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Commissioner

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Chairman

**GREELEY FORD**  
Commissioner

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ADVISORY #2022-26

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**Subject:** Package & wine stores- compliance with ABCL §105(2) & ABCL §105(10)(b)

The purpose of this advisory is to provide guidance to applicants for package (liquor) or wine store licenses with respect to the provisions of Alcoholic Beverage Control Law (“ABCL”) §105(2) and ABCL §105(10). This advisory consolidates guidance previously issued by the Authority in Divisional Order No. 569, Divisional Order 625, Divisional Order No. 655, Divisional Order No. 670 and Bulletin 458, all of which are replaced by this advisory.

ABCL §105(2) requires that the principal entrance of the store be on street level and located on a public thoroughfare or on an arcade or sub-surface thoroughfare leading to a railroad terminal. That provision also limits the store to one additional entrance which also must be on street level and located on and giving access to and from a public or private parking lot or parking area having space for not less than five automobiles. ABCL §105(10)(b) prohibits a package or wine store from having any screen, blind, curtain, partition, article or other item in the windows or on the doors that prevents a clear view into the interior of the store all times.

Street level entrance

The Authority will consider a premises to be on street level even if the entrance is elevated from the public thoroughfare/street and accessed by stairs provided that: 1) the entrance to the store is still visible from the public thoroughfare/street level; and 2) there is no other floor in the building (other than the basement) below the premises.

Double door entrances

For purposes of determining the number of entrances to a package store, a double door where the doors meet flush shall be considered a single entrance. Double doors which are separated eight inches or less by a center post shall also be considered a single entrance. In measuring the distance to a school or place of worship; where the double doors are flush, the meeting edge of the doors shall be considered the center point of the entrance; and where the double doors are separated by a center post, the measurement shall be taken to the center of the post. If the doors are separated by more than eight inches, each door that permits ingress into the store shall be considered a separate entrance.

Enclosed shopping malls

For purposes of determining whether the entrance is on a public thoroughfare, an entrance to a store located in an enclosed shopping mall that opens to a walkway used by patrons to access stores in the mall shall be considered a public thoroughfare. The entrance shall also be considered on street level even if such walkway is elevated. The Authority will also permit package or wine stores in enclosed shopping malls to have open fronts, rather than traditional door entrances, provided that the applicant establishes that it will have adequate safeguards in place to assure proper control of the store and its contents.

Delivery/emergency doors

For purposes of the limitation on the number of entrances that a package or wine store can have, the Authority will not consider a door in the rear of the store used solely for the delivery of merchandise to the store or as an emergency exit. The door must not have any exterior hardware or exterior lock, must be kept locked from the inside (except for a "panic" type bar/handle) and must be barred for use by the general public or for any other purpose other than receiving deliveries or emergencies.

Visibility

The use of solid metal protective screens, gates or covers on the exterior of doors and windows is permitted during the hours that the store is closed. During hours that the store is open for business, all such coverings must be removed, collapsed, or rolled to permit clear visibility from the exterior into the store.

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This matter was heard and determined by the Members of the Authority at a Full Board meeting held on September 14, 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 September 14, 2022.

Dated: 09/26/22



Donald Roper  
Secretary to the Authority