

STATE OF NEW YORK: LIQUOR AUTHORITY

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Application regarding tables  
where meals are served

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DECLARATORY  
RULING  
2014-02992G

**Preliminary Statement**

Section 98.1 of the Rules of the State Liquor Authority, (9 NYCRR subtitle B) provides that any person may request the Authority to issue a declaratory ruling on the application of the Alcoholic Beverage Control Law (ABCL), or the Rules of the Authority, on any person, property or state of facts.

By letter dated November 6, 2014, a request was submitted by David J. Pfeffer Esq. on behalf of his client, a movie theater. Mr. Pfeffer requests a declaratory ruling as to whether or not a certain type of table complies with the Alcoholic Beverage Control Law (ABCL) Section 3(27) requirement that a restaurant contain “tables where meals are served.”

**Statement of Facts**

Mr. Pfeffer’s client intends to apply for an on-premises license and renovate their current movie theater to become a restaurant and movie theater. This renovation will require the purchase of new large leather seats with permanently affixed swinging tables/trays. The tables include a cup holder and can accommodate a dinner plate, utensils and a small bread plate. Each patron will have their own seat and their own table where they may consume a meal. Mr. Pfeffer asks the limited question of whether or not the tables his client intends to purchase comply with ABCL Section 3(27).

**Applicable Law**

ABCL Section 64-a(6) permits the sale of alcoholic beverages in motion picture theaters which meet the ABCL definition of a “restaurant” and “serve meals,” and where all seating is at “tables where meals are served.”

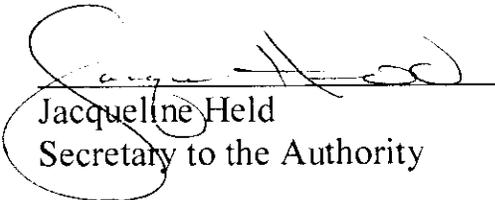
ABCL Section 3(27) defines a restaurant, including a restaurant in a movie theater, and requires that all seating be at “tables where meals are served.”

**Determination**

Mr. Pfeffer submitted a photograph of a representative chair and affixed table. The chair and table are very similar to those already approved by the Members in Declaratory Ruling 2012-01938 regarding AMC Entertainment. The affixed table is large enough for any one person to comfortably consume a full meal with a full setting of dishware and utensils. Accordingly, the Members find the proposed tables comply with requirements of ABCL Section 3(27).

Licensees are reminded that this ruling is limited to the facts set forth herein. This ruling should not be considered approval for any other proposal which deviates, in any respect from the representations as set forth above.

The foregoing Declaratory Ruling was formally approved by the Members of the Authority at a Full Board meeting held on December 2, 2014.

  
Jacqueline Held  
Secretary to the Authority