

Town Board Minutes
Special Meeting
Town of North Castle
Online at NCTV
Armonk, New York
on
June 6, 2020

The Town Board Special Meeting was called to order at 5:02 p.m. and held online via web conference due to the Coronavirus (COVID-19) pandemic. The following persons were present:

Present: Supervisor: Michael Schiliro
Councilman: Barbara DiGiacinto
Councilman: Barry Reiter
Councilman: José Berra
Councilman: Saleem Hussain
Town Clerk: Alison Simon
Town Attorney: Roland A. Baroni
Town Administrator: Kevin Hay

The Special Meeting was called in regard to a resolution for Temporary Outdoor Dining Permit Regulations in an effort to provide additional outdoor seating opportunities in North Castle's three Hamlets in response to COVID-19 statewide regulations.

Supervisor Schiliro explained that per Phase 2 of the Reopening New York guidelines, restaurants can open, but can only serve in outdoor dining areas. This resolution will modify the Town's current outdoor dining regulations to enable the restaurants in the three hamlets to open for outdoor dining by expanding seating through the use of sidewalk and parking lot areas.

Director of Planning Adam Kaufman provided a brief history of the outdoor dining in the Town. Mr. Kaufman noted that recognizing the importance of outdoor dining the Town Board adopted a Local Law a number of years ago which placed Outdoor Dining in its own chapter in the Town Code, outside of the Zoning Code, and eliminated the previous requirement for a special permit. He said that the Town Board is considering the adoption of a resolution at tonight's meeting which would supersede some existing requirements in the Code for a limited duration to November 1, 2020. The Board would have the ability to extend to a future date if the restaurants are not opened to indoor seating. Mr. Kaufman said that the Outdoor Dining chapter would be retained, but amending certain sections temporarily would give the Building Inspector additional authority to grant new permits based upon these amended regulations. He reviewed the technical aspects of the temporary regulations as detailed in the resolution.

In regard to a resolution providing additional outdoor seating opportunities in North Castle's three Hamlets, Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, adoption of a Negative Declaration, and Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, adoption of the Resolution as amended: in Section 218-3.B(1) the word "renewal" will be changed to "issuance". The Resolution follows at the end of these minutes.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the Special Meeting at 5:35 p.m.

Alison Simon, Town Clerk

Dated: June 10, 2020

RESOLUTION

Action: Temporary Outdoor Dining Permit Regulations
Date of Approval: June 6, 2020

WHEREAS, Gov. Andrew Cuomo announced that outdoor dining would be allowed statewide in Phase 2 as long as tables and seating are six feet apart from each other, restaurant staff wear face masks and customers wear face masks when they aren't seated; and

WHEREAS, originally, outdoor dining was grouped with Phase 3 of a region's reopening; and

WHEREAS, given the change in timing and the desire of the Town Board to support outdoor dining, the Town Board must quickly enact modified outdoor dining regulations; and

WHEREAS, that, except as otherwise expressly amended herein, all provisions of Chapter 218 of the Town Code shall remain in full force and effect; and

WHEREAS, the following provisions of Chapter 218 are amended as follows until November 1, 2020 or until full indoor seating is permitted, whichever is sooner:

Section 218-3.B(1) shall be revised as follows:

The license shall be valid only until November 1, 2020 or until full indoor seating is permitted, whichever is sooner. In the event the Building Inspector determines not to issue a license, he shall give notice to the licensee of said intention, by certified mail, return receipt requested, not later than 30 days after receipt of an application for issuance of said license, and the reason therefor. The licensee may seek review of the Building Inspector's determination by appealing to the Town Board. Such review shall be requested by the licensee in writing and not later than 15 days from the receipt of the denial of the application by the Building Inspector of said license. Upon appeal, the Town Board shall give notice to the licensee of the meeting at which the appeal will be considered, which notice shall be delivered personally or by certified mail and addressed to the licensee's address as shown on the application. Such licensee shall be entitled to attend the meeting before the Town Board and shall be afforded a full opportunity to be heard. The Town Board shall render a final determination within 30 days of the said meeting.

Section 218-3.B(2) shall be revised as follows:

On the sidewalk or on the side or rear of the principal place of business of such entity, so long as the outdoor dining area is located on the same property as the principal place of business. In addition, an outdoor dining facility shall be permitted to be extended to directly contiguous property, if included as part of a single outdoor dining facility and if permitted by the adjacent property owner.

Section 218-3.B(4) shall be revised as follows:

Furnishing of an outdoor dining area shall consist solely of readily removable tables, chairs, umbrellas, seasonal heating, planters, and decorative accessories and trash receptacles (together, "furnishings") of a design, type, size and color approved by the Building Inspector, and all of which shall be uniform in style, color and material. The advertising of products or brands on any furnishings shall be prohibited.

Section 218-10 shall be revised as follows:

A fee shall be not be charged in connection with the review of outdoor dining license applications.

WHEREAS, the following additional provisions shall apply until November 1, 2020 or until full indoor seating is permitted, whichever is sooner:

Additional Outdoor Seating

Outdoor dining areas shall be permitted to be established in existing required off-street parking facilities up to an area consisting of 50% of the area of the off-street parking facility.

Additional Safety Provisions

All tables and surrounding chairs must be placed a minimum distance of 6 feet from all other tables and chairs for that or any adjacent facility

All employees must wear masks at all times

All customers must wear masks when not seated

No tables or chairs shall be located closer than 6 feet from any door where pick-up service or curbside delivery is made available

No tables or chairs shall extend into pedestrian pathways and shall be located a minimum of 6 feet from such pathways.

All outdoor dining shall comply with NY Governor Executive Orders, Dept. of Health regulations, and CDC guidelines/orders and the NYS Liquor Authority.

WHEREAS, on June 6, 2020 , the Town Board reviewed and discussed the proposed temporary outdoor dining permit regulations and all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Town Board adopted a Negative Declaration on June 6, 2020; and

NOW THEREFORE BE IT RESOLVED, that above temporary outdoor dining permit regulations shall be in force only until November 1, 2020 or until full indoor seating is permitted, whichever is sooner.