



Village of Bronxville

200 Pondfield Road, Bronxville, NY 10708

Telephone: (914) 337-7338

Renewal Application for Sidewalk Café Permit

FEE: \$250.00 Renewal fee plus \$150 per seat fee and updated insurance certificates to be submitted with this application

The undersigned requests that an annual renewal to conduct a Sidewalk Café as described herein be issued. Such café shall be operated in accordance with Village requirements contained in Section 310-14 (B) of the Village Code.

RESTAURANT NAME: _____

CAFÉ LOCATION : _____

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

CITY/ STATE/ ZIP: _____

APPLICANT TELEPHONE: _____ **EMAIL:** _____

Total Number of Tables: _____

Total Number of Seats: _____

NOTE THIS PERMIT MUST BE RENEWED ANNUALLY, PERMIT HOLDER TO SUBMIT UPDATED CERTIFICATE OF INSURANCE AND ANNUAL FEE OF \$250 PLUS \$150 PER SEAT

Operation of the Sidewalk Café to be in accordance with the requirements of Section 310-14 (B) of the Village Code, a copy of these requirements has been included below for your reference.

The term of this permit is for one (1) year, Sidewalk Café operations must cease between December 1 and February 29th. As per Section 310-14 (B) the Board has allowed the applicant to renew this permit annually without Planning Board approval upon submission of the annual fee of \$250 and insurance certificates.

SIDEWALK CAFÉ

A portion of an eating or drinking establishment located on a public sidewalk that provides waiter or waitress service to patrons. The space on the sidewalk typically contains readily removable tables, chairs, railings, waiter stations, etc. For the purposes of this special permit, "readily removable" shall mean that no object or fixture which is part of the sidewalk café shall be leaded, cemented, nailed, bolted, power riveted, screwed in or affixed, even in a temporary manner, to either the sidewalk on which it is placed, to the building or to any other structure it abuts.

(3) Outdoor eating area. The purpose of this subsection is to allow outdoor eating areas as a permitted accessory use, in association with permitted eating or drinking establishment uses (including carry-out food establishments), with conditions and safeguards to prevent nuisance conditions within the Village.

(a) Specific standards for outdoor eating areas.

[1] The space shall be open to the sky, except that a retractable awning or table umbrellas may be permitted subject to review and approval by the Design Review Committee.

[2] All damages and liabilities sustained in relation to the use and location of the outdoor eating area shall be the responsibility of the owner and/or operator of the use.

[3] At minimum, the outdoor eating area shall leave a five-foot-wide clear path free of all obstructions in order to allow for adequate pedestrian movement. This minimum distance shall be measured from the portion of the outdoor eating area frontage which is nearest either the curb or nearest obstruction. Unless otherwise determined by the Planning Board, parking meters, traffic signs and trees which have gratings flush to grade, without fences or guards, shall not count as obstructions.

[4] The area used for an outdoor eating area shall not exceed the frontage of the related eating or drinking establishment use.

[5] All awnings or umbrellas shall be adequately secured, retractable and made of a noncombustible frame covered with a flameproofed canvas or cloth, slow burning plastic or other equivalent material, but not including glass. At no point shall the height of the awning be lower than seven feet from the floor of the outdoor eating area unless otherwise approved by the Design Review Committee. The valance of the awning shall not exceed 12 inches in height. Awnings or umbrellas may overhang no more than 12 inches into the five feet of clear path, as provided in Subsection **(3)(a)[3]** of this section.

[6] No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the outdoor eating area on the public right-of-way.

[7] No signs are permitted on sidewalk umbrellas. All other signage is subject to the regulations in § **310-23** of this chapter.

[8] Musical instruments or sound reproduction devices shall not be operated or used within an outdoor eating area for any purpose.

[9] All planters, railings and fences as part of an outdoor eating area shall be self-supporting. In order to maximize visual access, the height of the railing or planter, including the vegetation within, shall not be higher than 30 inches. All materials, aside from planters, shall be removed from the sidewalk during those off-season periods when the outdoor eating area ceases operation. If not removed, a planter may be placed with its longest side against the wall of the accompanying restaurant, provided that such planter does not obstruct any egress from the building.

[10] All objects other than planters shall be removed during that period of the year when the outdoor eating area ceases operation or at least between December 1 and February 28.

(b) Approval procedure. The establishment of an outdoor eating area shall be subject to site plan approval in accordance with the terms of § **310-26**; provided, however, that public notice of the application shall be limited to properties within a one-hundred-fifty-foot radius of the proposed outdoor eating area.

(c) Renewal and changes to approval. The site plan approval or renewal permit for an outdoor eating area shall be valid until the end of the calendar year in which it is issued. Thereafter a renewal permit is required from the Village Administrator, which will be subject to fees set from time to time by the Village Board. Any substantial changes to the Planning Board approved layout or conditions will require Planning Board approval. If there is any violation of the terms of the permit, the Village Administrator shall have the right to revoke such permit. In addition, if the Village Administrator determines that the original Planning Board approval requires substantial modification, he/she may refer the renewal application to the Planning Board for approval.

(d) Insurance requirements. The applicant shall provide evidence of liability coverage in the amount determined by the Village, with such insurance to be maintained for the full duration of the approval for such outdoor eating area.

C. Special permit uses. The Planning Board may allow the following uses by special permit, as regulated in Article **VII** of this chapter. See § **310-42** for individual standards and requirements applicable to these special permit uses, including off-street parking requirements. At the Planning Board's discretion, a special permit may be subject to renewal.

Permits issued for sidewalk cafes shall be for a period of no more than one year and may be renewed annually. Permits for sidewalk cafes shall be subject to payment of applicable fees as determined by the Village.

Insurance requirements. The applicant shall show liability coverage in the amount determined by the Village, with such insurance to be maintained for the full duration of the permit.

Applicant Signature: _____ Date: _____

INSURANCE REQUIREMENTS

In accordance with Workers' Compensation Law §57 and §220(8)

3 Separate Insurance Certificates are REQUIRED

1. **LIABILITY INSURANCE:** ONLY liability insurance is permitted on the ACORD form.
2. For **WORKERS' COMPENSATION INSURANCE**, ONLY the following forms are acceptable:
 - **CE-200** - Certificate of Attestation of Exemption from NYS Workers' Compensations and/or Disability Benefits Coverage
 - **C-105.2** – Certificate of Workers' Compensation Insurance (Note: the State Insurance Fund provides its own version of the form – the **U-26.3**)
 - **SI-12** – Certificate of Workers' Compensation Self-Insurance
 - **GSI-105.2** – Certificate of Participation in Workers' Compensation Group Self-Insurance
3. For **DISABILITY INSURANCE**, ONLY the following forms are acceptable:
 - **CE-200** - Certificate of Attestation of Exemption from NYS Workers' Compensations and/or Disability Benefits Coverage
 - **DB-120.1** – Certificate of Disability Benefits Insurance
 - **DB-155** – Certificate of Disability Benefits Self-Insurance

Certificate holder must be listed as: Village of Bronxville, 200 Pondfield Rd, Bronxville, NY 10708

Office Use Only							
Date Received	Application No.	Section	Block	Lot	Permit #	Fee Paid	Date Approved