



# City of Newburgh

## Indoor and Outdoor Restaurant Guide

### New Outdoor Seating Areas

Restaurants interested in **New Outdoor Seating areas on private property** such as in existing private parking lots or yards should make an appointment for City staff to walk through and discuss required safety improvements by calling 845-569-9400.

Restaurants interested in **New Outdoor Seating areas on Public property** such as sidewalks, parking spaces, or streets, must file a Sidewalk Café permit with the Fire Department. Note that seating in parking spaces or other portions of the street will only be available following approval by City Council on Monday April 12th, at the earliest.

Restaurants interested in **Expanded Outdoor Alcohol Service** should review the SLA Guidance at: <https://sla.ny.gov/new-york-state-liquor-authority-guidance-outdoor-expansionlicensed-premises-response-covid-19>

- All licensees may use any outdoor, open-air part of its existing premises for which it has control by deed, lease, management agreement, or other agreement of control for service. Any licensee that expands its premises shall within 5 business days of doing so submit an updated diagram to the SLA at [temporaryalterations@sla.ny.gov](mailto:temporaryalterations@sla.ny.gov).
- Expansion to contiguous public property (sidewalks, streets, etc...) is allowed in conjunction with the City Sidewalk Café Permit application and will require a joint City/ Licensee application to the SLA.



## Food Service Guidelines

### **Mandatory requirements include:**

- Limit indoor capacity to no more than 75% of maximum occupancy, exclusive of employees.
- Limit outdoor capacity to the number of tables that can be safely and appropriately arranged, such that each table is a minimum of 6ft. away from each other
- All indoor and outdoor tables with seats must be at least 6 ft. from any other table, seat, patron, or pedestrian thoroughfare or corridor in all directions.
- A distance of at least six feet must be maintained among workers at all times, unless the core activity requires a shorter distance (e.g. cooking, cleaning, clearing tables, maintenance).
- Regardless of physical distance, all employees must wear an acceptable face covering at all times.
- Patrons must also wear face coverings at all times, except while seated; provided, however, that the patron is over the age of two and able to medically tolerate such covering.

### **A summary of the requirements can be found at:**

- [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Food\\_Services\\_Summary\\_Guidelines.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Food_Services_Summary_Guidelines.pdf)
- Español: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Food\\_Services\\_Summary\\_GuidelinesSP.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Food_Services_Summary_GuidelinesSP.pdf)

Effective as of March 21, 2021, all restaurants must read the State's **Detailed Guidelines** at

- [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Indoor\\_and\\_Outdoor\\_Food\\_Services\\_Detailed\\_Guidelines.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Indoor_and_Outdoor_Food_Services_Detailed_Guidelines.pdf)
- Español: <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/FoodServicesSpanish.pdf> **and file an affirmation at:**
- <https://forms.ny.gov/s3/ny-forward-affirmation>

### **More guidance is available from the New York State Restaurant Association at:**

<https://www.nysra.org/covid-19-reopening-info-and-resources.html>

## APPLICATION PROCESS

1. Complete all fields of the application. Be as specific as possible. Incomplete or vague applications may be delayed.
2. Submit the prescribed application, along with the following:
  - a. Proof of Insurance (policy must list the “City of Newburgh” as additional insured and “City Manager - City of Newburgh” as the certificate holder)
  - b. Site Map/Site Plan
  - c. Copy of any State Liquor Authority (“SLA”) License for the restaurant, if applicable
3. Deliver the completed application package to the Fire Prevention Office, 123 Grand Street, Newburgh, New York 12550.
4. After delivery of your application, the Fire Prevention Bureau will contact you to schedule a site inspection.
5. Once the site is approved, you may set up your operations in accordance with the approved site map/site plan.
6. Once your operations are set up, contact the Fire Prevention Bureau for a final inspection.
7. After passing the final inspection, the City of Newburgh will issue you a permit for the OPERATION OF A SIDEWALK CAFÉ which will expire on November 26, 2021.
8. You must frame the permit and display it inside the host restaurant in a place designated by the Fire Prevention Bureau.

**City of Newburgh Department of Code Compliance  
Sidewalk Café Permit Application**

**GENERAL RULES AND REGULATIONS**

1. All outdoor dining operations must meet social distancing requirements and follow all applicable health guidelines as set forth by the CDC, New York State (including Executive Order), and Orange County Department of Health.
2. Applicants must provide a floor plan diagram indicating the total square footage of public property used for the outdoor dining area; the location of all tables and chairs; pedestrian and cafe areas; width and length of cafe area; fire escape drop ladder and all permanent street obstructions (e.g. signs, bus stops, fire hydrants, etc.) between the cafe area and curb line.
3. The sidewalk abutting the property, from the property line to the curb line, must not be less than 10 feet in width.
4. The area to be used for the sidewalk cafe must not encroach onto the sidewalk more than 10 feet from the property line abutting the sidewalk and must not extend beyond the extension of the side property lines onto the sidewalk.
5. No permanent structures may be affixed to the sidewalk area used for the cafe or affixed to the building abutting the area for purposes of the cafe, and the area may be occupied only by chairs, tables, benches, umbrellas, movable railings, and planters for the convenience of the patrons to be served in such area. Movable railings or planters shall be so arranged as to enclose the dining area, and the sidewalk shall be inconspicuously marked to delineate the approved position of such barriers.
6. A clear, unoccupied space must be provided, not less than three feet in width, from all entrances of the building abutting the sidewalk to the unoccupied portion of the public sidewalk.
7. Neither outdoor lighting nor live or mechanical music may be used on or for the cafe area, except that in such cases where street lighting is insufficient to so illuminate the dining area so that a hazard to those traveling the sidewalk may be created, the Fire Chief shall direct and the applicant shall provide such lighting for nighttime hours as the Fire Chief shall require.
8. General comprehensive liability insurance naming the applicant and the City of Newburgh, its officers, agents and employees as named insureds must be provided, with limits of \$25,000/\$50,000 for property damage and \$1,000,000/\$2,000,000 for personal injury, effective for the duration of the permit.
9. There shall be a minimum clear distance of five feet, exclusive of the area occupied by the sidewalk cafe, free of all obstructions, such as trees, parking meters, utility poles, streetlights, benches, planters, and movable railings in order to allow for adequate and safe pedestrian movement.

10. All sidewalk cafes shall cease operations by 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
11. Applicants must provide current license information issued by the New York State Liquor Authority if they intend to serve alcohol. The operator of a sidewalk cafe should be in full compliance with the licensing requirements of the State Liquor Authority, as the same may exist, and shall comply with all other laws and regulations concerning the sale of alcoholic beverages in the state. All alcoholic beverages shall be prepared within the existing restaurant and shall only be served to patrons while seated at tables. In the event that said sidewalk cafe is not in full compliance with State Liquor Authority laws, rules and regulations concerning the sale of alcoholic beverages, then serving alcoholic beverages in the sidewalk cafe area shall be prohibited.
12. The restaurant shall not serve food or beverages to a patron at a sidewalk cafe unless that patron is seated at a table.
13. Sidewalk cafes and the public property on which they are located shall be kept neat and clean at all times and free from any substance which might damage the sidewalk or cause injury to pedestrians.
14. Sidewalks adjacent to the entire building must be in good condition, without violations.
15. Any use of propane patio heaters must comply with National Fire Protection Association (“NFPA”) 1, Section 69.3.13.

#### SITE MAP REQUIREMENTS

The applicant must submit a site map of the proposed sidewalk café area. The map, at a minimum, must show:

1. The design and location of all structures within the proposed area, such as security barriers, planters, landscaping, tables, chairs, and umbrellas.
2. The number of proposed tables.
3. The linear square footage of the proposed space.
4. Compliance with all requirements of the Americans with Disabilities Act.
5. Sufficient barriers, such as planters or railings, that physically separate patrons from both pedestrian and vehicular traffic (where applicable).
6. Location of signage indicating that food and/or beverages can only be consumed while seated at a table, bar, counter.

APPLICATION INFORMATION

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

Property Owner Information (if corporate entity):

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Name of Officer or Authorized Signor: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Property Owner Information (if individual/natural person):

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Café Owner/Operator Information

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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For Office Use Only:

Site Inspection Date: \_\_\_\_\_ Inspector: \_\_\_\_\_

Final Inspection Date: \_\_\_\_\_ Inspector: \_\_\_\_\_

Fire Chief Approval: \_\_\_\_\_

Police Chief Approval: \_\_\_\_\_

City Manager Approval (to suspend parking, if applicable): \_\_\_\_\_

Fee Amount: Waived (by Ordinance #3-2020)      Collected By: N/A

Insurance Certificate Attached: \_\_\_\_\_

Permit Issued Date: \_\_\_\_\_

## ACKNOWLEDGEMENTS/ATTESTATIONS

The undersigned requests the issuance of a Sidewalk Café Permit, in accordance with State and local orders, rules, and regulations both generally and related to the COVID-19 pandemic, in order to expand its current restaurant capacity in outdoor space.

The undersigned agrees that the outdoor restaurant business or Sidewalk Café shall be operated in accordance with New York State laws, rules, and regulations, including Executive Orders, Orange County Department of Health rules, regulations, and COVID-19 guidelines, and all relevant sections of the Newburgh City Code attached to this permit application.

The undersigned agrees that the outdoor restaurant business or Sidewalk Café shall be operated only on that property of which undersigned has ownership, control, possession or permission (proof required) to use.

The undersigned has received, reviewed, agrees to abide by the following:

1. Food Service Guidelines for Employers & Employees
2. Interim Guidance for Outdoor and Take Out-Delivery Food Services During the COVID-19 Public Health Emergency
3. Interim Guidance for Food Services During the COVID-19 Public Health Emergency

The undersigned hereby AGREES TO PROTECT, DEFEND, INDEMNIFY AND HOLD THE CITY OF NEWBURGH AND ITS EMPLOYEES FREE AND HARMLESS FROM AND AGAINST ANY AND ALL LOSSES, CLAIMS, LIENS, DEMANDS AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER, INCLUDING THE AMOUNT OF JUDGEMENTS, PENALTIES, INTEREST COURT COST AND LEGAL FEES INCURRED BY THE CITY IN DEFENSE OF SAME ARISING IN FAVOR OF CLAIMS, LIENS, DEBTS, PERSONAL INJURIES, INCLUDING PERSONAL INJURIES SUSTAINED BY EMPLOYEES OF THE CITY, 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 RESTAURANT BUSINESS AT ITS EXPENSE, AGREES TO, INVESTIGATE, HANDLE RESPOND TO, PROVIDE DEFENSE FOR AND DEFEND ANY CLAIM MADE AGAINST THE CITY FOR WHICH CLAIMS IS, IN WHOLE OR PART, LIABLE AND AGREES TO BEAR ALL COST AND EXPENSES RELATED THERETO, INCLUDING ATTORNEY'S FEES AND COSTS EVEN IF SUCH CLAIM IS GROUNDLESS, FALSE OR FRAUDULENT.

Acknowledgement/Attestation Page, Continued  
Signatures, Sidewalk Café Application for 2021 Season  
City of Newburgh, New York

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APPLICANT

\_\_\_\_\_  
Signature

Print Name: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.:

COUNTY OF \_\_\_\_\_ )

On the \_\_\_ day of \_\_\_\_\_, in the year 2021, before me, the undersigned, a Notary Public in and for said State, 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 he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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

PROPERTY OWNER

\_\_\_\_\_  
Signature

Print Name (of natural person or corporate officer): \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.:

COUNTY OF \_\_\_\_\_ )

On the \_\_\_ day of \_\_\_\_\_, in the year 2021, before me, the undersigned, a Notary Public in and for said State, 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 he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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