

Re-opening Outside Guidelines for City of Beacon Businesses



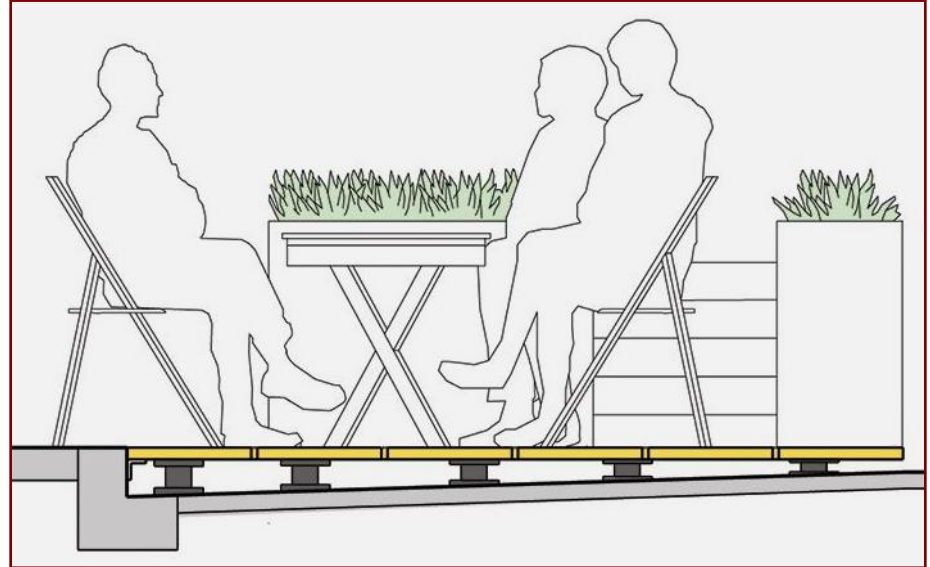
June 2020

Opening Outside Overview

The City of Beacon's Outdoor Business Area Permit program has been established to allow businesses, such as restaurants, retail shops, personal services, and gym operations, to temporarily use adjacent private and public outside spaces during the Covid-19 emergency. In order to promote an early economic recovery, permits will be available on an expedited basis, without site plan or other board review. Expansion is possible into the following areas:

- **Privately owned outdoor space or parking lot;**
- **Public sidewalk space abutting a business; or**
- **On-street parking space (parklet) fronting a business.**

New York State's emergency orders and phased-in openings will continue to have consequences for Beacon's Main Street and small businesses in general. The Centers for Disease Control (CDC) and other expert sources have advised that the risks of contracting or spreading the coronavirus is much lower outdoors, particularly when recommended precautions are taken. The Outdoor Business Area Permit program is intended to encourage businesses to offer new or expanded areas for safe and socially distanced outdoor shopping, services, and dining. All outdoor business operations need to comply with any applicable CDC, State or County guidance, regulation, or law concerning required measures to minimize the spread of Covid-19.



National Association of City Transportation Officials' guide showing on-street parking space parklet with leveling to sidewalk ([nacto.com](https://nacto.org)).

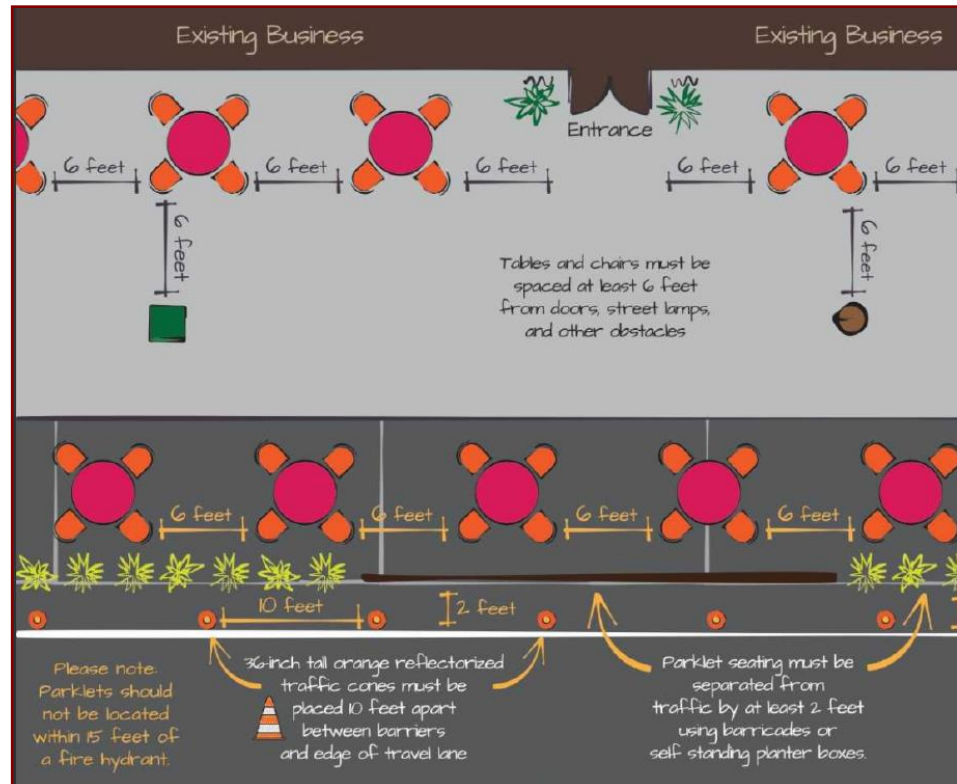
City Permit Process

Businesses with a City-issued Certificate of Occupancy may request an Outdoor Business Area Permit from the Building Department. The permit process is exempt from Zoning and shall supersede other sections of the Beacon Code, unless otherwise determined to be applicable by the Building Inspector for the purposes of public health and safety. A permit is not required for curbside pick-up, but it must not be implemented in a manner that blocks pedestrians, traffic, or a fire hydrant/access lane. Making the application consistent with these Opening Outside Guidelines will help speed up permit approvals.

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 the public health, safety, and welfare. If a tenant is seeking a permit, written authorization from the property owner must be included. To receive a permit, businesses must submit the following to the Building Inspector at building@cityofbeacon.org:

- **Outdoor Business Area Permit form and required insurance certificates**
- **Site map and layout sketch.**
Attach a map or aerial photo showing the existing building location on the parcel with the three adjacent businesses on each side and a detailed sketch of the expansion layout, including points of ingress and egress, location of all tables, chairs, umbrellas, barriers, displays, service stations, registers, temporary awnings or tents, pergolas, and any other equipment, furnishing or structures to be installed in the outdoor business area.
- **State Liquor Authority (SLA) Licensee Certification Form, if applicable** (see last page)

*City of Tampa's Lift Up Local
Economic Recovery Plan*



General Requirements

All Outdoor Business Area Permits shall be subject to the following general conditions:

1. The outdoor business area shall not be used for any purpose other than for the approved business use.
2. The outdoor business area shall comply with all state and local health, fire, building, sanitation, and maintenance codes.
3. 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 Americans with Disabilities Act (ADA) requirements.
4. The applicant shall at all times be keep the business area free and clear of garbage, litter, refuse, rubbish, and debris.
5. All movable furnishings shall be removed and stored indoors at closing in an approved manner when the outdoor business area is not in operation.
6. No permanent structure may be installed or affixed to the sidewalk, street, or building, but temporary art installations or other decorations are acceptable.
7. The applicant shall be responsible for any damages or loss of equipment and any damage caused to any sidewalk or public property as a result of the business operations.
8. All outdoor business areas shall be closed to all permitted activities, including cleanup, on or before 10:00 p.m. each day.



Reuters/ Feline Lim

Outdoor fruit stands and the Beacon Farmers' Market provide good models for how to make outdoor sales work.



Beacon Farmers' Market Facebook

General Requirements (continued)

9. All seating must be separated from other seating groups by at least six feet and total seating shall not exceed 100% of existing approved occupancy.
10. Tents or temporary structures shall not be fully enclosed, must be open air, and need to be secure from wind or other environmental effects without attachments to traffic signs, utility or light poles, street trees, or similar public facilities.
11. Appropriate lighting needs to be provided if operating outside of daytime hours.
12. Smoking is strictly prohibited and fire hydrants and fire lanes cannot be blocked (minimum three-foot distance).
13. All food and beverages to be served or consumed in the outdoor business area shall be prepared within the existing food establishment. The food establishment shall not serve food or beverage to a patron unless that patron is seated at a table.
14. Heating devices, open flames, or outdoor music are not permitted in temporary outdoor dining or business display areas.
15. The business should use contactless ordering and payment processes, if possible, and provide easily accessible sanitizer for patrons and employees (NYS).
16. Upon expiration or termination of the Outdoor Business Area Permit, the applicant shall restore the area to prior conditions.

USA Today, Harley Krinski



Initial outdoor dining areas can be set up quickly, without large investments.



USA Today, Sam Greenwood, Getty Photos



Expanded restaurant seating in side yard parking lot.



Temporary tent for additional seating in rear parking lot.

Privately Owned Outdoor Space or Parking Lot

Business establishments with access to private sidewalks, outdoor areas, or parking spaces may use these places for dining, retail, or other services in accordance with the Outdoor Business Area Permit and the following standards:

1. Any movable barriers or other temporary fencing materials to enclose the area shall not exceed a maximum of four feet in height.
2. Fences, planters, tables, and other temporary materials shall not be located within five feet of a driveway or a street intersection.
3. Safe pedestrian pathways between any barriers must be provided.
4. No ADA parking or aisle space designated for disabled persons may be utilized.
5. Food trucks operated by the business are permitted to use private off-street parking spaces with consent of the property owner or landlord.

Public Sidewalk Space

Additional standards for sidewalk cafes and other outdoor business operations include the following:

1. The area to be used for a sidewalk seating or displays is limited to the business frontage. A corner business may use both frontages.
2. The sidewalk abutting the property must not be less than 10 feet in width to provide space for a pedestrian clearway.
3. There shall be a minimum clear distance of six feet, free of all obstructions, in order to allow for adequate and safe pedestrian passage on the sidewalk.
4. Movable railings or planters may be arranged to define the dining or customer areas, but shall not be greater than four feet in height.
5. A clear, unoccupied space must be provided, not less than three feet in width, in front of all entrances to the building.



Curb extension near crosswalk makes space for sidewalk cafe.



Open storefront in Beacon allows outdoor seating without obstructing the sidewalk.



Sidewalk shopping in front of stores.



Parklet and sidewalk dining. Notice how the table arrangement to the right separates the café customers from the passing pedestrians.



Café umbrellas help define the parklet space. (All photos this page from nacto.com/parklet)

On-Street Parking Spaces or Parklets

Businesses may temporarily expand dining, services, and retail operations into on-street parking spaces, generally called parklets, within the public right-of-way along City streets, provided the requirements outlined in these guidelines can be met. The City will provide movable warning bollards.

1. Sturdy barriers, bollards, fencing, or planters shall be arranged to delineate the outdoor business area from the street and adjacent parking spaces.
2. Any equipment or furniture placed within the parking space cannot be placed closer than two feet from the edge of the adjacent travel lane, additionally marked by traffic cones or similar warning devices.
3. The parklet shall not use ADA spaces designated for disabled parking.
4. Businesses may only apply for an Outdoor Business Area Permit for on-street parking spaces directly facing the parcel.
5. The Building Department may limit the number of parklet permits along any block to maintain necessary parking, loading, and curbside pick-up spaces.



Movable planters make effective and attractive barriers to protect people from traffic.

NYS Department of Health Guidance

On April 26, 2020, Governor Cuomo announced a phased reopening for the State of New York. Beacon and the Mid-Hudson Region entered Phase 2 of the opening process on June 9, 2020. During Phase 2, restaurants, retail businesses, and certain services are permitted to open outdoor spaces with seating for customers and displays, provided all health and safety guidelines as outlined by New York Forward are met. Pertaining specifically to the layout and operation of outdoor dining space, NY Forward provides the following guidelines:

1. Tables must be spaced 6 feet apart, with a maximum of 10 individuals per table.
2. All staff must wear face coverings.
3. Customers must wear face coverings when not seated.
4. Businesses must abide by federal requirements, including but not limited to minimum ADA standards.
5. Access to indoor restroom(s) must be provided in a socially distanced manner.
6. Indoor dining is prohibited in Phase 2.

Steps You Must Take:

Review the NYS Guidelines in full for additional requirements regarding employee protocol, mandatory testing, cleaning, and work station capacity requirements.

Businesses must affirm that they have reviewed and understand the state-issued industry guidelines, and that they will implement them.

Businesses must conspicuously post completed safety plans on site. The State has made available a business reopening safety plan template to guide business owners and operators in developing plans to protect against the spread of COVID-19.

Dutchess County and State Liquor Authority

In light of the state's inclusion of expanded outdoor space for dining in Phase 2, Dutchess County Executive Molinaro has released the following guidance:

1. Food and/or beverages must be consumed in outdoor, open-air areas, without a fixed roof (besides a temporary or seasonal awning or cover).
2. Food and/or beverages must be consumed while seated at a table, bar, counter, or similar surface.
3. All tables must be 6 feet apart; any seat at bar, counter, or similar must be 6 feet apart.
4. All staff of the licensed business must wear face masks at all times.
5. All customers must wear face masks at any time they are not seated.
6. Any consumption shall be subject to all other relevant executive orders, guidances provided by the Department of Health and/or any other associated agency guidance.

Dutchess County Government continues to provide residents the most current information on its Covid-19 Community Impact Dashboard, as well as guidance on its website, dutchessny.gov/coronavirus, its Coronavirus hotline, (845) 486-3555, and its Facebook and Twitter accounts.

Alcoholic Beverage Service

New York State Liquor Authority (SLA) will allow for the outdoor expansion of premises, under the current establishment's license, where food and beverages may be consumed. This includes municipal-owned land (e.g. sidewalks, streets, etc.) contiguous to a licensed establishment in coordination with the local municipality.

Please review the SLA guidance document if you wish to spatially expand your alcoholic beverage service. If your outdoor dining area is proposed on municipal property you must submit the provided form to the City along with your Outdoor Business Area Permit form and site sketch.