

VILLAGE OF EAST HAMPTON
86 Main Street, East Hampton

APPLICATION FOR TEMPORARY OUTDOOR DINING ACCOMMODATIONS
RESTAURANTS AND TAKE-OUT FOOD STORES

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 or the Village right-of-way, where applicable. **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
Valid CO for restaurant or take-out food store required for permit.

Is Business a Nonconforming Use in a Residential Zone? _____ Yes _____ No
If yes, please *fill out application for Nonconforming Uses.*

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. TYPE OF OUTDOOR DINING PERMIT REQUESTED

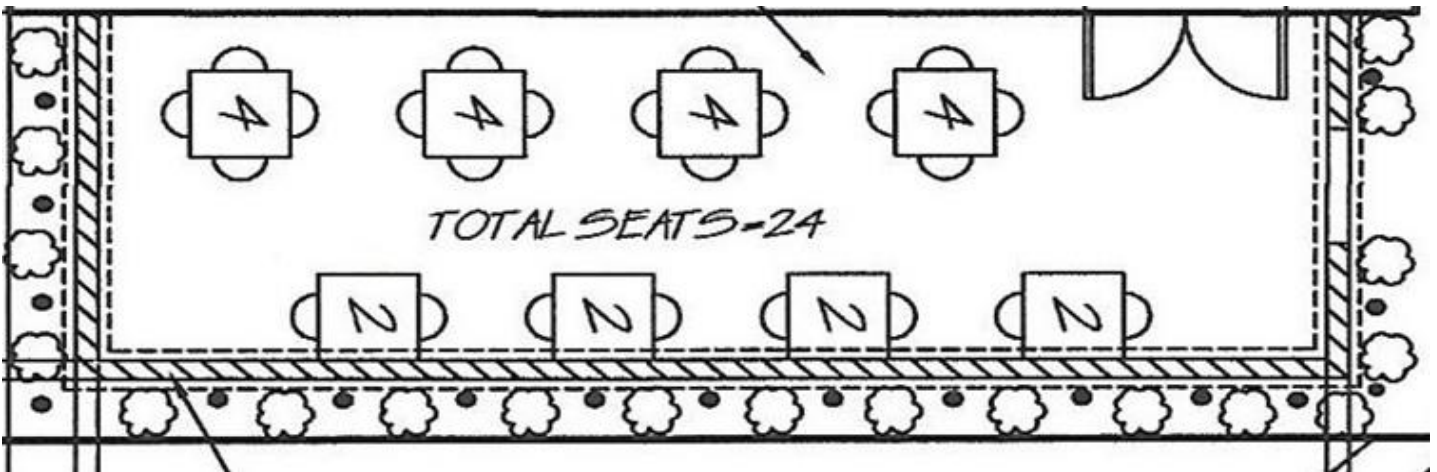
Below are the types of outdoor dining accommodation areas that may be available to your business. Please check the appropriate box where applicable. Please refer to the submission requirements and guidelines for each type of request.

A. ON PREMISES ONLY 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. This permit is temporary and creates no vested right in outdoor seating.

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, any County Regulations, 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/narrative that addresses how to handle existing outside customers should outside seating not be possible due to rain or other weather event. 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 use.
- Relocation of dining seats must be compliant with all state and local codes and guidelines.
- 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 (this includes set-up and removal within this time period) between the hours of 8:00 AM and 11:00 PM and shall expire on November 1, 2020.
- Outdoor accommodation areas shall be maintained and free of trash and other debris. Washing down of the sidewalk at least once a week or on an as needed basis is required. Trash receptacles shall be provided by the business, but shall not be located in the outdoor accommodation area. 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.

B. OFF PREMISES ONLY AREA (Village Right of Way or adjacent property)

Definition: An off premises only accommodation area allows a restaurant or take-out food store to utilize a designated area of the Village's right of way (red brick) or adjacent property, if permitted by NYS, for temporary outdoor dining.

Submission Requirements:

All requirements set forth in Section IVA plus

- Comprehensive liability insurance policy, insuring the applicant against liability for damage to persons or property, with the limits of not less than \$1,000,000 per occurrence (bodily injury/property damage) and \$2,000,000 aggregate, which policy shall name the Village as an additional insured and shall not be cancelable without at least 30 days' prior written notice to the Village.
- The applicant shall also sign the acknowledgement attached to this application that states, among other things, that the applicant agrees to assume all liability for and will indemnify and hold the Village harmless of and free from any and all damages that occur to persons or property by reason of said use of Village property for outdoor dining.
- Photos of proposed tables, chairs, and umbrellas, if applicable.

- Written authorization by adjacent property owner to use property for additional outdoor dining.

Guidelines:

All guidelines set forth in Section IVA plus

- Outdoor accommodation areas shall be delineated (no cones).
- All items shall be removed from the accommodation area each night.
- Tables and chairs located in the Village right of way shall conform to an aesthetic that is consistent with and reflect the character of the Village of East Hampton, such as navy blue, dark green, black, white or natural. No advertising of any kind is permitted. If using umbrellas, pursuant to the guidelines below, tables shall have a center hole to accommodate the umbrella.
- Lighting on Village property shall be limited to battery operated table top lighting.
- No smoking or vaping shall be permitted in the Village right of way.
- No heaters are permitted in the public right of way.
- Umbrellas may be used in the Village Right of Way provided the use does not create a safety hazard. The following additional guidelines apply to umbrella use.
 - Umbrellas shall be a five (5') foot, white canvas market umbrella with wooden (or synthetic wood (no plastic)) pole. No advertising permitted.
 - Businesses are required to secure the umbrellas in a manner that will protect persons and property from any hazardous conditions and without any damage to Village property. The business is solely responsible for monitoring (closing or removing) the umbrella for any weather (wind, lightening, rain, etc.) that may create any hazardous conditions for any people or property.
 - The Village shall only approve umbrellas in locations that they can be used safely. Should it be determined that approved umbrellas are not being utilized in a safe manner, the Village reserves the right to revoke the business's use of umbrellas and they shall be removed.

C. HYBRID ACCOMMODATION AREA

Definition: This accommodation area allows for outdoor dining on a business's property and within a designated area of a Village right of way.

- Businesses seeking a hybrid outdoor dining accommodation area shall conform to all the guidelines and submission requirements, set forth above, for both on premises and off premises areas.

V. 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 related to this application. This includes, but is not limited to, the use of umbrellas on the Village's property.

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: _____

Using Village Property?	Yes _____	No _____
Site Plan Depicting # of seats and location:	Yes _____	
Inclement Weather Plan:	Yes _____	
Tables and Chairs Photos:	Yes _____	N/A _____
Insurance supplied:	Yes _____	N/A _____
Umbrellas?	Yes _____	No _____

DATE _____

PERMIT # _____