



TOWN OF 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 Town 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 or are not yet permitted to do so pursuant to the Governor's Executive Orders, and wish to temporarily use existing outdoor areas or the Town of East Hampton's right-of-way, where applicable. **The permit shall expire on November 1, 2020, unless rescinded by Executive Order of the Governor of the State of New York or the Supervisor of the Town of East Hampton.**

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

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 outside? _____

II. APPLICANT INFORMATION

Name: _____

Applicant's is (circle one): Business Owner 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. ADDITIONAL CONSENT (IF REQUIRED) – USE OF PRIVATE PROPERTY

Be advised that I am the person in control of the propert(ies) 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 Town of East Hampton, in conjunction with this application, to enter and inspect the project site. Furthermore, I understand that this permit shall expire on November 1, 2020 and that the Town 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

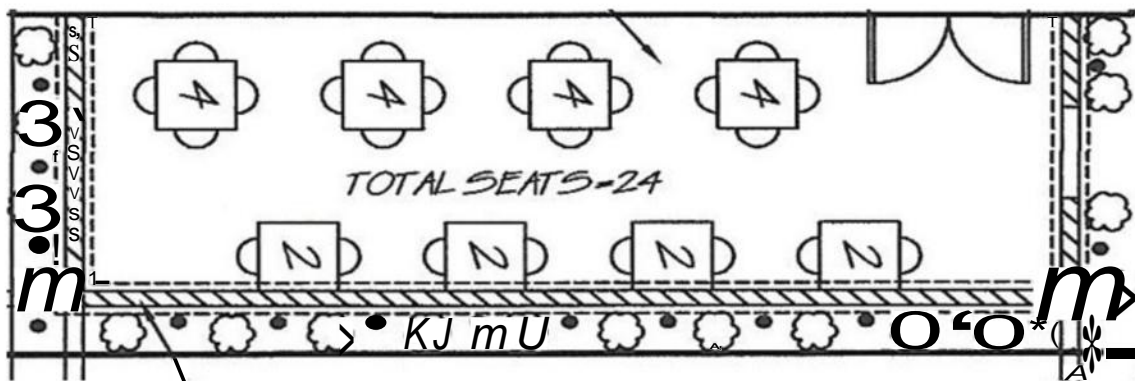
Below are the types of outdoor dining accommodation areas that may be available to your business. Please check the appropriate box where applicable. Please refer to the submission requirements and guidelines for each type of request.

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 Supervisor of the Town of East Hampton.
- The total number of seats for the outdoor accommodation area shall be indicated on the plan. The total number of seats shall not exceed the total permitted by Suffolk County Department of Health Services and the Town of East Hampton. (Seats for a take-out food store is up to a maximum of 16 per Town Code.)



Submission Requirements (Cont.)

- Businesses may not exceed the total number of seats permitted for the establishment.

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 NY State distancing guidelines.
- No outdoor food preparation is permitted in the outdoor accommodation areas or anywhere else on the property except in approved kitchen facilities.
- Tables shall be limited to two-top, four-top, and six-top tables, and must have seating.
- 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 not be located within 100 feet of a structure used for residential purposes, 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.
- Restaurants with a liquor license may serve alcohol to a seated patron. Nothing herein shall permit outdoor bars.
- Tents with open sides may be erected per the Town Code with a separate application made through the Town Fire Marshal's office.
- 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).
- Parking spaces may be used for COVID-19 outdoor seating without being penalized for loss of parking stalls, but there must be a physical barrier or separation to protect customers from vehicle traffic, such as bollards or substantial planter boxes.
- DO NOT remove existing natural areas, required buffers, or landscaping.
- Music shall not be permitted, in accordance with the Governor's Executive Orders.
- Take-out food waiting lines MUST be separated from diners and those waiting to dine.
- There shall be NO service of alcoholic beverages "to go" prior to providing take-out food to go, to prevent consumption while waiting.
- Food and/or beverages can only be consumed while seated at a table, bar, counter, or similar contrivance.

B. OFF PREMISES ONLY AREA (Town 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 Town's right of way or adjacent property (with permission of such owner), 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 Town as an additional insured and shall not be cancelable without at least 30 days' prior written notice to the Town, unless on adjoining property and owner requires different insurance limits and/or conditions
- 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 Town harmless of and free from any and all damages that occur to persons or property by reason of said use of Town property for outdoor dining.
- Written authorization by adjacent property owner to use property for additional outdoor dining, if applicable.

- Submission of a fully executed Licensee Certification for Temporary Extension of Licensed Premises Onto Municipal Property form as required by NYSLA - link to form:
<https://sla.ny.gov/system/files/documents/2020/06/licensee-certification-for-temporary-extension.pdf>

Guidelines:

All guidelines set forth in Section IVA plus:

- Outdoor accommodation areas shall be delineated and barriers to vehicular parking and traffic, e.g. bollards or substantial planter boxes, provided.
- All portable items (tables, chairs, but not barriers) shall be removed from the accommodation area each night.
- The use of umbrellas in the Town right of way shall not be permitted.
- Lighting on Town property shall be limited to battery operated table top lighting.
- No heaters are permitted in the public right of way.

C. HYBRID ACCOMMODATION AREA

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

- 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 the Fire Marshal's Office at 300 Pantigo Place, Suite 111, East Hampton, NY 11937 via mail or hand delivery or via electronic submission to David Browne, Chief Fire Marshal, at dbrowne@ehamptonny.gov. Applications will not be processed until all documentation is submitted. The Town 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 102 of the Town 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 Town 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.
- I also hereby agree to indemnify and hold harmless the Town 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.
- I further acknowledge that although this permit may amend a stipulation of operation that I have entered into with the Town with regard to my State Liquor License as to permitted areas of operation, the remaining conditions of that stipulation are in full effect and I will so comply, and at upon termination of this permit, all conditions of said stipulation will be in full effect.
- I acknowledge that I have signed an affidavit with the State.
- I acknowledge that I have reviewed the following links for information related to this use and have complied with any and all requirements of the New York State Liquor Authority:
 - SLA – <https://sla.ny.gov/new-york-state-liquor-authority-guidance-outdoor-expansion-licensed-premises-response-covid-19>
 - SCDHS- <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/ConstructionMasterGuidance.pdf>

Signature of Applicant

Date Signed

Print Name

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

Notary Public

For Official Use Only

Special Conditions: _____

Site Plan Depicting # of seats and location: Yes _____ No _____
Using Town right of way? Yes _____ No _____
Insurance supplied if using Town right of way: Yes _____ N/A _____

DATE _____

PERMIT # _____