



City Of Kingston

Restaurant and Retails Outdoor Expansion Guide

The 4 Steps You Must Take:

- 1) Affirm that you have reviewed and understand your obligation to operate in accordance with the NYS DOH guidelines, and develop a Business Safety Plan to be retained on the premises of the business.
- 2) Review the Ulster County and State Liquor Authority guidelines.
- 3) Review the City of Kingston Outdoor Expansion General Requirements outlined in this document.
 - a. Submit the following if you wish to participate:
 - i. SLA Licensee Certification Form (if applicable)
 - ii. Site Sketch (see sample at end of document)
 - iii. Certificate of Liquor Liability Insurance required for those using Public Spaces (Sidewalks, Parklets, Roadways)
- 4) If you are expanding to contiguous outdoor, open-air area that is part of your existing private premises, submit an updated diagram within 5 business day of expanding to the SLA at temporaryalterations@sla.ny.gov

*Note: If a business is expanding to municipal property, the City will submit to SLA on behalf of the business once all materials bulleted in Step 3 above are completed by the business.

Overview:

Restaurants and retail establishments may temporarily expand dining and retail services to certain outdoor areas of private and public property, as described and regulated on the following pages, including: Private Open Space, Private Off-street Parking, Sidewalk Cafes, Parklets.

City Certification Process:

To participate in the program, minimum safety requirements and design regulations as described in this document must be met. It shall be the responsibility of the business to ensure that these requirements are maintained at all times. The use of any public property for outdoor dining, and the certification of the same, is at the discretion of the Mayor's Office. The approval of outdoor dining/retail is only valid during the 2020 Outdoor Dining season through the end of October by way of executive order, and any violations of the conditions as set forth in the certification, may subject the violator to a fine of suspension or revocation of the approval.

To receive certification, businesses must submit the follow to Roy Verspoor @ rverspoor@kingston-ny.gov or via drop box at Kingston City Hall, 420 Broadway.

- Licensee Request Form (<https://sla.ny.gov/system/files/documents/2020/06/licensee-certification-for-temporary-extension.pdf>)
- Site Sketch
- Certificate of Liquor Liability Insurance required for those using Public Spaces (Sidewalks, Parklets, Roadways)

General Requirements:

The following requirements will be applicable to all restaurants and retail businesses in the City of Kingston that utilize the Restaurant + Retail Outdoor Expansion Program. Please note that these requirements are in addition to those issued by the New York State and Ulster County outlined later.

Physical Requirements:

- All indoor and outdoor seating must be spaced at least 6 feet apart.
- No permanent structures may be affixed to the sidewalk, roadways or buildings.
- Exterior seating may be accompanied by awnings, umbrellas, and other temporary furnishings.
- Use of tents/temporary structures must meet safety guidelines outlined in the 2020 Fire Code of NYS.
- Tents or temporary structures shall not be fully enclosed and must be open air.
- Safe pedestrian pathways between barrier walls must be provided. No tables can be within 6' of pedestrian pathways
- Appropriate lighting must be provided if operating outside of daytime hours.

Maintenance Requirements:

- Maintenance and cleaning shall be the responsibility of the business.
- The City is not responsible for any damages or loss of equipment.

Operational Requirements:

- Outdoor seating must be closed after 10:00pm each day
- Implement contactless ordering and payment processes, if possible.
- Provide easily accessible sanitizer for patrons and employees.

Fire Safety Requirements:

- No heating, cooking or open flames are permitted in outdoor dining areas.
- Fire hydrants / fire lanes cannot be blocked- minimum of 10 feet of distance.
- Heaters of any kind shall not be used under tents or umbrellas.
- Smoking is strictly prohibited.
- Propane fueled patio heaters shall not be closer than 10 feet to any entrance or exit of any structure, or near any combustible material.

Type of Outdoor Areas: 1) Private Open Space:

Restaurants and retail establishments with access to private sidewalks or open space may utilize these areas for dining or retail services, in accordance with the safety guidelines outlined in this document, provided consent of the landlord or property owner is obtained.



- Must abide by the general requirements and all State and local requirements.
- Movable barriers or other temporary materials shall be arranged as to enclose the dining areas, but shall not exceed a **maximum of 4 feet in height**.
- Fences, planters, tables, and other temporary materials should **not be located within 5 feet of a driveway** or a street intersection.
- Safe **pedestrian pathways** between barrier walls must be provided.

Type of Outdoor Areas: 2) Private Off-Street Parking:

Private off-street parking spaces may be converted to outdoor dining areas or retail space to expand the footprint of the business operation, in accordance with the safety guidelines outlined in this document, provided consent of the landlord or property owner is obtained.



- Must abide by the general requirements and all State and local requirements.
- No parking for disabled persons may be utilized.
- Temporary barrier and fences **shall not be greater than 4 feet in height**.

- Fences, planters, tables, and other temporary materials should **not be located within 5 feet of a driveway** or a street intersection.
- **Food trucks are permitted** to utilize private off-street parking spaces with consent of a property owner or landlord.

Type of Outdoor Areas: 3) Sidewalk Cafe:

Operating restrictions and general requirements for sidewalk cafes shall remain in effect and shall generally apply to all private business operations including retail establishments.



- Must abide by the general requirements and all State and local requirements.
- The area to be used for a sidewalk café is **limited to the business frontage**.
- The sidewalk abutting the property must **not be less than 10 feet** in width.
- There shall be a **minimum clear distance of 6 feet**, free of all obstructions, in order to allow for adequate and safe pedestrian movements.
- Movable railings or planters may be arranged as to define the dining area, but **shall not be greater than 4 feet in height**.
- A clear, unoccupied space must be provided, not less than 4 feet in width, in front of all entrances of the building.

Type of Outdoor Areas: 4) Parklet:

Businesses may temporarily expand dining and retail operations onto on-street parking spaces (parklets) within the public right-of-way on City roads, provided the applicable requirements outlined in this guidebook can be met. Operating restrictions and general requirements for sidewalk cafes shall apply to all parklets.



- Must abide by the general requirements and all State and Local requirements.
- Sturdy barriers **must** be arranged to delineate the dining area from the street.
- **Any equipment or furniture placed within the parking space cannot be placed closer than 2 feet from the edge of the adjacent travel lane.**
- May not use space designated for disabled parking.

Type of Outdoor Areas: 5) Roadway:

Businesses may temporarily expand dining and retail operations onto on-street areas within the public right-of-way on City roads, provided the applicable requirements outlined in this guidebook can be met. Operating restrictions and general requirements for sidewalk cafes shall apply to all roadway areas.



- Must abide by the general requirements and all State and Local requirements. Must coordinate with the City to arrange road closures.
- Sturdy barriers **must** be arranged to delineate the dining area from neighboring dining/retail areas.
- **Any equipment or furniture placed within the roadway must allow for a 12' fire lane for emergency access.**
- These short term closures require the removal of all dining/retail related materials before the reopening time of the road.

Type of Outdoor Areas: 6) Movable Barriers and Temporary Materials:

Temporary barriers and furniture materials can be used to better define boundaries of extended business operations, including barriers made of or created with Concrete, Plastic, Wood, Tire/Rubber, Plant Life/Planters, Chalk, Astroturf, Large Stones.

FAQs:

Q: Can I have live entertainment in my outdoor dining area?

A: No, concerts and other similar forms of live entertainment are not yet permitted. Recorded music may be used in accordance with your SLA license conditions and any municipal ordinance. Where in conflict, the municipal ordinance shall govern.

Q: What if my business already has outdoor dining space that was approved on our site plan?

A: Existing legal outdoor dining space do not need to submit a certification request to the city. However, you must abide by all NYS DOH, State Liquor Authority, and Ulster County guidelines. Feel free to reach out to the City if you have questions regarding those guidelines as they relate to outdoor dining space.

Q: Do I have to take down my outdoor setup every day at closing?

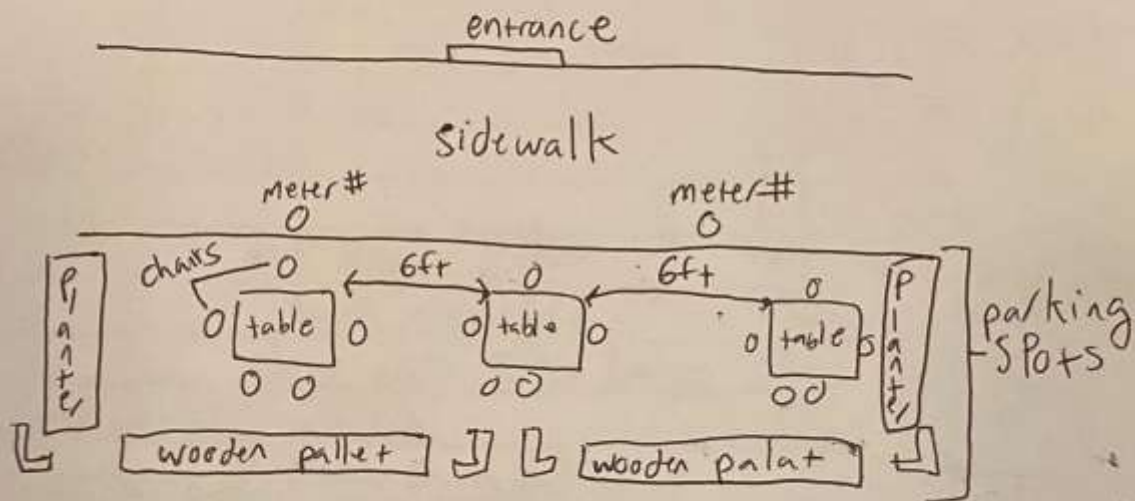
A: No, for the duration of the program, temporary outdoor dining and retail space (and the materials utilized to create them) may remain in place, except for those temporarily using the Roadway when Roadways are closed completely, pursuant to this program. Business owners will be responsible for securing materials and keeping the space free of trash and other debris.

Q: Where can I get materials to create my temporary outdoor space?

A: Businesses are responsible for purchasing or creating their own temporary materials.

SAMPLE SITE SKETCH

"My restaurant"



Notes

- Parklet is utilizing two on-street spaces, #
- Maximum occupancy of parklet - 15, 5 per table
- Barriers will be made of wooden pallets or planters

NYS Department of Health Guidance:

On April 26, 2020, Governor Cuomo announced a phased reopening for the State of New York. Kingston and the Mid-Hudson region are slated to enter Phase 2 of the reopening process on June 9, 2020.

During Phase 2, restaurants and retail businesses 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:

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

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 Expansion Certification Request form and site sketch.