



**DELAWARE COUNTY
BOARD OF SUPERVISORS**

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**PRESS RELEASE
June 4, 2020**

Today restaurants and bars that have current licenses to have outdoor seating may resume on premise service in these spaces with the guidance issued by the New York State Liquor Authority. Below is the guidance posted late yesterday afternoon on the state webpage ny.forward.gov:

**NEW YORK STATE LIQUOR AUTHORITY GUIDANCE ON OUTDOOR
EXPANSION OF LICENSED PREMISES IN RESPONSE TO COVID-19
OUTBREAK**

Effective Thursday, June 4, 2020

Pursuant to the Governor's order, **effective Thursday, June 4, 2020**, all licensees in regions that have entered phase 2 of reopening and which have on-premises service privileges under the Alcoholic Beverage Control Law (ABC Law) may, subject to the guidance below, resume outdoor, on-premises service of alcoholic beverages and/or food. This guidance **shall continue until July 3, 2020** but may be extended or reduced depending upon the circumstances.

To aid in prevention of the spread of the coronavirus and assist businesses impacted by the current state of emergency, the Governor has ordered the Chairman of the State Liquor Authority (SLA) to promulgate guidance on a streamlined process for expansion of licensed premises for service of alcoholic beverages.

The State Liquor Authority offers the following guidance:

Consumption:

- Any consumption of food and/or beverage must happen in outdoor, open-air areas, without a fixed roof (besides a temporary or seasonal awning or cover).

- Any consumption of food and/or beverage must happen while seated at a table, bar, counter, or similar contrivance.
- All tables must be 6 feet apart; any seat at a bar, counter, or similar contrivance must be 6 feet apart.
- All staff of the licensed business must wear face masks at all times.
- All customers must wear face masks at any time they are not seated.
- Any consumption shall be subject to all other relevant executive orders, guidance's promulgated by the Department of Health, and/or any other relevant agency guidance.

Expansion of Premises:

- Section 99-d of the ABC Law, under normal conditions, governs the process for substantial alterations of a licensed premises. Pursuant to this guidance, however, a licensee may, for the duration that this guidance remains in effect, use any outdoor, open-air part of its existing premises for which it has control by deed, lease, management agreement, or other agreement of control. Provided however that if a licensee's existing license is subject to a stipulation with a municipality or other entity limiting the use of certain parts of the premises, such licensee must submit a letter from the municipality or other entity with which it has stipulated approving such additional outdoor use of premises.
- Any licensee that expands its premises pursuant to the immediately foregoing paragraph shall within 5 business days of doing so submit an updated diagram to the SLA at temporaryalterations@sla.ny.gov. Failure to do so shall subject a licensee to disciplinary charges for illegal extension of premises.
- Should any municipality elect to make available to licensees any municipally owned lands (e.g. sidewalks, streets, etc.) contiguous to the licensed premises for service of food and/or beverages (a "Municipal Extension"), and should such municipality want or expect the SLA to have jurisdiction over a licensee's operations over such Municipal Extension, such municipality must submit to the SLA a plan for such municipal outdoor dining area on the following [form](#) and deliver to the SLA the written acceptance of responsibility for such Municipal Extension from each implicated licensee by also including the following [form](#). Service that occurs in a municipal dining area for which a municipality has not submitted a form and licensee written acceptance shall be outside the jurisdiction of the SLA.

- Any movement of an existing point of sale while keeping the number of currently licensed points of sale the same must be noted in the diagram submitted pursuant to this guidance, the addition of a new point of sale in excess of the number of currently licensed points of sale shall require application to the SLA for and additional bar license.

A reminder: outside of this Guidance, the restrictions put in place by Executive Order 202.3 (as continued by subsequent executive orders) remain in effect; any licensed business found to be operating in violation of the Governor's orders restricting on-premises service of alcoholic beverages, including the SLA Guidance with respect to take out and delivery service, shall face a monetary penalty (retail maximum of \$10,000/manufacturer maximum of \$100,000), and/or suspension, cancellation, or revocation of its license.