

VILLAGE OF EAST HAMPTON
86 Main Street, East Hampton

APPLICATION FOR TEMPORARY OUTDOOR DINING ACCOMODATIONS
RESTAURANTS AND TAKE-OUT FOOD STORES
NONCONFORMING USES

This application to assist existing restaurants and take-out food stores in the Village of East Hampton who have been authorized by the Governor of the State of New York to re-open, but do not have the indoor area or facilities to accommodate COVID-19 social distancing requirements and wish to temporarily use existing outdoor areas. As non-conforming uses create a special concern due to their location adjacent to residences, additional guidelines are necessary and special conditions may be required to offset possible negative impacts to residences. Issuance of this permit creates no vested rights in any outdoor seating. **The permit shall expire on November 1, 2020.**

I. BUSINESS INFORMATION

NAME OF BUSINESS:	_____
TYPE OF BUSINESS:	_____
Street Address:	_____ SCTM# _____
Business has Certificate of Occupancy (CO)?	_____ Yes _____ No
<i>Valid CO for restaurant or take-out food store required for permit.</i>	
Is Business a Nonconforming Use in a Residential Zone?	_____ Yes _____ No
If no, please <i>fill out basic application for temporary outdoor dining.</i>	
How many seats are currently approved for this establishment?	_____
How many seats are currently approved for outside seating?	_____
In order to comply with Covid-19 requirements, how many seats are proposed: Inside?	_____ Outside? _____

II. APPLICANT INFORMATION

Name:	_____
Applicant's is (circle one):	Owner Tenant Attorney Other (specify) _____
Mailing Address	_____
City:	_____ State: _____ Zip: _____
Email:	_____ Phone: _____
I certify that all information is true and accurate and subject to a penalty for making a false statement subject to Penal Law 210.45. I attest that I will comply with all the rules and approvals for the application herein.	

III. PROPERTY OWNER CONSENT

Be advised that I am the owner of record of the property referenced herein and having reviewed the proposal herein, hereby consent to this and approve this application. By this application, the owner does hereby authorize employees or agents of the Village of East Hampton, in conjunction with this application, to enter an inspect the project site. Furthermore, I understand that this permit shall expire on November 1, 2020 and that the Village shall retain the right to revoke this permit at any time if deemed necessary.

Name: _____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____

IV. OUTDOOR DINING PERMIT REQUESTED

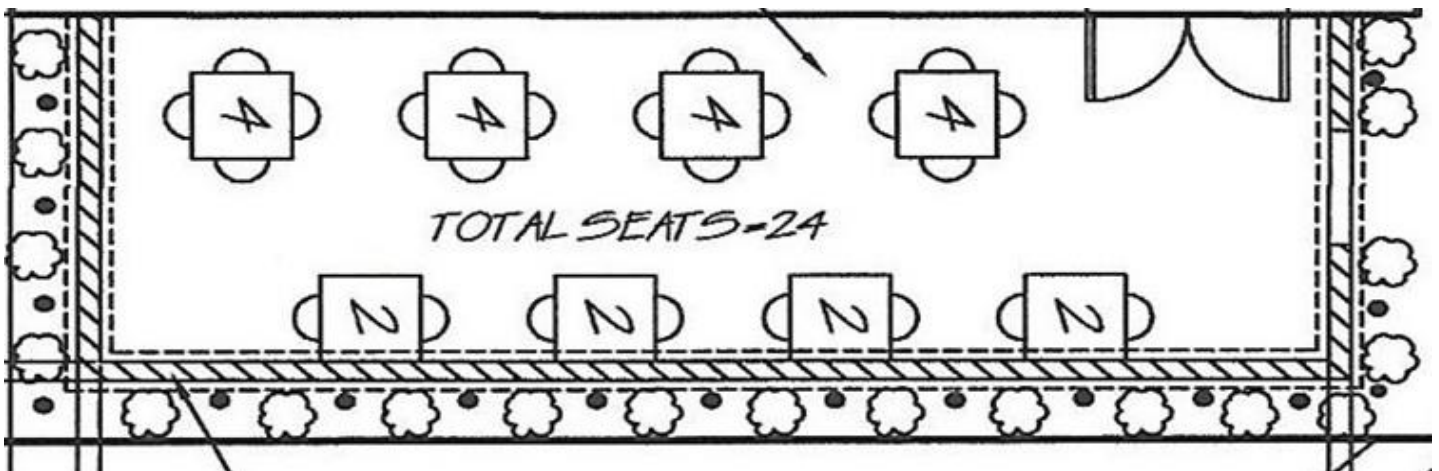
Please refer to the submission requirements and guidelines below.

ON PREMISES ACCOMMODATION AREA

Definition: An on premises only accommodation area allows for restaurant or takeout food store to temporarily move, pursuant to the guidelines set forth herein, seating from inside the establishment to outside the establishment, but only to an area located entirely on the business's property.

Submission Requirements:

- Submit a plan showing the location of proposed outdoor seating. Plan can be hand drawn on existing survey, site plan or aerial map from Google Maps/Earth, Bing, etc. Include any proposed lighting.
- Illustrate the location of outdoor seating tables and or chairs in accordance with New York State's social distance guidelines, including but not limited to the New York State Department of Health, SLA, by executive order by the Governor or executive order by the Mayor of the Village of East Hampton.
- The total number of seats for the outdoor accommodation area shall be indicated on the plan. The total number of seats, indoor plus outdoors, shall not exceed the total permitted by Suffolk County Department of Health Services and the Village of East Hampton. (Seats for a take-out food store is up to a maximum of 16 per Village Code)



Submission Requirements Cont.

- When indoor seating is permitted by NYS, outdoor seating may need to be reduced to accommodate any seating indoors. This information should be included in the business's seating plan. Businesses may not exceed the total number of seats permitted for the establishment.
- Inclement Weather Plan: Businesses shall submit a plan that addresses handling existing outside customers should outside seating not be possible due to rain or other weather. Moving tables or customers indoors is not an option due to Covid-19 social distancing restrictions.

Guidelines:

- Business must have a valid Certificate of Occupancy for a restaurant or take-out food store.
- Tables shall be limited to two-top and four-tops tables.
- Relocation of dining seats must be compliant with all state and local codes.
- No outdoor food preparation is permitted in the outdoor accommodation areas or anywhere else on the property.
- Tables shall be limited to two-top and four-tops tables.
- Outdoor accommodation areas must meet Fire Code standards, including points of egress and access to fire extinguishers. Seating shall not block entrances, exits, fire lanes, hydrants, sprinkler connections points, drive aisles, back-up areas, pedestrian or handicap access.
- Outdoor accommodation areas shall only be utilized (utilized shall include set-up and removal of tables and chairs) between the hours of 8:00 AM and 11:00 PM, unless otherwise stated, and shall expire on November 1, 2020.
- Outdoor accommodation areas shall be maintained and free of trash and other debris. Trash receptacles shall be provided by the business. Village receptacles shall not be used.
- Restaurants with a liquor license must receive approval from the state to serve alcohol in an outdoor area. Nothing herein shall permit outdoor bars.
- Tents shall not be permitted.
- The temporary outdoor accommodations permit and layout plan shall be available and posted on site for inspection at all times.
- DO NOT block handicap/ADA routes (path from ADA parking stalls to sidewalk curb ramps to store entrances).
- DO NOT remove existing natural areas or required buffers.
- Music shall not be permitted at any time. Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.

V. ADDITIONAL GUIDELINES FOR NONCONFORMING USES

Non-conforming restaurants and take-out food stores shall be subject to the appropriate guidelines and submissions above, along with the following additional guidelines:

- Non-conforming restaurants may move to up to fifty (50) seats outdoors, but shall not exceed the total number of seats approved for the establishment. All outdoor seating must comply with the NYS social distancing guidelines along with any requirements by any other agency having jurisdiction, including but not limited to the NYS Liquor Authority.
- Where possible, additional seating shall be maintained in an existing seating area.
- Seating shall be located in an area that maximizes the distance to any residential properties.
- Sound attenuating screening may be required at any time during this permit, should the Village determine it necessary.
- Use of Village property for outdoor dining by non-conforming uses shall not be permitted.
- Use (includes set-up and removal of tables and chairs) of the outdoor area shall end at 11:00 p.m. or at the time set forth as a condition of any applicable municipal approval, if earlier.

- Business shall continue to comply with any conditions of governmental approvals, with the exception of the number of seats, during permit period.

VI. PERMIT REVIEW

There is no fee for this application. Applications shall be submitted to Code Enforcement at Village Hall 86 Main Street, East Hampton) via hand delivery or via electronic submission to the Village Administrator rmolinaro@easthamptonvillage.org. Applications will not be processed until all documentation is submitted. Applications will need to be reviewed and approved by Village Code Enforcement and by the Chairperson or Vice Chairperson of the Village's Design Review Board. The Village reserves the right to request any additional information it deems necessary to make its determination regarding the issuance of a permit.

Failure to comply with any of the above requirements/guidelines will result in immediate revocation of the temporary dining permit.

Applicant Acknowledgement

- I have answered the foregoing questions to the best of my knowledge and believe and swear that the answers contained in this application are true and accurate. I certify that all information is true and accurate and subject to a penalty for making a false statement subject to Penal Law 210.45. I attest that I will comply with all the guidelines, rules and approvals for the application herein.
- I understand that this is a temporary permit, only valid until November 1, 2020, issued in order to accommodate restaurants and take-out food stores in complying with Covid-19 social distancing requirements. I fully understand that this permit creates no permanent or vested outdoor dining use.
- I understand that it is my responsibility to comply with the Americans with Disabilities Act of 1990 (41 U.S.C. 12181) pursuant to Article II of Chapter 104 of the Village Code.
- I further acknowledge that the issuance of a permit pursuant to this application is not a waiver for any activity prohibited by law, and as a condition of any permit issued, compliance with all provisions of the East Hampton Village Code, as well as applicable State and Federal Law, is required.
- I hereby acknowledge that the permit must be kept available on the premises, posted and available for inspection by a Police Officer or other Code Enforcement Officer of the Village of East Hampton upon request of such officer.
- I also hereby agree to indemnify and hold harmless the Village of East Hampton, its officials, employees, agents, and other persons from and against all claims, costs, judgment, liens, encumbrances, and expenses, including reasonable attorney fees arising out of the acts or omissions or negligence of the applicant, its agents, employees, or sub-contractors, in connection with this application and any permit or gathering related to this application.

Signature of Applicant

Date Signed

Print Name

Sworn to before me this
_____ day of _____, 20____.

Notary Public

For Official Use Only

Special Conditions: _____

Reviewed by DRB : _____

Reviewed by Code Enforcement: _____

Site Plan Depicting # of seats and location: Yes _____

Inclement Weather Plan: Yes _____

Tables and Chairs Photos: Yes _____ N/A _____

Insurance supplied: Yes _____ N/A _____

DATE _____

Permit #: _____