

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF DECEMBER 3, 2013  
REFERRED FROM: COUNSEL'S OFFICE

2013-03285A

REASON FOR REFERRAL

APPLICATION OF 200 FOOT LAW  
ON PROPERTY LOCATED AT:

6 OLMSTEDVILLE ROAD, POTTERSVILLE

(DECLARATORY RULING)

The Members of the Authority at their regular meeting held at the Zone I New York City office on DECEMBER 3, 2013 determined:

**SMITH & SIMON**  
ATTORNEYS AT LAW  
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Chestertown, New York 12817  
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**RECEIVED**

SEP 16 2013

STATE LIQUOR AUTHORITY  
OFFICE OF COUNSEL

**Daniel T. Smith**  
**Robert B. Simon**

September 11, 2013

New York State Liquor Authority  
317 Lenox Avenue  
New York, New York 10027  
Attention: Jacqueline Flug

Dear Ms. Flug:

I represent Timothy M. Beadnell who has a contract to purchase the "Wells House" at 6 Olmstedville Road in the Hamlet of Pottersville, Town of Chester, Warren County, New York. Copy of the contract is enclosed. Please note paragraph 28 that Mr. Beadnell's purchase is contingent upon securing a declaratory ruling from the New York State Liquor Authority that the 200 foot rule from the church will not prohibit him or his successors in title from obtaining a liquor license. By this letter we make application for such a declaratory ruling.

Little background. The property that Mr. Beadnell is purchasing is at 6 Olmstedville Road in Pottersville and has been a licensed premises as long as I can remember. Property was purchased in 1969 by Ruane and has gone through various owners from 1969 to 2012. In 2012, the Champlain National Bank purchased the property by foreclosure deed from something called Rserenityprops, LLC. The property is a restaurant, bar type hotel and I believe the previous liquor license is Number 214-5481 which apparently expired on November 30, 2012. Interestingly the deed to Champlain National Bank was July 6, 2012. As you can guess the bank never made any effort to renew the liquor license.

Ed Finnerty, attorney for Champlain National Bank, has advised me that it is apparently against the law for a bank to own a licensed premise and the bank as you can imagine was forced to let the liquor license lapse.

The property immediately to the north at 12 Olmstedville Road is the Lighthouse Baptist Church. The church acquired title in 1989 and it has been used apparently exclusively as a church from 1989 to date. Before that the property was a Masonic Temple/Masonic Lodge. It appears that at one time this was a two family building. Use of the second floor as an apartment appears to have been abandoned some time ago.

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We have an 1876 atlas showing owners and buildings in Pottersville. This particular property in 1876 is shown as the Pottersville Hotel. The church property to the north is shown as a store and eventually became a Masonic Lodge.

From our local Historical Museum I enclose two photos, one showing "Main Street, Pottersville, New York" which shows what was then the Masonic Building and to the south of that the Wells House. I also enclose another photo showing Stage Coaches and a great number of people at the Wells House. I have been told this is a picture taken in 1907. Proceeding to 2013 I again enclose a picture of the Wells House. I think the only difference is that the porch on the second story has been enclosed. Also enclosed another photo showing the church and again Wells House 2013. Comparing the 1880 with the 2013 picture the former Masonic Building now church appears unchanged for the past 130 plus years. I also enclose a 2013 picture of the church property and point out two matters. The first is the "worship with us" sign with a phone number of 494, balance deleted. I also direct your attention to the two electric meters. It appears that the property at one time was a two-family, two-story house and the meter for, I am guessing the second story, was pulled. As an aside neighbors that I have spoken to have indicated that there does appear to be services on a Sunday but not with a large crowd.

I also enclose letter from Frederick Monroe, Town Supervisor for the Town of Chester in support of our application for the declaratory ruling that the 200 foot rule does not apply. I believe Mr. Monroe's opinion is twofold, if there is no liquor license on this property no one knows what will happen other than the fact there will clearly be no jobs, waiters, cooks, etc. The second is that this, as you can see from the old and new pictures, a major landmark in this Town of Chester with a significant historical background.

Since the church acquired title in 1989 there have been three separate owners, a William Morrissey, The Wells House, LLC., and the last owner prior to the bank, Rserenityprops, LLC. To the best of my knowledge I don't believe The Wells House, LLC., was a licensed premises; We do know that the Rserenityprops, LLC.. was a licensed premises. In 2007 when serenityprops, LLC., purchased, the Lighthouse Baptist Church was the owner immediately to the north and still is the owner. The local story is that when Rserenityprops, LLC., purchased the property in 2007 that the church actually vacated the property during the application period and after the liquor license was granted re-opened same church, same place, same program.

By this letter we request a declaratory ruling that this property is not subject to the 200 foot law in Section 64(7)(a) of the alcoholic Beverage Control Law.

I have read some of the declaratory rulings some of which refer to photographs, diagrams or other documents. I am enclosing a copy of the Warren County Tax Map and the two property cards showing ownership of this property since 1969 and the church since 1989. If you wish I can get copies of the relevant deeds and again if you wish I can present more photographs of the property.

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Please advise if you need anything further. I have had this letter signed by Timothy Beadnell to verify all the above and to request such a declaratory ruling.

Thank you very much for your help.

Very truly yours,



DANIEL T. SMITH

DTS/lab  
Enclosure



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TIMOTHY M. BEADNELL

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF NOVEMBER 21, 2013  
REFERRED FROM: COUNSEL'S OFFICE

2013-03114D (OVER)  
2013-03285

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

DANDAMUDI v. TISCH

The Members of the Authority at their regular meeting held at the Zone I New York City Office on NOVEMBER 21, 2013 determined:

A short recess was called by Commissioner Greene to conference with Counsel. The Members thereafter returned.

Item carried over to 12/03/2013

The Members of the Authority at their regular meeting held at the Zone I New York City Office on DECEMBER 3, 2013 determined: