



TOWN OF BEDFORD

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OUTDOOR BUSINESS AREA PERMIT APPLICATION

Pursuant to the rules and requirements of Chapter 86 of the Code of the Town of Bedford, retail businesses, professional care services and restaurants in the Town of Bedford may seek approval to create and/or expand outdoor retail sales areas, professional care service areas and outdoor restaurant dining areas, referred to as “Outdoor Business Areas.” No person shall establish or expand an Outdoor Business Area on private or public property except upon the granting of an Outdoor Business Area Permit.

The Town Clerk, or his or her designee, shall grant or deny an application for an outdoor business area permit, in his or her sole discretion, in consultation with other Town staff and officials.

The Outdoor Business Area shall be operated in accordance with applicable New York State Laws, including Executive Order, Westchester County Department of Health Sanitary Law and COVID-19 guidelines, and all relevant sections of the Code of the Town of Bedford, Local Executive Orders, and all applicable rules and regulations. **Outdoor Business Area Permits shall remain in effect through November 25, 2020.**

APPLICANT SHALL SUBMIT:

1. One Outdoor Business Permit application. All tenants must provide written consent from the landlord agreeing to permit the use of an outdoor area.
2. Approval from the New York State Liquor Authority to serve alcohol in the outdoor business area, if applicable.
3. A drawing showing the following:
 - a. A proposed layout, including any proposed temporary awnings, tents, pergolas, the existing building, points of ingress and egress, proposed location of all tables, chairs, umbrellas, barriers, displays, service stations, registers and any other equipment, furnishing or structure installed in the outdoor business area, or any other proposed feature.
 - b. The proposed capacity of outdoor business area.
 - c. Any proposed barriers for outdoor business area.

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- d. The applicant’s entire property and adjacent properties on a location map and all property lines.
 - e. Proposed distances between tables and vehicular and pedestrian corridors?
 - f. Names, addresses and phone numbers of adjacent property owners and tenants, to the extent known.
4. Signed Indemnification and Hold Harmless Form attached at the end of this form.

In addition to the above requirements the following information must be submitted to the Town Clerk for the use of public property:

- 5. A signed License Agreement in the form provided by the Town.
- 6. Insurance certificates naming the Town of Bedford as an additional insured in the amount set forth in and as required in the Town’s form of License Agreement.
- 7. A signed Licensee Certification for Temporary Extension of Licensed Premises onto Municipal Property for business intending to serve alcohol. This form is available at: <https://sla.ny.gov/system/files/documents/2020/06/licensee-certification-for-temporary-extension.pdf>:

APPLICATION FOR OUTDOOR BUSINESS AREA PERMIT

Applicant Name: _____

Applicant Address: _____

Applicant Telephone No.: _____

Applicant Email: _____

Name of Business: _____

Address of Business: _____

Description Existing Business Operations and Intended Outdoor Operations:

Days and hours of outdoor business operation: _____

Proposed lighting, electrical or other utilities: _____

RULES AND REGULATIONS

(1) General Terms and Conditions

- (a) The outdoor business area shall not be used for any purpose other than (1) an outdoor retail sales or service area; (2) for tables for the consumption of food served for take out purposes; and (3) the service of food and beverage provided by wait staff for consumption at tables and chairs in the outdoor dining area
- (b) The outdoor business area shall comply with any and all state and local health, fire, building, sanitation and maintenance codes applicable to the use of the establishment, including but not limited to the installation of tents, outdoor natural gas/propane patio heaters, fire pits/tables.
- (c) Tables, displays, service stations, registers and any other equipment, furnishings or structures installed in the outdoor business area must not block entrances, exits, fire lanes, hydrants, sprinkler connection points, drive aisles, back-up areas, pedestrian or handicapped access.
- (d) Physical barriers or separation to protect customers from vehicle and/or pedestrian traffic, such as bollards, planter boxes, fencing or other device should be provided where appropriate and necessary.
- (e) The outdoor business area plan must meet Fire Department standards, including points of egress, access to fire extinguishers, and tent and awning ratings, if applicable.
- (f) Furnishings shall be removed and stored indoors at closing in an approved manner when the outdoor business area is not in operation.
- (g) No permanent structure may be installed except for safety purposes, if required. In such event, the structure would need to be removed upon expiration of the permit.

- (h) All outdoor business areas shall be required to have a time to stop all lawful permitted activities and to complete all cleanup of the area, which time shall be subject to approval and modification by the Town Clerk, in consultation with other Town officials.
- (i) All applications shall be required to specify any lighting, electrical devices or irrigation systems to be used in the outdoor service area, which must be approved by the Town Clerk, in consultation with other Town officials.
- (j) All approved drawings and plans shall be posted in a manner visible to the public and to any officers responsible for enforcement of Chapter 86.
- (k) The applicant shall be responsible for any damage caused to any sidewalk or public property as a result of the business operations.

(2) Terms and Conditions Applicable to Outdoor Dining Areas

- (a) All food and beverages to be served or consumed in the outside business area shall be prepared within the existing restaurant. The restaurant shall not serve food or beverage to a patron area unless that patron is seated at a table.
- (b) All alcoholic beverages to be served in the outside business area shall be prepared within the existing restaurant, and alcoholic drinks shall only be served to patrons seated at tables. If alcohol is sold or consumed, the area must be enclosed by a barrier. The barrier must be a height of 3 feet and shall be able to withstand inclement weather and be removable. The drinking of alcoholic beverages by a member of the public while a patron at restaurant with an outdoor business area shall not be construed as a violation of any other provision of the Town Code or any ordinance controlling open containers in a public area. The operator of the restaurant shall take whatever steps are necessary to procure the appropriate license from the state liquor authority if the restaurant intends to serve alcoholic beverages in the outdoor business area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in this state. The appropriate license must be submitted to the Town before the operator may serve alcoholic beverages in the outside business area.
- (c) Only recorded music is permitted and must be approved by the Town as part of the permit requirements.

Applicant Signature: _____ Property Owner Signature: _____

Applicant Name: _____ Property Owner's Signature: _____

Title: _____ Title: _____

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

The Undersigned herein certifies that he or she has read Chapter 86 of the Code of the Town of Bedford. The Undersigned agrees to perform the proposed operation for which the Outdoor Business Area Permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the Town Code and other applicable statutes, ordinances, orders or guidance.

The Undersigned agrees to defend, indemnify and hold harmless the Town of Bedford, its officers, representatives, agents and employees from and against any and all claims, suits, liens, judgments, damages, losses, expenses and demands, including reasonable legal fees and all court costs incurred by the Town in defense of same arising in whole or in part and in any manner from any claims, liens, debts, personal injuries, including damages sustained by employees of the Town not arising from employee's own negligence or intentional acts, death or damage to property, including property of the Town, 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 business.

Applicant Signature: _____

Applicant Name: _____

Title: _____

Property Owner's Signature: _____

Property Owner's Name: _____

Title: _____