



**KATHY HOCHUL**  
Governor

**LILY M. FAN**  
Commissioner

**VINCENT G. BRADLEY**  
Chairman

**GREELEY FORD**  
Commissioner

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ADVISORY #2022-3

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**Subject:** Use of common seating/dining areas by multiple licensees

The Authority has on occasion approved arrangements that allow multiple on-premises licensees to use shared/common space as seating/dining areas for their patrons. The purpose of this Advisory is to provide guidance to applicants, licensees, and agency staff regarding how these arrangements can be licensed.

1. On-premises liquor licenses will only be issued for premises that meet the definition of a “restaurant” under the Alcoholic Beverage Control Law (“ABCL”). Taverns, pubs and other food and drinking establishments that must be licensed under ABCL §64-a cannot qualify because they are not allowed to have interior access to other businesses in the same building [ABCL §106(9)]. On-premises wine (or beer) licenses may be issued to premises that do not qualify as a restaurant.
2. Sales of alcoholic beverages by each licensee shall take place on such licensee’s premises and not within the common area, provided that a licensee may have waitstaff take orders and deliver alcoholic beverages to its patrons within the common area.
3. The premises of each licensee shall be adjacent to the common area.
4. Each licensee using a common seating/dining area shall be required to sufficiently monitor access to, and activity within, the common area.
5. Each licensee using a common area shall use distinctive drinking glasses or cups that readily identify the licensee.
6. The common seating/dining area shall be distinguished from unlicensed areas and the individual licensee’s premises by fencing, walls, shrubbery, roping, stanchions, or other means acceptable to the Authority.
7. Each licensee using a common area shall treat the common area as if it was part of its licensed premises for purposes of compliance with the ABCL, the Rules of the Authority, and associated guidance.

8. All applicants intending to use a common seating/dining area must submit a lease or other documentation as proof that they are authorized to use such area.
9. No alcoholic beverages may be stored by any licensee in the common area.
10. The above conditions shall be deemed part of the method of operation of a license issued in connection with a common seating/dining area used by multiple licensees. A violation of any condition will be considered a failure by the licensee to conform to its approved method of operation.

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This matter was heard and determined by the Members of the Authority at a Full Board meeting held on June 8, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by Chairman Bradley on behalf of the Members of the Board on June 9, 2022.

Dated: 06/09/22



Donald Roper  
Secretary to the Authority