



KATHY HOCHUL
Governor

LILY M. FAN
Commissioner

VINCENT G. BRADLEY
Chairman

GREELEY FORD
Commissioner

ADVISORY #2022-19

Subject: Use of outdoor space as part of licensed premises

The purpose of this advisory is to provide guidance to applicants and licensees regarding the use of outdoor space as part of their licensed premises. The steps that need to be taken to include outdoor space will depend on whether the space is municipal (public) space or owned/leased by the applicant/licensee.

Outdoor space owned/leased by the applicant/licensee

This space must be included in the original license application or added by an alteration application. The use of such space will be subject to any representations made by the applicant/licensee in the original application or the alteration application. The use of the space may also be subject to conditions imposed by the Authority if/when the original or alteration application is approved.

Any outdoor space being included as part of the licensed premises must be contiguous to the interior space that is being licensed. Outdoor space that is not controlled (owned, leased, etc.) by the applicant/licensee cannot be included in the licensed premises.

Municipal outdoor space

This space does not have to be included in the original license application and an alteration application is not needed to use the space as part of their licensed premises. However, the applicant/licensee must have a permit or other written authorization from the municipality. If the municipality does not provide such authorization, the municipal space cannot be used by the applicant/licensee.

The municipal space does not have to be contiguous to the licensed premises that has been approved by the Authority (but must be consistent with the provisions of Chapter 165 of 2022). While an alteration application is not necessary to use the space as part of the licensed premises, an applicant/licensee is required to advise the Authority that the space is being used. Information on how to add such municipal outdoor space is available on the Authority's website. The use of the municipal outdoor space is subject to any conditions imposed by the municipality. Additionally, any licensee that has a condition on its license prohibiting the use of outdoor space may not add municipal outdoor space except after applying for and being approved for a change

in method of operation by the Authority. For purposes of this advisory, a condition on the license prohibiting the use of outdoor space means: a) a condition imposed by the Members of the Authority at a Full Board meeting; or b) a condition in a stipulation with the licensee's municipality that was submitted as part of the application.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on August 31, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on August 31, 2022.

Dated: 09/26/22


Donald Roper
Secretary to the Authority