



**OFFICE OF BUILDING, ZONING, PLANNING
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 GREENBUSH ROAD
ORANGETOWN, N.Y. 10962**

**Jane Slavin, RA
Director**

(845) 359-8410

Fax: (845) 359-8526

Temporary Outdoor Dining Permit Application

This Application is for a Temporary Outdoor Dining permit, which has been authorized pursuant to Town Board Resolution on June 2, 2020 as part of the economic recovery to the COVID-19 crisis. Any permit issued in accordance with this application shall be valid until December 31, 2020 or 7 days after the State of NY authorizes restaurants to operate at 100%, whichever is sooner. Approval of this application and issuance of a Temporary Outdoor Dining Permit does not bestow nonconforming use or structure rights for the use or the subject property. Any complete application may be approved, approved with conditions, or rejected.

All businesses must comply with the New York State Governor's Executive Orders' regarding phased re-opening and social distancing guidelines as applicable. NOTE: Restaurants with existing outdoor dining permits may operate under those permits provided that there is no expansion of either seat count or dining area, and operation is in full compliance with the Governor's Executive Orders' and Rules for Restaurants.

I am applying for the following application (check all that apply):

Date: _____

Outdoor Seating Space

Number of seats originally permitted in existing restaurant: _____

Existing Square Footage: _____

Number of outdoor seats proposed _____

Size of Proposed Space in Sq. Ft _____

A Tent Over Seating Space

Size of Proposed Tent in Sq. Ft. _____

Proposed Date of Install: _____

Section: _____ **Block:** _____ **Lot:** _____

Business Name: _____

Business Address: _____

Mailing Address: _____

Email: _____ Phone #: _____

Business Owner's Name: _____

Business Owner's Address: _____

Email: _____ Phone #: _____

Property Owner/Landlords Name: _____

Mailing Address: _____

Email: _____ Phone #: _____

Guidelines for Outdoor Seating

- Patio space and tents shall not block fire department access.
- Must follow current NYS Governor's Orders and Guidelines and must Affirm online prior to opening.
- 50% capacity of existing areas and new extension areas.
- Customers shall be served only when seated at tables. No standees.
- No outdoor food or beverage prep shall be permitted.
- Social distancing must be maintained.
- Outdoor area must close no later than 10:00 p.m. (Sunday-Thursday) 11:00 p.m. (Friday and Saturday)
- Must maintain clear path for pedestrians, a minimum of 6'
- Maintain 6' between tables, distance measures closest chair to closest chair.
- Failure to abide by the required criteria can be cause for the Town Board to revoke the right to have outdoor seating.
- A temporary physical barrier shall be erected separating the dining area from the remaining parking and vehicular traffic in a manner that keeps patrons safe from traffic and ensure adequate parking remain for staff and patrons. Temporary physical barriers may include, but not be limited to, removable fencing, planters, hedges, or columns. Chain link, safety orange and silting fencing are not permitted to be utilized as temporary fencing.

Tent Requirements

All tents shall be shown on the sketch plan and require a physical inspection by the Fire Inspector and the Building Department prior to permit use. All tents must comply with the following:

- No Sides
- No heaters under the tent
- No cooking under the tent
- No smoking, fireworks or open flames of any kind shall be permitted in any tent or shelter.
- NO SMOKING signs shall be posted.
- No flammable liquids or gases (this includes LP gas) shall be brought into any tent.
- Fire extinguishers are required.
- Tents shall have at least TWO means of egress remote from each other.
- Means of egress shall have suitable exit indicating signs.
- Tents with center poles shall have them securely lashed (figure 8s) to ground driven stakes.
- Dining areas must be protected from vehicle traffic with an approved method (ex. Cement block/barrier) when appropriate but must not interfere with access for first responders.

PLAN DETAIL PREPARATION:

Outdoor Dining Area Description (Please attached a photograph of the proposed area and a plan drawing to scale and dimensioned depicting with reasonable accuracy the outdoor area that is proposed to be used and what is proposed to be placed, built, or erected in the outdoor area.)

At a minimum, the following items should be identified as applicable:

- Table & Chair arrangement (6' spacing)
- Area enclosure specifications (fencing, planters, barricades etc.)
- Tent / shade structures (size, type, anchoring) system, dimensions to closest building & exit
- Routes of pedestrian and traffic flow

Permit holders acknowledge that they must adhere to all other applicable Federal, State, and County Executive Orders, statutes, laws, codes, rules and regulations with respect to business operations, including but not limited to State and County Health Department and State Liquor Authority regulations

Acknowledgment: _____

INSURANCE AND INDEMNIFICATION:

Applicant agrees to defend, indemnify and hold harmless the Town from any and all liabilities resulting from suits, claims, losses, damages, costs (including reasonable attorney's fees), liabilities or judgments of any nature, including, but not limited to, injuries or alleged injuries to person(s), or to property, real or personal, sustained by any person while in the area where Applicant holds a permit for outdoor dining, or in connection with any outdoor activities authorized by this permit. This duty to defend, indemnify and hold harmless shall not be affected by the Applicant's insurance coverage or limits, and shall survive the completion, expiration, suspension or termination of the Applicant's permit. The applicant, in consideration of the granting of any permit hereunder, agrees to name the Town of Orangetown as an additional insured under its liability insurance policy and shall provide proof of such insurance and additional insured endorsement prior to the issuance of any permit hereunder.

Acknowledgement: _____

I acknowledge that the approval of this application and granting of a permit is contingent upon meeting the required Outdoor Seating and Tent specifications above and that the Town Board may revoke this permit at any time for any reason, including but not limited to if there is a failure to adhere by these guidelines.

Property Owners Signature _____ **Date** _____

Business Owner Signature _____ **Date** _____

-- OBZPAE USE ONLY --

Date Application Received _____ **Receiver's Name:** _____

Fire Inspector Approval _____ **Date:** _____

Building Inspector Approval _____ **Date:** _____

Issued - Director OBZPAE _____ **Date:** _____