



The Incorporated Village of Bayville

MAYOR
ROBERT E. DE NATALE

BOARD OF TRUSTEES
VALERIE M. BELCHER
PATRICIA FARNELL
ROBERT M. NIGRO
ELISA SANTORO
PETER B. VALSECCHI
DAVID W. WRIGHT

34 SCHOOL STREET
BAYVILLE, NEW YORK 11709

TEL: (516) 628-1439
FAX: (516) 628-3740
bayvilleny.gov

VILLAGE ADMINISTRATOR
MARIA ALFANO-HARDY

VILLAGE ATTORNEY
PETER M. WEILER

TEMPORARY OUTDOOR DINING PERMIT APPLICATION

The Mayor and Village Board, in recognition of the essential nature of restaurant establishments to the local economy, is allowing applications for temporary outdoor dining use through December 30, 2020.

Temporary outdoor dining is intended to allow restaurants to open while maintaining appropriate social distancing.

The undersigned request the issuance of a temporary special permit in order to expand its current restaurant capacity by adding outdoor dining space.

The undersigned agrees that the outdoor restaurant business shall be operated in accordance with State Law, including Executive Orders, all Nassau County Department of Health rules and regulations, all State/County/Local rules and regulations regarding the COVID-19 pandemic, and all relevant sections of Village of Bayville Code.

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

The undersigned hereby AGREES TO PROTECT, DEFEND, INDEMNIFY AND HOLD THE VILLAGE OF BAYVILLE AND ITS EMPLOYEES FREE AND HARMLESS FROM AND AGAINST ANY AND ALL LOSSES, CLAIMS, LIENS, DEMANDS AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER, INCLUDING THE AMOUNT OF JUDGEMENTS, PENALTIES, INTEREST COURT COST AND LEGAL FEES INCURRED BY THE VILLAGE IN DEFENSE OF THE SAME ARISING IN FAVOR OF CLAIMS, LIENS, DEBTS, PERSONAL INJURIES, INCLUDING PERSONAL INJURIES SUSTAINED BY EMPLOYEES OF THE VILLAGE, DEATH OR DAMAGE TO PROPERTY, INCLUDING PROPERTY OF THE VILLAGE, AND WITHOUT LIMITATION BY ENUMERATION, ALL OTHER CLAIMS OR DEMANDS OF EVERY CHARACTER OCCURRING OR IN ANY WAY INCIDENT TO THE OPERATION OF THE OUTDOOR RESTAURANT BUSINESS AT ITS EXPENSE, AGREES TO, INVESTIGATE, HANDLE RESPOND TO, PROVIDE DEFENSE FOR AND DEFEND ANY CLAIM MADE AGAINST THE VILLAGE FOR WHICH CLAIMS IS, IN WHOLE OR PART, LIABLE AND AGREES TO BEAR ALL COST AND EXPNSSES RELATED THERETO, INCLUDING ATTORNESYS FEES AND COSTS EVEN IF SUCH CLAIM IS GROUNDLESS, FALSE, OR FRAUDULENT.

RESTAURANT NAME: _____

RESTAURANT LOCATION: _____

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

CITY/STATE/ZIP: _____

APPLICANT 24-HOUR EMERGENCY CONTACT PHONE NUMBER: _____

RULES AND REGULATIONS

1. All outdoor dining operations must meet social distancing requirements, and follow all applicable guidelines set forth by the C.D.C., New York State (including Executive Orders), and Nassau County Department of Health
2. A copy of a property survey showing the proposed location of outdoor tables and chairs with the total outdoor occupancy indicated shall be submitted with this application.
3. All temporary outdoor dining areas must be protected from vehicular traffic for occupant safety.
4. Tables and chairs of non-fixed seating shall maintain appropriate social distancing standards.
5. Tables and chairs must be removed by 10 PM.
6. Entryways, emergency exits, sidewalk vault doors, fire hydrants, and Siamese connections shall NOT be obstructed.
7. No exterior lighting which unreasonably illuminates beyond the boundaries of outdoor dining shall be permitted
8. An inspection is required prior to the opening of outdoor dining.
9. Permit is not valid until the Governor permits restaurants to re-open.
10. Approved temporary license with approved outdoor seating plan must be displayed in window.
11. The Village reserves the right to revoke or require modifications at any time.
12. Application must be notarized.

FOR OUTDOOR DINING ON A PUBLIC SIDEWALK OR RIGHT-OF-WAY

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

- 4) No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the outdoor dining area on public property.

FOR RESTAURANT OPERATIONS IN PARKING LOTS

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

Applicant Signature: _____ Date: _____

Sworn to before me this

_____ day of _____, 2020

Notary Public---State of New York