



**TOWN of GREENBURGH
DEPARTMENT OF BUILDINGS**

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STEVEN FRAIETTA
Building Inspector

ANTHONY S. ZACAROLLI
Deputy Building Inspector

TEMPORARY OUTDOOR DINING PERMIT APPLICATION

NOTE: THIS PERMIT MAY BE CANCELLED BY THE TOWN OF GREENBURGH BUILDING INSPECTOR OR CHIEF OF POLICE AND SHALL EXPIRE WITH THE EXPIRATION OF THE TOWN SUPERVISOR'S EXECUTIVE ORDER RELATED TO TEMPORARY OUTDOOR DINING DUE TO THE PANDEMIC.

Please complete this form and attach all required documents for submittal to the Building Department via email: building@greenburghny.com

The undersigned requests the issuance of a temporary permit pursuant to the Town Supervisor's Executive Order on outdoor dining relating to the COVID-19 pandemic, in order to expand existing outdoor seating or provide new outdoor seating.

The undersigned agrees that the temporary outdoor seating shall be operated in accordance with State Law, including Executive Orders, Westchester County Department of Health Sanitary Law and COVID-19 guidelines, and all relevant Town of Greenburgh Codes and Executive Orders, and the rules and regulations attached to this permit application.

The undersigned agrees that the outdoor restaurant business shall be operated only on property which the applicant has ownership, control, possession or permission (proof required) to use.

The undersigned hereby agrees to protect, defend, indemnify and hold the Town of Greenburgh, its officials, officers, agents, employees, and volunteers performing authorized tasks on behalf of the Town harmless from and against any and all losses, claims, liens, demands and causes of action of every kind and character, occurring or in any way incident to the outdoor operation of the restaurant business, and hereby agrees to investigate, handle, respond to, and defend any claim made against the Town arising out of the issuance of this Temporary Outdoor Dining Permit and agrees to bear all costs and expenses related thereto, including attorney's fees, even if such claim is groundless, false or fraudulent.

RESTAURANT NAME: _____

RESTAURANT LOCATION: _____

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

CITY/STATE/ZIP: _____

APPLICANT TELEPHONE: _____ **EMAIL:** _____

BUILDING/SITE OWNER - NAME: _____ **PHONE No.** _____

Total Number of Tables: _____ **Total Number of Seats:** _____

RULES AND REGULATIONS

General Operating Rules for Sidewalk, Parking Lot, Yard, or other Outdoor Spaces

- 1) All outdoor dining operations must meet social distancing requirements and follow all applicable health guidelines as set forth by the CDC, New York State (including Executive Orders) and Westchester County Department of Health, and any additional requirements imposed by the Town of Greenburgh.
- 2) Applicants must provide a site plan diagram indicating the total square footage of public or private property used for the outdoor dining area; the location of all tables and chairs; pedestrian and seating areas; width and length of seating area; fire escape drop ladder and all permanent street obstructions between seating area and curblines (i.e., signs, bus stops, fire hydrants, etc.); and method of protection from vehicular traffic (including fencing, planters, barriers, etc.). If requested by the Building Inspector, the accompanying seating diagram shall be certified by a licensed architect, landscape architect, or professional engineer.
- 3) Entryways, emergency exits, sidewalk vault doors, fire hydrants, and Siamese connections shall not be obstructed. Sidewalk clearances must be sufficient to ensure a pedestrian path free from obstructions. No permanent structures may be affixed to the outdoor dining area.
- 4) No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor dining area.
- 5) No exterior lighting which unreasonably illuminates beyond the boundaries of the outdoor dining area shall be permitted.
- 6) The signed consent of the applicant and if different, the owner of the property or properties on which the outdoor seating is to be operated is required. The undersigned hereby agrees to protect, defend, indemnify and hold the Town of Greenburgh, its officials, officers, agents, employees, and volunteers performing authorized tasks on behalf of the Town harmless from and against any and all losses, claims, liens, demands and causes of action of every kind and character, occurring or in any way incident to the outdoor operation of the restaurant business, and hereby agrees to investigate, handle, respond to, and defend any claim made against the Town arising out of the issuance of this Temporary Outdoor Dining Permit and agrees to bear all costs and expenses related thereto, including attorney's fees, even if such claim is groundless, false or fraudulent, together with a certificate of insurance issued to both the owner and applicant as insured and naming the Town of Greenburgh, its officials, officers, agents, employees, and volunteers performing authorized tasks on behalf of the Town as additional insureds, in the minimum amount of \$1,000,000 single-limit general liability coverage approved by the Office of the Town Attorney. All certificates of insurance and agreements and consents required hereby must be submitted to and approved by the Town Attorney before issuance of the Outdoor Dining Permit.
- 7) Insurance requirements:
 - (a) Every business must secure and maintain throughout the term of the Outdoor Dining Permit liability insurance issued by a company duly authorized to do business in the State of New York, insuring the business and the Town of Greenburgh from and against any claim, injury, or damage caused or alleged to be caused by or as a result of the construction, operation or use of the outdoor seating and any structure hereby authorized in the following minimum amounts:
 - (1) For bodily injury, including death, in the minimum amount of \$100,000 for any one person and the minimum amount of \$300,000 for any one accident; and
 - (2) For property damage in the minimum amount of \$25,000. Failure to maintain insurance coverage in the foregoing amounts shall cause the immediate revocation of the license.
 - (b) All certificates of insurance for such coverage shall, in addition to naming the Town of Greenburgh as additional insured, require the insurer to notify the Town no less than fifteen (15) days prior to withdrawal, termination, revocation or lapse of such insurance. The permit to operate outdoor dining shall be immediately revoked if the holder of such permit fails to maintain the insurance coverage required this paragraph, except that the permit may be reinstated if such holder presents proof satisfactory to the Town, through the Town Attorney's Office, that the required insurance coverage has been reinstated and/or is in full force and effect.
- 8) The Town reserves the right to revoke the Outdoor Seating Permit or require modifications to the permit or approved seating plan at any time. The Outdoor Seating Permit is only valid while Town Emergency Order 1.2 remains in effect.

- 9) An inspection and approval of the Building Department is required prior to the opening of the outdoor dining.
- 10) The approved temporary permit must be displayed in the front window of the restaurant.

For restaurant operations with a public or private sidewalk

- 1) Sidewalks where seating is proposed must be in good condition, without violations or illegal encroachments.
- 2) No permanent structures may be affixed to the sidewalk area used for the seating, and the area may only be occupied by chairs, tables, benches, umbrellas and planters for the convenience of the patrons. However, the sidewalk area used for outdoor dining must be marked off and the boundaries of the approved areas clearly delineated by railings, ropes, plants or similar enclosures, satisfactory to the Building Department.
- 3) Sidewalk clearances must always be sufficient to ensure a pedestrian path free of obstructions. There must be a minimum clearance of four feet from the curb to the sidewalk area used for the seating.

For restaurant operations in parking lot, yard, or other outdoor spaces

- 1) The parking lot or other area used for the outdoor dining must be marked off and the boundaries of the approved areas clearly delineated by Jersey barriers, railings, ropes, plants or similar enclosures, satisfactory to the Building Department.
- 2) The dining area must be a safe distance from parked vehicles and vehicular traffic. Distance should be indicated on the site plan diagram submitted herewith.
- 3) Walkway clearances must always be sufficient to ensure an accessible path free of obstructions.

Applicant Signature: _____ Date: _____

Building/Site Owner Signature: _____ Date: _____

Official Use Only

Date Received: _____

Application Number: _____

Parcel ID: _____

Permit Number: _____

Date Approved: _____

Date Inspected: _____