

**MAYOR**  
Robert R. D'Amelio

**TRUSTEES**  
Frances R. Nardi  
Robert J. LaGrow  
Ramon Lopez  
Ralph W. Kirschkel



**Building Department**

**BUILDING & FIRE INSPECTOR**  
Fred Viohl

**CODE ENFORCEMENT OFFICER II**  
Matthew Iarocci

## **APPLICATION FOR OUTDOOR DINING PERMIT**

### **APPLICANT CONTACT INFORMATION**

**NAME OF APPLICANT:** \_\_\_\_\_

**E-MAIL ADDRESS:** \_\_\_\_\_

**BUSINESS OWNER:** \_\_\_\_\_

**CONTACT NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **CELL:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

### **PROPERTY INFORMATION**

**PROPERTY LOCATION:** \_\_\_\_\_

**BUSINESS NAME:** \_\_\_\_\_

**PROPERTY OWNER/LANDLORD:** \_\_\_\_\_

**ADDRESS OF PROPERTY OWNER/LANDLORD:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **CELL:** \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**TITLE**

\_\_\_\_\_  
**DATE**

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### **OUTDOOR DINING SUBMITTAL REQUIREMENTS**

A Permit may be issued upon the submission of an Application, supported by a Site plan, and further conditioned on compliance with the guidance requirements applicable to outdoor dining and beverage service issued by the N.Y.S. and Rockland County Departments of Health, the CDC, and State Liquor Authority (where alcoholic beverages are proposed to be served), as and if applicable. All temporary outdoor dining shall further be subject to minimum State, and applicable federal, requirements, including ADA, CDC, EPA and OSHA.

The Site plan submitted with the application shall show:

- The location of all proposed outdoor tables and seating, and other related structures.
- All tables and seats must be at least six feet from any other table, seat, patron or pedestrian thoroughfare or corridor, or otherwise as provided in the applicable NYS Building Code or DOH Guidance.
- Where access to interior restrooms is to be provided, or ingress and egress to the outdoor area is through interior areas, adequate provision must be made and shown for social distancing, as and if required due to COVID.
- Physical barriers, such as plexiglass or other impermeable dividers or partitions, separating work stations from customers and other employees, cash registers etc. shall be provided for, and shown.
- Locations of signage, reminding customers and employees to wear masks, if at the time required by CDC and/or DOH requirements, follow appropriate respiratory hygiene and cough etiquette, adhere to social distance requirements and follow hand hygiene and disinfection guidelines.

If additional proposed seating is located in, or immediately adjacent to, a parking lot, driveway or street, please indicate compliance with the following:

- Number of proposed additional seats must be specified and their locations shown.
- A maximum of twenty five percent (25%) of the vehicular use area may be occupied or otherwise rendered unusable by the placement of tables and seating and other temporary structures, equipment, and merchandise associated with the temporary use permit, unless equivalent additional off-site parking is provided.
- If additional dining space is placed within the vehicular use area, a temporary physical barrier must be placed separating the dining from the remaining parking area.
- Safe ingress and egress shall be provided to the site, including emergency access measures at all times.
- If the applicant does not own the property or vehicular use area, a letter from the property owner or property manager granting permission to utilize the subject area identified within the use permit, during the requested time period, shall be provided by the applicant.

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- If the restaurant or food establishment is not owner, written permission from the owner of the property shall be required before a permit will be issued.
- If the outdoor dining area encroaches onto Village property or Village rights-of-way, such encroachment must be shown, allowing the Village to approve such use and file the required "Municipality Application" with the N.Y.S. SLA.

### **CONDITIONS OF ISSUANCE**

- All outdoor dining areas must be maintained clean of litter and adhere to CDC guidelines for distance separation, as and if required at the time.
- Use permits must comply with all Rockland County Health Department Regulations and Guidelines and NYS Fire Codes.
- Use permits must be restricted to normally permitted current zoning and activity and shall be related to the principal commercial activities in operation on the subject property.
- Outdoor Dining Areas shall be solely an extension of the permitted business use within the adjacent building or storefront.
- No furniture, apparatus, decoration, or appurtenances used in connection with the operation of the Outdoor Dining Area shall be located in such a way as to impede the safe and speedy egress to or from any building or structure.
- Noise shall be kept at such a level as to comply in all aspects with the provisions of applicable ordinances of the Village.
- Until such time as the Temporary Permit shall be revoked for non-compliance, or discontinued by resolution of the Village Board, Outdoor Dining Areas shall be permitted to operate from 11:00 am until 11:00 pm Monday through Thursday and 11:00 am until midnight Friday through Sunday during the months of May through November.
- No outdoor bar or serving stations that require plumbing or electric are permitted.
- No outdoor cooking is permitted.
- Applicants must comply with all ABC regulations and permit requirements pertaining to outdoor alcohol beverages sales and consumption.
- Temporary use permits may be revoked by the Village Board, upon recommendation of the Village Building inspector, for failure to comply with the approved site plan or other conditions of the grant of the permit, New York State Law, or any other applicable Village Law.
- In no event shall the unobstructed sidewalk be less than four (4) feet.
- No outdoor operation shall be placed on the sidewalk unless subject to Village Board approval by revocable license and an accessible path is available.
- A temporary physical barrier shall be erected separating the dining from the remaining parking and vehicular traffic in a manner that keeps patrons safe from traffic and ensures adequate

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parking for staff and patrons. Temporary physical barriers may include, but not be limited to, removable fencing, bollards, jersey barriers or similar such structures. Chains link, safety orange and silt fencing shall not be utilized as temporary fencing.

- Amplified music may be permitted by separate permit, upon separate application to the Village Board, but only at premises not adjacent to a residential use and, further subject, to conditions which ensure that the sound shall not be audible at a distance of 50 ft. from the property line. Amplified music, where permitted, shall not be permitted after 11:00 p.m.
- The use of N.Y.S. Building and Fire Code compliant temporary tents are permitted as shown and approved on a site plan.

**VILLAGE OF WEST HAVERSTRAW  
HOLD HARMLESS AGREEMENT**

To the fullest extent provided by law, the Applicant and all of its employees and agents agrees to protect, defend, indemnify and hold the Village of West Haverstraw and its officers, employees, and agents and save it harmless from and against any and all losses, penalties, damages, settlements, costs, charges, and professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character in connection with or arising directly or indirectly out of this agreement and/or the performance thereof. Without limiting the generality of the foregoing, any and all claims, etc., relating to personal injury, death, damage to property, defects in materials or workmanship, or any other violation of any applicable statute, ordinance, administrative order, rule or regulation or decree of any Court, shall be included in the indemnity hereunder, with the exception of claims, if any, caused by the sole negligence of the Village of West Haverstraw.

The Applicant agrees to name the Village of West Haverstraw an additional insured on its liability insurance policies by way of policy endorsement and provide the Town with Certificates of Insurance or other evidence of insurance as may be required by the Town.

Company Name \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Print Name & Title: \_\_\_\_\_

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State of New York                    )  
                                                  ) ss. :  
County of Rockland                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that \_\_\_\_\_ executed the same in \_\_\_\_\_ capacity, and that by signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

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## **OUTDOOR DINING SPECIAL PERMIT**

**This outdoor seating permit may be revoked by the building inspector for failure to comply with the submittal requirements and other conditions, or with any Guidance issued by the CDC, N.Y.S. or Rockland County DOH, or the N.Y.S. SLA**

**The Village waives all fees for this outdoor seating permit.**

**This Permit is subject to the details and conditions of the site plan approved.**

**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Special Conditions:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_