



**Village of Suffern
Special Meeting of the Village Board
Monday, June 8, 2020 at 5:30 p.m.**

Due to the COVID 19 Pandemic, a special meeting of the Village of Suffern Board of Trustees was held Monday, June 8, 2020 at 7:00 p.m. by Teleconference.

Present: Edward Markunas, Mayor
 Steven Alpert, Trustee
 Jo Meegan-Corrigan, Trustee
 Charles Barone, Trustee
 Paul Girard, Trustee
 Amy Paffenroth, Village Clerk

CALL TO ORDER:

Mayor Markunas called the meeting to order at 5:30 p.m.

UPCOMING MEETINGS: A Workshop Meeting is scheduled for Tuesday, June 30, 2020 at 7:00 p.m. A Regular Meeting of the Village Board of Trustees was rescheduled from July 6 to July 7 which will be held by teleconference at 7:00 p.m.

RESOLUTION 122 OF 2020 - AUTHORIZING MODIFICATIONS TO THE VILLAGE OF SUFFERN TABLE AND CHAIRS PROGRAM TO ASSIST LOCAL RESTAURANTS REOPEN IN ACCORDANCE WITH NYS EXECUTIVE ORDERS ISSUED BY THE GOVERNOR OF THE STATE OF NEW YORK

On March 7, 2020, the Governor of the State of New York issued Executive Order No. 202 and declared a State disaster emergency for the entire State of New York with respect to the COVID-19 pandemic and to date has issued thirty-three Executive Orders as part of the State of Emergency. On March 16, 2020, the County Executive of Rockland County issued a Local State of Emergency for the County of Rockland with respect to the COVID-19 pandemic. On March 23, 2020, the Mayor of the Village of Suffern issued a Local State of Emergency for the Village with respect to the COVID-19 pandemic, which was continued pursuant to a declaration on April 23, 2020. The Governor of the State of New York has, through the issuance of Executive Orders, authorized the opening and continued operation of businesses in the State, in Phases, depending upon the nature of the business, metrics related to infections, hospitalizations and deaths related to the pandemic. Businesses, employees and residents in the Village of Suffern, as around the State, have incurred financial hardship as a result of the pandemic and the necessity to close certain businesses and limit the workforce. The Village of Suffern would like to assist local businesses in their efforts to re-open in accordance with directives from the Federal and State authorities in a safe and responsible manner, which would provide an economic benefit to the Village and its residents.

The Village Board authorized the Building Inspector, as a matter of prosecutorial discretion and enforcement, to waive, modify or adjust certain requirements of the zoning requirement or land

use restrictions to obtain a Temporary Outdoor Dining Permit for Expansion of Tables and Chairs into Adjacent Restaurant Owner Property and maintain required off-street parking for outdoor dining at a lawful restaurant and food establishment, and to issue a Temporary Outdoor Dining Permit for Expansion of Tables and Chairs into Adjacent Restaurant Owner Property subject to the following conditions:

1. All restaurants, including those previously authorized to provide outdoor seating, may seek approval to create and/or expand outdoor seating areas. For purposes of this resolution, previously enrolled restaurants shall mean restaurants previously approved for interior seating and in-person dining and shall not include restaurants that are takeout only and have not received approval for indoor seating.
2. Subject to the approval of the proposed seating and area layout, at the sole and absolute discretion of the Village, restaurants shall be permitted to create and/or expand outdoor seating areas into the sidewalk and parking lot areas owned or leased by the restaurant, provided the owner of the property approves of same. Such areas shall be located within the property lines of the property owned or leased by the restaurant and allow for a minimum of six feet for pedestrian traffic.
3. Subject to the approval of the proposed seating and area layout, at the sole and absolute discretion of the Village, restaurants shall be permitted to create and/or expand outdoor seating areas into the sidewalk and parking lot areas adjacent to the restaurant owned by adjacent property owner, provided the owner of the adjacent property approves of same. Such areas shall be located within the property lines of the adjacent property and allow for a minimum of six feet for pedestrian traffic.
4. A permit application for Temporary Outdoor Dining For Expansion of Table and Chairs into Adjacent Restaurant Owned Property must be submitted by the restaurant operator, and a permit issued by the Building Inspector or his designee before outdoor dining is authorized. The applicant shall submit as part of the application a sketch plan based upon a survey (or existing site plan) of the property, showing the proposed location of outdoor tables and chairs, with the total previously approved indoor dining capacity indicated, the reduced indoor capacity and the proposed total outdoor occupancy indicated, as well as the areas on-site devoted to off-street parking. Sketch plan must also include the name of the business, address of business, name of preparer and date.
5. As to be shown on the sketch plan, tables and chairs of non-fixed seating shall maintain appropriate social distancing standards and requirements of re-opening, as directed by the State of New York.
6. Upon approval, such sketch plan shall be signed, stamped and dated "Approved" by the Building Inspector, and displayed on premises near the main entrance during operation.
7. No greater than 50% of the required on-site off-street parking area shall be obstructed. Monday through Thursday activities shall close at 10 p.m., and Friday through Sunday and Holiday activities shall close at 11 p.m. Amplified music is permitted until 10 pm and no outdoor live entertainment is permitted by individual restaurant owners without a Village of Suffern Live Entertainment Permit.

8. Temporary structures, such as tents, awnings, umbrellas and other structures, may be authorized by the Village. Applicants can apply for up to 50% of their approved interior occupancy but may be approved for a lesser amount.
9. An onsite inspection is required by the Building Inspector and the Fire Inspector or their designee prior to issuance of the Temporary Dining Permit.
10. Permits are not valid until the Governor permits restaurants to re-open pursuant to Executive Order.
11. All compulsory social distancing, and other applicable COVID-19 requirements for the opening and operation of any business under the Governor's phased re-opening plan shall be observed.
12. Permittees must adhere to all other applicable Federal, State, and County statutes, laws, codes, rules and regulations with respect to business operations, including but not limited to State and County Health Department and State Liquor Authority regulations.
13. Any permits issued pursuant hereto, shall be revocable at the discretion of the Building Inspector or his or her designee, upon a finding that the permit holder has violated the terms of its permit or that the Outdoor Dining as may be authorized herein at a particular location constitutes a nuisance, or otherwise adversely impacts upon the health, safety and welfare of the community, and that upon such revocation, the applicant and any other interested parties may be given an opportunity to be heard by the Village Board in an effort to have such permit reinstated upon such conditions as the Village Board shall deem just and appropriate under the circumstances.
14. There shall be no fee for a Temporary Outdoor Dining Permit.
15. The possession or consumption of an alcoholic beverage while a patron at an establishment with a Temporary Outdoor Dining Permit issued pursuant to this resolution, while within the confines of the permitted outdoor dining area, shall not be construed as a violation of Chapter 193-4 of the Village Code regarding open containers.

The Village Clerk, upon review and approval by the Building Inspector, by the authority vested in her by Village Board Resolution 107 of 2018, as herein extended, with respect to Permits for Outdoor Dining on Village sidewalks, was authorized to permit applicants to utilize the entirety of a public sidewalk adjoining their establishment for the purpose of placing tables and chairs, in accordance with an acceptable plan for same, provided the Village can safely provide for passage of pedestrians through adjoining on street parking spaces, which shall be marked and closed off from vehicles for that purpose. Any and all operations authorized by a permit issued pursuant to this resolution shall be in accordance with any and all directives from the State of New York regarding operations of the business pursuant to the phased re-opening requirements, including but not limited to the State Health Department and State Liquor Authority, as well as any other Federal, State, or County statutes, rules and regulations. The Village was authorized to execute any documents required by the State Liquor Authority to authorize the use of Village property adjacent to restaurants to which this resolution applies for the service, possession and consumption of alcoholic beverages in accordance with State guidelines in that regard. The

Village shall have the right to suspend or terminate any Administrative Permit issued pursuant hereto in the event of a weather-related emergency, other emergency, or other event as determined by the Village to protect health and safety. Administrative permits for Outdoor Dining on Village Sidewalks issued pursuant to this Resolution shall expire at 12:01 a.m. on November 2, 2020, or seven days after the State of New York authorizes restaurants to operate at 100% occupancy. That any permit issued pursuant to this Resolution shall be revocable at the discretion of the Building Inspector or his/her designee, upon a finding that the permit holder has violated the terms of its permit or that the Outdoor Dining on sidewalks as may be authorized herein at a particular location constitutes a nuisance, or otherwise adversely impacts upon the health, safety and welfare of the community, and that upon such revocation, the applicant and any other interested parties may be given an opportunity to be heard by the Village Board in an effort to have such permit reinstated upon such conditions as the Village Board shall deem just and appropriate under the circumstances. A motion to approve the foregoing resolution was made by Trustee Barone, seconded by Trustee Meegan-Corrigan, and passed unanimously by the Board.

ADJOURNMENT:

The meeting was adjourned at 6:38 p.m.