



Village Of Nyack

Incorporated February 27, 1883



Asst Building Inspectors

Paul Rozsypal

Fire Inspector

David Smith

BUILDING DEPARTMENT

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MANNY A. CARMONA
Chief Building Inspector

SIDEWALK CAFÉ PERMIT APPLICATION

LAST REVISED: 7/20/2024

1. PROPERTY INFORMATION

Street Address	Name of Establishment:	Sec./Block/Lot #:	Zoning District (only permitted in) <input type="checkbox"/> DMU-1 <input type="checkbox"/> DMU-2 <input type="checkbox"/> RMU <input type="checkbox"/> WF <input type="checkbox"/> Restaurant <input type="checkbox"/> BAR <input type="checkbox"/> LOUNGE
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2. APPLICANT INFORMATION

Business Name:	First & Last Name:	E-Mail: _____
Street Address:	City:	Phone #: _____
		State & Zip Code: _____

3. BUSINES OWNER INFORMATION

Business Name:	First & Last Name:	E-Mail: _____
Street Address:	City:	Phone #: _____
		State & Zip Code: _____

4. PROPERTY LEGAL OWNER INFORMATION

Complete Legal Name:		
First, Last Name and Title:		
Street Address:	City:	State & Zip Code:
Phone #:	E-Mail:	

IMPORTANT NOTICES: READ BEFORE SIGNING

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official shall have the authority to enter the premises covered by such permit at any reasonable hour to enforce the provisions of the code applicable to such permit under this jurisdiction Part 1203-complaint code enforcement program.

PRINT/SIGN NAME OWNER AGENT

PLEGGED to before me this
____ day of _____, 20____

§ 360-3.2.(7) (a) Sidewalk Cafe.

Sidewalk cafes may be permitted, provided that such use is incidental to and in conjunction with an established permitted restaurant, bar or tavern, or take-out restaurant, provided that the establishment of such an accessory use has no deleterious effect on the public health, safety or welfare, or negative effect on adjoining businesses. Sidewalk cafes and outdoor cabarets in conjunction with fast-food establishments are specifically prohibited.

(b) Special permit; site development plan.

[1] The Building Inspector is authorized to issue a special permit renewable yearly to operate a sidewalk cafe on public property, provided that the standards and requirements set forth in Subsection **(c) Standards and requirements**, below, have been complied with by the applicant, and shown on a site plan diagram submitted with the application for a special permit.

[2] The Building Inspector may refuse a renewal of the permit:

[a] If in his judgment the use at that location has unreasonably interfered with vehicular or pedestrian traffic; or

[b] If the premises has a history of noncompliance with the property maintenance standards in the Village Code, as evinced by three convictions during a calendar year for any violation of the Property Maintenance provisions of the Nyack Village Code; or

[c] There is an outstanding violation of the site plan filed in connection with the permit; or

[d] For other good cause.

[3] Any decision to deny an application to renew a permit must be in writing, and shall be subject to review by the Zoning Board of Appeals.

(c) Standards and requirements. The Building Inspector shall require a site plan to be filed as a part of each application and such plan shall conform in all respects to the following:

There shall be a minimum of five feet of clear distance from any obstruction adjacent to the area occupied by the sidewalk café. **O.K.** **N.C.** **N.A.**

No tables shall be placed in any area where the five-foot clear distance cannot be maintained.

The five-foot clear area must be free of all obstructions (such as trees, parking meters, multi-space parking control systems, utility poles, etc.) in order to allow adequate pedestrian movement.

O.K. **N.C.** **N.A.**

When an extended building line places a permitted establishment within 20 feet of the corner of a block, a sidewalk cafe shall only be permitted when it is determined that the use will not create a hazard, a sight distance obstruction for motor vehicle operators or unduly impede pedestrian traffic.

O.K. **N.C.** **N.A.**

There shall be no tables within or blocking an entrance or exit doorway. **O.K.** **N.C.** **N.A.**

A sidewalk cafe may be located only directly in front of the establishment with which it is associated.

Sidewalk cafes shall be placed adjacent to the building and where the sidewalk is of such width and design that it does not interfere with pedestrian or vehicular traffic. **O.K.** **N.C.** **N.A.**

A sidewalk cafe may not be located within 50 feet of the boundary of any SFR, TFR or MFR District.

Fully removable gateless fencing no higher than table height must be erected on the perimeter line and attached to the building if removed nightly. **O.K.** **N.C.** **N.A.**

The permit holder shall be fully responsible for the proper installation and removal of the gateless fencing, and shall be liable for any damage to the public sidewalk. **O.K.** **N.C.** **N.A.**

Furnishings shall consist solely of the aforementioned gateless fencing, tables, table umbrellas of a height of at least 84 inches, chairs, and planters containing live plants. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property.

No permanent structure or enclosure to accommodate the storage of furniture, accessories or accumulated garbage may be erected or placed adjacent to or separate from the sidewalk cafe on public property. **O.K.** **N.C.** **N.A.**

A sidewalk cafe shall not interfere with any public service facility such as a telephone, fire call box, mailbox or public bench located on a sidewalk. **O.K.** **N.C.** **N.A.**

All sidewalk cafes pursuant to this section must provide a food menu, but this shall not be interpreted to prohibit the service of beverages only. **O.K.** **N.C.** **N.A.**

The permit holder of a sidewalk cafe shall maintain, at its sole expense, comprehensive general liability insurance coverage in an amount not less than \$1,000,000, with the Village named as additional insured. **O.K.** **N.C.** **N.A.**

(d) Operating restrictions.

The establishment shall maintain all necessary licenses required by the State of New York. **O.K.**
 N.C. **N.A.**

The Building Inspector may prohibit or limit the hours of operation of any activities that may impact an adjacent or nearby properties, such as the operation or use of musical instruments or sound reproduction devices, or any noise emanating from the sidewalk cafe or outdoor vending area other than the conversational and service sounds. **O.K.** **N.C.** **N.A.**

When the associated indoor establishment is not open or the sidewalk cafe is not in daily use, all furnishings shall be removed daily from public property. **O.K.** **N.C.** **N.A.**

All alcoholic beverages to be served at sidewalk cafes shall be prepared in the interior of the establishment. **O.K.** **N.C.** **N.A.**

The restaurant shall not serve food or beverage to a patron at a sidewalk cafe unless that patron is seated at a table. **O.K.** **N.C.** **N.A.**

Sidewalk cafes and the public property on which they are located shall be kept neat and clean at all times, whether or not the sidewalk cafe furnishings are being utilized, and free from any substance that may damage the sidewalk or cause patron or pedestrian injury, including but not limited to all litter, discarded food materials, chewing gum debris, and cigarette butts. **O.K.** **N.C.** **N.A.**

The total number of patrons at any outdoor cafe or at any sidewalk tables authorized under this chapter shall not exceed six patrons as of 11:00 p.m. following an evening of food and beverage service. **O.K.** **N.C.** **N.A.**

All outdoor cafes and sidewalk tables authorized under this section, as well as any furnishings used in association with the outdoor cafe area, shall be removed from the outdoor cafe area at or before 11:00 p.m. following an evening of food and beverage service. **O.K.** **N.C.** **N.A.**

All windows and doors on the building or establishment holding a permit issued pursuant to this section shall be closed at or before 11:00 p.m. following an evening of food and beverage service. **O.K.** **N.C.** **N.A.**

(e) Enforcement. This section shall be enforceable by the Building Inspector, Village Code Enforcement Officer, the Orangetown Police or the Village parking enforcement aides.

