



## Village of Suffern

61 Washington Avenue  
Suffern, New York 10901

Phone: (845) 357-2600 Fax: (845) 357-0649

[www.SuffernNY.gov](http://www.SuffernNY.gov)

### Village of Suffern Administrative Permit Application

April 15<sup>th</sup> – October 31<sup>st</sup>

Outdoor Tables and Chairs

Outdoor Planter/Containers

Umbrellas

Parking Areas

This application, if approved allows *only*:

- a) the use of the sidewalk in front of and adjacent to the property to be used for outdoor seating,
- b) the placement of outdoor planters and containers
- c) umbrellas on the sidewalk in front of and adjacent to the property and/or
- d) the placement of tables, chairs and outdoor planters, containers and/or umbrellas on a parking area on the property or immediately adjacent thereto.

IN NO CASE IS A TENT (except as provided in section 266-15(O)(2) of the Village Code) OR OTHER STRUCTURE ALLOWED. NO PERMIT WILL BE ISSUED FOR ANY PROPERTY FOR WHICH THERE IS AN OUTSTANDING VIOLATION OF THE CODE OF THE VILLAGE OF SUFFERN OR OF ANY OTHER STATE, COUNTY OR VILLAGE LAW OR REGULATION. ALL PERMIT HOLDERS ARE REQUIRED TO COMPLY WITH ALL APPLICABLE STATE, COUNTY AND VILLAGE LAWS AND REGULATIONS, INCLUDING BUT NOT LIMITED TO THOSE OF THE STATE LIQUOR AUTHORITY AND NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE.

ANY PERMIT ISSUED HEREUNDER IS SUBJECT TO IMMEDIATE REVOCATION FOR ANY VIOLATION OF THE TERMS AND CONDITIONS OF THIS PERMIT, AND/OR THE VILLAGE BOARD RESOLUTION NO. 061 OF 2023 AUTHORIZING THE ISSUANCE OF SUCH PERMITS (COPY ATTACHED), AND/OR VIOLATION OF ANY OF THE ABOVE REFERENCED CODES, LAWS, AND/OR REGULATIONS.

**APPLICANT'S INFORMATION:**

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

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Sketch Plan For Outdoor Table and Chairs Planters/Containers and Umbrellas Must Be Attached To The Administration Permit Application** – At a minimum, sketch and label the subject property, the surrounding buildings, and streets. Sketch, label, and provide the dimensions of the tables and chairs, and/or outdoor planters/containers, and/or umbrellas, which will be associated with this Administrative Use Permit. Based on these dimensions, label the sketch plan to indicate the distance between the farthest point the outdoor table and chairs and/or outdoor planters and/or umbrellas will extend in use. Measure the distance between the farthest point that the said object will extend and the curb and label this distance on the sketch plan. The distance between the farthest point that the said object will extend in use and the curb must be at least five (5) feet. If the distance is less than five (5) feet, then the Administrative Permit Application will not be approved.

**ADMINISTRATIVE PERMIT APPLICATION QUESTIONNAIRE :**

1. The applicant is the (check one) of the subject property.

- Owner
- Contract Purchaser
- Lessee
- Other: \_\_\_\_\_

2. Please provide a brief statement describing the purpose of the proposed Administrative Permit Use:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Or give hours for each day of the week:

Days	Hours
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	

4. The Applicant is requesting approval for the use of Umbrellas:

- YES                       NO

**If Yes**, please indicate the additional information on the Sketch Plan necessary for the Building Department to make an evaluation and approval.

5. The Applicant is requesting approval for sidewalk seating to exceed eight (8) patrons for seating:

- YES                       NO

**If Yes**, please indicate the additional information on the Sketch Plan necessary for the Building Department to make an evaluation and approval.

6. If the Applicant is requesting tables, chairs, and/or planters, and/or umbrellas on a parking area located on the property or immediately adjacent thereto, specify the number of tables, chairs, and/or planters, and/or umbrellas requested.

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The applicant agrees to defend, indemnify, and hold harmless the Village of Suffern from any and all claims, actions at law, liability or damages resulting from the permitted use of Outdoor Tables, Chairs, and/or Planters, and/or Umbrellas as defined on this application.

**NO PERMIT SHALL BE ISSUED FOR THIS ADMINISTRATIVE PERMIT UNLESS THE APPLICANT FOR SUCH PERMIT PROVIDES PROOF OF INSURANCE COVERAGE AS FOLLOWS: LIABILITY INSURANCE IN THE AMOUNT OF NOT LESS THAN \$1,000,000 COMBINED SINGLE LIMIT. THE VILLAGE MUST BE NAMED AS AN ADDITIONAL INSURED ON THE INSURANCE CERTIFICATE AND SHALL BE CONSIDERED A NAMED INSURED ON A NON-CONTRIBUTORY BASIS FOR THE ENTIRE TIME GRANTED BY THE PERMIT.**

**Applicant and Owner Authorization:**

The UNDERSIGNED attests, under penalty of perjury, that all of the information herein provided and specifically included with the Administrative Permit Application as required to be furnished by the applicant are true, correct, and accurate to the best of the knowledge and belief. The applicant is, hereby notified, that any written materials, sketches, or illustrations submitted in support of this application and any specific representations made on this application will be binding on the applicant.

**I have reviewed the foregoing information and the terms and conditions of Resolution No. 061 of 2023 attached hereto, and agree to abide by the terms and conditions same.**

**APPLICANT SIGNATURE:**

\_\_\_\_\_

Print Name of Applicant

\_\_\_\_\_

Signature of Applicant

\_\_\_\_\_

Date

**OWNER’S SIGNATURE:**

**I have reviewed the foregoing information and Resolution No. 061 of 2023 and authorize the Applicant to make this application. I understand that as owner of the property, I am equally responsible for any violations that may occur on the subject property. Attached hereto is a copy of the lease, license agreement or other written authorization for the Applicant to use such property for outdoor dining.**

\_\_\_\_\_

Print Name of Owner

\_\_\_\_\_

Signature of Owner

\_\_\_\_\_

Date

**SIGNATURE OF OWNER OF ADJACENT LOT:**

If located on a parking lot on adjacent property, the applicant will provide a lease, license agreement or written authorization signed by the owner of such adjacent property authorizing such use for the period in question.

**I have reviewed the foregoing information and Resolution No. 061 of 2023 and agree to abide by same, and authorize the Applicant to make this application. I understand that as owner of the property, I am equally responsible for any violations that may occur on the subject property. Attached hereto is a copy of the lease, license agreement or other written authorization for the Applicant to use such property for outdoor dining.**

\_\_\_\_\_

Print Name of Owner of Adjacent Lot

\_\_\_\_\_

Signature of Owner of Adjacent Lot

\_\_\_\_\_

Date

**BUILDING DEPARTMENT REVIEW:**

[    ] APPROVED

[    ] DENIED

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BUILDING DEPARTMENT REPRESENTATIVE

DATE

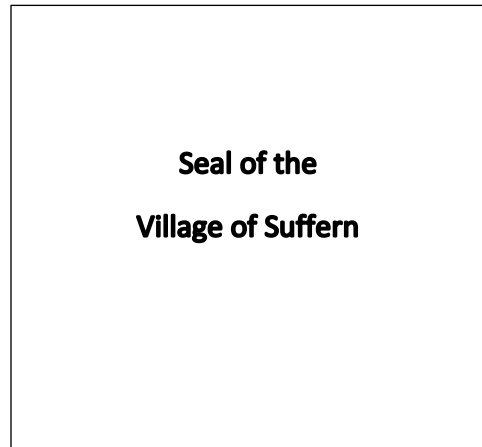
**VILLAGE CLERK DETERMINATION :**

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VILLAGE CLERK

DATE





**VILLAGE OF SUFFERN**

**RESOLUTION NO. 061 of 2023**

**AUTHORIZING THE VILLAGE CLERK TO ISSUE ADMINISTRATIVE PERMITS FOR OUTDOOR DINING ON VILLAGE SIDEWALKS AND ON PARKING AREAS LOCATED ON OR ADJACENT TO A FULL SERVICE RESTAURANT IN THE VILLAGE OF SUFFERN**

**WHEREAS**, § 235-7 of the Village Code prohibits the owners and/or occupants of property located within the Village from placing any encumbrances and/or obstructions on sidewalks adjoining their properties and

**WHEREAS**, § 266-60 of the Zoning Law requires site plan approval for, among other things, “A change in the off-street parking standards for a use as specified in § 266-22, Schedule of General Use Requirements, and

**WHEREAS**, the Village Board has had requests from certain full-service restaurant operators within the Village to permit the placement of tables and chairs outside of their establishments, as well as seasonal outdoor planters, and

**WHEREAS**, the Village Board finds that the use of the Village sidewalks adjacent to and in front of such full-service restaurants by the owners/operators of existing full service restaurants and the use of existing parking areas located on the property or adjacent to that of the owner/operator of an existing full service restaurant for the placement of tables and chairs, and/or seasonal outdoor planters, would be in the interests of the residents of the Village and visitors to the Village to enhance their dining experience and the overall appearance of the Village, and

**WHEREAS**, the Village Board is desirous of permitting the placement of such items under certain conditions and pursuant to a permit to be issued by the Village Clerk, and

**WHEREAS**, the Village Clerk’s Office has prepared a proposed permit application for persons or business interested in applying for a permit for the placement of such items on the sidewalk under certain conditions.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the Village of Suffern hereby authorizes the Village Clerk to issue Administrative permits for Outdoor Tables and Chairs, and Outdoor Planters and Containers, on Village sidewalks in front of and adjacent to existing full service restaurants and on existing parking areas located on the property or adjacent to that of the owner/operator of an existing full service restaurant based upon the application for permit and the rules as set forth therein, in the form annexed hereto and incorporated by reference herein, and

**BE IT FURTHER RESOLVED** that for sidewalk seating, the building in which the permitted business operates must share a common boundary line with a public sidewalk in the business district; and

**BE IT FURTHER RESOLVED** that the outdoor table and chair seating area shall allow a minimum five (5)-foot-wide unobstructed pedestrian corridor at all times and a minimum clearance of five (5) feet must be maintained between the outdoor table and chair seating area in use and the edge of driveways, alleys, and handicapped ramps; and

**BE IT FURTHER RESOLVED** the occupancy of an outdoor sidewalk table and chair seating area will be considered on a case-by-case basis but shall not exceed eight (8) people. Upon the written request of the applicant, however, seating exceeding eight (8) people may be permitted upon the written request of the Applicant with the approval of the Village Board of Trustees following evaluation and recommendations of the Building Department. The maximum occupancy permitted in the outdoor table and chair seating area shall be posted on the exterior of the building in a conspicuous place. The permit holder shall ensure that the number of occupants in the outdoor sidewalk table and chair seating area does not exceed the posted limit at any time; and

**BE IT FURTHER RESOLVED** that the maximum number of tables and seats authorized on a permitted parking area shall be determined by the Village Clerk upon consultation with the Building Department; and

**BE IT FURTHER RESOLVED** that nothing may be permanently affixed to a sidewalk or to other public property; and

**BE IT FURTHER RESOLVED**, that the applicant for a permit shall not be required to provide a formal site plan application to the Planning Board but must provide a sketch plan for its proposed use of the sidewalk or existing parking areas located on the property or adjacent to that of the owner/operator for Outdoor Tables and Chairs, and/or Outdoor Planters and Containers, subject to review and approval by the Village Department of Public Works and Building Department, which sketch plan upon approval by the Village Clerk and issuance of the permit, shall be followed by the applicant, otherwise being subject to revocation of any permit issued based thereon, and

**BE IT FURTHER RESOLVED** that if located on a parking lot on adjacent property, the applicant will provide a lease, license agreement or written authorization signed by the owner of such adjacent property authorizing such use for the period in question, and

**BE IT FURTHER RESOLVED**, that the permit holder shall agree to defend, indemnify and hold harmless agreement, and provide insurance coverage to the Village of Suffern in the amount of \$1,000,000.00, and provide proof that the Village of Suffern is a named but non-contributory insured under their policy of insurance, proof of same to be provided prior to the issuance of any permit, and

**BE IT FURTHER RESOLVED**, that all permit holders are required to comply with all applicable State, County and Village laws and regulations, including but not limited to



those of the State Liquor Authority and New York State Uniform Fire Prevention and Building Code, and that any permit issued hereunder is subject to immediate revocation for any violation of the same, and

**BE IT FURTHER RESOLVED**, that any person or entity who otherwise places tables, chairs, planters, containers or any other object on or in the sidewalk or on existing parking areas located on the property or adjacent to that of the owner/operator shall be subject to the provisions of Village Code Section 235, without a permit, or after having a permit revoked, shall be subject to the enforcement and penalty provisions of Section 235, and any other remedy and sanction available to the Village, and

**BE IT FURTHER RESOLVED**, that any permits issued pursuant hereto, shall be revocable at the discretion of the Village Board, upon a finding that the permit holder has violated the terms of its permit, OR that the placement or use of Outdoor Tables and Chairs and/or Outdoor Planters/Containers at a particular location are a nuisance or disturbance, or otherwise negatively impact 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, and

**BE IT FURTHER RESOLVED**, that this Resolution shall authorize the issuance of Permits by the Village Clerk for a period of one term, from April 15 through October 31 of each year, and

**BE IT FURTHER RESOLVED**, that all of the terms and conditions of the permit application and permit annexed hereto are incorporated by reference herein and shall be enforceable by the Village with respect to the issuance of said permits.

A motion to approve the foregoing resolution was made by Trustee Alpert and seconded by Trustee Meegan-Corrigan, with all in favor, except Mayor Curley abstained.

**Adopted:** May 1, 2023