of the Carousel Center
15 Subdivision on the Northeast with the Northwesterly boundary of West
16 Hiawatha Boulevard; thence North 50 deg. 26 min. 28 sec. West, along
17 said division line, 690.72 feet; to a point; thence through Lot 11I and
18 11J of said subdivision the following thirty-five (35) courses and
19 distances: 1) Thence North 40 deg. 22 min. 15 sec. East 191.79 feet to a
20 point; 2) Thence South 82 deg. 04 min. 58 sec. East 294.58 feet to a
21 point; 3) Thence North 07 deg. 52 min. 16 sec. East 314.89 feet to a
22 point; 4) Thence South 82 deg. 07 min. 45 sec. East 53.96 feet to a
23 point; 5) Thence North 07 deg. 52 min. 16 sec. East 70.18 feet to a
24 point; 6) Thence South 82 deg. 07 min. 44 sec. East 40.81 feet to a
25 point; 7) Thence North 07 deg. 52 min. 16 sec. East 35.49 feet to a
26 point; 8) Thence South 82 deg. 07 min. 50 sec. East 1.52 feet to a
27 point; 9) Thence North 07 deg. 52 min. 16 sec. East 45.53 feet to a
28 point; 10) Thence South 82 deg. 07 min. 44 sec. East 92.67 feet to a

1 point; 11) Thence North 07 deg. 52 min. 16 sec. East 194.00 feet to a
2 point; 12) Thence North 82 deg. 07 min. 44 sec. West 121.00 feet to a
3 point; 13) Thence North 07 deg. 52 min. 14 sec. East 408.67 feet to a
4 point; 14) Thence South 82 deg. 07 min. 44 sec. East 168.50 feet to a
5 point; 15) Thence North 07 deg. 52 min. 16 sec. East 34.33 feet to a
6 point; 16) Thence South 82 deg. 07 min. 44 sec. East 15.33 feet to a
7 point; 17) Thence North 07 deg. 52 min. 16 sec. East 341.67 feet to a
8 point; 18) Thence North 82 deg. 07 min. 44 sec. West 199.44 feet to a
9 point; 19) Thence North 07 deg. 52 min. 31 sec. East 0.97 feet to a
10 point; 20) Thence North 52 deg. 50 min. 09 sec. East 11.22 feet to a
11 point; 21) Thence North 07 deg. 52 min. 16 sec. East 20.77 feet to a
12 point; 22) Thence North 37 deg. 05 min. 57 sec. West 30.86 feet to a
13 point; 23) Thence North 82 deg. 07 min. 44 sec. West 21.02 feet to a
14 point; 24) Thence South 52 deg. 13 min. 00 sec. West 5.85 feet to a
15 point; 25) Thence North 82 deg. 07 min. 44 sec. West 7.41 feet to a
16 point; 26) Thence North 07 deg. 52 min. 16 sec. East 108.15 feet to a
17 point; 27) Thence South 82 deg. 07 min. 44 sec. East 0.75 feet to a
18 point; 28) Thence North 07 deg. 52 min. 16 sec. East 22.46 feet to a
19 point; 29) Thence North 82 deg. 07 min. 44 sec. West 0.75 feet to a
20 point; 30) Thence North 07 deg. 52 min. 16 sec. East 43.48 feet to a
21 point; 31) Thence North 52 deg. 52 min. 15 sec. East 7.78 feet to a
22 point; 32) Thence North 07 deg. 52 min. 16 sec. East 47.79 feet to a
23 point; 33) Thence North 37 deg. 07 min. 44 sec. West 7.78 feet to a
24 point; 34) Thence North 07 deg. 52 min. 16 sec. East 198.11 feet to a
25 point; and 35) Thence South 82 deg. 07 min. 44 sec. East 207.07 feet to
26 a point on the westerly right of way line of Interstate Route 81, Thence
27 along the westerly and southwesterly right of way line of Interstate
28 Route 81, in a generally southeasterly direction, the following seven

1 (7) courses and distances: 1) Thence South 18 deg. 26 min. 44 sec. East
2 44.24 feet to a point; 2) Thence South 31 deg. 26 min. 40 sec. East
3 70.85 feet to a point; 3) Thence South 37 deg. 56 min. 38 sec. East
4 377.51 feet to a point; 4) Thence South 33 deg. 48 min. 10 sec. East
5 129.69 feet to a point; 5) Thence South 32 deg. 22 min. 13 sec. East
6 213.26 feet to a point; 6) Thence South 42 deg. 27 min. 42 sec. East
7 58.65 feet to a point; and 7) Thence South 40 deg. 20 min. 45 sec. East
8 77.11 feet to its intersection with lands appropriated by the People of
9 the State of New York described as Map 1401 Parcel 1831 in Book 5256 of
10 Deeds at Page 686 and Book 5274 of Deeds at Page 836; Thence along the
11 bounds of said Map 1401 Parcel 1831 the following fifteen (15) courses
12 and distances: 1) South 07 deg. 30 min. 19 sec. East 39.16 feet to a
13 point; thence 2) South 03 deg. 25 min. 41 sec. West 30.00 feet to a
14 point; thence 3) South 12 deg. 49 min. 21 sec. West 30.00 feet to a
15 point; thence 4) South 22 deg. 11 min. 30 sec. West 30.00 feet to a
16 point; thence 5) South 31 deg. 35 min. 08 sec. West 30.00 feet to a
17 point; thence 6) South 40 deg. 57 min. 25 sec. West 30.01 feet to a
18 point; thence 7) South 48 deg. 44 min. 51 sec. West 20.00 feet to a
19 point; thence 8) South 55 deg. 01 min. 19 sec. West 19.99 feet to a
20 point; thence 9) South 65 deg. 30 min. 44 sec. West 8.49 feet to a
21 point; thence 10) North 75 deg. 22 min. 31 sec. West 38.92 feet to a
22 point; thence 11) North 29 deg. 08 min. 26 sec. West 25.83 feet to a
23 point; thence 12) North 07 deg. 58 min. 33 sec. West 20.27 feet to a
24 point; thence 13) North 07 deg. 40 min. 45 sec. East 100.00 feet to a
25 point; thence 14) North 82 deg. 23 min. 04 sec. West 1.00 feet to a
26 point; and 15) South 07 deg. 40 min. 49 sec. West 425.30 to its inter-
27 section with the northerly bounds of Map 1402 Parcel 1836 of said appro-
28 priation; Thence along the bounds of Map 1402 Parcel 1836 as described

1 in Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836 the
2 following three (3) courses and distances: 1) South 07 deg. 40 min. 17
3 sec. West 70.35 feet to a point; thence 2) South 82 deg. 09 min. 26 sec.
4 East 1.00 feet to a point; and 3) North 07 deg. 40 min. 37 sec. East
5 70.35 feet to its intersection with the bounds of the hereinabove
6 described Map 1401 Parcel 1831; Thence along the bounds of said Map 1401
7 Parcel 1831 the following ten (10) courses and distances: 1) North 07
8 deg. 40 min. 37 sec. East 100.00 feet to a point; thence 2) North 40
9 deg. 32 min. 01 sec. East 61.06 feet to a point; thence 3) North 50 deg.
10 26 min. 34 sec. East 110.76 feet to a point; thence 4) North 55 deg. 51
11 min. 53 sec. East 43.02 feet to a point; thence 5) North 66 deg. 11
12 min. 17 sec. East 30.00 feet to a point; thence 6) North 79 deg. 28 min.
13 24 sec. East 30.00 feet to a point; thence 7) South 87 deg. 12 min. 02
14 sec. East 30.00 feet to a point; thence 8) South 73 deg. 54 min. 22 sec.
15 East 30.00 feet to a point; thence 9) South 59 deg. 56 min. 49 sec.
16 East 33.00 feet to a point; and 10) South 47 deg. 06 min. 38 sec. East
17 95.11 feet to its intersection with the division line between Lot 11J on
18 the Northwest and the lands now or formerly of Woodstead Enterprises Co.
19 as described in Book 3530 of Deeds at Page 257 on the Southeast (former-
20 ly lands of Rome Watertown and Oswego Railroad Company via Letters
21 Patent, Book 292, Page 264); thence South 28 deg. 12 min. 27 sec. West
22 along said division line and along the Northwesterly boundary of West
23 Hiawatha Boulevard in part, 36.93 feet to its point of intersection with
24 Northeasterly boundary of West Hiawatha Boulevard; thence North 61 deg.
25 43 min. 58 sec. West along said Northeasterly boundary 158.30 feet to
26 its point of intersection with the Northwesterly boundary of said West
27 Hiawatha Boulevard; thence West along said Northwesterly boundary the
28 following three (3) courses: 1) South 30 deg. 39 min. 30 sec. West

1 599.46 feet to a point; thence 2) South 30 deg. 30 min. 42 sec. West
2 62.49 feet to a point; and 3) South 23 deg. 40 min. 55 sec. West 220.04
3 feet to its point of intersection with Southwesterly boundary of West
4 Hiawatha Boulevard; thence South 49 deg. 30 min. 46 sec. East along said
5 Southwesterly boundary, 0.30 feet to its point of intersection with the
6 first hereinabove described Northwesterly boundary of West Hiawatha
7 Boulevard; thence South 40 deg. 26 min. 20 sec. West, along said
8 Northwesterly boundary, 98.08 feet to its point of intersection with the
9 division line between Lot 11J on the Northeast and Lot 11H of the
10 Carousel Center Subdivision on the Southwest; thence North 50 deg. 25
11 min. 12 sec. West, along said division line, 147.85 feet to the North-
12 west corner of Lot 11H; thence South 40 deg. 26 min. 20 sec. West 217.47
13 feet to the Southwest corner of lot 11H; thence South 49 deg. 49 min. 16
14 sec. East 147.83 feet to a point on the first hereinabove described
15 Northwesterly boundary of West Hiawatha Boulevard; thence along said
16 Northwesterly boundary of West Hiawatha Boulevard the following two (2)
17 courses: 1) South 40 deg. 26 min. 20 sec. West 17.66 feet to a point;
18 and 2) South 43 deg. 01 min. 50 sec. West 468.25 feet to the point of
19 beginning. Excepting the following piece or parcel of land appropriated
20 by the People of the State of New York described as Map 1401 Parcel 1832
21 in Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836:
22 Commencing at the southwest corner of herein above described Map 1402
23 Parcel 1836 said point having a proceeding course of South 07 deg. 40
24 min. 17 sec. West 70.35 feet in the premises describe hereinabove;
25 thence North 13 deg. 18 min. 48 sec. West 138.17 feet to the southeast
26 corner of Map 1401 Parcel 1832; thence along the bounds of said Map 1401
27 Parcel 1832 the following four (4) courses and distances: 1) North 82
28 deg. 09 min. 26 sec. West 1.00 feet to a point; thence 2) North 07 deg.

1 53 min. 50 sec. East 353.36 feet to a point; thence 3) South 81 deg. 54
2 min. 58 sec. East 1.00 feet to a point, and 4) South 07 deg. 53 min. 54
3 sec. West 353.36 feet to the point of beginning; or such premises or
4 businesses located on that tract or parcel of land situate lying and
5 being in the Town of Oneonta, County of Otsego and State of New York and
6 being a portion of Otsego County Tax Map Department Parcel Number
7 287.00-1-33 and bounded and described as follows: Beginning at a point
8 2.12 feet off the northeasterly corner of a one story building on the
9 lands, now or formerly, of Abner Doubleday, LLC, aka Cooperstown All
10 Star Village, LLC, as owned by Martin and Brenda Patton, which point
11 lies N 87°55'13" W a distance of 149.37' from the northeast corner of
12 the Patton lands; thence N 74°30'18" W a distance of 51.50 feet to a
13 point; thence S 15°29'42" W a distance of 2.00 feet to a point; thence N
14 74°30'18" W a distance of 14.00 feet to a point; thence S 15°29'42" W a
15 distance of 19.20 feet to a point; thence S 74°30'18" E a distance of
16 14.20 feet to a point; thence S 15°29'42" W a distance of 4.20 feet;
17 thence S 74°30'18" E a distance of 51.30 feet to a point; thence N
18 15°29'42" E a distance of 25.40 feet to a point to the point and place
19 of beginning.

20 34. A premises or business located on any of the following four
21 parcels: Parcel A any such premises or business constituting the over-
22 night lodging and resort facility located wholly within the boundaries
23 of the Village of Altmar, County of Oswego, Great Lot 19 beginning at a
24 point on centerline of Pulaski Street at its intersection with the divi-
25 sion line between the lands now or formerly of Altmar Parish Williams-
26 town Central School District (APW CSD) as described in Book 378 of Deeds
27 at Page 118 on the northwest and the lands now or formerly of Tostanoski
28 as described in Book 1356 of Deeds at Page 55 on the southeast; Thence

1 along said centerline the following two (2) courses: 1) North 37 deg. 35
2 min. 00 sec. West, a distance of 803.88 ft. to a point and 2). North 45
3 deg. 48 min. 13 sec. West, a distance of 132.33 ft. to its intersection
4 with the division line between the said lands of APW CSD on the south-
5 east and the lands now or formerly of Hayward as described in Book 894
6 of Deeds at Page 211 & Doc. #2006-9318 on the northwest; Thence North 23
7 deg. 48 min. 43 sec. East along said division, a distance of 131.66 ft.
8 to its intersection with the division line between the said lands of APW
9 CSD on the north and the said lands of Hayward on the south; Thence
10 South 73 deg. 16 min. 17 sec. West along the said division line, a
11 distance of 131.66 ft. to its intersection with the division line
12 between the said lands of APW CSD and the lands now or formerly of
13 National Grid as described in Book 282 of Deeds at Page 552; Thence
14 along said division line to the following six (6) courses: 1) North 23
15 deg. 43 min. 38 sec. East, a distance of 158.73 ft. to a point; thence
16 2) North 83 deg. 39 min. 24 sec. West, a distance of 190.48 ft. to a
17 point; thence 3) North 25 deg. 39 min. 08 sec. East, a distance of 24.15
18 ft. to a point; thence 4) North 53 deg. 32 min. 01 sec. East, a distance
19 of 265.18 ft. to a point; thence 5) North 81 deg. 24 min. 54 sec. East a
20 distance of 475.00 ft. to a point; and 6) North 81 deg. 24 min. 54 sec.
21 East, a distance of +/- 522 ft. to its intersection with the center of
22 Salmon River; Thence upstream along said center, and in a generally
23 southerly direction, a distance of +/- 1,455 ft. to its intersection
24 with the division line between the said lands of APW CSD on the north-
25 west and the lands now or formerly of Bennett as described in Book 927
26 of Deeds at Page 65 on the southeast; Thence South 52 deg. 19 min. 00
27 sec. West along said division line, a distance of +/- 170 ft. to a
28 point; Thence South 52 deg. 19 min. 00 sec. West, continuing along said

1 division line, a distance of 400.00 ft. to its intersection with the
2 centerline of Pulaski Street; Thence North 37 deg. 35 min. 00 sec. West
3 along said centerline, a distance of 53.65 ft. to its intersection with
4 the division line between the said lands of APW CSD on the southeast and
5 the lands now or formerly of Pfluger as described in Book 922 of Deeds
6 at Page 187 on the northwest; Thence North 52 deg. 25 min. 00 sec. East
7 along said division line, a distance of 330.00 ft. to its intersection
8 with the division line between the said lands of APW CSD on the north-
9 east and the said lands of Pfluger, the lands now or formerly of Endsley
10 as described in Book 1520 of Deeds at page 5, and the hereinabove said
11 lands of Tostanoski, in part by each, on the southwest; Thence North 37
12 deg. 35 min. 00 sec. West along said division line, a distance of 247.50
13 ft. to its intersection with the division line between the said lands of
14 APW CSD on the northwest and the said lands of Tostanoski on the south-
15 east; Thence South 52 deg. 25 min. 000 sec. West along said division
16 line, a distance of 330.00 ft. to the POINT OF BEGINNING; or Parcel B
17 any such premises or business constituting the overnight lodging and
18 resort facility located wholly within the boundaries of that tract or
19 parcel of land situate in the city of Syracuse, County of Onondaga and
20 State of New York, being part of Block 366 in said City and more partic-
21 ularly bounded and described as follows: beginning at a point at the
22 intersection of the southerly line of East Genesee Street with the
23 westerly line of University Avenue; running thence: South 00° 30' 30"
24 West, along said Westerly line of University Avenue, a distance of 75.16
25 feet to a point therein; Thence North 89° 49' 00" West, a distance of
26 140.00 feet to a point; thence South 00° 30' 30" West, a distance of
27 271.55 feet to a point; Thence North 89° 49' 00" West, a distance of
28 103.01 feet to a point; Thence South 00° 11' 00" West, a distance of

1 132.00 feet to a point in the northerly line of Madison Street; Thence
2 North 89° 49' 0" West along said northerly line, a distance of 141.36
3 feet to a point; Thence North 00° 25' 10" East, a distance of 50 feet to
4 a point in the westerly line of Farm Lot 200 of the Salt Springs Reser-
5 vation; Thence North 03° 26' 10" West along said westerly line, a
6 distance of 415.12 feet to a point in the southerly line of East Genesee
7 Street; Thence North 88° 11' 00" East, along said southerly line, a
8 distance of 412.50 feet to the point of beginning. The premises are also
9 described as follows: All that tract or parcel of land, situate in the
10 City of Syracuse, County of Onondaga and State of New York, being known
11 as new Lot 1A as is more particularly shown on a Resubdivision Map of
12 Part of Block 366 made by Christopherson Land Surveying and filed in the
13 Onondaga County Clerk's Office October 8, 2002 as Map No. 9498; or
14 Parcel C any such premises or business constituting the overnight lodg-
15 ing and resort facility located wholly within the boundaries of all that
16 tract or parcel of land situate in the city of Syracuse, County of Onon-
17 daga and State of New York, being a part of Lots 200 and 201, Lots 2, 6,
18 and 7, Block 368 in the City of Syracuse and being further described as
19 follows: Beginning at a drill hole set at the intersection of the east-
20 erly street margin of South Crouse Avenue and the southerly street
21 margin of Harrison Street; Thence S. 89° 51' 36" E. (S 89° 49' 40" E
22 measured), along the southerly street margin of Harrison Street, a
23 distance of 395.30 feet to a capped iron rod set at the westerly line of
24 a parcel of land conveyed to Syracuse University; Thence S. 00° 28' 34"
25 W. (S 00° 30' 30" W measured), along the westerly line of those parcels
26 of land conveyed to Syracuse University, a distance of 132.00 feet to a
27 capped iron rod set; Thence N. 89° 51' 36" W. (N 89° 49' 40" W meas-
28 ured), along the northerly line of a parcel of land conveyed to Syracuse

1 University, a distance of 132.00 feet to a capped iron rod set; Thence
2 N. 89° 51' 36" W. (N 89° 49' 40" W measured), along the northerly line
3 of a parcel of land conveyed to Syracuse University, a distance of 66.00
4 feet to a capped iron rod set; Thence S. 00° 28' 34" W. (S 00° 30' 30" W
5 measured), along the westerly line of that Syracuse University Property,
6 a distance of 71.25 feet to a capped iron rod set; Thence N 89° 55' 36"
7 W. (89° 53' 39" W measured), a distance of 130.40 feet to a capped iron
8 rod set at the easterly line of that parcel of land conveyed to Crouse
9 Health Systems, Inc. by deed recorded in the Onondaga County Clerk's
10 Office in Liber 4800 at Page 730; Thence N. 03° 44' 23" W. (03° 42' 26"
11 W measured), along the easterly line of the Crouse Health System, Inc.
12 property, a distance of 37.99 feet to a magnetic nail set at the north-
13 east corner of the aforementioned Crouse Health System, Inc.; Thence N.
14 89° 51' 36' W. (N 89° 49' 40" W measured), along the northerly line of
15 the Crouse Health System, Inc. Property, a distance of 195.85 feet to a
16 capped iron rod set at the easterly street margin of South Crouse
17 Avenue; Thence N. 00° 23' 14" E. (N 00° 25' 10" E measured), along the
18 easterly street margin of South Crouse Avenue, a distance of 165.50 feet
19 to the point of beginning. Together with all the right, title and inter-
20 est in and to strops and gores of land, if any, adjoining or adjacent to
21 said premises and to the lands lying in the bed of any street, road land
22 or right of way, as they now exist, or formerly existed in, in front of,
23 or adjoining the premises above described or used in connection with
24 said above described premises. Containing 1.55 acres of land more or
25 less. It being the intent of this survey description to describe those
26 parcels of land conveyed by Temple Adath Yeshurun, also known as the
27 Congregation Adath Yeshurun, to the Syracuse Urban Renewal Agency, by a
28 Warranty Deed dated September 21, 1972, that was duly recorded in the

1 Onondaga County Clerk's Office on October 10, 1972 in Deed Book 2486 at
2 Page 1137. Being a portion of the premises conveyed at Hotel Skylar,
3 LLC, f/k/a 908 Harrison St., LLC, by deed dated June 5, 2007, and
4 recorded in the Onondaga County Clerk's Office on June 14, 2007 in Deed
5 Book 04998 at Page 0795 (Instrument: 0687909); or Parcel D any such
6 premises or business constituting the overnight lodging and resort
7 facility located wholly within the boundaries of all that tract or
8 parcel of land situate in the city of Syracuse, County of Onondaga,
9 being part of Lots 13, 14 and 15 of Block 233 in said City, more partic-
10 ularly bounded and described as follows: beginning at a point in the
11 northerly line of East Genesee Street, a distance of 232.5 feet easter-
12 ly, measured along said northerly line, from the easterly line of Almond
13 Street; Running thence the following 8 courses and distances: (1.) S 89°
14 30' 50"E, along said northerly line of East Genesee Street, a distance
15 of 109.5 feet; (2.) N 00° 20' E, parallel with said easterly line of
16 Almond Street, a distance of 158.69 feet to the southerly line of Orange
17 Alley; (3.) N 89° 30' 50" W, along said southerly line of Orange Alley,
18 a distance of 66 feet to a point; (4.) N 00° 20' E, parallel with said
19 easterly line of Almond Street, 20 feet to the northerly line of Orange
20 Alley; (5.) N 89° 30' 50" W, along said northerly line of Orange Alley,
21 a distance of 9 feet; (6.) S 00° 20' W, parallel with said easterly
22 line of Almond Street, a distance of 13.5 feet to a point; (7.) N 89°
23 30' 50" W, parallel with the aforesaid northerly line of East Genesee
24 Street, a distance of 3 feet to a point; and, (8.) S 00° 20' W, parallel
25 with said easterly line of Almond Street, a distance of 165.19 feet to
26 the point of beginning, containing 17,781+/- sq. ft. (0.41+/-Acres of
27 Land) and; Parcel II (#716-718 East Fayette Street), All that tract or
28 parcel of land situate in the City of Syracuse, County of Onondaga and

1 State of New York, being Lot 3 and part of lots 4 and 9 of Block 233
2 beginning in the southerly line of East Fayette Street, a distance of
3 132 feet westerly, measured along said southerly line, from the westerly
4 line of Forman Avenue; Running thence the following 4 courses and
5 distances: (1.) N 89° 30' 50" W, along said southerly line of East
6 Fayette Street, a distance of 97 feet; (2.) S 00° 20' 20" W, parallel
7 with said westerly line of Forman Avenue, a distance of 178.69 feet to
8 the northerly line of Orange Alley; (3.) S 89° 30' 50" E, along said
9 northerly line of Orange Alley, a distance of 97 feet to a point; and,
10 (4.) N 00° 20' 10" E, parallel with said westerly line of Forman Avenue,
11 a distance of 178.69 feet to the point of beginning.

12 35. ALL THOSE TRACTS OR PARCEL OF LAND, situate in the City of Sarato-
13 ga Springs, Saratoga County, New York, bounded and described as follows:
14 Beginning at a point 55 feet south on Beekman Street, from where the
15 west line of Beekman Street intersects the south line of Congress
16 Street, and running thence southerly along the west line of Beekman
17 Street 55 feet, more or less, to the north line of the premises now or
18 formerly owned or occupied by Henry Curtis; thence westerly along said
19 Curtis' north line 65 feet, more or less, to the east line of the prem-
20 ises heretofore conveyed to Edward M. Merritt; thence northerly along
21 said Merritt's east line 55 feet, more or less, to a point 55 feet south
22 of the south line of Congress Street; thence easterly on a line parallel
23 with the south line of Congress Street 65 feet, more or less, to the
24 point and place of beginning; and being further bounded and described as
25 follows: BEGINNING at a point in the Southerly line Grand Avenue at the
26 intersection of the Westerly line of Beekman Street, said point also
27 being the Northeast comer of lands now or formerly of Dublin Under-
28 ground, LLC as conveyed in Book 1769 of Deeds at Page 657, thence along

1 said Westerly line of Beekman Street, South 01°02'45"West, 55.00 feet to
2 a point at the intersection of the common division line between lands
3 now or formerly of Haggerty as conveyed in Book 1595 of Deeds at Page
4 480 on the South and lands of said Dublin Underground LLC on the North,
5 thence along said division line, North 88°57'15"West, 65.00 feet to a
6 point at the intersection of the common division line between lands now
7 or formerly of Haynes as conveyed in Book 1630 of Deeds at Page 727 on
8 the West and said lands of Dublin Underground UC on the East, thence
9 along said division line, North 01°02'45"East, 55.00 feet to a point in
10 the Southerly line of Grand Avenue, thence along said Southerly line,
11 South 88°57'15"East, 65.00 feet to the point or place of beginning and
12 containing 3576 ± square feet of land; and being further bounded and
13 described as follows: BEGINNING at a point where the east line of an
14 alley intersects the south line of Grand Avenue, running thence easterly
15 fifty-five (55) feet, more or less, to the west line of property now or
16 formerly owned by one Desidora; thence southerly one hundred ten (110)
17 feet, more or less, to the northerly line of property now or formerly
18 owned by one Gutierresl thence westerly fifty-five (55) feet, more or
19 less to the easterly line of an alley; thence northerly one hundred ten
20 (110) feet, more or less to the point or place of beginning. Be the
21 aforesaid dimensions in this clause more or less and encompassing lands
22 considered to be a single contiguous parcel.

23 36. A such premises or business located on that certain piece or
24 parcel of land, or any subdivision thereof, situate, lying and being in
25 the Village of Suffern, Town of Ramapo, County of Rockland and State of
26 New York, addressed as 97-99 Lafayette Avenue, Suffern, New York, iden-
27 tified for tax purposes by the Town of Ramapo - 2000 County/Town Tax
28 Bill, Tax Map No. 07/016-B-0239-B-0000 and New Parcel Tax Identification

1 No. 54.35-2-54, bounded and described as follows: BEGINNING at a point
2 on the Westerly side of Washington Avenue, where the same is intersected
3 by the Northerly line of lands now or formerly of the Village of Suffern
4 (Sect. 168, Lot 284), said point also being the Southeasterly corner of
5 the premises herein intended to be described. RUNNING THENCE North 76
6 degrees 15 minutes West along the Northerly line of lands now or former-
7 ly of the Village of Suffern a distance of 210.30 feet to a point;
8 THENCE South 13 degrees 45 minutes West along the Westerly line of lands
9 now or formerly of the Village of Suffern a distance of 78.75 feet to a
10 point; THENCE North 76 degrees 28 minutes West along the Northerly line
11 of lands now or formerly of the Village of Suffern a distance of 96.30
12 feet to a point; THENCE North 13 degrees 32 minutes East a distance of
13 117.60 feet to a point; THENCE South 76 degrees 15 minutes East a
14 distance of 6.00 feet to a point; THENCE North 13 degrees 32 minutes
15 East a distance of 54.80 feet to a point; THENCE South 76 degrees 15
16 minutes East a distance of 91.00 feet to a point; THENCE North 13
17 degrees 45 minutes East along the Easterly line of lands now or formerly
18 of Mirando (Sect. 168. Lot 239A) a distance of 123.25 feet to a point on
19 the Southerly side of Lafayette Avenue; THENCE South 59 degrees 56
20 minutes 42 seconds East along the Southerly side of Lafayette Avenue a
21 distance of 176.92 feet to a point; THENCE Southeasterly along the
22 Southerly side of Lafayette Avenue, on a curve to the right having a
23 radius of 58.97 feet an arc distance of 76.88 feet to a point; THENCE
24 South 14 degrees 45 minutes West along the Westerly side of Washington
25 Avenue a distance of 109.22 feet to the point or place of BEGINNING.
26 Being the same premises described in a deed dated June 11, 1999 from
27 Westchester Realty Group LLC to Marandy Realty Associates, LLC and
28 recorded in the Rockland County Clerk's Office on June 24, 1999 Instru-

1 ment ID #1999-00033893. The premises described above are more partic-
2 ularly described after field survey by A.R. Sparaco, Jr., P.L.S. dated
3 June 13, 2000, as follows: ALL THAT TRACT, piece or parcel of land with
4 the buildings and improvements thereon in the Village of Suffern, Town
5 of Ramapo, Rockland County, New York, Tax Map Reference Section 16B;
6 Lots 239 B and 254, bounded and described as follows: BEGINNING at a
7 cross-cut in the westerly line of Washington Ave. (50 feet wide) where
8 the same is intersected by the northerly line of lands of the Village of
9 Suffern (formerly Washington Ave. School) and running thence; North 78°
10 42' 52" West 211.11' along the northerly line of lands of the Village of
11 Suffern to an iron pipe; thence, South 11° 03' 40" West 78.38' continu-
12 ing along said lands to a PK nail; thence, North 79° 21' 20" West 96.30'
13 continuing along said lands to an iron pipe; thence, North 10° 21' 09" E
14 117.12' along lands now or formerly of Meadows to a point; thence, South
15 79°00'00" East 6.00' to a point in the centerline of an old right of
16 way; thence, North 12°50'10" East 55.32' along the centerline of an old
17 right of way to an iron pipe; thence, South 79°00'00" East 91.04' cross-
18 ing through said right of way and continuing along the southerly line of
19 lands now or formerly of Miranda to a cross cut; thence, North 11°15'34"
20 East 123.37' along the easterly line of said lands to a cross cut in the
21 southerly line of Lafayette Ave.; thence, South 62°34'00" East 165.97'
22 along the assumed southerly line of Lafayette Ave. to a point of curva-
23 ture; thence, Southeasterly along a curve to the right having a radius
24 of 72.00' and an arc distance of 93.43' continuing along the same to a
25 point of tangency in the westerly line of Washington Ave; thence, South
26 11°47'00" West 100.86' along the westerly line of Washington Ave. to
27 the point or place of BEGINNING. Containing 1.267 acres of land more or
28 less. SUBJECT to utility easements described in Uber 1016, page 487,

1 Liber 1038, page 977, Book 340, page 1277. SUBJECT TO a 6' wide easement
2 for ingress and egress as described in Liber 318, page 4. TOGETHER with
3 a 6' wide and 12' wide right of way as described in Liber 318, page 4.
4 SUBJECT TO any other easements, rights of ways or restrictions of
5 record. Being the same premises described in a deed dated June 11, 1999
6 from Westchester Realty Group LLC to Marandy Realty Associates, LLC and
7 recorded in the Rockland County Clerk's Office on June 24, 1999 Instru-
8 ment ID #1999-00033893.

9 37. ALL THOSE TRACTS OR PARCEL OF LAND, situate in the City of Sarato-
10 ga Springs, County of Saratoga and State of New York, bounded and
11 described as follows: Starting at an iron pipe on the southerly side of
12 New York State Highway 9P at the intersection of the lands now of
13 formerly of Ernst and one Walbridge and runs thence along the said high-
14 way S 64 degrees 25' E 72.4 feet to a concrete state monument; thence S
15 35 degrees 9' E 135.6 feet to an iron pipe on the Westerly side of an 18
16 foot wide Right of Way extending from the aforementioned highway to the
17 Low Water Mark of Saratoga Lake; thence along the said Right of Way S 17
18 degrees 20' W 115 feet to an iron pipe, the place of beginning; thence
19 in the same straight line along the said Right of Way 78.4 feet to an
20 iron pipe; thence still along the said Right of Way S 38 degrees 9' W
21 208 feet to an iron pipe; thence N 51 degrees 51' W 81 feet to an iron
22 pipe; thence N 14 degrees 34' E 54.2 feet to an iron pipe; thence N 56
23 degrees 0' E 242.8 feet to the place of beginning, the aforementioned
24 dimensions more or less; and being further bounded and described as
25 follows: BEGINNING at an iron pipe of the southerly side of New York
26 State Highway 9P at the intersection of the lands now of formerly of
27 Ernst and one Walbridge and runs thence along said highway S. 64 degrees
28 25' E. 72.4 feet to a concrete state monument; thence still along the

1 said highway S. 35 degrees 9' E. 135.6 feet to an iron pipe on the
2 westerly side of a Right of Way 18 feet wide running from the beforemen-
3 tioned highway to the Low Water Mark of Saratoga Lake; thence across the
4 said Right of Way S. 26 degrees E. 21.15 feet to the Easterly side of
5 the said Right of Way, the place of beginning; thence along the said
6 Right of Way S. 17 degrees 20' W. 171.1 feet to a point; thence still
7 along the said Right of Way S. 38 degrees 9' W. to the Low Water Mark of
8 Saratoga Lake; thence along the Low Water Mark of the said lake to an
9 iron pipe on the Westerly side of the said Highway which point is about
10 435 feet Easterly at right angles from the Easterly side of the before-
11 mentioned Right of Way; thence along the said Highway N. 10 degrees 57'
12 W. 653.5 feet to a concrete monument; thence N. 26 degrees 10' W. 9.85
13 feet to the place of beginning. Be the aforesaid dimensions in this
14 clause more or less and encompassing lands considered to be a single
15 parcel.

16 38. Where such licensed wholesaler or manufacturer also has an inter-
17 est in any such premises or business constituting the overnight lodging
18 and resort facility located wholly within the boundaries of that tract
19 or parcel of land situate in the city of Canandaigua, county of Ontario,
20 beginning at a point in the northerly line of village lot nine where it
21 meets with South Main Street, thence south sixty-nine degrees fifty-four
22 minutes west a distance of nine hundred sixteen and twenty-three
23 hundredths feet to an iron pin; thence in the same course a distance of
24 fourteen feet to an iron pin; thence in the same course a distance of
25 fourteen and four-tenths feet to a point; thence south fifteen degrees
26 thirty-eight minutes and forty seconds east a distance of four hundred
27 forty-six and eighty-seven hundredths feet to a point; thence south
28 twenty-eight degrees thirty-seven minutes and fifty seconds east a

1 distance of one hundred thirteen and eighty-four hundredths feet to a
2 point; thence south eighty-five degrees and forty-seven minutes east a
3 distance of forty-seven and sixty-one hundredths feet to an iron pin;
4 thence on the same course a distance of three hundred and sixty-five
5 feet to an iron pin; thence north seventeen degrees twenty-one minutes
6 and ten seconds east a distance of four hundred fifty-seven and thirty-
7 two hundredths feet to an iron pin; thence north nineteen degrees and
8 thirty minutes west a distance of two hundred and forty-eight feet to a
9 point; thence north sixty-nine degrees and fifty-four minutes east a
10 distance of two hundred eighty-four and twenty-six hundredths feet to a
11 point; thence north nineteen degrees and thirty minutes west a distance
12 of sixty feet to the point and place of beginning, provided that such
13 facility maintains not less than seventy-five rooms and suites for over-
14 night lodging.

15 39. All that certain plot, piece or parcel of land, situate, lying and
16 being in the borough of Manhattan, city, county and state of New York,
17 bounded and described as follows: Beginning at a point formed by the
18 intersection of the northerly side of Wall Street and the easterly side
19 of Pearl Street; running thence northerly along the easterly side of
20 Pearl Street, 76 feet 1 inch; thence easterly on a line forming an angle
21 on its northerly side with the easterly side of Pearl Street of 85° 33'
22 30", a distance of 43 feet 1 inch; thence southerly on a line which
23 forms an angle on its westerly side with said last mentioned course of
24 90° 22', a distance of 1 foot; thence easterly on a line which forms an
25 angle on its southerly side with said last mentioned course of 89° 24',
26 a distance of 18 feet 3 inches, more or less, to a point where it is
27 intersected by a line drawn along the westerly side of the one-story
28 brick extension at the rear of the premises No. 122 Water Street; thence

1 southerly on a line which on its westerly side forms an angle of 86° 43'
2 with the preceding course and along said one-story brick extension, 17
3 feet 3 inches to the corner of said one-story brick building; thence
4 easterly on a line which on its northerly side forms an angle of 91° 40'
5 with the preceding course, 6 feet 8 1/2 inches to premises now known as
6 No. 120 Water Street; thence southerly along a line which on its wester-
7 ly side forms an angle of 91° 40' with the preceding course, 10 feet 9
8 inches to the premises now or late of Tontine Company; thence westerly
9 along said premises on a line which on its northerly side forms an angle
10 of 88° 20' with the preceding course, 20 feet; thence southerly and
11 still along land now or late of Tontine Company on a line which on its
12 easterly side forms an angle of 89° 09' with the preceding course, 53
13 feet 5 inches to the northerly side of Wall Street; and thence westerly
14 along the northerly side of Wall Street on a line which on its northerly
15 side forms an angle of 88° 08' with the preceding course, 48 feet 11 1/2
16 inches to the easterly side of Pearl Street at the point or place of
17 beginning. Parcel B: All that certain plot, piece or parcel of land,
18 situate, lying and being in the borough of Manhattan, city, county and
19 state of New York, bounded and described as follows: Beginning at the
20 corner formed by the intersection of the northerly side of Wall Street
21 with the westerly side of Water Street; running thence northerly, along
22 the westerly side of Water Street, about fifty feet nine inches to the
23 premises Number One Hundred and Twenty Water Street; thence westerly,
24 along the southerly side of premises Number One Hundred and Twenty Water
25 Street, about eighty feet seven inches to the easterly side of premises
26 Number Eighty-Two Wall Street, thence northerly, along the easterly side
27 of premises Number Eighty-Two Wall Street, to a point where it is inter-
28 sected by a line drawn along the northerly face of the northerly wall of

1 the four-story and basement brick building formerly erected thereon;
2 thence westerly, along the northerly side of said northerly wall, about
3 twenty feet to the westerly side of said premises Number Eighty-Two Wall
4 Street; thence southerly, along the westerly side of said premises
5 Number Eighty-Two Wall Street, about fifty-three feet six inches to the
6 northerly side of Wall Street; and thence easterly along the northerly
7 side of Wall Street, to the point or place of beginning. Provided,
8 however, that with respect to such retail licensee's interest in a busi-
9 ness engaged in the manufacture or sale at wholesale of alcoholic bever-
10 ages described in this section: (a) such interest must have been
11 acquired prior to the effective date of chapter two hundred ninety-nine
12 of the laws of two thousand twenty-one; (b) such retail licensee may not
13 purchase alcoholic beverages directly from any such manufacturer or
14 wholesaler; and (c) no more than fifteen percent of the annual dollar
15 value of alcoholic beverages purchased by such retail licensee for sale
16 on the premises may be produced by any such manufacturer.

17 40. Real property in the Town of East Hampton, County of Suffolk,
18 State of New York, described as follows: ALL that certain plot, piece or
19 parcel of land, situate, lying and being at Montauk, Town of East Hamp-
20 ton, County of Suffolk and State of New York, bounded and described as
21 follows: BEGINNING at the corner formed by the intersection of the
22 northeast side of Surfside Place with the southeast side of Ocean view
23 Terrace; RUNNING THENCE from said point of beginning along the south-
24 easterly side of Oceanview Terrace North 68 degrees 18 minutes 15
25 seconds East, 265.64 feet to land formerly of Montauk Improvement Inc.;
26 THENCE along said land South 24 degrees 34 minutes 52 seconds East,
27 321.71 feet to the northerly line of boardwalk easement; THENCE still
28 along said course, 82 feet, more and less (114.76 feet per survey), to

1 the high water mark of the Atlantic Ocean; THENCE southwesterly and
2 along the high water mark of the Atlantic Ocean, 267 feet more or less
3 (265,41 feet per survey) to the northeast side of the Surfside Place;
4 THENCE along the northeast side of Surfside Place North 24 degrees 34
5 minutes 52 seconds West, 425 feet, more or less, (448.98 feet per
6 survey) to the point or place of BEGINNING. Provided, however, that with
7 respect to such retail licensee's interest in a business engaged in the
8 manufacture or sale at wholesale of alcoholic beverages described in
9 this section: (a) such interest must have been acquired prior to the
10 effective date of chapter two hundred eighty-eight of the laws of two
11 thousand twenty-two; (b) such retail licensee may not purchase alcoholic
12 beverages directly from any such manufacturer or wholesaler; and (c) no
13 more than fifteen percent of the annual dollar value of alcoholic bever-
14 ages purchased by such retail licensee for sale on the premises may be
15 produced by any such manufacturer.

16 41. Real property located on that certain tract or parcel of land
17 situated in the Town of Shelby, County of Orleans and State of New York,
18 being part of Great Lot No. 32 in Township 14, Range 3 of the Holland
19 Land Purchase and bounded and described as follows: Beginning at the
20 point of intersection of the centerline of Maple Ridge Road, a/k/a New
21 York State Route No. 31A (66 foot wide right-of-way) with the centerline
22 of Bates Road; thence (1) North 00° 12' 14" West and along the center-
23 line of said Bates Road a distance of 225.00 feet to a point; thence (2)
24 North 89° 47' 46" East and along the south line of lands now or formerly
25 owned by Joyce and Raymond Cook, Jr. (See Liber 392 of Deeds at page 246
26 and Tax Account No. 080.00 - 03 - 15.3) a distance of 200.00 feet to a
27 point; thence (3) North 00° 12' 14" West and along the westerly line of
28 lands now or formerly of said Joyce and Raymond Cook, Jr. and also along

1 the westerly line of lands now or formerly owned by Mark G. and Evon C.
2 Navarra (See Liber 498 of Deeds at page 88 and Tax Account No. 080.00 -
3 03 - 15.2) and lands now or formerly owned by John E. Harris, Jr. (See
4 Liber 452 of Deeds at page 207 and Tax Account No. 080.00 - 03 - 16.0) a
5 distance of 300.00 feet to a point; thence (4) South 89° 47' 46" West
6 and along the north line of lands now or formerly of said John E.
7 Harris, Jr. a distance of 200.00 feet to a point in the centerline of
8 Bates Road; thence (5) North 00° 10' 30" West and along the centerline
9 of said Bates Road a distance of 1414.14 feet to a point; thence (6)
10 North 89° 46' 17" East and along the south line of lands now or formerly
11 owned by Harry R. and Lois A. Deyarmin (See Liber 466 of Deeds at page
12 322 and Tax Account No. 080.00 - 03 - 17.00) and also along the south
13 line of lands now or formerly owned by Michael J. Healy and Vincent J.
14 Licata (See Liber 391 of Deeds at page 1077 and Tax Account No. 080.00 -
15 03 - 01.4) a distance of 398.06 feet to a point on the westerly line of
16 lands now or formerly owned by the Niagara Mohawk Power Corporation (See
17 Liber 360 of Deeds at page 186 and Tax Account No. 080.00 - 03 - 23.0);
18 thence (7) South 02° 21' 51" East and continuing along the westerly line
19 of lands now or formerly owned by the said Niagara Mohawk Power Corpo-
20 ration a distance of 1932.39 to a point in the centerline of Maple Ridge
21 Road, a/k/a New York State Route No. 31A; thence (8) South 88° 47' 20"
22 West and along the centerline of said Maple Ridge Road, a/k/a New York
23 State Route No. 31A, a distance of 471.69 feet to the point of begin-
24 ning. Hereby intending to describe a parcel of land shown on a Survey
25 Map made by Clark Patterson Associates, dated August 7, 2006, being
26 Project No. 9418.00 and Drawing Number BNDY - 2. Together with the
27 right, privilege and easement for use of one or more of four road cross-
28 ings not to exceed 20 feet in width, as reserved in the Warranty Deed

1 made by Glenn L. Hill and Nola A. Hill to the Niagara Mohawk Power
2 Corporation, dated November 2, 1972 and recorded November 3, 1972 in the
3 Orleans County Clerk's Office in Liber 360 of Deeds at page 186. ALSO
4 ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Shelby, County
5 of Orleans and State of New York, being part of Great Lot No. 32 in
6 Township 14, Range 3 of the Holland Land Purchase and bounded and
7 described as follows: Commencing at the point of intersection of the
8 centerline of Maple Ridge Road, a/k/a New York State Route No. 31A (66
9 foot wide right-of-way) with the centerline of Bates Road; thence (A)
10 North 88° 47' 20" East and along the centerline of said Maple Ridge
11 Road, a/k/a New York State Route No. 31A a distance of 621.72 feet to
12 the point of beginning; thence (1) North 02° 21' 51" West and along the
13 easterly line of lands now or formerly owned by the Niagara Mohawk Power
14 Corporation (See Liber 360 of Deeds at page 186 and Tax Account No.
15 080.00 - 03 - 23.0) a distance of 1931.96 feet to a point; thence (2)
16 North 89° 45' 02" East and along the south line of lands now or formerly
17 owned by Douglas A. Holka (See Liber 545 of Deeds at page 43 and Tax
18 Account No. 080.00 - 03 - 1.1) a distance of 1378.90 feet to a point;
19 thence (3) South 00° 12' 37" East and along the westerly line of lands
20 now or formerly owned by Franklin Tower (See Liber 489 of Deeds at page
21 185 and Tax Account No. 080.00 - 03 - 14.0) a distance of 1908.72 feet
22 to a point in the centerline of said Maple Ridge Road, a/k/a New York
23 State Route No. 31A; thence (4) South 88° 47' 20" West and along the
24 centerline of said Maple Ridge Road, a/k/a New York State Route No. 31A,
25 a distance of 1306.49 feet to the point of beginning. Hereby intending
26 to describe a parcel of land shown on a Survey Map made by Clark Patter-
27 son Associates, dated August 7, 2006, being Project No. 9418.00 and
28 Drawing Number BNDY - 2. Together with the right, privilege and easement

1 for use of one or more of four road crossings not to exceed 20 feet in
2 width, as reserved in the Warranty Deed made by Glenn L. Hill and Nola
3 A. Hill to the Niagara Mohawk Power Corporation, dated November 2, 1972
4 and recorded November 3, 1972 in the Orleans County Clerk's Office in
5 Liber 360 of Deeds at page 186.

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

1 BEGINNING on the southwesterly corner of Commence and Barrow Streets;
2 RUNNING THENCE westerly along the southerly side of Barrow Street twenty
3 feet, seven and One-half inches to the easterly face of the easterly
4 wall of the premises known as seventy-seven Barrow Street; RUNNING
5 THENCE southerly in a straight line along the easterly face of said wall
6 and the line to continuation thereof eighty feet, eleven inches; RUNNING
7 THENCE northeasterly in a straight line and past of the distance along
8 the northerly wall of the three story basement, brick building known as
9 48 Commerce Street fifty-five feet, eight and three fourths inches to
10 the westerly side of Commerce Street; THENCE northerly along the wester-
11 ly side of Commerce Street sixty feet, nine and one half inches to the
12 point or place of BEGINNING. Parcel C: ALL that certain plot, piece or
13 parcel of land with the buildings and improvements thereon erected,
14 situate, lying, and being in the Borough of Manhattan, City, County and
15 State of New York, bounded and described as follows: BEGINNING at a
16 point on the northerly side of Christopher Street, distant 125 feet
17 westerly from the corner formed by the intersection of the northerly
18 side of Christopher Street with the westerly side of Bleecker Street;
19 RUNNING THENCE northerly parallel with Bleecker Street, 90 feet; THENCE
20 westerly in the rear parallel with Christopher Street, 25 feet; THENCE
21 southerly parallel with Bleecker Street 90 feet to the northerly side of
22 Christopher Street; THENCE easterly along the northerly side of Christo-
23 pher Street, 25 feet to the point or place of BEGINNING. Parcel D: ALL
24 that piece or parcel of land, together with the buildings and improve-
25 ments thereon, situate, lying and being in the Third Ward of the City of
26 Hudson, Columbia County, New York, bounded and described as follows:
27 BEGINNING at a point in the southerly line of Warren Street, which point
28 marks the northeasterly corner of the premises herein described and the

1 northwesterly corner of the premises conveyed by Richman's Apparel of
2 Hudson, N.Y., to the City of Hudson by deed dated December 18, 1975, and
3 recorded the same day in Columbia County Clerk's Office in Book 520 of
4 Deeds at Page 1137; running thence along said land so conveyed to the
5 City of Hudson, the following three courses and distances: (1) S 44° 33'
6 20" W, 11.45 feet to a point, (2) N 45° 26' 40" W, 4 feet to a point,
7 and (3) 45° 20' 30" W, 109.27 feet to a point in the northerly line of
8 Cherry Alley; thence along said Cherry Alley N 45° 52' 40" W 23.40 feet
9 to an iron pin, which iron pin marks the southwesterly corner of the
10 premises here in described; thence along lands now or formerly of Micha-
11 el Martin N 44° 37' 20" E, 120.67 feet to a point in the southerly line
12 of Warren Street; thence along the southerly line of Warren Street the
13 following two courses and distances: (1) S 45° 52' 40" E, 23.39 feet,
14 and (2) S 45° 51' 30" E, 5.37 feet to the point or place beginning as
15 shown on a map entitled "Survey update of Lands of Richman's Apparel of
16 Hudson, New York, Inc." dated January 11, 1982, made by M. Chazen, P. E.
17 & L. S., and recorded in the Columbia County Clerk's Office as Micro
18 7469. TOGETHER WITH the Temporary Easement granted by The City of Hudson
19 to Bread and Roses, LLC dated 3/10/2003 recorded 3/14/2003 in Cartridge
20 441 Frame 1222. Parcel E: ALL that certain plot, piece or parcel of
21 land, situate, lying, and being in the Borough of Manhattan, City, Coun-
22 ty and State of New York, bounded and described as follows: BEGINNING at
23 a point on the southerly side of Grove Street, distant 83 feet westerly
24 from the corner formed by the intersection of the said southerly side of
25 Grove Street with the westerly side of Bleecker Street; RUNNING THENCE
26 westerly along the southerly side of Grove Street, 42 feet; THENCE
27 southerly parallel with the westerly side of Bleecker Street, 100 feet;
28 THENCE easterly and parallel with the southerly side of Grove Street, 42

1 feet; THENCE northerly again parallel with the westerly side of Bleecker
2 Street, 100 feet to the point or place of BEGINNING. Said premises is
3 commonly known as 42-44 Grove Street, New York, New York. Parcel F:
4 BEGINNING at a point on the southerly side of Grove Street distant 75
5 feet and 3/4 of an inch easterly from the corner formed by the inter-
6 section of the said southerly side of Grove Street with the easterly
7 side of Bleecker Street; RUNNING THENCE southerly parallel with the
8 easterly side of Bleecker Street 81 feet and 10-5/8 inches to the
9 northwesterly side of Seventh Avenue South; THENCE northeasterly along
10 the said northwesterly side of Seventh Avenue South 117 feet and 11
11 inches to the corner formed by the intersection of the said northwester-
12 ly side of Seventh Avenue South with the southerly side of Grove Street;
13 THENCE westerly along the southerly side of Grove Street 86 feet and 9
14 inches to the point or place of BEGINNING. SAID PREMISES being known as
15 and by the street numbers 92-100 Seventh Avenue South and 52-58 Grove
16 Street. Parcel G: THE condominium unit (the "Unit") known as Unit Nos.
17 C1 and C2 in the Building (hereinafter referred to as the "Building")
18 known as the Bleeker-Grove Condominium and by the street numbers 312-314
19 Bleeker Street, a/k/a 48 Grove Street, New York, New York, said Units
20 being designated and described as Unit Nos. C1 and C2 in the declaration
21 establishing a plan condominium ownership of said premises under Article
22 9-b of the Real Property Law of the State of New York (the "New York
23 Condominium Act"), dated 6/13/1990, recorded in the Office of the Regis-
24 ter of New York County (the "Register's Office") on 2/5/1991 in reel
25 1760 page 1981, and also designated as Tax Lot Nos. 1001 and 1002 in
26 Block 588, Section 2, of the Borough of Manhattan on the Tax Map of the
27 Real Property Assessment Department of the City of New York and on the
28 floor plans of said Building, certified by Howard I. Zimmerman Associ-

1 ates, Architects, on the 1/28/1991, and filed with the Real Property
2 Assessment Department of the City of New York as Condominium Plan No.
3 755, and also filed in the City Register's Office on 2/5/1991, as Map
4 No. 5059. TOGETHER with an undivided 15.193% and 30.331% interest,
5 respectively, in the common elements, THE premises within which the Unit
6 is located are more particularly bounded and describes as follows: ALL
7 that certain plot, piece or parcel of land, situate, lying and being the
8 Borough of Manhattan, City, County, and State of New York, bounded and
9 described as follows: BEGINNING at the corner formed by the intersection
10 of the westerly side of Bleeker Street with the southerly side of Grove
11 Street; RUNNING thence southerly along Bleeker Street, 40 feet; THENCE
12 westerly parallel with Grove Street, 83 feet; THENCE northerly parallel
13 with Bleeker Street, 40 feet to the southerly side of Grove Street;
14 THENCE easterly along the southerly side of Grove Street, 83 feet to the
15 point or place of beginning. THAT the said premises are known as and by
16 the street 549address(es) 312-314 Bleeker Street a/k/a 48 Grove Street,
17 New York, NY. Provided, however, that with respect to such retail licen-
18 sees' interest in a business engaged in the manufacture or sale at
19 wholesale of alcoholic beverages described in this section: (a) such
20 retail licensees may not purchase alcoholic beverages directly from any
21 such manufacturer or wholesaler; and (b) no more than fifteen percent of
22 the annual dollar value of alcoholic beverages purchased by any such
23 individual retail licensee for sale on the premises may be produced by
24 any such manufacturer.

25 43. The holder of a retail on-premises consumption license issued for
26 a premises located in the borough of Manhattan, city, county and state
27 of New York, bounded and described as follows: Beginning at a point on
28 the northerly side of 52nd Street, distant 375 feet westerly from the

1 northwesterly corner of 52nd Street and Fifth Avenue; running thence
2 northerly parallel with Fifth Avenue and part of the way through a party
3 wall, 75 feet 5 inches; thence westerly parallel with the northerly side
4 of 52nd Street, 11 feet 2-3/4 inches; thence northerly parallel with
5 Fifth Avenue, 25 feet to the center line of the block; thence easterly
6 along said center line of the block, 71 feet 2-3/4 inches; thence south-
7 erly parallel with Fifth Avenue and part of the way through a party
8 wall, 100 feet 5 inches to the northerly side of 52nd Street; thence
9 westerly along the northerly side of 52nd Street, 60 feet to the point
10 or place of beginning. Provided, however, that with respect to such
11 retail licensee's interest in a business engaged in the manufacture or
12 sale at wholesale of alcoholic beverages described in this section: (a)
13 such interest must have been acquired prior to the effective date of
14 chapter six hundred eleven of the laws of two thousand nineteen; (b)
15 such retail licensee may not purchase alcoholic beverages directly from
16 any such manufacturer or wholesaler; and (c) no more than fifteen
17 percent of the annual dollar value of alcoholic beverages purchased by
18 such retail licensee for sale on the premises may be produced by any
19 such manufacturer.

20 44. Any lien, mortgage or other interest or estate now held by said
21 retail licensee on or in the personal or real property of such manufac-
22 turer or wholesaler, which mortgage, lien, interest or estate was
23 acquired on or before December thirty-first, nineteen hundred thirty-
24 two, provided, however, the burden of establishing the time of the
25 accrual of the interest, comprehended by this subdivision shall be upon
26 the person who claims to be entitled to the protection and exemption
27 afforded hereby.

1 § 1603. Exceptions to gifts and services law. The prohibitions and
2 restrictions contained in the gifts and services law contained in
3 section eleven hundred two of this chapter shall not apply to any
4 contractual or other financial arrangements undertaken by the Culinary
5 Institute of America for the education purposes of such institute,
6 including student scholarships, academic building sponsorships, and
7 Culinary Institute of America event sponsorships that further the
8 academic mission of the Culinary Institute of America, where such
9 contractual or other financial arrangements are between a licensed
10 manufacturer, wholesaler, or retailer for on-premises consumption, and
11 the Culinary Institute of America, operating within the metes and bounds
12 established in subdivision five of section sixteen hundred two of this
13 article.

14 § 1604. Exceptions to Sunday hours of sale for beer and unlimited
15 drink offerings. Notwithstanding the restrictions in this chapter relat-
16 ing to the hours during which beer may be sold for on-premises consump-
17 tion on Sunday and the restrictions on unlimited drink offerings, a
18 brewer, once per annum, holding a temporary permit to sell beer may sell
19 or offer at no cost beer, beginning at eight antemeridian at the follow-
20 ing two locations in the city of Utica, county of Oneida, and bounded
21 and described as follows: PARCEL I Beginning at the northwest corner of
22 the beer storage building at the corner of Edward Street and Wasmer
23 Street and proceeding northerly for a distance of 76 feet 1 inch; thence
24 128 feet 5 inches easterly along Wasmer Street; thence continuing along
25 said Wasmer Street northeasterly for a distance of 202 feet 10 inches to
26 the corner of Wasmer Street and Hamilton Street. Thence northerly along
27 Hamilton Street for a distance of 46 feet 8 inches to the intersection
28 of Columbia Street. Thence northwesterly along Columbia Street for a

1 distance of 233 feet 6 inches. Thence southwesterly for a distance of 77
2 feet 7 inches to a fence. Thence northwesterly for a distance of 62 feet
3 and thence southwesterly a distance of 10 feet 6 inches to the south-
4 eastern corner of the brewery garage. Thence, following the garage's
5 perimeter: first in a southwesterly direction for a distance of 133 feet
6 2 inches to the southwest corner of the garage; thence in a northwester-
7 ly direction for a distance of 22 feet 5 inches; and thence in a
8 northeasterly direction for a distance of 11 feet 2 inches, then in a
9 northwesterly direction for a distance of 100 feet, to a fence just
10 before the sidewalk on Schuyler Street; thence southwesterly for a
11 distance of 234 feet 5 inches to the Brewery main complex. Thence
12 following the perimeter of the brewery complex buildings southeast for a
13 distance of 82 feet 8 inches, northeasterly for a distance of 81 feet 11
14 inches; thence southeasterly for a distance of 85 feet 3 inches; thence
15 northeasterly for a distance of 21 feet 6 inches; and thence southeast-
16 erly for a distance of 96 feet 8 inches to the northwestern corner of
17 the shipping office. From the northwestern corner of the shipping
18 office, southeasterly for a distance of 33 feet 9 inches; thence south-
19 westerly for a distance of 37 feet 8 inches; thence southeasterly for a
20 distance of 65 feet 8 inches; thence southerly for a distance of 27 feet
21 4 inches; thence easterly for a distance of 33 feet, to the point or
22 place of beginning. PARCEL II Beginning at the iron fence which is 26
23 feet northwest of the southwest corner of the tour center on Court
24 Street; thence 66 feet, 7 inches northeast, 11 feet 7 inches northwest to
25 the west corner of the tour center parking lot stairs. Proceeding
26 northeasterly 71 feet 10 inches, thence northwesterly 19 feet 10 inches
27 to the southeastern corner of the boiler room building. Thence northwes-

1 terly 161 feet; south by southwest 80 feet; southwest 58 feet 5 inches
2 and finally southeast 155 feet to the point or place of beginning.

3 § 1605. Exceptions to any other provision of chapter to the contrary.

4 1. Notwithstanding any other provision of law to the contrary, the
5 liquor authority may issue a farm brewery license to the owner and/or
6 operator of the parcel described as follows: ALL THAT TRACT OR PARCEL
7 OF LAND situate in the city of Syracuse, County of Onondaga and State of
8 New York being more particularly described as follows: Beginning at a
9 point in the easterly line of North Clinton Street, said point being
10 approximately 518.65 feet southerly along the easterly line of North
11 Clinton Street from its intersection with the southerly line of Division
12 Street; thence N. 76° 43' 56" E. a distance of 133.65 feet to a point;
13 thence N. 53° 11' 01" E. a distance of 142.28 feet to a point; thence N.
14 71° 07' 02" E a distance of 16.99 feet to a point in the westerly line
15 of Genant Drive; thence southeasterly along the westerly line of Genant
16 Drive on a curve to the right with a radius of 643.94 feet, an arc
17 length of 77.63 feet and a chord of S. 16° 43' 54" E. with a distance of
18 77.58' to the point of tangency; thence S. 13° 17' 52" E. a distance of
19 265.92 feet to a point; thence on a curve to the right with a radius of
20 55 feet, an arc length of 57.02 feet and a chord of S. 16° 23' 37" W.
21 with a distance of 54.53 feet to the point of tangency; thence S. 59°
22 31' 29" W. a distance of 24.64 feet to a point; thence S. 71° 26' 56" W.
23 a distance of 142.18 feet to a point in the easterly line of N. Clinton
24 Street; thence N. 28° 09' 10" W. a distance of 364.86 feet to the point
25 and place of beginning. Said parcel being approximately 1.99 acres. The
26 aforesaid described parcel is also shown as Lot "1B" (331 Genant Drive)
27 according to a map entitled "A Map of Resubdivision of a portion of
28 Block D in the Original Village of Syracuse into Lots 1A and 1B, City of

1 Syracuse, Onondaga County, State of New York, Known as 431 and 311
2 Genant Drive" by James M. Zuccolotto, Licensed Land Surveyor, dated
3 March 20, 2001 and last revised May 21, 2002, and filed in the Onondaga
4 County Clerk's office on May 28, 2002 as Map No. 9408. EXCEPTING AND
5 RESERVING THEREFROM, a permanent easement and right-of-way benefiting
6 Niagara Mohawk Power Corporation, its successors and assigns, upon and
7 across that portion of the above described premises more particularly
8 described as follows: Beginning at a point in the easterly line of
9 North Clinton Street, said point being approximately 518.65 feet south-
10 erly along the easterly line of North Clinton Street from its inter-
11 section with the southerly line of Division Street; thence N. 76° 43'
12 56" E. a distance of 133.65 feet to a point; thence N. 53° 11' 01" E. a
13 distance of 142.28 feet to a point; thence N. 71° 07' 02" E a distance
14 of 16.99 feet to a point in the westerly line of Genant Drive; thence
15 southeasterly along the westerly line of Genant Drive on a curve to the
16 right with a radius of 643.94 feet, an arc length of 68.17 feet to a
17 point which is the northeast corner of the Multi-Story Brick Building
18 located on Lot "1B" (311 Genant Drive) as shown on a map entitled "A Map
19 of a Resubdivision of a portion Of Block D in the Original Village of
20 Syracuse into Lots 1A and 1B, City of Syracuse, Onondaga County, State
21 of New York, known as 431 and 311 Genant Drive" by James M. Zuccolotto,
22 Licensed Land Surveyor, dated March 20, 2001 and last revised May 21,
23 2002, and filed in the Onondaga County Clerk's Office on May 28, 2002 as
24 Map No. 9408 (the "Subdivision Map"); thence along the northerly line of
25 said Multi-Story Brick Building S. 76° 52' 55" W. a distance 283.21 feet
26 to the easterly line of North Clinton Street; thence N. 27° 59' 42" W. a
27 distance of 9.8' to the point and place of beginning. Said easement and
28 right-of-way shall be a permanent easement appurtenant, creating a prop-

1 erty right which shall run with the land, for the purpose of ingress and
2 egress by Niagara Mohawk Power Corporation, its successors and assigns
3 to the benefited parcel, identified as the Ash Street Substation located
4 on lot 1A (431 Genant Drive) as shown on the Subdivision Map, and to
5 access, maintain, repair, replace and remove the transformer and
6 containment pad and the two vaults, shown on the Subdivision Map, and
7 any appurtenant facilities or other property of Niagara Mohawk Power
8 Corporation located within said easement, provided that the Multi-Story
9 Brick Building, stairs and two air conditioning units shown on the
10 Subdivision Map and located in the easement area are part of the real
11 property conveyed herein and shall not be deemed to be property of
12 Niagara Mohawk Power Corporation. ALSO XCEPTING AND RESERVING to Niagara
13 Mohawk Power Corporation, its successors and assigns, from the parcel(s)
14 described in this deed, the permanent right-of-way and easement to oper-
15 ate, maintain, replace and/or remove any and all existing gas and elec-
16 tric facilities, and all appurtenant facilities thereto, as are now
17 erected upon the premises above described, including the full right,
18 privileges and authority to cross lands of the party of the second part
19 to gain access to said facilities, and also including the full right,
20 privileges and authority to cut and remove all trees, structures, and
21 other obstructions within the permanent right-of-way, together with the
22 right to cut and remove any trees outside the permanent right-of-way
23 which in the sole opinion of Niagara Mohawk Power Corporation, its
24 successors and assigns, are deemed likely to interfere with or pose a
25 hazard to the facilities, provided that the Multi-Story Brick Building,
26 stairs and two air conditioning units shown on the Subdivision Map shall
27 not be removed or modified by Niagara Mohawk Power Corporation, its
28 successors and assigns, pursuant to this Right-of-Way and Easement.

1 ALSO, EXCEPTING AND RESERVING to Niagara Mohawk Power Corporation, its
2 successors and assigns, the permanent right-of-way and easement to oper-
3 ate, maintain, build, construct, replace and/or remove electric and gas
4 distribution facilities within ten (10) feet of the edge of any
5 highway(s) abutting the premises herein deemed necessary by said Niagara
6 Mohawk Power Corporation, its successors and assigns, said easement to
7 include the full right, privilege and authority to cut and remove all
8 trees, structures, and obstructions within said easement deemed neces-
9 sary by Niagara Mohawk Power Corporation, provided that the Multi-Story
10 Brick Building shown on the Subdivision Map shall not be removed or
11 modified by Niagara Mohawk Power Corporation, its successors and
12 assigns, pursuant to this right-of-way and easement.

13 2. (a) Notwithstanding any other provision of law to the contrary, the
14 liquor authority shall issue a farm winery license to the New York State
15 Wine and Culinary Center, Inc. ("center") situated at the premises known
16 as: all that certain plot, piece or parcel of land, with the buildings
17 and improvements thereon erected, situate, lying and being in the City
18 of Canandaigua, County of Ontario and State of New York and being more
19 particularly described as follows: Being at an iron stake located on the
20 northerly line of Village Lot No. 9 where the same intersects the
21 westerly line of South Main Street; thence south 19 degrees 30' east
22 along the westerly street line of South Main Street a distance of 60
23 feet to an iron stake which is the point and place of beginning; thence
24 (1) south 69 degrees 54' west a distance of 284.26 feet to an iron
25 stake; thence (2) south 19 degrees 30' east a distance of 248 feet to an
26 iron stake; thence (3) south 17 degrees 21' 10" west a distance of
27 120.05 feet to an iron stake; thence (4) south 81 degrees 52' 20" east a
28 distance of 236.63 feet to an iron stake; thence (5) north 8 degrees 10'

1 east a distance of 30 feet to an iron stake; thence (6) south 81 degrees
2 50' east a distance of 100 feet to an iron stake; thence (7) north 8
3 degrees 10' east a distance of 94.97 feet to an iron stake located on
4 the westerly street line of South Main Street; thence (8) north 19
5 degrees 30' west along the westerly street line of South Main Street a
6 distance of 392.52 feet to an iron stake which is the point and place of
7 beginning.

8 (b) The center may, but shall not be required to, produce wine as a
9 condition of such license.

10 (c) No person shall be disqualified from acting as a director, offi-
11 cer, or employee of, or purveyor to, the center by reason of such person
12 holding a license under this law, or being affiliated with a licensee
13 under this law as a shareholder, partner, officer, director, or employ-
14 ee.

15 (d) No person shall be disqualified from being a lender or lessor to
16 the center, or a donor, patron, contributor or sponsor from time to time
17 of the center through contributions in cash or in kind, on terms agreed
18 with the board of directors of the center, by reason of such person
19 holding a license under this law, or being affiliated with a licensee
20 under this law as a shareholder, partner, officer, director, or employ-
21 ee. Such persons shall be entitled, regardless of their licensing status
22 under this law, to obtain all the benefits generally approved by the
23 board of directors of the center and offered to donors of similar
24 amounts.

25 (e) Notwithstanding any other provision of law to the contrary, the
26 center is expressly authorized to:

27 (i) sell New York state produced wines, beers, ciders and distilled
28 spirits for both on- and off-premise consumption;

1 (ii) offer tastings on the premises of such products and charge the
2 general public such amounts as it deems fit for such tastings which
3 shall be conducted in a common tasting area on the premises;

4 (iii) provide banquet and entertainment facilities for the general
5 public for private parties in consideration of such fees as are estab-
6 lished by the board of directors of the center from time to time, and to
7 sell and serve at such events wines, ciders, malt beverages and
8 distilled spirits selected by persons hiring the facilities; and

9 (iv) hold through a wholly owned subsidiary a branch office permit at
10 the Finger Lakes Welcome Center situated at the premises known as: All
11 that tract or parcel of land situate in the City of Geneva, County of
12 Ontario, State of New York, all as shown on a map entitled "Existing
13 Building Exhibit Finger Lakes Welcome Center" prepared by Costich Engi-
14 neering D.P.C dated February 28, 2018 having dwg # 4750 VE110 and being
15 more particularly bounded and described as follows: Beginning at the
16 existing northwest corner of the One Story Frame Finger Lakes Welcome
17 Center having grid coordinates of N1046012.35 E 714603.03 referenced to
18 the New York State Plane Coordinate System of 1983 Central Zone; thence
19 Easterly, and along the existing building face a distance of 52.3 feet
20 to a point; thence Northerly, and along the existing building face a
21 distance of 5.3 feet to a point; thence Easterly, and along the existing
22 building face a distance of 40.3 feet to a point; thence Southerly, and
23 along the existing building face a distance of 26.5 feet to a point;
24 thence Easterly, and along the existing building face a distance of 5.4
25 feet to a point; thence Southerly, and along the existing building face
26 a distance of 15.0 feet to a point; thence Easterly, and along the
27 existing building face a distance of 8.5 feet to a point; thence South-
28 erly, and along the existing building face a distance of 31.3 feet to a

1 point; thence Westerly, and along the existing building face a distance
2 of 28.1 feet to a point; thence Northerly, and along the existing build-
3 ing face a distance of 4.4 feet to a point; thence Westerly, and along
4 the existing building face a distance of 26.1 feet to a point; thence
5 Southerly, and along the existing building face a distance of 42.2 feet
6 and continuing southerly on the building extension line a distance of 28
7 feet comprising a total distance of 70.2 feet to a point on the souther-
8 ly limit of the existing patio area; thence Westerly, and along the
9 southerly limits of the existing patio area a distance of 95 feet to a
10 point; thence Northerly, and along the westerly limits of the existing
11 patio area a distance of 11 feet to a point of curvature; thence North-
12 erly, along a curve to the left and along the westerly limits of the
13 existing patio area a distance of 19 feet to a point; thence Northerly,
14 and along the westerly limits of the existing patio area a distance of
15 18 feet to a point; thence Easterly, and along the northerly limits of
16 the existing patio area a distance of 27 feet to a point on the existing
17 building face; thence Northerly, and along the existing building face a
18 distance of 45.7 feet to a point; thence Easterly, and along the exist-
19 ing building face a distance of 28.1 feet to a point; thence Northerly,
20 and along the existing building face a distance of 44.9 feet to the
21 point and place of beginning.

22 3. (a) Notwithstanding any other provision of law to the contrary, the
23 liquor authority shall issue a farm winery license to the Finger Lakes
24 Wine Center, Inc.

25 ("center") situated at the premises known as: All that tract or parcel
26 of land situate in the City of Ithaca, County of Tompkins and State of
27 New York, bounded and described as follows: PARCEL A: BEGINNING at a
28 point at the intersection of the easterly street line of South Cayuga

1 Street with the northerly street line of East Clinton Street; thence
2 North 02 degrees 05 minutes 21 seconds West along the easterly street
3 line of South Cayuga Street a distance of 273.47 feet to a point; thence
4 North 87 degrees 29 minutes 52 seconds East a distance of 77.84 feet to
5 a point; thence South 02 degrees 30 minutes 08 seconds East a distance
6 of 108.17 feet to a point; thence North 87 degrees 29 minutes 52 seconds
7 East a distance of 46.83 feet to a point; thence South 02 degrees 30
8 minutes 08 seconds East a distance of 107.31 feet to a point; thence
9 North 87 degrees 29 minutes 52 seconds East a distance of 12.17 feet to
10 a point; thence South 02 degrees 30 minutes 08 seconds East a distance
11 of 24.70 feet to a point; thence South 87 degrees 29 minutes 52 seconds
12 West a distance of 12.17 feet to a point; thence South 02 degrees 30
13 minutes 08 seconds East a distance of 33.50 feet to a point in the
14 northerly street line of East Clinton Street; thence South 87 degrees 35
15 minutes 39 seconds West a distance of 126.65 feet to the point of begin-
16 ning, containing 0.680 acres of land. SUBJECT to the following:
17 Restrictive covenants running with the land, contained in a Deed from
18 the Ithaca Urban Renewal Agency to the City of Ithaca dated July 13,
19 1976 and recorded in said Clerk's Office on July 13, 1977 in Liber 558
20 of Deeds at page 672. Restrictive covenants running with the land,
21 contained in a Deed from the Ithaca Urban Renewal Agency to the City of
22 Ithaca dated July 13, 1977 and recorded in said Clerk's Office on July
23 13, 1977 in Liber 558 of Deeds at page 684. A right of way reserved to
24 the Grantor to enter upon lands contained within the boundary lines of
25 Six Mile Creek to make excavations, remove gravel and other material
26 from the creek bed, erect walls and embankments, etc., as granted by
27 instrument of Salem Twist, et. al. dated August 8, 1906 and recorded in
28 the Tompkins County Clerk's Office on January 31, 1907 in Liber 166 of

1 Deeds at page 163. Right of way for ingress and egress conveyed by
2 instrument by and between the Ithaca Urban Renewal Agency and D.M.
3 Abbot Investors Corporation dated May 17, 1967 and recorded in said
4 Clerk's Office in Liber 469 of Deeds at page 25. The provisions of
5 Exhibit A to the Air Rights Lease related to CDP's access to the Prem-
6 ises for repairs and maintenance. TOGETHER WITH: 1. A right of way for
7 ingress and egress conveyed by instrument by and between D.M. Abbott
8 Investors Corp. and the Ithaca Urban Renewal Agency dated November 24,
9 1967 and recorded in said Clerk's Office on January 21, 1969 in Liber
10 479 of Deeds at page 640; and 2. An easement in common with others over
11 the premises shown as "Parcel B" on the below-referenced survey map for
12 ingress from and egress to South Cayuga Street. The above described
13 premises are SHOWN AS "Parcel A" on a survey map entitled "Boundary Map
14 Showing Property Bounded North by East Green Street, South by East Clin-
15 ton Street, West by South Cayuga Street and Southeast by Six Mile Creek,
16 Designated for a Proposed Project 'Cayuga Green at Six Mile Creek', City
17 of Ithaca, Tompkins County, New York," dated November 20, 2003 and
18 labeled as job number S02-530, prepared by T.G. Miller, P.C., Engineers
19 and Surveyors, hereinafter referred to as "the Survey Map".

20 (b) The center may, but shall not be required to, produce wine as a
21 condition of such license.

22 (c) No person shall be disqualified from acting as a director, offi-
23 cer, or employee of, or purveyor to, the center by reason of such person
24 holding a license under this chapter, or being affiliated with a licen-
25 see under this chapter as a shareholder, partner, officer, director, or
26 employee.

27 (d) No person shall be disqualified from being a lender or lessor to
28 the center, or a donor, patron, contributor or sponsor from time to time

1 of the center through contributions in cash or in kind, on terms agreed
2 with the board of directors of the center, by reason of such person
3 holding a license under this chapter, or being affiliated with a licen-
4 see under this chapter as a shareholder, partner, officer, director, or
5 employee. Such persons shall be entitled, regardless of their licensing
6 status under this chapter, to obtain all the benefits generally approved
7 by the board of directors of the center and offered to donors of similar
8 amounts.

9 (e) The center is expressly authorized to:

10 (i) charge the general public such amounts as it sees fit for the
11 tasting of New York state wines sold on the premises;

12 (ii) provide banquet and entertainment facilities for the general
13 public for private parties in consideration of such fees as are estab-
14 lished by the board of directors of the center from time to time and to
15 sell and serve at such events wines, malt beverages and distilled spir-
16 its selected by persons hiring the facilities; and

17 (iii) provide for wine related and other educational classes as deemed
18 appropriate by the center, either alone or in conjunction with other
19 entities that conduct educational classes, and charge the general public
20 such amounts as it sees fit for the purpose of carrying out the
21 provisions of this subdivision.

22 4. (a) Notwithstanding any other provision of law to the contrary, the
23 liquor authority may issue a farm distillery license to the owner and/or
24 operator of the parcels described in paragraph (b) of this subdivision.

25 (b) The legal descriptions for the three parcels so identified as the
26 site are as follows:

27 PARCEL A - All that piece or parcel of property situate in the Village
28 of Lake George, County of Warren, State of New York and being bounded

1 and described as follows: BEGINNING at a point at the intersection of
2 the southwesterly boundary of Beach Road with the southeasterly boundary
3 of lands now or formerly of Holly RAJ Inc., and running thence south-
4 easterly along the said southwesterly boundary of Beach Road and the
5 southwesterly boundary of lands now or formerly of the Village of Lake
6 George the following (9) nine courses and distances: 1) South 47° 49'
7 51" East 49.20 feet to a point; 2) South 41° 08' 51" East 50.18 feet to
8 a point; 3) South 34° 19' 51" East 20.62 feet to a point; 4) South 34°
9 19' 51" East 29.38 feet to a point; 5) South 28° 23' 51" East 54.00 feet
10 to a point; 6) South 23° 28' 51" East 75.29 feet to a point; 7) South
11 25° 57' 51" East 130.22 feet to a point; 8) South 30° 43' 21" East
12 109.09 feet to a point; and 9) South 29° 21' 51" East 140.00 feet to a
13 point in the northwesterly boundary of the premises conveyed by The
14 Counties of Warren and Washington Industrial Development Agency to The
15 Fort William Henry Corporation by deed dated May 18, 1998 and recorded
16 in the Warren County Clerk's Office on May 28, 1998 in Liber 1066 of
17 Deeds at Page 279; thence South 60° 37' 18" West along the said
18 northwesterly boundary of the premises conveyed by The Counties of
19 Warren and Washington Industrial Development Agency to The Fort William
20 Henry Corporation 70.01 feet to a point; thence northwesterly along the
21 northeasterly boundary of said premises conveyed by The Counties of
22 Warren and Washington Industrial Development Agency to The Fort William
23 Henry Corporation the following (5) five courses and distances: 1) North
24 29° 21' 51" West 139.17 feet to a point; 2) North 30° 43' 21" West
25 111.17 feet to a point; 3) North 25° 55' 51" West 130.20 feet to a
26 point; 4) North 26° 32' 41" West 145.00 feet to a point; and 5) North
27 42° 42' 21" West 120.00 feet to a point in the first mentioned south-
28 easterly boundary of lands now or formerly of Holly RAJ Inc.; thence

1 North 51° 01' 09" East along the said southeasterly boundary of lands
2 now or formerly of Holly RAJ Inc. 70.00 feet to the point of beginning,
3 containing 1.062 acres of land, being the same more or less.

4 PARCEL B - All that piece or parcel of property situate in the Village
5 of Lake George, County of Warren, State of New York and being bounded
6 and described as follows: BEGINNING at a point at the intersection of
7 the easterly boundary of New York State Route 9N with the northerly
8 boundary of lands now or formerly of Charles R. Wood Foundation, and
9 running thence northerly along the said easterly boundary of New York
10 State Route 9N the following four (4) courses and distances: 1) North
11 03°- 06'- 51" West 54.12 feet to a point; 2) North 00°- 54'- 09" East
12 281.77 feet to a point; 3) North 01°-45'-09" East 59.83 feet to a point;
13 and 4) North 02°- 47'- 35" West 51.87 feet to an iron pin in the south-
14 erly boundary of other lands now or formerly of Fort William Henry
15 Corporation; thence easterly along the said southerly boundary of other
16 lands now or formerly of Fort William Henry Corporation the following
17 three (3) courses and distances: 1) North 88°- 22'- 09" East 475.96
18 feet to a point; 2) North 60°- 07'- 09" East 66.22 feet to a point; and
19 3) North 47°- 47'- 09" East 315.47 feet to an iron pipe in the easterly
20 boundary of lands now or formerly of the Village of Lake George; thence
21 southerly along the said easterly boundary of lands now or formerly of
22 The Village of Lake George the following three (3) courses and
23 distances: 1) South 32°- 08'- 51" East 148.00 feet to a point; 2) South
24 37°- 04'- 51" East 221.91 feet to a point; and 3) South 32°- 47'- 51"
25 East 83.60 feet to a point in the northerly boundary of the aforemen-
26 tioned lands now or formerly of Charles R. Wood Foundation; thence
27 westerly along the said northerly boundary of lands now or formerly of
28 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
2) 68°- 08'- 09" West 115.00 feet to a point; 3) South 81°- 37'-09" West
3) 240.84 feet to a point; and 4) South 74°-08'- 09" West 546.05 feet to
4) the point of beginning, containing 8.558 acres of land, being the same
5) more or less. ALSO, ALL that certain piece or parcel of land situate
6) lying and being in the Village of Lake George, County of Warren, State
7) of New York, being more particularly described as follows: COMMENCING at
8) a point located on the westerly boundary of lands now or formerly of
9) Warren County as described in Liber 281, Page 51, said point also being
10) on the division line between lands now or formerly of Warren County
11) (Liber 4390 Page 154) on the south and lands now or formerly of Fort
12) William Henry Corp. (Liber 497 Page 222) on the north; thence along said
13) division line South 40°27'30" West, 188.00 feet to the Point of Begin-
14) ning; thence through said lands of Warren County the following three (3)
15) courses and distances: 1) South 33°45'28" West, 74.95 feet to a point,
16) 2) South 59°52'14" West, 108.57 feet to a point, and 3) North 75°07'46"
17) West, 41.87 feet to a point on the division line between said lands of
18) Warren County on the south and lands now or formerly of Fort William
19) Henry Corp. (Liber 497 Page 222) on the north; thence along said divi-
20) sion line North 66°25'30" East, 91.92 feet to a point; thence North
21) 52°56'30" East, 115.00 feet to the point or place of beginning. EXCEPT-
22) ING AND RESERVING THEREFROM, ALL that certain piece or parcel of land
23) situate lying and being in the Village of Lake George, County of Warren,
24) State of New York, being more particularly described as follows: BEGIN-
25) NING at a point located on the westerly boundary of lands now or former-
26) ly of Warren County as described in Liber 281, Page 51, said point also
27) being on the division line between lands now or formerly of Warren Coun-
28) ty (Liber 4390 Page 154) on the south and lands now or formerly of Fort

1 William Henry Corp. (Liber 497 Page 222) on the north; thence along
2 said division line South 40°27'30" West, 188.00 feet to a point; thence
3 through said lands now or formerly of Fort William Henry Corp. North
4 33°45'28" East, 102.84 feet to a point; thence North 40°27'30" East,
5 85.36 feet to a point on the aforementioned westerly boundary of lands
6 now or formerly of Warren County (Liber 281, Page 51); thence along said
7 westerly boundary South 51°54'30" East, 12.01 feet to the point or place
8 of beginning.

9 PARCEL C - All that piece or parcel of property situate in the Village
10 of Lake George, County of Warren, State of New York and being bounded
11 and described as follows: BEGINNING at an iron pin at the intersection
12 of the easterly boundary of New York State Route 9N with the northerly
13 boundary of other lands now or formerly of Fort William Henry Corpo-
14 ration; said pin being located the following four (4) courses and
15 distances northerly from the intersection of the easterly boundary of
16 New York State Route 9N with the northerly boundary of lands now or
17 formerly of Charles R. Wood Foundation: 1) North 03°- 06'- 51" West
18 54.12 feet; 2) North 00°- 54'- 09" East 281.77 feet; 3) North 01°- 45'-
19 09" East 59.83 feet; and 4) North 02°- 47'- 35" West 51.87 feet, and
20 running thence from said point of beginning northerly along the said
21 easterly boundary of New York State Route 9N the following seven (7)
22 courses and distances: 1) North 03°- 29'-09" East 105.00 feet to a
23 point; 2) North 09°- 11'- 09" East 60.10 feet to a point; 3) North
24 05°-41'- 09" East 161.06 feet to a point; 4) North 09°- 28'-34" East
25 124.23 feet to an iron pin; 5) North 14°- 08'- 27" East 150.26 feet to a
26 square monument; 6) North 22°- 36'- 14" East 111.15 feet to a point; and
27 7) North 17°- 47'- 09" East 91.79 feet to an iron pipe in the southerly
28 boundary of lands now or formerly of Adirondack Entertainment and Recre-

1 ation, Inc.; thence South 59°- 07'- 51" East along the said southerly
2 boundary of lands now or formerly of Adirondack Entertainment and Recre-
3 ation, Inc. 40.70 feet to a point; thence North 51°- 01'- 09" East
4 along the southeasterly boundary of said lands now or formerly of
5 Adirondack Entertainment and Recreation, Inc. 167.30 feet to a point in
6 the southwesterly boundary of lands now or formerly of The Adirondack
7 Lakeview Corporation; thence southeasterly along the said southwesterly
8 boundary of lands now or formerly of The Adirondack Lakeview Corporation
9 the following five (5) courses and distances: 1) South 42°- 42'- 21"
10 East 120.00 feet to a point; 2) South 26°- 32'- 41" East 145.00 feet to
11 a point; 3) South 25°-55'- 51" East 130.20 feet to a point; 4) South
12 30°- 43'-21" East 111.17 feet to a point; and 5) South 29°- 21'- 51"
13 East 139.17 feet to a point; thence North 60°- 37'- 18" East along the
14 southeasterly boundary of said lands now or formerly of The Adirondack
15 Lakeview Corporation 70.01 feet to a point in the westerly boundary of
16 lands now or formerly of the Village of Lake George; thence southerly
17 along the said westerly boundary of lands now or formerly of The Village
18 of Lake George the following two (2) courses and distances: 1) South
19 29°- 21'- 51" East 32.24 feet to a point; and 2) South 30°- 27'- 51"
20 East 73.00 feet to an iron pipe in the northerly boundary of other lands
21 now or formerly of Fort William Henry Corporation; thence westerly along
22 the said northerly boundary of other lands now or formerly of Fort
23 William Henry Corporation the following three (3) courses and distances:
24 1) South 47°- 47'- 09" West 315.47 feet to a point; 2) South 60°- 07'-
25 09" West 66.22 feet to a point; and 3) South 88°-22'- 09" West 475.96
26 feet to the point of beginning, containing 9.398 acres of land, being
27 the same more or less.

1 5. (a) Notwithstanding any other provision of law to the contrary, the
2 liquor authority shall issue a farm winery license to the Concord Grape
3 Belt Heritage Association Inc. Grape Discovery Center ("center") situ-
4 ated at the premises known as: all that certain plot, piece or parcel of
5 land, with the buildings and improvements thereon erected, situated,
6 lying and being in the Town of Westfield, County of Chautauqua and State
7 of New York being parcels 209.00-2-13 and 209.00-2-14 and being more
8 particularly described as follows: PARCEL A - All that tract or parcel
9 of land, situate in the Town of Westfield, County of Chautauqua and
10 State of New York, being part of Lot 13, Town 4 and Range 14 of the
11 Holland Land Company's Survey and further bounded and described as
12 follows: Beginning at a set "MAG" nail on the south bounds of U.S.
13 Route 20 also known as Main Road, also known as the Buffalo and Erie
14 Road, said "MAG" nail being N 60 degrees 17' 18" E, 264.87 feet as meas-
15 ured along the south bounds of U.S. Route 20, from the northwest corner
16 of premises described in deed from David S. Neill to Sam F. Nixon, dated
17 January 30, 1916, and recorded in the Chautauqua County Clerk's Office
18 in Liber 421 of Deeds at page 165; thence N 60 degrees 17' 18" E, along
19 the south bounds of U.S. Route 20, a distance of 195.88 feet to a set
20 "MAG" nail in asphalt; thence N 64 degrees 0' 0" E, and still along the
21 south bounds of U.S. Route 20, a distance 70 feet to a set "MAG" nail in
22 asphalt; thence S 1 degree 55' 0" W, 250 feet to an existing iron pin at
23 the northwest corner of lands of Joanne W. Nixon, as described in a deed
24 recorded in the Chautauqua County Clerk's Office in Liber 2182 of Deeds
25 at page 196; thence continuing along the same course, S 1 degree 55' 0"
26 W along the west line of lands of said Nixon, 78.8 feet to an existing
27 iron stake at the northeast corner of lands of Joanne W. Nixon as
28 described in a deed recorded in the Chautauqua County Clerk's Office in

1 Liber 2418 of Deeds at page 341; thence S 62 degrees 58' 7" W, along the
2 north line of lands of said Nixon, 173.3 feet to a point at the south-
3 east corner of lands of Ed R. Burnside as described in a deed recorded
4 in the Chautauqua County Clerk's Office in Liber 2639 of Deeds at page
5 336; thence N 13 degrees 36' 25" W, along the east line of lands of said
6 Burnside, 287.68 feet to the point or place of beginning. PARCEL B -
7 Also all that tract or parcel of land, situate in the Town of Westfield,
8 County of Chautauqua and State of New York, being part of Lot No. 13,
9 Township 4 and Range 14 of the Holland Land Company's Survey and further
10 bounded and described as follows: Commencing at the northwest corner of
11 premises described in deed from David S. Neill to Sam F. Nixon, dated
12 January 30, 1916, and recorded in the Chautauqua County Clerk's Office
13 in Liber 421 of Deeds at page 165; thence N 60 degrees 17' 18" E. along
14 the south bounds of U.S. Route 20, also known as Main Road, also known
15 as the Buffalo and Erie Road, 460.76 feet to a set "MAG" nail in
16 asphalt; thence N 64 degrees 0' 0" E, and still along the south bounds
17 of U.S. Route 20, a distance of 70 feet to a set "MAG" nail in asphalt
18 at the point of beginning of the parcel hereinafter described; thence N
19 64 degrees 0' 0" E, along the south bounds of U.S. Route 20, a distance
20 of 200 feet to a set "MAG" nail in asphalt at the northwest corner of
21 lands of Joanne W. Nixon as described in a deed recorded in the Chautau-
22 qua County Clerk's Office in Liber 2182 of Deeds at page 196; thence S 1
23 degree 55' 0" W, along the west line of lands of said Nixon, 250 feet to
24 a point; thence S 64 degrees 0' 0" W, along the north line of lands of
25 said Nixon 200 feet to an existing iron pin in the northwest corner of
26 lands of said Nixon; thence N 1 degree 55' 0" E, 250 feet to the point
27 or place of beginning. Subject to all easements, rights-of-way, and
28 leases of record which may validly affect said premises.

1 (b) The center may, but shall not be required to, produce wine as a
2 condition of such license.

3 (c) No person shall be disqualified from acting as a director, offi-
4 cer, or employee of, or purveyor to, the center by reason of such person
5 holding a license under this chapter, or being affiliated with a licen-
6 see under this chapter as a shareholder, partner, officer, director, or
7 employee.

8 (d) No person shall be disqualified from being a lender or lessor to
9 the center, or a donor, patron, contributor or sponsor from time to time
10 of the center through contributions in cash or in kind, on terms agreed
11 with the board of directors of the center, by reason of such person
12 holding a license under this chapter, or being affiliated with a licen-
13 see under this chapter as a shareholder, partner, officer, director, or
14 employee. Such persons shall be entitled, regardless of their licensing
15 status under this chapter, to obtain all the benefits generally approved
16 by the board of directors of the center and offered to donors of similar
17 amounts.

18 (e) Notwithstanding any other provision of law to the contrary, the
19 center is expressly authorized to:

20 (i) sell New York state produced wines, beers and distilled spirits
21 for both on- and off-premise consumption;

22 (ii) offer tastings in a common tasting area on the premises of such
23 products and charge the general public such amounts as it deems fit for
24 such tastings; and

25 (iii) provide banquet and entertainment facilities for the general
26 public for private parties in consideration of such fees as are estab-
27 lished by the board of directors of the center from time to time, and to

1 sell and serve at such events wines, malt beverages and distilled spir-
2 its selected by persons hiring the facilities.

3 ARTICLE 17

4 MISCELLANEOUS PROVISIONS, LAWS REPEALED, TIME OF TAKING EFFECT

5 Section 1701. Construction of chapter.

6 1702. Invalidity; effect of.

7 § 1701. Construction of chapter. This chapter shall be so construed as
8 to assure that the policy of the state and the intent and purpose there-
9 of will be carried out.

10 § 1702. Invalidity; effect of. If any part, provision or section of
11 this chapter or the application thereof to any person or circumstances
12 shall be held invalid by any court of competent jurisdiction, the
13 remainder thereof or the application of such part, provision or section
14 to any other person or circumstances shall not be affected thereby.

15 § 3. Subdivision 42 of section 16 of the agriculture and markets law,
16 as amended by chapter 108 of the laws of 2012 and paragraph (c) as
17 amended by chapter 384 of the laws of 2013, is amended to read as
18 follows:

19 42. (a) For purposes of making timely determinations and consulting
20 with the [chairman] chair of the state liquor authority pursuant to
21 [subdivision five of section seventy-six-a] section seven hundred forty
22 of the alcoholic beverage control law, investigate and compile informa-
23 tion relative to natural disasters, acts of God, or continued adverse
24 weather conditions which shall affect the crop of grapes or other fruit
25 products used in the production of wine.

1 (b) For purposes of making timely determinations and consulting with
2 the [chairman] chair of the state liquor authority pursuant to subdivi-
3 sion [eleven of section fifty-one-a] one of section seven hundred
4 forty-one of the alcoholic beverage control law, investigate and compile
5 information relative to natural disasters, acts of God, or continued
6 adverse weather conditions which shall affect the necessary ingredients
7 for brewing beer.

8 (c) For purposes of making timely determinations and consulting with
9 the [chairman] chair of the state liquor authority pursuant to [subdivi-
10 sion twelve of section fifty-one-a] subdivision one of section seven
11 hundred forty-one and [subdivision eleven of section fifty-eight-c]
12 section seven hundred forty-two of the alcoholic beverage control law,
13 investigate and compile information relative to natural disasters, acts
14 of God, or continued adverse weather conditions which shall affect the
15 crop of apples used in the production of cider.

16 § 4. Subdivision 9 of section 77 of the cannabis law is amended to
17 read as follows:

18 9. No adult-use on-site consumption licensee shall suffer, permit or
19 promote activities or events on its premises wherein any person shall
20 use such premises for activities including, but not limited to, gambl-
21 ing, exposing or simulating, contests, or fireworks that are prohibited
22 by [subdivision six, six-a, six-b, six-c or seven of section one hundred
23 six] section nine hundred twenty-seven of the alcoholic beverage control
24 law or any other similar activities the board deems to be prohibited.

25 § 5. Section 237 of the county law, as added by chapter 83 of the laws
26 of 1995, is amended to read as follows:

27 § 237. Alcoholic beverage control. Pursuant to section [seventeen] two
28 hundred nine of the alcoholic beverage control law, the board of super-

1 visors by resolution may request the state liquor authority to further
2 restrict the hours during which alcoholic beverages may be sold at
3 retail.

4 § 6. Subdivision 36 of section 2.10 of the criminal procedure law, as
5 added by chapter 843 of the laws of 1980, is amended to read as follows:

6 36. Investigators appointed by the state liquor authority, pursuant to
7 section [fifteen] two hundred seven of the alcoholic beverage control
8 law; provided, however, that nothing in this subdivision shall be deemed
9 to authorize such officer to carry, possess, repair or dispose of a
10 firearm unless the appropriate license therefor has been issued pursuant
11 to section 400.00 of the penal law.

12 § 7. Subdivision 7 of section 170.55 of the criminal procedure law, as
13 amended by chapter 383 of the laws of 1998, is amended to read as
14 follows:

15 7. The court may, as a condition of an adjournment in contemplation of
16 dismissal order, where a defendant is under twenty-one years of age and
17 is charged with (a) a misdemeanor or misdemeanors other than section
18 eleven hundred ninety-two of the vehicle and traffic law, in which the
19 record indicates the consumption of alcohol by the defendant may have
20 been a contributing factor, or (b) a violation of [paragraph (a) of
21 subdivision one of section sixty-five-b] subdivision one of section
22 twelve hundred two of the alcoholic beverage control law, require the
23 defendant to attend an alcohol awareness program established pursuant to
24 subdivision (a) of section 19.07 of the mental hygiene law.

25 § 8. Subdivision 1 of section 170.56 of the criminal procedure law, as
26 amended by chapter 92 of the laws of 2021, is amended to read as
27 follows:

1 1. Upon or after arraignment in a local criminal court upon an infor-
2 mation, a prosecutor's information or a misdemeanor complaint, where the
3 sole remaining count or counts charge a violation or violations of
4 section 222.10, 222.15, 222.25, 222.30, 222.45 or 222.50 of the penal
5 law, or upon summons for a nuisance offense under section [sixty-five-c]
6 twelve hundred four of the alcoholic beverage control law and before the
7 entry of a plea of guilty thereto or commencement of a trial thereof,
8 the court, upon motion of a defendant, may order that all proceedings be
9 suspended and the action adjourned in contemplation of dismissal, or
10 upon a finding that adjournment would not be necessary or appropriate
11 and the setting forth in the record of the reasons for such findings,
12 may dismiss in furtherance of justice the accusatory instrument;
13 provided, however, that the court may not order such adjournment in
14 contemplation of dismissal or dismiss the accusatory instrument if: (a)
15 the defendant has previously been granted such adjournment in contem-
16 plation of dismissal, or (b) the defendant has previously been granted a
17 dismissal under this section, or (c) the defendant has previously been
18 convicted of any offense involving controlled substances, or (d) the
19 defendant has previously been convicted of a crime and the district
20 attorney does not consent or (e) the defendant has previously been adju-
21 dicated a youthful offender on the basis of any act or acts involving
22 controlled substances and the district attorney does not consent.
23 Notwithstanding the limitations set forth in this subdivision, the court
24 may order that all proceedings be suspended and the action adjourned in
25 contemplation of dismissal based upon a finding of exceptional circum-
26 stances. For purposes of this subdivision, exceptional circumstances
27 exist when, regardless of the ultimate disposition of the case, the
28 entry of a plea of guilty is likely to result in severe or ongoing

1 consequences, including, but not limited to, potential or actual immi-
2 gration consequences.

3 § 9. Paragraph i of subdivision 1 of section 6435 of the education
4 law, as added by chapter 612 of the laws of 2008, is amended to read as
5 follows:

6 i. to seize an alcoholic beverage upon observing a person under twen-
7 ty-one years of age openly in possession of an alcoholic beverage as
8 defined in section [three] one hundred two of the alcoholic beverage
9 control law, with intent to consume such beverage in violation of
10 section [sixty-five-c] twelve hundred four of such law.

11 § 10. Subdivision 1 of section 27-1003 of the environmental conserva-
12 tion law, as amended by section 2 of part SS of chapter 59 of the laws
13 of 2009, is amended to read as follows:

14 1. "Beverage" means carbonated soft drinks, water, beer, other malt
15 beverages and a wine product as defined in [subdivision thirty-six-a of
16 section three] section one hundred two of the alcoholic beverage control
17 law. "Malt beverages" means any beverage obtained by the alcoholic
18 fermentation or infusion or decoction of barley, malt, hops, or other
19 wholesome grain or cereal and water including, but not limited to ale,
20 stout or malt liquor. "Water" means any beverage identified through the
21 use of letters, words or symbols on its product label as a type of
22 water, including any flavored water or nutritionally enhanced water,
23 provided, however, that "water" does not include any beverage identified
24 as a type of water to which a sugar has been added.

25 § 11. Paragraph 10 of subdivision (a) of section 441 of the general
26 business law, as added by chapter 417 of the laws of 2011, is amended to
27 read as follows:

1 10. Conviction under subdivision one of section [sixty-five] twelve
2 hundred one of the alcoholic beverage control law where such conviction
3 was for the sale of alcohol to a person actually under the age of twen-
4 ty-one and the offense occurred at the barber's place of business.

5 § 12. Subdivision 2 of section 475 of the labor law, as added by chap-
6 ter 288 of the laws of 1988, is amended to read as follows:

7 2. The operators of places of public assembly as defined in this
8 section shall establish a plan to be used for the purposes of crowd
9 control in the event of a riot. Said plan shall include and set forth
10 any [programs mandated by section one hundred six-b of the alcoholic
11 beverage control law or any other requirement of such law, and addi-
12 tional] procedures designed to control the over-consumption of alcoholic
13 beverages at such places of public assembly, which operators deem to be
14 necessary or desirable for inclusion in the plan. Said plan shall be
15 filed with the New York state emergency management office as follows:
16 (i) with respect to places of public assembly in existence on the effec-
17 tive date of this section which have been used for sporting events or
18 presentations described in subparagraph (ii) of paragraph (a) of subdivi-
19 sion one of this section, said plan shall be filed on or before March
20 first, in the year next succeeding the year in which this section shall
21 have become a law; and (ii) with respect to places of public assembly
22 constructed after the effective date of this section or with respect to
23 existing facilities used for the first time for presentation of sporting
24 events or musical renditions or concerts described in subparagraph (ii)
25 of paragraph (a) of subdivision one of this section, said plan shall be
26 filed thirty days before the sporting event or the presentation of such
27 musical renditions or concerts so described. Additionally, the plan
28 shall be filed with the police and fire departments of the locality in

1 which such place of public assembly is located, as well as with the
2 state or county law enforcement agency having the primary responsibility
3 to respond with the local police department in the event of an emergen-
4 cy. With respect to the operation of places of public assembly by a
5 governmental entity which provides its own police and fire protection,
6 plans shall be established in consultation with the officers charged
7 with responsibility for providing such protection and enforcement.

8 § 13. Subdivision (f) of section 19.07 of the mental hygiene law, as
9 added by chapter 383 of the laws of 1998, is amended to read as follows:

10 (f) The office of alcoholism and substance abuse services shall devel-
11 op a list of all agencies throughout the state which are currently
12 certified by the office and are capable of and available to provide
13 evaluations in accordance with section [sixty-five-b] twelve hundred two
14 of the alcoholic beverage control law so as to determine need for treat-
15 ment pursuant to such section and to assure the availability of such
16 evaluation services by a certified agency within a reasonable distance
17 of every court of a local jurisdiction in the state. Such list shall be
18 updated on a regular basis and shall be made available to every supreme
19 court law library in this state, or, if no supreme court law library is
20 available in a certain county, to the county court library of such coun-
21 ty.

22 § 14. Subdivision 4 of section 1352 of the public health law, as
23 amended by section 2 of part A of chapter 58 of the laws of 2009, is
24 amended to read as follows:

25 4. To the extent that funds are available for the purposes set forth
26 in this subdivision, the commissioner shall require that the following
27 food service establishments: restaurants, bars, membership organiza-
28 tions, fraternal organizations, and private clubs, excepting establish-

1 ments licensed pursuant to section [sixty-four-a] four hundred five of
2 the alcoholic beverage control law, that are not regulated by the
3 department of agriculture and markets, at all times have in their
4 employment at least one individual who has been trained and certified by
5 an organization, approved by the commissioner, which specializes in and
6 provides instruction concerning the safe and proper handling, prepara-
7 tion, cooking, storage, serving, delivery, removal and disposal of food.
8 Attendance at any course established pursuant to this section shall be
9 in person, through distance learning methods, or through an Internet
10 based online program. Such training shall meet the standards set forth
11 by the commissioner pursuant to section thirteen hundred fifty-five of
12 this title, either: (a) pursuant to a program approved by the commis-
13 sioner under such section, or (b) pursuant to a course that shall
14 address but not be limited to the following topics:

15 (i) Contamination, food allergies and foodborne illness.

16 (ii) Purchasing and receiving safe food.

17 (iii) Keeping food safe in storage.

18 (iv) Protecting food during preparation.

19 (v) Protecting food during service.

20 (vi) Sanitary facilities and equipment.

21 (vii) Cleaning and sanitizing.

22 (viii) Integrated pest management.

23 (ix) Food-safety regulations and standards.

24 (x) Employee food-safety training.

25 The commissioner shall allow a licensee a period of up to thirty days
26 to come into compliance with this subdivision where an employee who has
27 been certified as having completed the approved food safety training
28 program separates from his or her place of employment.

1 § 15. Subdivision 6 of section 1399-cc of the public health law, as
2 amended by chapter 542 of the laws of 2014, is amended to read as
3 follows:

4 6. A licensee or agent or employee of such a licensee may electron-
5 ically or mechanically record and maintain only the information from a
6 transaction scan necessary to effectuate this section. Such information
7 shall be limited to the following: (a) name, (b) date of birth, (c)
8 driver's license or non-driver identification number, and (d) expiration
9 date. The commissioner and state commissioner of motor vehicles shall
10 jointly promulgate any regulations necessary to govern the recording and
11 maintenance of these records by a licensee under this chapter. The
12 commissioner and the state liquor authority shall jointly promulgate any
13 regulation necessary to ensure quality control in the use of the trans-
14 action scan devices under this chapter and article [five] twelve of the
15 alcoholic beverage control law.

16 § 16. Subdivision 1 of section 220.78 of the penal law, as amended by
17 chapter 92 of the laws of 2021, is amended to read as follows:

18 1. A person who, in good faith, seeks health care for someone who is
19 experiencing a drug or alcohol overdose or other life threatening
20 medical emergency shall not be charged or prosecuted for a controlled
21 substance offense under this article or a cannabis offense under article
22 two hundred twenty-two of this title, other than an offense involving
23 sale for consideration or other benefit or gain, or charged or prose-
24 cuted for possession of alcohol by a person under age twenty-one years
25 under section [sixty-five-c] twelve hundred four of the alcoholic bever-
26 age control law, or for possession of drug paraphernalia under article
27 thirty-nine of the general business law, with respect to any controlled

1 substance, cannabis, alcohol or paraphernalia that was obtained as a
2 result of such seeking or receiving of health care.

3 § 17. Subdivision 2 of section 220.78 of the penal law, as amended by
4 chapter 92 of the laws of 2021, is amended to read as follows:

5 2. A person who is experiencing a drug or alcohol overdose or other
6 life threatening medical emergency and, in good faith, seeks health care
7 for himself or herself or is the subject of such a good faith request
8 for health care, shall not be charged or prosecuted for a controlled
9 substance offense under this article or a cannabis offense under article
10 two hundred twenty-two of this title, other than an offense involving
11 sale for consideration or other benefit or gain, or charged or prose-
12 cuted for possession of alcohol by a person under age twenty-one years
13 under section [sixty-five-c] twelve hundred four of the alcoholic bever-
14 age control law, or charged or prosecuted for possession of cannabis or
15 concentrated cannabis by a person under the age of twenty-one under
16 section one hundred thirty-two of the cannabis law, or for possession of
17 drug paraphernalia under article thirty-nine of the general business
18 law, with respect to any substance, cannabis, alcohol or paraphernalia
19 that was obtained as a result of such seeking or receiving of health
20 care.

21 § 18. The third undesignated paragraph and subdivision 2 of section
22 260.20 of the penal law, the third undesignated paragraph as added by
23 chapter 435 of the laws of 2010 and subdivision 2 as amended by chapter
24 362 of the laws of 1992, are amended to read as follows:

25 2. He or she gives or sells or causes to be given or sold any alcohol-
26 ic beverage, as defined by section [three] one hundred two of the alco-
27 holic beverage control law, to a person less than twenty-one years old;
28 except that this subdivision does not apply to the parent or guardian of

1 such a person or to a person who gives or causes to be given any such
2 alcoholic beverage to a person under the age of twenty-one years, who is
3 a student in a curriculum licensed or registered by the state education
4 department, where the tasting or imbibing of alcoholic beverages is
5 required in courses that are part of the required curriculum, provided
6 such alcoholic beverages are given only for instructional purposes
7 during classes conducted pursuant to such curriculum.

8 It is an affirmative defense to a prosecution pursuant to subdivision
9 two of this section that the defendant who sold, caused to be sold or
10 attempted to sell such alcoholic beverage to a person less than twenty-
11 one years old, had not been, at the time of such sale or attempted sale,
12 convicted of a violation of this section or section 260.21 of this arti-
13 cle within the preceding five years, and such defendant, subsequent to
14 the commencement of the present prosecution, has completed an alcohol
15 training awareness program established pursuant to [subdivision twelve
16 of section seventeen] twelve hundred five of the alcoholic beverage
17 control law. A defendant otherwise qualifying pursuant to this paragraph
18 may request and shall be afforded a reasonable adjournment of the
19 proceedings to enable him or her to complete such alcohol training
20 awareness program.

21 § 19. Paragraph (o) of subdivision 2 of section 265.01-e of the penal
22 law, as added by chapter 371 of the laws of 2022, is amended to read as
23 follows:

24 (o) any establishment issued a license for on-premise consumption
25 [pursuant to article four, four-A, five, or six of] under the alcoholic
26 beverage control law where alcohol is consumed and any establishment
27 licensed under article four of the cannabis law for on-premise consump-
28 tion;

1 § 20. Paragraph a of subdivision 4 of section 1008 of the racing,
2 pari-mutuel wagering and breeding law, as amended by chapter 243 of the
3 laws of 2020, is amended to read as follows:

4 a. Notwithstanding any other provision of law to the contrary, the
5 commission may authorize a regional off-track betting corporation to
6 amend its plan of operation to provide for the sale of food and non-al-
7 coholic beverages within its simulcasting facilities. For such facili-
8 ties when facilities of a hotel or restaurant as defined in section
9 [three] one hundred two of the alcoholic beverage control law are used,
10 and table service for at least twenty-four persons is provided, the
11 commission may, in its discretion, authorize a regional off-track
12 betting corporation to amend its plan of operation to provide for the
13 sale of beer, wine and liquor, in accordance with all applicable state
14 and local licensing requirements. The commission shall promulgate rules
15 and regulations to carry out the provisions of this subdivision with the
16 intent that such sale of food, alcoholic and non-alcoholic beverages
17 shall be in accordance with appropriate health and sanitary codes, and
18 shall not include sales on credit except such sales using a third-party
19 credit card. With respect to the sale of beer, wine and liquor, said
20 rules and regulations shall provide requirements for seating capacity
21 and the minimum number of tables, which in no event shall be less than
22 six.

23 § 21. Subdivision 2 of section 147 of the social services law, as
24 added by chapter 701 of the laws of 1996, is amended to read as follows:

25 2. Any person found to have violated the provisions of subparagraph
26 (i), (ii) or (iii) of paragraph a of subdivision one of this section,
27 who shall possess a license to sell liquor under section [sixty-three]
28 five hundred two of the alcoholic beverage control law or to sell

1 lottery tickets under article thirty-four of the tax law, shall have
2 such license or licenses revoked in addition to any other penalty
3 authorized by law. As used [herein] in this section, the word "person"
4 shall mean any individual, partnership, corporation, or association.

5 § 22. Paragraph (a) of subdivision 3 of section 151 of the social
6 services law, as amended by section 2 of part F of chapter 58 of the
7 laws of 2014, is amended to read as follows:

8 (a) A violation of the provisions of subdivision one of this section
9 taking place at the licensed premises by a person, corporation or entity
10 licensed under the alcoholic beverage control law: (i) to sell liquor
11 and/or wine at retail for off-premises consumption; (ii) to sell beer at
12 wholesale and also authorized to sell beer at retail for off-premises
13 consumption; or (iii) to sell liquor, wine and/or beer for on-premises
14 consumption at an establishment where entertainers appear unclothed as
15 permitted by the rules of the state liquor authority, shall constitute
16 cause, for the purposes of section [one hundred eighteen] thirteen
17 hundred one of the alcoholic beverage control law, for the revocation,
18 cancellation or suspension of such license.

19 § 23. Paragraph a of subdivision 4-a of section 165 of the state
20 finance law, as added by chapter 95 of the laws of 2000, is amended to
21 read as follows:

22 a. In order to advance specific economic goals, New York state
23 labelled wines, as defined in [subdivision twenty-a of] section [three]
24 one hundred two of the alcoholic beverage control law, shall have
25 favored source status for the purposes of procurement in accordance with
26 the provisions of this subdivision. Procurement of these New York state
27 labelled wines shall be exempt from the competitive procurement
28 provisions of section one hundred sixty-three of this article and other

1 competitive procurement statutes. Such exemption shall apply to New
2 York state labelled wines as defined in [subdivision twenty-a of]
3 section [three] one hundred two of the alcoholic beverage control law
4 produced by a [licensed] winery [as defined in] licensed under section
5 [seventy-six] seven hundred eight of the alcoholic beverage control law.

6 § 24. Subdivision (d-1) of section 42 of the tax law, as added by
7 section 2 of part N of chapter 59 of the laws of 2019, is amended to
8 read as follows:

9 (d-1) Special rules. If more than fifty percent of such eligible farm-
10 er's federal gross income from farming is from the sale of wine from a
11 licensed farm winery as provided for in article [six] seven of the alco-
12 holic beverage control law, or from the sale of cider from a licensed
13 farm cidery as provided for in section [fifty-eight-c] seven hundred
14 seventeen of the alcoholic beverage control law, then an eligible farm
15 employee of such eligible farmer shall be included for purposes of
16 calculating the amount of credit allowed under this section only if such
17 eligible farm employee is employed by such eligible farmer on qualified
18 agricultural property as defined in paragraph four of subsection (n) of
19 section six hundred six of this chapter.

20 § 25. Paragraph (i) of subdivision 11 of section 210-B of the tax law,
21 as added by section 17 of part A of chapter 59 of the laws of 2014, is
22 amended to read as follows:

23 (i) Special rules. For purposes of this subdivision, the term "federal
24 gross income from farming" shall include gross income from the
25 production of maple syrup, cider, Christmas trees derived from a managed
26 Christmas tree operation whether dug for transplanting or cut from the
27 stump, or from a commercial horse boarding operation as defined in
28 subdivision thirteen of section three hundred one of the agriculture and

1 markets law, or from the sale of wine from a licensed farm winery as
2 provided for in article [six] seven of the alcoholic beverage control
3 law, or from the sale of cider from a licensed farm cidery as provided
4 for in section [fifty-eight-c] seven hundred seventeen of the alcoholic
5 beverage control law.

6 § 26. Subdivision 5 of section 429 of the tax law, as added by chapter
7 586 of the laws of 2019, is amended to read as follows:

8 5. The commissioner shall provide any brewer, as such term is defined
9 in [subdivision five of] section [three] one hundred two of the alcohol-
10 ic beverage control law, or any distiller, as such term is defined in
11 [subdivision ten of] section [three] one hundred two of the alcoholic
12 beverage control law, with the option to file their tax returns elec-
13 tronically.

14 § 27. Paragraph (d) of subdivision 4 of section 480-a of the tax law,
15 as amended by section 4 of part I of chapter 59 of the laws of 2020, is
16 amended to read as follows:

17 (d) After review of the revocation of registration by the commissioner
18 or his or her designee is complete, or the time within which a retail
19 dealer may request such review has expired without such a request having
20 been made, notice of the revocation of a retail dealer registration
21 pursuant to this subdivision shall be given by the commissioner to the
22 head of the division of the lottery for the purpose of enforcement of
23 section sixteen hundred seven of this chapter and such division may
24 suspend or revoke any license issued with respect to a lottery agent's
25 specific location pursuant to article thirty-four of this chapter if
26 such lottery agent is a retail dealer of cigarettes whose registration
27 for such location is suspended or revoked pursuant to this section. In
28 addition, notice of such revocation shall also be given to the state

1 liquor authority and such revocation shall constitute cause, for
2 purposes of section [one hundred eighteen] thirteen hundred one of the
3 alcoholic beverage control law, for revocation, cancellation or suspen-
4 sion of any license or permit issued pursuant to such law.

5 § 28. Paragraph 8 of subsection (n) of section 606 of the tax law, as
6 amended by chapter 384 of the laws of 2013, is amended to read as
7 follows:

8 (8) Special rules. For purposes of this subsection, the term "federal
9 gross income from farming" shall include gross income from the
10 production of maple syrup, cider, Christmas trees derived from a managed
11 Christmas tree operation whether dug for transplanting or cut from the
12 stump, or from a commercial horse boarding operation as defined in
13 subdivision thirteen of section three hundred one of the agriculture and
14 markets law, or from the sale of wine from a licensed farm winery as
15 provided for in article [six] seven of the alcoholic beverage control
16 law, or from the sale of cider from a licensed farm cidery as provided
17 for in section [fifty-eight-c] seven hundred seventeen of the alcoholic
18 beverage control law.

19 § 29. Subparagraph (C) of paragraph (ii) of subdivision (d) of section
20 1105 of the tax law, as added by chapter 7 of the laws of 2020, is
21 amended to read as follows:

22 (C) Sales by a brewery licensed under section [fifty-one] seven
23 hundred thirteen or section seven hundred fourteen of the alcoholic
24 beverage control law, or a farm brewery licensed under section [fifty-
25 one-a] seven hundred fifteen of such law, of no more than four samples
26 of beer not exceeding four fluid ounces each, and each sample shall be a
27 different beer than the others. Only a customer's first purchase during

1 each calendar day at each licensed entity shall be exempt under this
2 subparagraph.

3 § 30. Paragraph 45 of subdivision (a) of section 1115 of the tax law,
4 as added by chapter 7 of the laws of 2020, is amended to read as
5 follows:

6 (45) Sales by a brewery licensed under section [fifty-one] seven
7 hundred thirteen or section seven hundred fourteen of the alcoholic
8 beverage control law, or a farm brewery licensed under section [fifty-
9 one-a] seven hundred fifteen of such law, of no more than four samples
10 of beer not exceeding four fluid ounces each, and each sample shall be a
11 different beer than the others. Only a customer's first purchase during
12 each calendar day at each licensed entity shall be exempt under this
13 paragraph.

14 § 31. Subparagraph (C) of paragraph (1) of subdivision (i) of section
15 1136 of the tax law, as amended by section 3 of part J of chapter 59 of
16 the laws of 2020, is amended to read as follows:

17 (C) Every wholesaler, as defined by section [three] one hundred two of
18 the alcoholic beverage control law, if it has made a sale of an alcohol-
19 ic beverage, as defined by section four hundred twenty of this chapter,
20 without collecting sales or use tax during the period covered by the
21 return, except (i) a sale to a person that has furnished an exempt
22 organization certificate to the wholesaler for that sale; or (ii) a sale
23 to another wholesaler whose license under the alcoholic beverage control
24 law does not allow it to make retail sales of the alcoholic beverage.
25 For each vendor, operator, or recipient to whom the wholesaler has made
26 a sale without collecting sales or compensating use tax, the return must
27 include the total value of those sales made during the period covered by
28 the return (excepting the sales described in clauses (i) and (ii) of

1 this subparagraph) and the vendor's, operator's or recipient's state
2 liquor authority license number, along with the information required by
3 paragraph two of this subdivision.

4 § 32. Subparagraph (D) of paragraph (1) of subdivision (i) of section
5 1136 of the tax law, as added by section 3 of part J of chapter 59 of
6 the laws of 2020, is amended to read as follows:

7 (D) Notwithstanding the provisions of subparagraph (C) of this para-
8 graph, a person operating pursuant to any of the following licenses
9 shall not be subject to any of the requirements of this subdivision: (i)
10 a farm winery license, as provided in section [seventy-six-a] seven
11 hundred nine of the alcoholic beverage control law; (ii) a winery
12 license, as provided in section [seventy-six] seven hundred eight of the
13 alcoholic beverage control law, where the number of gallons of wine,
14 cider and mead produced annually by such person does not exceed the
15 annual limits on the number of finished gallons of wine, cider and mead
16 permitted to be produced by a farm winery under subdivision [eight] ten
17 of section [seventy-six-a] seven hundred nine of the alcoholic beverage
18 control law; (iii) a farm distillery license, as provided in [subdivi-
19 sion two-c of] section [sixty-one] seven hundred seven of the alcoholic
20 beverage control law; (iv) a distiller's license, as provided in section
21 [sixty-one] seven hundred six of the alcoholic beverage control law,
22 where the number of gallons of liquor produced annually by such person
23 does not exceed the annual limits on the number of gallons of liquor
24 permitted to be produced by a farm distillery under [paragraph (f) of]
25 subdivision [two-c] seven of section [sixty-one] seven hundred seven of
26 the alcoholic beverage control law; (v) a farm cidery license, as
27 provided in section [fifty-eight-c] seven hundred seventeen of the alco-
28 holic beverage control law; (vi) a cider producers' license, as provided

1 in section [fifty-eight] seven hundred sixteen of the alcoholic beverage
2 control law, where the number of gallons of cider produced annually by
3 such person does not exceed the annual limits on the number of gallons
4 of cider permitted to be produced by a farm cidery under subdivision
5 [ten] five of section [fifty-eight-c] seven hundred seventeen of the
6 alcoholic beverage control law; (vii) a farm brewery license, as
7 provided in section [fifty-one-a] seven hundred fifteen of the alcoholic
8 beverage control law; (viii) a brewer's license, as provided in section
9 [fifty-one] seven hundred thirteen or section seven hundred fourteen of
10 the alcoholic beverage control law, where the number of finished barrels
11 of beer, cider and braggot produced annually by such person does not
12 exceed the annual number of finished barrels of beer, cider and braggot
13 permitted to be produced by a farm brewery under subdivision [ten] elev-
14 en of section [fifty-one-a] seven hundred fifteen of the alcoholic
15 beverage control law; (ix) a farm meadery license, as provided in
16 section [thirty-one] seven hundred nineteen of the alcoholic beverage
17 control law; or (x) a mead producers' license, as provided in section
18 [thirty] seven hundred eighteen of the alcoholic beverage control law,
19 where the number of gallons of mead and braggot produced annually by
20 such person does not exceed the annual number of finished barrels of
21 mead and braggot permitted to be produced by a farm meadery under subdi-
22 vision ten of section [thirty-one] seven hundred nineteen of the alco-
23 holic beverage control law. Nothing in this subparagraph shall exempt a
24 person operating pursuant to multiple licenses under the alcoholic
25 beverage control law from the requirements of subparagraph (C) of this
26 paragraph if such person produces an amount of any alcoholic beverage in
27 excess of the amounts permitted to be produced annually by a person who
28 holds only a farm winery, farm cidery, farm distillery, farm brewery or

1 farm meadery license for such beverage, nor shall this section exempt
2 any person holding a wholesalers' license under the alcoholic beverage
3 control law from the requirements of subparagraph (C) of this paragraph.

4 § 33. Subparagraphs (ix), (x) and (xi) of paragraph b of subdivision 2
5 of section 510 of the vehicle and traffic law, subparagraph (ix) as
6 amended by chapter 652 of the laws of 1998, subparagraphs (x) and (xi)
7 as added by chapter 383 of the laws of 1998, are amended to read as
8 follows:

9 (ix) For a period of three months where the holder is sentenced to a
10 license suspension pursuant to paragraph (a) of subdivision [five] four
11 of section [sixty-five-b] twelve hundred two of the alcoholic beverage
12 control law, provided however, that, in accordance with such subdivision
13 [five] four, such suspension shall be only a license suspension.

14 (x) For a period of six months where the holder is sentenced to a
15 license suspension pursuant to paragraph (b) of subdivision [five] four
16 of section [sixty-five-b] twelve hundred two of the alcoholic beverage
17 control law, provided however, that, in accordance with such subdivision
18 [five] four, such suspension shall be only a license suspension.

19 (xi) For a period of one year or until the holder reaches the age of
20 twenty-one, whichever is the greater period of time, where the holder is
21 sentenced to a license suspension pursuant to paragraph (c) of subdivi-
22 sion [five] four of section [sixty-five-b] twelve hundred two of the
23 alcoholic beverage control law, provided however, that, in accordance
24 with such subdivision [five] four, such suspension shall be only a
25 license suspension.

26 § 34. Subdivision 1 of section 1227 of the vehicle and traffic law, as
27 amended by chapter 92 of the laws of 2021, is amended to read as
28 follows:

1 1. The drinking of alcoholic beverages or consumption of cannabis, or
2 the possession of an open container containing an alcoholic beverage, in
3 a motor vehicle located upon the public highways or right-of-way public
4 highway is prohibited. Any operator or passenger violating this section
5 shall be guilty of a traffic infraction.

6 The provisions of this section shall not be deemed to prohibit the
7 drinking of alcoholic beverages, the consumption of cannabis by means
8 other than burning, or the possession of an open container containing an
9 alcoholic beverage by passengers in passenger vehicles operated pursuant
10 to a certificate or permit issued by the department of transportation or
11 the United States department of transportation. Furthermore, the
12 provisions of this section shall not be deemed to prohibit the
13 possession of wine which is: (a) resealed in accordance with the
14 provisions of [subdivision four of] section [eighty-one] four hundred
15 eighteen of the alcoholic beverage control law; and (b) is transported
16 in the vehicle's trunk or is transported behind the last upright seat or
17 in an area not normally occupied by the driver or passenger in a motor
18 vehicle that is not equipped with a trunk.

19 § 35. Subdivision 1 of section 1205 of the alcoholic beverage control
20 law, as added by section two of this act, is amended to read as follows:

21 1. The [chairperson] authority shall have the power to develop and
22 establish minimum criteria for alcohol training awareness programs which
23 may be given and administered by:

24 (a) schools;

25 (b) other entities including trade associations whose members are
26 engaged in or involved in the retail sale of alcoholic beverages;

1 (c) national and regional franchisors who have granted at least five
2 franchises in the state which are licensed to sell beer at retail for
3 off-premises consumption;

4 (d) licensees authorized to sell alcoholic beverages at retail for
5 off-premises consumption operating five or more licensed premises; and

6 (e) persons interested, whether as an individual proprietor or partner
7 or officer or member of a limited liability company, in five or more
8 licenses authorized to sell alcoholic beverages at retail for off-prem-
9 ises consumption.

10 § 36. Section 207 of the alcoholic beverage control law, as added by
11 section two of this act, is amended to read as follows:

12 § 207. Officers, employees and offices. 1. The authority shall have
13 power to appoint any necessary deputies, counsels, assistants, investi-
14 gators, and other employees within the limits provided by appropri-
15 ation.

16 2. Investigators employed by the authority shall be deemed to be peace
17 officers for the purpose of enforcing the provisions of this chapter or
18 judgments or orders obtained for violation thereof, with all the powers
19 set forth in section 2.20 of the criminal procedure law.

20 [2.] 3. The counsel, secretary, chief executive officer, assistant
21 chief executive officers, confidential secretaries to commissioners and
22 deputies shall be in the exempt class of the civil service. The other
23 assistants, investigators and employees of the authority shall all be in
24 the competitive class of the civil service.

25 [3.] 4. The authority shall continue to have its principal office in
26 the city of Albany, and may maintain a branch office in the cities of
27 New York and Buffalo and such other places as the chairperson may deem
28 necessary.

1 5. The authority shall establish appropriate procedures to ensure that
2 hearing officers are shielded from ex parte communications with alleged
3 violators and their attorneys and from other employees of the authority
4 and shall take such other steps as it shall deem necessary and proper to
5 shield its judicial processes from unwarranted and inappropriate commu-
6 nications and attempts to influence.

7 § 37. Section 209 of the alcoholic beverage control law, as added by
8 section two of this act, is amended to read as follows:

9 § 209. Powers of the authority. The authority shall have the following
10 functions, powers and duties:

11 1. To issue or refuse to issue any license or permit provided for in
12 this chapter.

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

17 3. To revoke, cancel or suspend for cause any license or permit issued
18 under this chapter and/or to impose a civil penalty for cause against
19 any holder of a license or permit issued pursuant to this chapter.

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

24 5. To fix by rule the standards of manufacture and fermentation in
25 order to ensure the use of proper ingredients and methods in the manu-
26 facture of alcoholic beverages to be sold or consumed in the state.

27 [5.] 6. To hold hearings, subpoena witnesses, compel their attendance,
28 administer oaths, to examine any person under oath and in connection

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

4 [6.] 7. To prohibit, at any time of public emergency, without previous
5 notice or advertisement, the sale of any or all alcoholic beverages for
6 and during the period of such emergency.

7 [7.] 8. To delegate the powers provided in this section to the chair-
8 person, or to such other officers or employees as may be designated by
9 the chairperson.

10 [8.] 9. To appoint such advisory groups and committees as it deems
11 necessary to provide assistance to the authority to carry out the
12 purposes and objectives of this chapter.

13 [9.] 10. Upon receipt of a resolution adopted by a board of supervi-
14 sors or a county legislative body requesting further restriction of
15 hours of sale of alcoholic beverages within such county, and upon notice
16 and hearing within such county, to approve or disapprove such hours
17 within such county.

18 11. (a) To make an annual report to the governor and the legislature
19 of its activities for the preceding year.

20 (b) Such report shall include an evaluation of the effectiveness of
21 the prohibition on the sale of alcohol to persons under the age of twen-
22 ty-one as provided in sections twelve hundred one, twelve hundred two
23 and twelve hundred three of this chapter.

24 (c) Such report shall include information related to the number of
25 licenses applied for and the length of time required for the approval or
26 denial of such on-premises licenses applied for pursuant to this chap-
27 ter.

1 12. To study and report to the governor and the legislature biennially
2 on or before February first of each year which shall:

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

11 (b) include recommendations to simplify license renewal procedures;

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

18 (d) address the extent to which quality of life issues, such as noise
19 level, vehicular traffic and parking are considered in licensing deci-
20 sions, particularly as such issues pertain to proceedings pursuant to
21 the five hundred foot law of this chapter;

22 (e) include recommendations to improve enforcement methodologies in
23 order to protect the health and safety of residents of communities expe-
24 riencing persistent problems in the operation of retail establishments;

25 (f) include recommendations regarding the addition of field enforce-
26 ment personnel and the ratios of such field enforcement personnel to the
27 total numbers of licensees that in the view of the authority would be
28 appropriate to insure compliance with the law. Such study shall provide

1 a detailed analysis of the costs and projected revenues to be obtained
2 from the addition of such field enforcement personnel;

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

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

11 § 38. Section 210 of the alcoholic beverage control law, as added by
12 section two of this act, is amended to read as follows:

13 § 210. Powers and duties of the chairperson. The chairperson shall
14 have the following functions, powers and duties:

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

19 2. To preside at all meetings of the authority and perform the admin-
20 istrative functions of the authority.

21 3. [To appoint any necessary deputies, counsels, assistants, investi-
22 gators, and other employees within the limits provided by appropriation.

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

27 5.] To keep records in such form as they may prescribe of all licenses
28 and permits issued and revoked within the state; such records shall be

1 so kept as to provide ready information as to the identity of all licen-
2 sees including the names of the officers and directors of corporate
3 licensees and the location of all licensed premises. The chairperson
4 may, with the approval of the commissioner of taxation and finance,
5 contract to furnish copies of the records of licenses and permits of
6 each class and type issued within the state or any political subdivision
7 thereof, for any license or permit year or term of years not exceeding
8 five years.

9 [6.] 4. To inspect or provide for the inspection of any premises where
10 alcoholic beverages are manufactured or sold.

11 [7.] 5. To prescribe forms of applications for licenses and permits
12 under this chapter and of all reports deemed necessary by the authority.

13 [8.] 6. To delegate to the officers and employees of the authority
14 such of their powers and duties as they may determine.

15 [9.] To establish appropriate procedures to ensure that hearing offi-
16 cers are shielded from ex parte communications with alleged violators
17 and their attorneys and from other employees of the authority and shall
18 take such other steps as it shall deem necessary and proper to shield
19 its judicial processes from unwarranted and inappropriate communications
20 and attempts to influence.

21 10. (a) To make an annual report to the governor and the legislature
22 of its activities for the preceding year.

23 (b) Such report shall include an evaluation of the effectiveness of
24 the prohibition on the sale of alcohol to persons under the age of twen-
25 ty-one as provided in sections twelve hundred one, twelve hundred two
26 and twelve hundred three of this chapter.

27 (c) Such report shall include information related to the number of
28 licenses applied for and the length of time required for the approval or

1 denial of such on-premises licenses applied for pursuant to this chap-
2 ter.

3 11. To study and report to the governor and the legislature biennially
4 on or before February first of each year which shall:

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

13 (b) include recommendations to simplify license renewal procedures;

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

20 (d) address the extent to which quality of life issues, such as noise
21 level, vehicular traffic and parking are considered in licensing deci-
22 sions, particularly as such issues pertain to proceedings pursuant to
23 the five hundred foot law set forth in section three hundred four of
24 this chapter;

25 (e) include recommendations to improve enforcement methodologies in
26 order to protect the health and safety of residents of communities expe-
27 riencing persistent problems in the operation of retail establishments;

1 (f) include recommendations regarding the addition of field enforce-
2 ment personnel and the ratios of such field enforcement personnel to the
3 total numbers of licensees that in the view of the authority would be
4 appropriate to ensure compliance with the law. Such study shall provide
5 a detailed analysis of the costs and projected revenues to be obtained
6 from the addition of such field enforcement personnel;

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

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

15 § 39. Section 408 of the alcoholic beverage control law, as added by
16 section two of this act, is amended to read as follows:

17 § 408. Temporary retail permit for person applying for an on-premises
18 license. 1. A temporary retail permit issued to a person applying for an
19 on-premises license shall authorize[:

20 (a)] a transferee of a retail on-premises license to continue the
21 operations at the retail premises during the period that the transfer
22 application for the license for such person at the same premises is
23 pending and to purchase and sell at retail such alcoholic beverages as
24 would be permitted to be purchased and sold under the privileges of the
25 retail license for which the transfer application has been filed[; or

26 (b) an applicant for a new retail on-premises license in the case of
27 all other retail applications, to purchase and sell at retail such alco-

1 holic beverages as would be permitted to be purchased and sold under the
2 privileges of the license applied for].

3 2. Such a permit may be issued if all of the following conditions are
4 met:

5 (a) the applicant for the temporary permit shall have filed with the
6 authority an application for a retail license at such premises, together
7 with all required filing and license fees;

8 (b) the applicant shall have filed with the authority an application
9 for a temporary retail permit;

10 (c) [in the case of a transfer application,] the premises shall have
11 been operated under a retail license within thirty days of the date of
12 filing the application for a temporary permit; and

13 (d) at the time the permit is issued the current license, if any, in
14 effect for said premises shall have been surrendered to, placed into
15 safekeeping with, or otherwise deemed abandoned by the authority.

16 3. (a) [A temporary retail permit under paragraph (b) of subdivision
17 one of this section may not be issued for any premises that is subject
18 to the five hundred foot law set forth in section three hundred four of
19 this chapter unless and until a recommendation that there be a finding
20 of public interest has been made by an administrative law judge pursuant
21 to the provisions of such five hundred foot law.

22 (b) Any premises granted a temporary retail permit pursuant to this
23 section in a city with a population of one million or more shall only be
24 allowed to operate on the premises under the following conditions:

25 (i) an active retail license shall have existed at the location within
26 the past two years, and such license shall not have been canceled,
27 suspended, or revoked by the authority within the past two years;

1 (ii) the closing time any day of the week shall be no later than
2 midnight;

3 (iii) the closing time of any outdoor space shall be no later than ten
4 o'clock post-meridian Sunday through Thursday and eleven o'clock post-
5 meridian Friday and Saturday;

6 (iv) no outdoor music;

7 (v) indoors shall have recorded background music only, with no live
8 music, disc jockeys, karaoke, or similar forms of music; and

9 (vi) no dancing.

10 (c) The authority shall automatically lift the restrictions imposed by
11 paragraph (b) of this subdivision if the authority issues a retail
12 license for the premises, and replace such restrictions with other
13 restrictions, if any, imposed by the authority in accordance with the
14 public interest standard.

15 (d) A notice for a five hundred foot law hearing shall also include
16 notification that a temporary retail permit may be issued to the prem-
17 ises by the authority after a recommendation that there be a finding of
18 public interest has been made in proceedings conducted pursuant to this
19 subdivision.

20 4. (a) A temporary retail permit issued pursuant to this section
21 shall be for a period not to exceed ninety days. A temporary permit may
22 be extended at the discretion of the authority for an additional thir-
23 ty-day period upon compliance with all conditions required in this
24 section.

25 (b) The authority may, in its discretion, issue additional thirty day
26 extensions upon payment of the appropriate fee.

27 [5.] 4. (a) The holder of a temporary retail permit shall purchase
28 alcoholic beverages only by payment in currency or check for such alco-

1 holic beverages on or before the day such alcoholic beverages are deliv-
2 ered.

3 (b) Provided, however, that the holder of a temporary permit issued
4 pursuant to this section who also holds one or more retail licenses and
5 is operating under such retail license or licenses in addition to the
6 temporary retail permit, and who is not delinquent under the provisions
7 of the terms of sale laws of this chapter as to any retail license under
8 which he operates, may purchase alcoholic beverages on credit under the
9 temporary permit.

10 [6.] 5. (a) Notwithstanding any other provision of law, a temporary
11 retail permit may be summarily cancelled or suspended at any time if the
12 authority determines that good cause for such cancellation or suspension
13 exists.

14 (b) The authority shall promptly notify the holder of a temporary
15 retail permit in writing of such cancellation or suspension and shall
16 set forth the reasons for such action.

17 [7.] 6. Approval of, or extension of, a temporary retail permit shall
18 not be deemed as an approval of the retail application.

19 [8.] 7. Notwithstanding any inconsistent provision of law to the
20 contrary, the authority may promulgate such rules and regulations as may
21 be necessary to carry out the provisions of this section.

22 [9.] 8. (a) The fee for a temporary retail permit for a person apply-
23 ing for an on-premises license shall be:

24 (i) one hundred twenty-eight dollars for persons applying for an
25 on-premises beer license; and

26 (ii) six hundred forty dollars for persons applying for any other
27 on-premises licenses.

28 (b) The fee for a thirty day extension of such permit shall be:

1 (i) sixty-four dollars for persons applying for an on-premises beer
2 license;

3 (ii) ninety-six dollars for persons applying for any other on-premises
4 licenses.

5 (c) Notwithstanding any other provision of this chapter, the fees
6 provided for in this section shall be nonrefundable.

7 § 40. Section 508 of the alcoholic beverage control law, as added by
8 section two of this act, is amended to read as follows:

9 § 508. Temporary retail permit for a person applying for an off-prem-
10 ises license. 1. A temporary retail permit issued to a person applying
11 for an off-premises license shall authorize[:

12 (a)] a transferee of a retail off-premises license to continue the
13 operations at the retail premises during the period that the transfer
14 application for the license for such person at the same premises is
15 pending and to purchase and sell at retail such alcoholic beverages as
16 would be permitted to be purchased and sold under the privileges of the
17 retail license for which the transfer application has been filed[; or

18 (b) an applicant for a new retail license in the case of all other
19 retail applications, to purchase and sell at retail such alcoholic
20 beverages as would be permitted to be purchased and sold under the priv-
21 ileges of the license applied for];

22 2. Such a permit may be issued if all of the following conditions are
23 met:

24 (a) the applicant for the temporary permit shall have filed with the
25 authority an application for a retail license at such premises, together
26 with all required filing and license fees;

27 (b) the applicant shall have filed with the authority an application
28 for a temporary retail permit;

1 (c) [in the case of a transfer application,] the premises shall have
2 been operated under a retail license within thirty days of the date of
3 filing the application for a temporary permit; and

4 (d) at the time the permit is issued the current license, if any, in
5 effect for said premises shall have been surrendered to, placed into
6 safekeeping with, or otherwise deemed abandoned by the authority.

7 3. [A temporary retail permit under paragraph (b) of subdivision one
8 of this section may not be issued to a person applying for a retail
9 off-premises liquor license or retail off-premises wine license.

10 4.] (a) A temporary retail permit issued pursuant to this section
11 shall be for a period not to exceed ninety days. A temporary permit may
12 be extended at the discretion of the authority, for an additional thirty
13 day period upon payment of the fee provided for in this chapter and
14 compliance with all conditions required in this section.

15 (b) The authority may, in its discretion, issue additional thirty day
16 extensions upon payment of the appropriate fee.

17 [5.] 4. (a) The holder of a temporary retail permit shall purchase
18 alcoholic beverages only by payment in currency or check for such alco-
19 holic beverages on or before the day such alcoholic beverages are deliv-
20 ered.

21 (b) The holder of a temporary permit issued pursuant to this section
22 who also holds one or more retail licenses and is operating under such
23 retail license or licenses in addition to the temporary retail permit,
24 and who is not delinquent under the provisions of the terms of sale laws
25 of this chapter as to any retail license under which they operate, may
26 purchase alcoholic beverages on credit under the temporary permit.

27 [6.] 5. (a) Notwithstanding any other provision of law, a temporary
28 retail permit may be summarily cancelled or suspended at any time if the

1 authority determines that good cause for such cancellation or suspension
2 exists.

3 (b) The authority shall promptly notify the holder of a temporary
4 retail permit in writing of such cancellation or suspension and shall
5 set forth the reasons for such action.

6 [7.] 6. Approval of, or extension of, a temporary retail permit shall
7 not be deemed as an approval of the retail application.

8 [8.] 7. Notwithstanding any inconsistent provision of law to the
9 contrary, the authority may promulgate such rules and regulations as may
10 be necessary to carry out the provisions of this section.

11 [9.] 8. (a) The fee for a temporary retail permit for a person apply-
12 ing for an off-premises license shall be:

13 (i) one hundred twenty-eight dollars for persons applying for an off-
14 premises beer license; and

15 (ii) six hundred forty dollars for persons applying for any other
16 off-premises licenses.

17 (b) The fee for a thirty day extension of such permit shall be:

18 (i) sixty-four dollars for persons applying for an off-premises beer
19 license; and

20 (ii) ninety-six dollars for persons applying for any other off-premis-
21 es licenses.

22 (c) Notwithstanding any other provision of this chapter, the fees
23 provided for in this section shall be nonrefundable.

24 § 41. Section 929 of the alcoholic beverage control law, as added by
25 section two of this act, is amended to read as follows:

26 § 929. Sale of liquor or wine "to go" by on-premises licensees. 1.
27 [(a)] Except as otherwise provided for in this chapter, no on-premises
28 licensee shall sell, deliver or give away, or cause or permit or procure

1 to be sold, delivered or given away any liquors and/or wines for
2 consumption off the premises where sold.

3 [(b)] 2. The provisions of this section shall not prohibit a licensed
4 winery or farm winery from allowing a patron to leave the winery or farm
5 winery with a partially consumed bottle of wine provided that the
6 removal of the bottle is done in accordance with section four hundred
7 eighteen of this chapter.

8 [2. (a) Notwithstanding any provision of law to the contrary, in addi-
9 tion to any other privilege provided under this chapter, any on-premises
10 liquor or on-premises wine license shall also include the privilege to
11 sell for take-out and delivery, any product it may otherwise sell at
12 retail, subject to the following conditions:

13 (i) any purchase for take-out or delivery must be accompanied by a
14 purchase of a substantial food item;

15 (ii) the alcoholic beverages are packaged in a container with a secure
16 lid or cap sealed in a manner designed to prevent consumption without
17 removal of the lid or cap by breaking the seal;

18 (iii) beverages purchased for take-out or delivery are subject to any
19 applicable state and municipal open container laws, rules, regulations,
20 or ordinances;

21 (iv) take-out and delivery of alcoholic beverages may only occur
22 during licensed hours of operation of on-premises retailers in the coun-
23 ty in which the licensed premises are located or, if different, the
24 hours of operation set forth in the licensee's method of operation with
25 the authority;

26 (v) the price per serving shall be the same as if consumed on-premises
27 and shall not be sold as part of any promotion or special unless such
28 promotion or special is also available for consumption on-premises, and

1 further provided each serving shall be available only in the same manner
2 as available on-premises;

3 (vi) the licensee shall not sell for take-out, or deliver, any bottles
4 of liquor or bottles of wine;

5 (vii) the licensee shall not advertise or promote the sale of full
6 bottles of wine or liquor for off-premises consumption; and

7 (viii) the licensee shall not display full bottles of wine or liquor
8 for the purpose of promoting the sale of such products for off-premises
9 consumption.

10 (b) Deliveries made pursuant to this subdivision shall be subject to
11 the following conditions:

12 (i) Deliveries by motor vehicle shall only be made in:

13 (A) a vehicle with a trucking permit issued by the authority; or

14 (B) in a vehicle owned and operated, or hired and operated, by the
15 licensee or its employee, provided:

16 (1) deliveries may be made utilizing the vehicle of an employee of the
17 licensee; and

18 (2) a copy of the permit or license must be present in any vehicle
19 while making deliveries.

20 (ii) Deliveries must be to a residential address, and may not be
21 delivered except to a person twenty-one years of age or older at that
22 residence who is not at the time of delivery intoxicated.

23 (iii) Delivery drivers shall require a recipient, at the delivery
24 address, upon delivery, to demonstrate that the recipient is at least
25 twenty-one years of age by providing a valid form of photographic iden-
26 tification authorized by section twelve hundred three of this chapter.

27 (c) Nothing in this subdivision shall be construed to change the
28 existing privilege of a retail licensee for on-premises consumption to

1 sell beer, cider, or mead for consumption off the premises as currently
2 provided for in this chapter.

3 (d) Provided, further, that nothing contained in this subdivision
4 shall be deemed to supersede the provisions of section twelve hundred
5 twenty-seven of the vehicle and traffic law.

6 (e) The authority may promulgate guidance, rules and regulations
7 necessary to implement the provisions of this subdivision.

8 (f) The authority may, on its own initiative or on complaint of any
9 person, institute proceedings to suspend or revoke a licensee's ability
10 to sell alcoholic beverages for take-out or delivery pursuant to this
11 subdivision after a hearing, in accordance with article thirteen of this
12 chapter, at which such licensee shall be given an opportunity to be
13 heard. Such proceedings and such hearing shall be held in such manner
14 and upon such notice as may be prescribed by the rules of the authori-
15 ty.]

16 § 42. Subdivision 3 of section 1602 of the alcoholic beverage control
17 law, as added by section two of this act, is amended to read as follows:

18 3. [All that piece or parcel of land situate in the City of Rochester,
19 county of Monroe, State of New York, and more particularly described as
20 follows: Commencing at the northeast corner of Lot number 180 of the
21 Hayward Homestead Subdivision, said subdivision being filed in the
22 Monroe County Clerk's Office in Liber 8 of maps at page 67, thence
23 southeasterly along the southerly right-of-way line of Railroad Street
24 (50 feet wide) on a bearing of S 54°01'27" E a distance of 105.51 feet
25 to a point, said point being the true point and place of beginning.
26 Thence the following courses and distance; 1. Thence S 54°01'27" E a
27 distance of 97.00 feet to a point; 2. Thence S 35°49'08" W a distance of
28 80.23 feet to a point; 3. Thence N 53°53'17" W a distance of 97.00 feet

1 to a point; 4. Thence N 35°49'05" E a distance of 80.00 feet to a point
2 on said southerly right-of-way line of Railroad Street, said point the
3 true point and place of beginning. Being and hereby intending to
4 describe a portion of an existing building located at 85-97 Railroad St,
5 Rochester New York, having an area of 7,771 square feet or 0.178 acres.
6 Bearings referenced to deed bearings as described in liber 10480 of
7 deeds page 278.]

8 All that piece or parcel of land situate in part of Lot 35, Second
9 Division, Township 13, Seventh Range of the Phelps and Gorham Purchase,
10 in the City of Rochester, County of Monroe, State of New York and more
11 particularly described as follows: Commencing at the intersection of
12 the northerly right-of-way Line of University Avenue and the easterly
13 right-of-way line of Culver Road; thence southeasterly along the north-
14 erly right-of-way line of University Avenue a distance of 1012.49 feet
15 to the southwesterly most property corner of lands now or formerly of
16 University Avenue, LLC as laid forth in Liber 11267 of deeds page 398;
17 thence continuing southeasterly along the northerly right-of-way line of
18 University Avenue a distance of 391.30 feet to a point, said point being
19 the true point and place of beginning. Thence the following courses and
20 distance: 1. Thence northerly making an interior angle turning to the
21 left of 89°52'00" with said northerly right-of-way line of University
22 Avenue a distance of 174.75 feet to a point; 2. Thence easterly making
23 an interior angle of 90°09'40" a distance of 21.70 feet to a point; 3.
24 Thence northeasterly making an interior angle of 228°45'07" a distance
25 of 15.43 feet to a point; 4. Thence southeasterly making an interior
26 angle of 90°00'00" a distance of 13.15 feet to a point; 5. Thence
27 northeasterly making an interior angle of 270°00'00" a distance of 14.05
28 feet to a point; 6. Thence southeasterly making an interior angle of

1 90°00'00" a distance of 14.40 feet to a point; 7. Thence southerly
2 making an interior angle of 131°14'53" a distance of 4.00 feet to a
3 point; 8. Thence easterly making an interior angle of 270°00'00" a
4 distance of 59.15 feet to a point; 9. Thence southerly making an interi-
5 or angle of 89°50'45" a distance of 136.60 feet to a point; 10. Thence
6 easterly making an interior angle of 269°35'35" a distance of 1.10 feet
7 to a point; 11. Thence southerly making an interior angle of 90°00'00" a
8 distance of 38.20 feet to a point on the aforementioned northerly right-
9 of-way line of University Avenue; 12. Thence westerly along said north-
10 erly right-of-way line of University Avenue a distance of 121.85 feet to
11 a point, said point being the true point and place of beginning. Being
12 and hereby intending to describe a portion of an existing building
13 located at 1344 University Avenue Rochester, New York, having an area of
14 21,489 square feet or 0.493 acres.

15 § 43. This act shall not affect any action or proceeding pending in
16 any court as of the effective date of this act.

17 § 44. The repeal of certain articles and sections of the alcoholic
18 beverage control law, as provided for in section one of this act, shall
19 not operate or be construed to shorten or terminate the term of any
20 license or permit heretofore issued thereunder or the rights of any
21 person holding such a license or permit.

22 § 45. The repeal of certain articles and sections of the alcoholic
23 beverage control law, as provided for in section one of this act, shall
24 not operate or be construed to abolish the state alcoholic beverage
25 control board, as presently constituted, and which was heretofore estab-
26 lished and is now operating pursuant to such chapter, nor to invalidate
27 or affect any action heretofore taken by such board or its officers or

1 employees; nor to require the discharge or the re-appointment of any
2 employees of such board.

3 § 46. Upon the effective date of this act, the holder of a license
4 issued and in effect under former section 64, 64-a or 64-d of the alco-
5 holic beverage control law shall be entitled to exercise the rights and
6 privileges of the holder of a license issued under section 402 of the
7 alcoholic beverage control law as added by section two of this act.
8 Upon renewal, such license shall be issued under such section 402.

9 § 47. Upon the effective date of this act, the holder of a license
10 issued and in effect under former section 81 or 81-a of the alcoholic
11 beverage control law shall be entitled to exercise the rights and privi-
12 leges of the holder of a license issued under section 403 of the alco-
13 holic beverage control law as added by section two of this act. Upon
14 renewal, such license shall be issued under such section 403.

15 § 48. Upon the effective date of this act, the holder of a license
16 issued and in effect under former section 55 or 55-a of the alcoholic
17 beverage control law shall be entitled to exercise the rights and privi-
18 leges of the holder of a license issued under section 404 of the alco-
19 holic beverage control law as added by section two of this act. Upon
20 renewal, such license shall be issued under such section 404.

21 § 49. Upon the effective date of this act, the holder of a license
22 issued and in effect under former section 64-b of the alcoholic beverage
23 control law shall be entitled to exercise the rights and privileges of
24 the holder of a license issued under section 405 of the alcoholic bever-
25 age control law as added by section two of this act. Upon renewal, such
26 license shall be issued under such section 405.

27 § 50. Upon the effective date of this act, the holder of a license
28 issued and in effect under former section 64-c of the alcoholic beverage

1 control law shall be entitled to exercise the rights and privileges of
2 the holder of a license issued under section 406 of the alcoholic beverage
3 control law as added by section two of this act. Upon renewal, such
4 license shall be issued under such section 406.

5 § 51. Upon the effective date of this act, the holder of a license
6 issued and in effect under former section 64-e of the alcoholic beverage
7 control law shall be entitled to exercise the rights and privileges of
8 the holder of a license issued under section 407 of the alcoholic beverage
9 control law as added by section two of this act. Upon renewal, such
10 license shall be issued under such section 407.

11 § 52. Upon the effective date of this act, an applicant for an
12 on-premises license holding a permit, or an extension of such permit,
13 issued and in effect under former section 97-a of the alcoholic beverage
14 control law shall be entitled to exercise the rights and privileges of
15 the holder of a permit, or an extension of such permit, issued under
16 section 408 of the alcoholic beverage control law as added by section
17 two of this act.

18 § 53. Upon the effective date of this act, the holder of a permit
19 issued and in effect under subdivision 6 of former section 64 of the
20 alcoholic beverage control law shall be entitled to exercise the rights
21 and privileges of the holder of a permit issued under section 409 of the
22 alcoholic beverage control law as added by section two of this act. Upon
23 renewal, such permit shall be issued under such section 409.

24 § 54. Upon the effective date of this act, the holder of a permit
25 issued and in effect for a date on or after the effective date of this
26 act under former section 98 of the alcoholic beverage control law shall
27 be entitled to exercise the rights and privileges of the holder of a

1 permit issued under section 410 of the alcoholic beverage control law as
2 added by section two of this act.

3 § 55. Upon the effective date of this act, the holder of a permit
4 issued and in effect for a date on or after the effective date of this
5 act under subdivision 1 of former section 99 of the alcoholic beverage
6 control law shall be entitled to exercise the rights and privileges of
7 the holder of a permit issued under section 411 of the alcoholic bever-
8 age control law as added by section two of this act. Upon renewal, such
9 permit shall be issued under such section 411.

10 § 56. Upon the effective date of this act, the holder of a permit
11 issued and in effect for a date on or after the effective date of this
12 act under subdivision 2 of former section 99 of the alcoholic beverage
13 control law shall be entitled to exercise the rights and privileges of
14 the holder of a permit issued under section 412 of the alcoholic bever-
15 age control law as added by section two of this act. Upon renewal, such
16 permit shall be issued under such section 412.

17 § 57. Upon the effective date of this act, the holder of a permit
18 issued and in effect for a date on or after the effective date of this
19 act under former section 97-b of the alcoholic beverage control law
20 shall be entitled to exercise the rights and privileges of the holder of
21 a permit issued under section 413 of the alcoholic beverage control law
22 as added by section two of this act.

23 § 58. Upon the effective date of this act, the holder of a permit
24 issued and in effect for a date on or after the effective date of this
25 act under former section 99-h of the alcoholic beverage control law
26 shall be entitled to exercise the rights and privileges of the holder of
27 a permit issued under section 414 of the alcoholic beverage control law
28 as added by section two of this act.

1 § 59. Upon the effective date of this act, the holder of a permit
2 issued and in effect for a date on or after the effective date of this
3 act under subdivision 1 of former section 97 of the alcoholic beverage
4 control law shall be entitled to exercise the rights and privileges of
5 the holder of a permit issued under section 415 of the alcoholic bever-
6 age control law as added by section two of this act.

7 § 60. Upon the effective date of this act, an on-premises licensee
8 authorized to have additional bars under subdivision 4, 4-a or 4-b of
9 former section 100 of the alcoholic beverage control law shall continue
10 to have such authorization under section 417 of the alcoholic beverage
11 control law as added by section two of this act. Upon renewal, such
12 authorization shall be issued under such section 417.

13 § 61. Upon the effective date of this act, the holder of a license
14 issued and in effect under former section 63 of the alcoholic beverage
15 control law shall be entitled to exercise the rights and privileges of
16 the holder of a license issued under section 502 of the alcoholic bever-
17 age control law as added by section two of this act. Upon renewal, such
18 license shall be issued under such section 502.

19 § 62. Upon the effective date of this act, the holder of a license
20 issued and in effect under former section 79 of the alcoholic beverage
21 control law shall be entitled to exercise the rights and privileges of
22 the holder of a license issued under section 503 of the alcoholic bever-
23 age control law as added by section two of this act. Upon renewal, such
24 license shall be issued under such section 503.

25 § 63. Upon the effective date of this act, the holder of a license
26 issued and in effect under former section 76-f of the alcoholic beverage
27 control law shall be entitled to exercise the rights and privileges of
28 the holder of a license issued under section 504 of the alcoholic bever-

1 age control law as added by section two of this act. Upon renewal, such
2 license shall be issued under such section 504.

3 § 64. Upon the effective date of this act, the holder of a license
4 issued and in effect under former section 54-a of the alcoholic beverage
5 control law shall be entitled to exercise the rights and privileges of
6 the holder of a license issued under section 505 of the alcoholic bever-
7 age control law as added by section two of this act. Upon renewal, such
8 license shall be issued under such section 505.

9 § 65. Upon the effective date of this act, the holder of a license
10 issued and in effect under former section 54 of the alcoholic beverage
11 control law shall be entitled to exercise the rights and privileges of
12 the holder of a license issued under section 506 of the alcoholic bever-
13 age control law as added by section two of this act. Upon renewal, such
14 license shall be issued under such section 506.

15 § 66. Upon the effective date of this act, the holder of a license
16 issued and in effect under former section 53-a of the alcoholic beverage
17 control law shall be entitled to exercise the rights and privileges of
18 the holder of a license issued under section 507 of the alcoholic bever-
19 age control law as added by section two of this act. Upon renewal, such
20 license shall be issued under such section 507.

21 § 67. Upon the effective date of this act, an applicant for an off-
22 premises license holding a permit, or an extension of such permit,
23 issued and in effect under former section 97-a of the alcoholic beverage
24 control law shall be entitled to exercise the rights and privileges of
25 the holder of a permit, or an extension of such permit, issued under
26 section 508 of the alcoholic beverage control law as added by section
27 two of this act.

1 § 68. Upon the effective date of this act, the holder of a permit
2 issued and in effect under former section 99-g of the alcoholic beverage
3 control law shall be entitled to exercise the rights and privileges of
4 the holder of a permit issued under section 509 of the alcoholic bever-
5 age control law as added by section two of this act. Upon renewal, such
6 permit shall be issued under such section 509.

7 § 69. Upon the effective date of this act, the holder of a license
8 issued and in effect under former section 61-b of the alcoholic beverage
9 control law shall be entitled to exercise the rights and privileges of
10 the holder of a license issued under section 602 of the alcoholic bever-
11 age control law as added by section two of this act. Upon renewal, such
12 license shall be issued under such section 602.

13 § 70. Upon the effective date of this act, the holder of a license
14 issued and in effect under former section 62 of the alcoholic beverage
15 control law shall be entitled to exercise the rights and privileges of
16 the holder of a license issued under section 603 of the alcoholic bever-
17 age control law as added by section two of this act. Upon renewal, such
18 license shall be issued under such section 603.

19 § 71. Upon the effective date of this act, the holder of a license
20 issued and in effect under former section 78 of the alcoholic beverage
21 control law shall be entitled to exercise the rights and privileges of
22 the holder of a license issued under section 604 of the alcoholic bever-
23 age control law as added by section two of this act. Upon renewal, such
24 license shall be issued under such section 604.

25 § 72. Upon the effective date of this act, the holder of a license
26 issued and in effect under former section 53 of the alcoholic beverage
27 control law shall be entitled to exercise the rights and privileges of
28 the holder of a license issued under section 605 of the alcoholic bever-

1 age control law as added by section two of this act. Upon renewal, such
2 license shall be issued under such section 605.

3 § 73. Upon the effective date of this act, the holder of a cider
4 wholesaler's license issued and in effect under former section 58 of the
5 alcoholic beverage control law shall be entitled to exercise the rights
6 and privileges of the holder of a license issued under section 606 of
7 the alcoholic beverage control law as added by section two of this act.
8 Upon renewal, such license shall be issued under such section 606.

9 § 74. Upon the effective date of this act, the holder of a permit
10 issued and in effect under former section 58-a of the alcoholic beverage
11 control law shall be entitled to exercise the rights and privileges of
12 the holder of a permit issued under section 608 of the alcoholic bever-
13 age control law as added by section two of this act. Upon renewal, such
14 permit shall be issued under such section 608.

15 § 75. Upon the effective date of this act, the holder of a permit
16 issued and in effect under subdivision 1 of former section 93 of the
17 alcoholic beverage control law shall be entitled to exercise the rights
18 and privileges of the holder of a permit issued under section 609 of the
19 alcoholic beverage control law as added by section two of this act.
20 Upon renewal, such permit shall be issued under such section 609.

21 § 76. Upon the effective date of this act, the holder of a permit
22 issued and in effect under subdivision 4 of former section 93 of the
23 alcoholic beverage control law shall be entitled to exercise the rights
24 and privileges of the holder of a permit issued under section 610 of the
25 alcoholic beverage control law as added by section two of this act.
26 Upon renewal, such permit shall be issued under such section 610.

27 § 77. Upon the effective date of this act, the holder of a permit
28 issued and in effect under subdivision 2 of former section 93-a of the

1 alcoholic beverage control law shall be entitled to exercise the rights
2 and privileges of the holder of a permit issued under section 611 of the
3 alcoholic beverage control law as added by section two of this act.
4 Upon renewal, such permit shall be issued under such section 611.

5 § 78. Intentionally omitted.

6 § 79. Upon the effective date of this act, the holder of a permit
7 issued and in effect under subdivision 3 of former section 58 of the
8 alcoholic beverage control law shall be entitled to exercise the rights
9 and privileges of the holder of a permit issued under section 613 of the
10 alcoholic beverage control law as added by section two of this act.
11 Upon renewal, such permit shall be issued under such section 613.

12 § 80. Upon the effective date of this act, the holder of a permit
13 issued and in effect under subdivision 2 of former section 78 of the
14 alcoholic beverage control law shall be entitled to exercise the rights
15 and privileges of the holder of a permit issued under section 614 of the
16 alcoholic beverage control law as added by section two of this act.
17 Upon renewal, such permit shall be issued under such section 614.

18 § 81. Upon the effective date of this act, a beer wholesaler holding a
19 permit issued and in effect under subdivision 2 of former section 97 of
20 the alcoholic beverage control law shall be entitled to exercise the
21 rights and privileges of the holder of a permit issued under section 615
22 of the alcoholic beverage control law as added by section two of this
23 act. Upon renewal, such permit shall be issued under such section 615.

24 § 82. Upon the effective date of this act, the holder of a license
25 issued and in effect under subdivision 1 of former section 61 of the
26 alcoholic beverage control law shall be entitled to exercise the rights
27 and privileges of the holder of a license issued under section 702 of

1 the alcoholic beverage control law as added by section two of this act.

2 Upon renewal, such license shall be issued under such section 702.

3 § 83. Upon the effective date of this act, the holder of a license
4 issued and in effect under subdivision 1-a of former section 61 of the
5 alcoholic beverage control law shall be entitled to exercise the rights
6 and privileges of the holder of a license issued under section 703 of
7 the alcoholic beverage control law as added by section two of this act.

8 Upon renewal, such license shall be issued under such section 703.

9 § 84. Upon the effective date of this act, the holder of a license
10 issued and in effect under subdivision 2 of former section 61 of the
11 alcoholic beverage control law shall be entitled to exercise the rights
12 and privileges of the holder of a license issued under section 704 of
13 the alcoholic beverage control law as added by section two of this act.

14 Upon renewal, such license shall be issued under such section 704.

15 § 85. Upon the effective date of this act, the holder of a license
16 issued and in effect under subdivision 2-b of former section 61 of the
17 alcoholic beverage control law shall be entitled to exercise the rights
18 and privileges of the holder of a license issued under section 705 of
19 the alcoholic beverage control law as added by section two of this act.

20 Upon renewal, such license shall be issued under such section 705.

21 § 86. Upon the effective date of this act, the holder of a license
22 issued and in effect under subdivision 2-a of former section 61 of the
23 alcoholic beverage control law shall be entitled to exercise the rights
24 and privileges of the holder of a license issued under section 706 of
25 the alcoholic beverage control law as added by section two of this act.

26 Upon renewal, such license shall be issued under such section 706.

27 § 87. Upon the effective date of this act, the holder of a license
28 issued and in effect under subdivision 2-c of former section 61 of the

1 alcoholic beverage control law, other than a permit for a branch office,
2 shall be entitled to exercise the rights and privileges of the holder of
3 a license issued under section 707 of the alcoholic beverage control law
4 as added by section two of this act. Upon renewal, such license shall be
5 issued under such section 707.

6 § 88. Upon the effective date of this act, the holder of a license or
7 permit issued and in effect under former section 76 of the alcoholic
8 beverage control law, other than a license for a winery satellite store,
9 shall be entitled to exercise the rights and privileges of the holder of
10 such license or permit issued under section 708 of the alcoholic bever-
11 age control law as added by section two of this act. Upon renewal, such
12 license or permit shall be issued under such section 708.

13 § 89. Upon the effective date of this act, the holder of a license or
14 permit issued and in effect under former section 76-a of the alcoholic
15 beverage control law, other than a permit for a branch office, shall be
16 entitled to exercise the rights and privileges of the holder of such
17 license or permit issued under section 709 of the alcoholic beverage
18 control law as added by section two of this act. Upon renewal, such
19 license or permit shall be issued under such section 709.

20 § 90. Upon the effective date of this act, the holder of a license or
21 permit issued and in effect under former section 76-a of the alcoholic
22 beverage control law, other than a permit for a branch office, for a
23 farm winery that produces no more than 1,500 gallons of wine per year
24 shall be entitled to exercise the rights and privileges of the holder of
25 such license or permit issued under section 710 of the alcoholic bever-
26 age control law as added by section two of this act. Upon renewal, such
27 license or permit shall be issued under such section 710.

1 § 91. Upon the effective date of this act, the holder of a license or
2 permit issued and in effect under former section 76-c of the alcoholic
3 beverage control law shall be entitled to exercise the rights and privi-
4 leges of the holder of such license or permit issued under section 711
5 of the alcoholic beverage control law as added by section two of this
6 act. Upon renewal, such license or permit shall be issued under such
7 section 711.

8 § 92. Upon the effective date of this act, the holder of a license or
9 permit issued and in effect under former section 76-d of the alcoholic
10 beverage control law shall be entitled to exercise the rights and privi-
11 leges of the holder of such license or permit issued under section 712
12 of the alcoholic beverage control law as added by section two of this
13 act. Upon renewal, such license or permit shall be issued under such
14 section 712.

15 § 93. Upon the effective date of this act, the holder of a license or
16 permit issued and in effect under former section 51 of the alcoholic
17 beverage control law shall be entitled to exercise the rights and privi-
18 leges of the holder of such license or permit issued under section 713
19 of the alcoholic beverage control law as added by section two of this
20 act. Upon renewal, such license or permit shall be issued under such
21 section 713.

22 § 94. Upon the effective date of this act, the holder of a license or
23 permit issued and in effect under subdivision 5 of former section 51 of
24 the alcoholic beverage control law for a brewery that produces no more
25 than 60,000 barrels of beer per year shall be entitled to exercise the
26 rights and privileges of the holder of such license or permit issued
27 under section 714 of the alcoholic beverage control law as added by

1 section two of this act. Upon renewal, such license or permit shall be
2 issued under such section 714.

3 § 95. Upon the effective date of this act, the holder of a license or
4 permit issued and in effect under former section 51-a of the alcoholic
5 beverage control law, other than a permit for a branch office, shall be
6 entitled to exercise the rights and privileges of the holder of such
7 license or permit issued under section 715 of the alcoholic beverage
8 control law as added by section two of this act. Upon renewal, such
9 license or permit shall be issued under such section 715.

10 § 96. Upon the effective date of this act, the holder of a cider
11 producer's license or a permit issued and in effect under former section
12 58 of the alcoholic beverage control law, other than a license for a
13 cider producer's satellite store, shall be entitled to exercise the
14 rights and privileges of the holder of such license or permit issued
15 under section 716 of the alcoholic beverage control law as added by
16 section two of this act. Upon renewal, such license or permit shall be
17 issued under such section 716.

18 § 97. Upon the effective date of this act, the holder of a license or
19 a permit issued and in effect under former section 58-c of the alcoholic
20 beverage control law, other than a permit for a branch office, shall be
21 entitled to exercise the rights and privileges of the holder of such
22 license or permit issued under section 717 of the alcoholic beverage
23 control law as added by section two of this act. Upon renewal, such
24 license or permit shall be issued under such section 717.

25 § 98. Upon the effective date of this act, the holder of a license or
26 a permit issued and in effect under former section 30 of the alcoholic
27 beverage control law shall be entitled to exercise the rights and privi-
28 leges of the holder of such license or permit issued under section 718

1 of the alcoholic beverage control law as added by section two of this
2 act. Upon renewal, such license or permit shall be issued under such
3 section 718.

4 § 99. Upon the effective date of this act, the holder of a license or
5 a permit issued and in effect under former section 31 of the alcoholic
6 beverage control law, other than a permit for a branch office, shall be
7 entitled to exercise the rights and privileges of the holder of such
8 license or permit issued under section 719 of the alcoholic beverage
9 control law as added by section two of this act. Upon renewal, such
10 license or permit shall be issued under such section 719.

11 § 100. Upon the effective date of this act, the holder of a license
12 issued and in effect under former section 61-a of the alcoholic beverage
13 control law shall be entitled to exercise the rights and privileges of
14 the holder of a license issued under section 720 of the alcoholic bever-
15 age control law as added by section two of this act. Upon renewal, such
16 license shall be issued under such section 720.

17 § 101. Upon the effective date of this act, the holder of a permit
18 issued and in effect under former section 97-c of the alcoholic beverage
19 control law shall be entitled to exercise the rights and privileges of
20 the holder of a license issued under section 724 of the alcoholic bever-
21 age control law as added by section two of this act. Upon renewal, such
22 license shall be issued under such section 724.

23 § 102. Upon the effective date of this act, the holder of a branch
24 office permit issued and in effect under either subdivision 9 of former
25 section 31, subdivision 9 of former section 51-a, paragraph (g) of
26 subdivision 2-c of former section 61 or subdivision 7 of former section
27 76-a of the alcoholic beverage control law shall be entitled to exercise
28 the rights and privileges of the holder of a permit issued under section

1 725 of the alcoholic beverage control law as added by section two of
2 this act. Upon renewal, such license shall be issued under such section
3 725.

4 § 103. Upon the effective date of this act, the holder of a license
5 for a winery satellite store issued and in effect under subdivision 5 of
6 former section 76 of the alcoholic beverage control law shall be enti-
7 tled to exercise the rights and privileges of the holder of a license
8 issued under section 726 of the alcoholic beverage control law as added
9 by section two of this act. Upon renewal, such license shall be issued
10 under such section 726.

11 § 104. Upon the effective date of this act, the holder of a license
12 for a cider producer's satellite store issued and in effect under subdi-
13 vision 4 of former section 58 of the alcoholic beverage control law
14 shall be entitled to exercise the rights and privileges of the holder of
15 a license issued under section 727 of the alcoholic beverage control law
16 as added by section two of this act. Upon renewal, such license shall be
17 issued under such section 727.

18 § 105. Upon the effective date of this act, the holder of a license
19 issued and in effect under former section 79-c of the alcoholic beverage
20 control law shall be entitled to exercise the rights and privileges of
21 the holder of a license issued under section 728 of the alcoholic bever-
22 age control law as added by section two of this act. Upon renewal, such
23 license shall be issued under such section 728.

24 § 106. Upon the effective date of this act, the holder of a permit
25 issued and in effect under subdivision 2 of former section 80 of the
26 alcoholic beverage control law shall be entitled to exercise the rights
27 and privileges of the holder of a permit issued under section 729 of the

1 alcoholic beverage control law as added by section two of this act.

2 Upon renewal, such permit shall be issued under such section 729.

3 § 107. Upon the effective date of this act, the holder of a certif-
4 icate issued and in effect under subdivision 10 of former section 76 of
5 the alcoholic beverage control law shall be entitled to exercise the
6 rights and privileges of the holder of a certificate issued under
7 section 730 of the alcoholic beverage control law as added by section
8 two of this act. Upon renewal, such permit shall be issued under such
9 section 730.

10 § 108. Upon the effective date of this act, the holder of a permit
11 issued and in effect under paragraph j of subdivision 1 of former
12 section 99-b of the alcoholic beverage control law shall be entitled to
13 exercise the rights and privileges of the holder of a permit issued
14 under section 733 of the alcoholic beverage control law as added by
15 section two of this act. Upon renewal, such permit shall be issued under
16 section 733.

17 § 109. Upon the effective date of this act, the holder of a permit
18 issued and in effect under subdivision 2 of former section 97 of the
19 alcoholic beverage control law shall be entitled to exercise the rights
20 and privileges of the holder of a permit issued under section 732 of the
21 alcoholic beverage control law as added by section two of this act.

22 § 110. Upon the effective date of this act, the holder of a permit
23 issued and in effect under subdivision 4 of former section 97 of the
24 alcoholic beverage control law shall be entitled to exercise the rights
25 and privileges of the holder of a permit issued under section 735 of the
26 alcoholic beverage control law as added by section two of this act.

27 § 111. Upon the effective date of this act, the holder of a license
28 issued and in effect under former section 77 of the alcoholic beverage

1 control law shall be entitled to exercise the rights and privileges of
2 the holder of a license issued under section 737 of the alcoholic beverage
3 control law as added by section two of this act. Upon renewal, such
4 license shall be issued under such section 737.

5 § 112. Upon the effective date of this act, the holder of a license
6 issued and in effect under former section 52 of the alcoholic beverage
7 control law shall be entitled to exercise the rights and privileges of
8 the holder of a license issued under section 738 of the alcoholic beverage
9 control law as added by section two of this act. Upon renewal, such
10 license shall be issued under such section 738.

11 § 113. Upon the effective date of this act, the holder of a license
12 issued and in effect under former section 58-d of the alcoholic beverage
13 control law shall be entitled to exercise the rights and privileges of
14 the holder of a license issued under section 739 of the alcoholic beverage
15 control law as added by section two of this act. Upon renewal, such
16 license shall be issued under such section 739.

17 § 114. Upon the effective date of this act, the holder of a permit
18 issued and in effect under subdivision 1 of former section 94 of the
19 alcoholic beverage control law shall be entitled to exercise the rights
20 and privileges of the holder of a permit issued under subdivision 1 of
21 section 802 of the alcoholic beverage control law as added by section
22 two of this act. Upon renewal, such permit shall be issued under subdivision
23 vision 1 of section 802.

24 § 115. Upon the effective date of this act, the holder of a permit
25 issued and in effect under subdivision 2-a of former section 94 of the
26 alcoholic beverage control law shall be entitled to exercise the rights
27 and privileges of the holder of a permit issued under subdivision 3 of
28 section 802 of the alcoholic beverage control law as added by section

1 two of this act. Upon renewal, such permit shall be issued under subdi-
2 vision 3 of such section 802.

3 § 116. Upon the effective date of this act, the holder of a permit
4 issued and in effect under subdivision 2-b of former section 94 of the
5 alcoholic beverage control law shall be entitled to exercise the rights
6 and privileges of the holder of a permit issued under subdivision 4 of
7 section 802 of the alcoholic beverage control law as added by section
8 two of this act. Upon renewal, such permit shall be issued under subdi-
9 vision 4 of such section 802.

10 § 117. Upon the effective date of this act, the holder of a permit
11 issued and in effect under paragraph (a) of subdivision 1 of former
12 section 96 of the alcoholic beverage control law shall be entitled to
13 exercise the rights and privileges of the holder of a permit issued
14 under subdivision 1 of section 803 of the alcoholic beverage control law
15 as added by section two of this act. Upon renewal, such permit shall be
16 issued under subdivision 1 of such section 803.

17 § 118. Upon the effective date of this act, the holder of a permit
18 issued and in effect under paragraph (b) of subdivision 1 of former
19 section 96 of the alcoholic beverage control law shall be entitled to
20 exercise the rights and privileges of the holder of a permit issued
21 under subdivision 3 of section 803 of the alcoholic beverage control law
22 as added by section two of this act. Upon renewal, such permit shall be
23 issued under subdivision 3 of such section 803.

24 § 119. Upon the effective date of this act, the holder of a permit
25 issued and in effect under subdivision 2 of former section 96 of the
26 alcoholic beverage control law shall be entitled to exercise the rights
27 and privileges of the holder of a license issued under subdivision 4 of
28 section 803 of the alcoholic beverage control law as added by section

1 two of this act. Upon renewal, such permit shall be issued under subdivi-
2 vision 4 of such section 803.

3 § 120. Upon the effective date of this act, the holder of a permit
4 issued and in effect under paragraph f of subdivision 1 of former
5 section 99-b of the alcoholic beverage control law shall be entitled to
6 exercise the rights and privileges of the holder of a permit issued
7 under section 804 of the alcoholic beverage control law as added by
8 section two of this act.

9 § 121. Upon the effective date of this act, the holder of a permit
10 issued and in effect under former section 91 of the alcoholic beverage
11 control law shall be entitled to exercise the rights and privileges of
12 the holder of a permit issued under section 805 of the alcoholic bever-
13 age control law as added by section two of this act. Upon renewal, such
14 permit shall be issued under such section 805.

15 § 122. Upon the effective date of this act, the holder of a permit
16 issued and in effect under former section 91-a of the alcoholic beverage
17 control law shall be entitled to exercise the rights and privileges of
18 the holder of a permit issued under section 806 of the alcoholic bever-
19 age control law as added by section two of this act. Upon renewal, such
20 permit shall be issued under such section 806.

21 § 123. Upon the effective date of this act, the holder of a permit
22 issued and in effect under former section 92 of the alcoholic beverage
23 control law shall be entitled to exercise the rights and privileges of
24 the holder of a permit issued under section 807 of the alcoholic bever-
25 age control law as added by section two of this act. Upon renewal, such
26 permit shall be issued under such section 807.

27 § 124. Upon the effective date of this act, the holder of a permit
28 issued and in effect under paragraph (a) of subdivision 2 of former

1 section 92-a of the alcoholic beverage control law shall be entitled to
2 exercise the rights and privileges of the holder of a permit issued
3 under subdivision 1 of section 808 of the alcoholic beverage control law
4 as added by section two of this act. Upon renewal, such permit shall be
5 issued under subdivision 1 of such section 808.

6 § 125. Upon the effective date of this act, the holder of a permit
7 issued and in effect under paragraph (b) of subdivision 2 of former
8 section 92-a of the alcoholic beverage control law shall be entitled to
9 exercise the rights and privileges of the holder of a permit issued
10 under subdivision 2 of section 808 of the alcoholic beverage control law
11 as added by section two of this act. Upon renewal, such permit shall be
12 issued under subdivision 2 of such section 808.

13 § 126. Upon the effective date of this act, the holder of a permit
14 issued and in effect under paragraph (c) of subdivision 2 of former
15 section 92-a of the alcoholic beverage control law shall be entitled to
16 exercise the rights and privileges of the holder of a permit issued
17 under subdivision 3 of section 808 of the alcoholic beverage control law
18 as added by section two of this act. Upon renewal, such permit shall be
19 issued under subdivision 3 of such section 808.

20 § 127. Upon the effective date of this act, the holder of a permit
21 issued and in effect under former section 95 of the alcoholic beverage
22 control law shall be entitled to exercise the rights and privileges of
23 the holder of a permit issued under section 809 of the alcoholic beverage
24 control law as added by section two of this act. Upon renewal, such
25 permit shall be issued under such section 809.

26 § 128. Upon the effective date of this act, the holder of a permit
27 issued and in effect under former section 99-a of the alcoholic beverage
28 control law shall be entitled to exercise the rights and privileges of

1 the holder of a permit issued under section 810 of the alcoholic beverage control law as added by section two of this act.

3 § 129. Upon the effective date of this act, the holder of a permit issued and in effect under subdivision 2 of former section 96-a of the alcoholic beverage control law shall be entitled to exercise the rights and privileges of the holder of a permit issued under paragraph (a) of subdivision 1 of section 811 of the alcoholic beverage control law as added by section two of this act. Upon renewal, such permit shall be issued under paragraph (a) of subdivision 1 of such section 811.

10 § 130. Upon the effective date of this act, the holder of a permit issued and in effect under subdivision 3 of former section 96-a of the alcoholic beverage control law shall be entitled to exercise the rights and privileges of the holder of a permit issued under paragraph b of subdivision 1 of section 811 of the alcoholic beverage control law as added by section two of this act. Upon renewal, such permit shall be issued under paragraph b of subdivision 1 of such section 811.

17 § 131. Upon the effective date of this act, the holder of a permit issued and in effect under former section 96-b of the alcoholic beverage control law shall be entitled to exercise the rights and privileges of the holder of a permit issued under section 812 of the alcoholic beverage control law as added by section two of this act. Upon renewal, such permit shall be issued under such section 812.

23 § 132. Upon the effective date of this act, the holder of a permit issued and in effect under paragraph e of subdivision 1 of former section 99-b of the alcoholic beverage control law shall be entitled to exercise the rights and privileges of the holder of a permit issued under section 813 of the alcoholic beverage control law as added by

1 section two of this act. Upon renewal, such permit shall be issued under
2 such section 813.

3 § 133. Upon the effective date of this act, the holder of a permit
4 issued and in effect under paragraph d of subdivision 1 of former
5 section 99-b of the alcoholic beverage control law shall be entitled to
6 exercise the rights and privileges of the holder of a permit issued
7 under section 814 of the alcoholic beverage control law as added by
8 section two of this act.

9 § 134. Upon the effective date of this act, the holder of a permit
10 issued and in effect under paragraph m of subdivision 1 of former
11 section 99-b of the alcoholic beverage control law shall be entitled to
12 exercise the rights and privileges of the holder of a permit issued
13 under section 815 of the alcoholic beverage control law as added by
14 section two of this act. Upon renewal, such permit shall be issued under
15 such section 815.

16 § 135. Upon the effective date of this act, the holder of a permit
17 issued and in effect under former section 99-f of the alcoholic beverage
18 control law shall be entitled to exercise the rights and privileges of
19 the holder of a permit issued under section 816 of the alcoholic bever-
20 age control law as added by section two of this act.

21 § 136. Intentionally omitted.

22 § 137. Upon the effective date of this act, the holder of a permit
23 issued and in effect under paragraph a of subdivision 1 of former
24 section 99-b of the alcoholic beverage control law shall be entitled to
25 exercise the rights and privileges of the holder of a permit issued
26 under paragraph (a) of subdivision 1 of section 817 of the alcoholic
27 beverage control law as added by section two of this act.

1 § 138. Upon the effective date of this act, the holder of a permit
2 issued and in effect under paragraph b of subdivision 1 of former
3 section 99-b of the alcoholic beverage control law shall be entitled to
4 exercise the rights and privileges of the holder of a permit issued
5 under paragraph (b) of subdivision 1 of section 817 of the alcoholic
6 beverage control law as added by section two of this act. Upon renewal,
7 such permit shall be issued under paragraph (b) of subdivision 1 of such
8 section 817.

9 § 139. Upon the effective date of this act, the holder of a permit
10 issued and in effect under paragraph c of subdivision 1 of former
11 section 99-b of the alcoholic beverage control law shall be entitled to
12 exercise the rights and privileges of the holder of a permit issued
13 under paragraph (c) of subdivision 1 of section 817 of the alcoholic
14 beverage control law as added by section two of this act. Upon renewal,
15 such permit shall be issued under paragraph (c) of subdivision 1 of such
16 section 817.

17 § 140. Upon the effective date of this act, the holder of a permit
18 issued and in effect under paragraph g of subdivision 1 of former
19 section 99-b of the alcoholic beverage control law shall be entitled to
20 exercise the rights and privileges of the holder of a permit issued
21 under paragraph (d) of subdivision 1 of section 817 of the alcoholic
22 beverage control law as added by section two of this act.

23 § 141. Upon the effective date of this act, the holder of a permit
24 issued and in effect under paragraph i of subdivision 1 of former
25 section 99-b of the alcoholic beverage control law shall be entitled to
26 exercise the rights and privileges of the holder of a permit issued
27 under paragraph (e) of subdivision 1 of section 817 of the alcoholic
28 beverage control law as added by section two of this act.

1 § 142. Upon the effective date of this act, the holder of a permit
2 issued and in effect under paragraph k of subdivision 1 of former
3 section 99-b of the alcoholic beverage control law shall be entitled to
4 exercise the rights and privileges of the holder of a permit issued
5 under section 818 of the alcoholic beverage control law as added by
6 section two of this act. Upon renewal, such permit shall be issued under
7 such section 818.

8 § 143. Upon the effective date of this act, approvals of brand label
9 registrations issued under former section 107-a of the alcoholic bever-
10 age control law shall continue in effect until the expiration thereof
11 and shall be subject to the provisions of section 1001 of the alcoholic
12 beverage control law as added by section two of this act. Upon renewal,
13 such approvals shall be issued under such section 1001.

14 § 144. Upon the effective date of this act, price schedules filed
15 pursuant to former section 101-b of the alcoholic beverage control law
16 shall continue in effect for the applicable month and shall be subject
17 to the provisions of section 1005 of the alcoholic beverage control law
18 as added by section two of this act. Price schedules filed on or after
19 such effective date shall be subject to the provisions of such section
20 1005.

21 § 145. Upon the effective date of this act, the holder of a certif-
22 icate of approval issued and in effect under subdivision 10 of former
23 section 18 of the alcoholic beverage control law shall be entitled to
24 exercise the rights and privileges of the holder of a certificate of
25 approval issued under section 1205 of the alcoholic beverage control law
26 as added by section two of this act. Upon renewal, such certificate
27 shall be issued under such section 1205.

1 § 146. This act shall take effect on the thirtieth day after it shall
2 have become law, provided, however:

3 (a) that upon the sale or transfer of the parcels detailed in subdivi-
4 sion 6 of section 1602 of the alcoholic beverage control law, as added
5 by section two of this act, such subdivision shall expire and be deemed
6 repealed unless the licensee immediately obtains a leasehold upon such
7 sale or transfer of such parcel as part of the sale or transfer. If the
8 licensee obtains such a leasehold, such subdivision 6 pertaining to such
9 parcel shall expire and be deemed repealed upon the end or termination
10 of such lease. The state liquor authority shall notify the legislative
11 bill drafting commission upon notification by the licensee of the sale,
12 transfer or termination of the leasehold, or non-renewal of the lease-
13 hold of the parcel detailed in such subdivision in order that the
14 commission may maintain an accurate and timely effective data base of
15 the official text of the laws of the state of New York in furtherance of
16 effectuating the provisions of section 44 of the legislative law and
17 section 70-b of the public officers law;

18 (b) that upon the sale or transfer of the parcels detailed in subdivi-
19 sion 31 of section 1602 of the alcoholic beverage control law, as added
20 by section two of this act, such subdivision shall expire and be deemed
21 repealed unless the licensee immediately obtains a leasehold upon such
22 sale or transfer of such parcel as part of the sale or transfer. If the
23 licensee obtains such a leasehold, such subdivision 31 pertaining to
24 such parcel shall expire and be deemed repealed upon the end or termi-
25 nation of such lease. The state liquor authority shall notify the legis-
26 lative bill drafting commission upon notification by the licensee of the
27 sale, transfer or termination of the leasehold, or non-renewal of the
28 leasehold of the parcel detailed in such subdivision in order that the

1 commission may maintain an accurate and timely effective data base of
2 the official text of the laws of the state of New York in furtherance of
3 effectuating the provisions of section 44 of the legislative law and
4 section 70-b of the public officers law;

5 (c) that upon the sale or transfer of the parcels detailed in subdivi-
6 sion 39 of section 1602 of the alcoholic beverage control law, as added
7 by section two of this act, such subdivision shall expire and be deemed
8 repealed unless the licensee immediately obtains a leasehold upon such
9 sale or transfer of such parcel as part of the sale or transfer. If the
10 licensee obtains such a leasehold, such subdivision 39 pertaining to
11 such parcel shall expire and be deemed repealed upon the end or termi-
12 nation of such lease. The state liquor authority shall notify the legis-
13 lative bill drafting commission upon notification by the licensee of the
14 sale, transfer or termination of the leasehold, or non-renewal of the
15 leasehold of the parcel detailed in such subdivision in order that the
16 commission may maintain an accurate and timely effective data base of
17 the official text of the laws of the state of New York in furtherance of
18 effectuating the provisions of section 44 of the legislative law and
19 section 70-b of the public officers law;

20 (d) that upon the sale or transfer of the parcels detailed in subdivi-
21 sion 42 of section 1602 of the alcoholic beverage control law, as added
22 by section two of this act, such subdivision shall expire and be deemed
23 repealed unless the licensee immediately obtains a leasehold upon such
24 sale or transfer of such parcel as part of the sale or transfer. If the
25 licensee obtains such a leasehold, such subdivision 42 pertaining to
26 such parcel shall expire and be deemed repealed upon the end or termi-
27 nation of such lease. The state liquor authority shall notify the legis-
28 lative bill drafting commission upon notification by the licensee of the

1 sale, transfer or termination of the leasehold, or non-renewal of the
2 leasehold hold of the parcel detailed in such subdivision in order that
3 the commission may maintain an accurate and timely effective data base
4 of the official text of the laws of the state of New York in furtherance
5 of effectuating the provisions of section 44 of the legislative law and
6 section 70-b of the public officers law;

7 (e) sections thirty-five, thirty-six, thirty-seven and thirty-eight of
8 this act shall take effect July 18, 2024;

9 (f) sections thirty-nine and forty of this act shall take effect Octo-
10 ber 12, 2023;

11 (g) section forty-one of this act shall take effect April 9, 2025; and

12 (h) section forty-two of this act shall take effect December 31, 2024.