



# City of Beacon Building Department

## OUTDOOR BUSINESS AREA PERMIT

Retail businesses, gym operations, personal care services and food establishments in the City of Beacon may seek approval to create and/or expand outdoor retail sales areas, gym operations, personal care service areas and outdoor 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 Building Inspector, 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 City staff and officials. The Outdoor Business Area shall be operated in accordance with applicable New York State Laws, including Executive Orders, Dutchess County Department of Health Sanitary Law and COVID-19 guidelines, and all relevant sections of the Code of the City of Beacon, Local Executive Orders, and all applicable rules and regulations. In addition, the Building Inspector may impose reasonable conditions on the approval of an Outdoor Business Area Permit related to the outdoor business area’s size, location, impact on available parking, pedestrian safety, noise, and public health, safety and welfare. **All Outdoor Business Area Permits shall be valid until November 15, 2020.**

### **THE FOLLOWING ITEMS MUST BE SUBMITTED FOR INITIAL REVIEW**

- A. The following must be submitted for use of PRIVATE PROPERTY as the outdoor business area:**
1. One copy of this Outdoor Business Area Permit Application Form
  2. A signed Hold Harmless and Indemnification Agreement.
  3. A signed Landlord Statement of Permission, if the applicant is a tenant and not the property owner. All tenants must provide written consent from the landlord agreeing to permit the use of an outdoor area.
  4. Signed Rules and Regulations
  5. A drawing showing the proposed layout, including any proposed temporary awnings, tents, pergolas, the existing building, points of ingress and egress, proposed location of all tables, chairs, umbrellas, displays, service stations, registers and any other equipment, furnishing or structure installed in the outdoor business area.
  6. Map indicating the location of the business within the property as well as the names of the three (3) adjacent businesses on each side of the Applicant clearly identifying the location of the outdoor business area
  7. Approval or authorization from the New York State Liquor Authority to serve alcohol in the outdoor business area, if applicable. If an applicant is currently licensed to serve alcohol, the applicant may use any contiguous outdoor, open-air area for which it has control to serve alcoholic beverages. Pursuant to the New York State Liquor Authority guidance on outdoor expansion of licensed premises<sup>1</sup>, the applicant must submit a diagram of the outdoor business area to the SLA at [temporaryalterations@sla.ny.gov](mailto:temporaryalterations@sla.ny.gov). The Applicant shall copy the City Building Department ([building@cityofbeacon.org](mailto:building@cityofbeacon.org)) on its email to the SLA or submit other proof of such email to the City Building Department upon submission of the Outdoor Business Area Permit Application.

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<sup>1</sup><https://sla.ny.gov/new-york-state-liquor-authority-guidance-outdoor-expansion-licensed-premises-response-covid-19>

**B. The following must be submitted for use of PUBLIC PROPERTY as the outdoor business area:**

1. One copy of this Outdoor Business Area Permit Application Form
2. A signed Hold Harmless and Indemnification Agreement.
3. Signed Rules and Regulations.
4. A drawing showing the proposed layout, including any proposed temporary awnings, tents, pergolas, the existing building, points of ingress and egress, proposed location of all tables, chairs, umbrellas, displays, service stations, registers and any other equipment, furnishing or structure installed in the outdoor business area.
5. Map indicating the location of the business within the property as well as the names of the three (3) adjacent businesses on each side of the Applicant clearly identifying the location of the outdoor business area
6. A signed License Agreement in the form provided by the City.
7. Insurance certificates for general liability coverage with limits of insurance of not less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate. The City of Beacon and its agents, officers, volunteers, directors and employees shall be named as additional insureds and included in a waiver of subrogation endorsement.
8. If an applicant is currently licensed to serve alcohol, the applicant may use any contiguous outdoor, open-air area for which it has control to serve alcoholic beverages. The Applicant must submit either:
  - a. A signed Licensee Certification for Temporary Extension of Licensed Premises onto Municipal Property for applicants intending to serve alcohol. This form is available at: <https://sla.ny.gov/system/files/documents/2020/06/licensee-certification-for-temporary-extension.pdf>; or
  - b. If the applicant is expanding onto municipal property that is immediately adjacent to its premises (i.e. separated by a pedestrian thoroughfare) pursuant to a sidewalk café permit or similar license, the Applicant must submit Approval or authorization from the New York State Liquor Authority to serve alcohol in the outdoor business area, if applicable Pursuant to the New York State Liquor Authority guidance on outdoor expansion of licensed premises<sup>2</sup>, the applicant must submit a diagram of the outdoor business area to the SLA at [temporaryalterations@sla.ny.gov](mailto:temporaryalterations@sla.ny.gov). The Applicant shall copy the City Building Department ([building@cityofbeacon.org](mailto:building@cityofbeacon.org)) on its email to the SLA or submit other proof of such email to the City Building Department upon submission of the Outdoor Business Area Permit Application.

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<sup>2</sup><https://sla.ny.gov/new-york-state-liquor-authority-guidance-outdoor-expansion-licensed-premises-response-covid-19>

**OUTDOOR BUSINESS PERMIT APPLICATION FORM**

**1. APPLICANT**

- a. Name: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Telephone No.: \_\_\_\_\_
- d. Email Address: \_\_\_\_\_

**2. BUSINESS**

- a. Name of Business: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Type of Business \_\_\_\_\_
- d. Owner: \_\_\_\_\_
- e. Telephone No.: \_\_\_\_\_
- f. Email Address: \_\_\_\_\_

**3. PROPERTY OWNER (If different from Applicant)**

- a. Name: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Telephone No.: \_\_\_\_\_
- d. Email Address: \_\_\_\_\_

**4. DESCRIPTION OF PROPERTY AND OUTDOOR BUSINESS USE**

- a. Tax ID: Section \_\_\_\_ Block \_\_\_\_ Lot \_\_\_\_ Zoning District \_\_\_\_\_
- b. Capacity for Outdoor Business Area (no. of occupants) \_\_\_\_\_
- c. Description of Outdoor Business Use  
\_\_\_\_\_  
\_\_\_\_\_

d. Days/Hours of Operation \_\_\_\_\_

e. Will alcohol be served in the outdoor business area? Yes  No

**INDEMNIFICATION AND HOLD HARMLESS**

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 City Code and other applicable statutes, ordinances, orders or guidance.

The Undersigned agrees to defend, indemnify and hold harmless the City of Beacon, 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 City 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 City not arising from employee's own negligence or intentional acts, death or damage to property, including property of the City, 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: \_\_\_\_\_

Date: \_\_\_\_\_

***For Office Use Only***

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**Approved:** \_\_\_\_\_, 2020

**Disapproved:** \_\_\_\_\_, 2020

**Authorizing Signature:** \_\_\_\_\_

**LANDLORD STATEMENT OF PERMISSION**

I, \_\_\_\_\_ [PROPERTY OWNER'S NAME], as the owner of the property located at \_\_\_\_\_ [Property Address and Tax ID] (the "Property") hereby grant permission to \_\_\_\_\_ [Name of Business and Name Business Owner] to operate an outdoor business area at the above address, in accordance with the Code of the City of Beacon.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Email

**RULES AND REGULATIONS**

- (1) Prior to reopening, all businesses must develop a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. The Safety Plan must be retained on the premises of the business and must be made available to the New York State Department of Health or local health or safety authorities in the event of an inspection.
- (2) The outdoor business area shall not be used for any purpose other than for the approved business use.
- (3) 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.
- (4) The number and location of all tables, displays, service stations, registers and any other equipment, furnishings or structures installed in the outdoor business area are subject to approval by the Building Inspector, in accordance with all applicable State Code and ADA requirements.
- (5) If not located on a sidewalk, there must be a physical barrier or separation to protect patrons and employees from vehicular traffic, such as bollards, planter boxes or “jersey” barriers.
- (6) The outdoor business area shall at all times be kept free and clear of garbage, litter, refuse, rubbish and debris.
- (7) Furnishings shall be removed and stored indoors at closing in an approved manner when the outdoor business area is not in operation.
- (8) No permanent structure may be installed.
- (9) The applicant shall be responsible for any damage caused to any sidewalk or public property as a result of the business operations.

Applicant Signature: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Title: \_\_\_\_\_