
DECLARATORY RULING

The Application of the 200' Law on Broken Spoke Saloon, LLC, 276 Main Street Richmondville

Agenda # 03/13/2025-058A

Question Presented

Is the establishment within 200 feet of a building used exclusively as a place of worship, and thus subject to the law barring the issuance of a license to sell liquor?

Statement of Facts

The proposed premises is on the same street or avenue as the United Methodist Church of Richmondville. The Church has been at its present location since the 1890s, which the Applicant does not deny. There is also no claim by the Applicant that the Church is not used exclusively as a house of worship.

SLA's Investigators took measurements between the proposed location and the Church. The investigators determined that the distance from where the walkway leading to the Church's rear entrance to the rear patio entrance of the premises is 186 feet, five inches, to the rear exterior door of the premises is 184 feet, nine inches, and to the front door of the premises is 189 feet three inches. The roadway behind the establishment and the Church is used by the public to access the proposed premises, a U.S. post office, and the Church.

Review of tax maps confirmed that the road is owned by the Village of Richmondville.

Applicable Law

ABCL 64.7 (a) states that "No retail license for on-premises consumption [of liquor] shall be granted for any premises which shall be on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship." ABCL 64.7 (c) details how the measurements between the proposed premises and the place of worship are to be made. The measurement is to be taken in a straight line from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of the place of worship.

The entrance to a premises and house of worship is defined in ABCL 64(7)(d) to mean a door regularly used by the public attending the place of worship, and by patrons of the premises sought to be licensed. Where a place of worship or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door is deemed an entrance, and the measurement is taken from the center of the walkway or stairs at the point where it meets the building line or public thoroughfare.

Determination of the Members

Applicant's request that the measurement be taken from the main entrance of the premises to the main entrance of the Church cannot be granted. ABCL 64(7) (c) and (d) unambiguously provide for the means of measurement, and the Applicant's request that the measurement be made from the Church's entrance, rather than its walkway would violate the statute.

Nor does the applicant's assertion that part of the Church's walkway lacks handrails mean that this section of the walkway should not be counted in the 200-foot measurement. ABCL 64(7) states that the 200-foot measurement is to be taken from the point where a church's walkway meets a "public thoroughfare." Given that the road is used by the public to access the Church, the proposed premises, and the U.S. post office, and is owned by the local government, it meets the definition of a public thoroughfare. Since the measured distances from the Church's walkway to the Applicant's entrances are less than 200 feet, the Applicant is not eligible for a full liquor license.

This Ruling is limited to the facts and the parties set forth in the request and shall not be considered as approval for any other proposal.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on March 13, 2025 before Chair Lily Fan and Commissioner John Maya. The above written ruling was approved by Chair Fan on behalf of the Members on April 8, 2025.

Dated: 06/23/25



Donald R. Roper
Secretary to the Authority