

Town of North Hempstead
Department of Building Safety, Inspection and Enforcement

210 Plandome Road
Manhasset, NY 11030

Temporary Outdoor Dining Permit Application for Bars and Restaurants

Applicant Information:

Name of Applicant: _____
Street Address: _____
City/Town: _____ State: _____ Zip Code: _____
Telephone Number: _____ Email Address: _____

Restaurant/Bar Information:

Name of Establishment: _____
Section: _____ Block: _____ Lot(s): _____
Street Address: _____
City/Town: _____ State: _____ Zip Code: _____

The Town of North Hempstead has created a temporary outdoor dining permit application through December 1, 2020, with no fees, for existing bars and/or restaurants that have a certificate of occupancy. Each restaurant operator / landowner must submit an application to the Town of North Hempstead Building Department for review and approval. All temporary outdoor dining seating must meet New York State social distancing guidelines and applicable New York State Uniform Fire Prevention and Building Codes.

All Town temporary outdoor dining permit(s) are subject to change with the New York State guidelines on business reopenings and social distancing. The following requirements must be met for the application to be reviewed/approved:

GENERAL TEMPORARY OUTDOOR DINING REQUIREMENTS:

	MET	NOT MET	N/A
Each applicant must submit a dimensioned (scaled) plan showing the location of all proposed outdoor tables and chairs within a privately owned parking lot, courtyard, terrace or landscape area. The use of municipal sidewalks and parking spaces is restricted and requires the applicant's insurance policy to cover the affected public area. Dimensioned plans can be hand drawn on an existing survey, site plan or aerial map from Google Maps/Earth, Bing, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plan must illustrate the location of all outdoor seating tables and chairs, the dimensions of the tables, service/customer aisle(s) and pathway from the bar/restaurant to the outdoor dining area. There must be shown a minimum six foot separation between the chairs at different tables.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The total number of seats shall be indicated on the plan. The total number of temporary outdoor dining seating shall not exceed 50% of the total permitted occupancy approved by the Town Building Department or Board of Zoning Appeals (BZA) Conditional Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Where necessary, wind screens shall be provided to contain any loose objects that may otherwise be carried off-site by the wind.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All food and beverages shall be dispensed from the interior of the establishment. Outdoor bars or service counters are prohibited. Alcohol may only be served in conjunction with food that is otherwise available for purchase without alcohol.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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GENERAL TEMPORARY OUTDOOR DINING REQUIREMENTS:	MET	NOT MET	N/A
All businesses serving alcoholic beverages must be in compliance with all state laws and regulations, including those of the New York State Liquor Authority. Copies of permits shall be provided to the Town prior to service of alcoholic beverages.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Except within a mixed-use zoning district or approved mixed-use development, no temporary expanded seating capacity area shall be established within 50 feet of a residential property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Where necessary, sun shade may be provided either by individual umbrellas or an area-wide canopy. A Town canopy or tent permit, with no fees, is required for any proposed canopy or tent.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Putrescible waste must be contained in a refrigerated compartment within the interior of the restaurant or food service establishment for future disposal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service at any temporary expanded seating capacity area shall be permitted no later than 10:00 p.m. on Sunday through Thursday and 11:00 p.m. on Friday and Saturday. Tables and chairs and menu signs must be removed from the sidewalk no later than 10:30 p.m. on Sunday through Thursday and 11:30 p.m. on Friday and Saturday. Tables and chairs and menu signs cannot be set up earlier than a 1/2 hour before service begins.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smoking or vaping is not permitted in any outdoor dining areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The premises on which the temporary expanded seating capacity service is to be offered must have a valid certificate of occupancy and a public assembly license or place of assembly license, as applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All outdoor seating shall be in all respects compliant with all applicable provisions of the Americans with Disability Act (ADA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There shall be no sound amplification or public address system permitted in any temporary expanded seating capacity area. The installation, use or maintenance of radios, speakers, televisions or like apparatus and live entertainment shall be prohibited in any temporary expanded seating capacity areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Each applicant must submit the signature page of the Local Law which indicates that they have read the Local Law and will comply with all aspects of same. Local Law can be found on Town Website.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PUBLIC SIDEWALK OUTDOOR SEATING SPECIFIC REQUIREMENTS:	MET	NOT MET	N/A
The applicant shall provide for a pedestrian access area on the public sidewalk (except if using a parking lane as described herein), measured from the inside of the curb where it meets the sidewalk, of at least 60 inches clearance; tables and chairs and other objects, such as menu signs, shall be kept out of the pedestrian access area. Clearance for the pedestrian access area must be around obstacles such as signs, benches, garbage cans, accessibility ramps, driveway access and other impediments. Employees may temporarily be within the pedestrian access area while performing their duties, such as serving, but may not place objects, such as tray stands, in the pedestrian access area. However, employees shall at all times yield to pedestrians within the pedestrian access area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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The applicant shall provide a certificate of insurance with liability limits of at least \$2 million per occurrence and which names the Town of North Hempstead as an additional insured who will be notified by the insurance company or agent in the event of a lapse of coverage. This insurance is required to remain in effect for the duration of the outdoor sidewalk seating activities and to cover claims arising out of said activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Permittees under this section may display menu signs only within the timeframes set forth in § 70-103.1(G)(10) and only as authorized by the Building Department. The Building Department is hereby authorized and directed to establish a preapproved menu sign form, including size and display specifications, which permittees may display without obtaining a sign permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sidewalk service may be provided in front of up to two adjoining businesses, i.e., one on either side of the permittees' premises, with the permission of those businesses and their landlords. Permission shall be given in writing, a copy of which shall be given to the Building Department before sidewalk service in front of an adjoining premises is provided. Permission may be withdrawn by the adjoining business or landlord at any time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
On a Town roadway with an existing parking lane, an applicant may utilize the parking lane as a pedestrian walkway, provided that the applicant provides a vehicle impact protection device or steel barricade on all three sides of the parking lane and provides ramp access for ADA compliance, which can be made of non-permanent materials.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRIVATE PARKING LOT OUTDOOR SEATING SPECIFIC REQUIREMENTS	MET	NOT MET	N/A
Outdoor seating may be situated within a parking lot. Said parking lot shall be maintained in a clean and sanitary condition. A minimum distance of eight feet between the seating area and the closest vehicular parking stall or access lane must be shown on the site plan and maintained at all times.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The dimensioned plan must include a physical barrier to separate/protect outdoor customers from vehicle traffic. The use of fixed bollards, substantial planter boxes or similar substantial elements weighing a minimum of 400 pounds each , are examples. Highway cones and roping are not effective vehicle barriers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Required fire lanes shall not be utilized or blocked for temporary outdoor dining.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Installation of any platform within a parking area shall be in compliance with the New York State Building Code relative to structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COURTYARD, PRIVATE SIDEWALK OR GRASS AREA SPECIFIC REQUIREMENTS	MET	NOT MET	N/A
Courtyard areas and locations within the boundaries of the property may be used as a temporary expanded seating capacity area, provided the written permission of the owner of the property on which tables and chairs are placed is obtained and the requirements of this section are complied with and an unobstructed pedestrian access area of at least 60 inches is maintained and there is no obstruction of ingress and egress points.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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PUBLIC PARKING LANE OUTDOOR SEATING SPECIFIC REQUIREMENTS	MET	NOT MET	N/A
Provide a vehicle impact protection device on all three sides of the seating perimeter located in the roadway to separate seating from the travel lane. The vehicle impact protection device must be at least 18" in width and 30-36" in height (excluding plantings) on all three sides. All vehicle impact protection devices shall be engineered and determined to be in compliance with ASTM Publication F3016. Vehicle impact protection devices may be left in place within a metered zone, alternate side parking, or No Parking Anytime zone, provided that the tables and chairs are removed or secured when not in operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking lane seating may not exceed the length of the business frontage, except as authorized herein.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ensure visibility of patrons and vehicle impact protection devices at night by clearly marking such devices with yellow high intensity retro-reflective tape or reflectors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide ramp access for ADA compliance, which can be made of non-permanent materials. In the alternative, a platform may be installed in the parking lane behind the vehicle protection devices to flush height with curb.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seating or vehicle impact protection devices shall not be located within 15' of a fire hydrant, or within 8' of a crosswalk, or within a No Stopping Anytime or No Standing Anytime zone, bike lane, bus lane/stop, or taxi stand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No outdoor lighting shall be installed in a manner that will impair passing traffic.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tables and chairs must be removed or secured in place when not in operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The applicant shall provide a certificate of insurance with liability limits of at least \$2 million per occurrence and which names the Town of North Hempstead as an additional insured who will be notified by the insurance company or agent in the event of a lapse of coverage. This insurance is required to remain in effect for the duration of the outdoor public parking lane seating activities and to cover claims arising out of said activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking lane seating service may be provided in front of up to two adjoining businesses, i.e., one on either side of the permittees' premises, with the permission of those businesses and their landlords. Permission shall be given in writing, a copy of which shall be given to the Building Department before parking lane seating service in front of an adjoining premises is provided. Permission may be withdrawn by the adjoining business or landlord at any time. The business or landlord withdrawing permission shall notify the Town, in writing, within two business days of the withdrawal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

By affixing my signature below I affirm that I shall comply with all requirements set forth in the application and the Town of North Hempstead Local Law which I have submitted a copy of the signature page.

Applicant's Printed Name: _____

Applicant's Signature: _____