

CITY OF POUGHKEEPSIE



# RESTAURANT + RETAIL OUTDOOR EXPANSION GUIDEBOOK

*"The City of Poughkeepsie's Restaurant + Retail Outdoor Expansion Program has been established to ensure businesses have the greatest ability to operate successfully during the COVID-19 economic recovery."*

*- Mayor Rob Rolison*

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# Restaurant + Retail Outdoor Expansion

## SNAPSHOT OF THE 4 STEPS YOU MUST TAKE

1

Affirm that you have reviewed and understand your obligation to operate in accordance with [NYS DOH guidelines](#), and develop a [Business Safety Plan](#) to be retained on the premises of the business.

2

Review [Dutchess County](#) + [State Liquor Authority Guidelines](#)

3

Review the City of Poughkeepsie Outdoor Expansion General Requirements outlined in this guidebook

**Submit the following if you wish to participate:**

- ✓ Certification Form
- ✓ Site Sketch (see samples in Attachment A)
- ✓ [SLA Licensee Certification Form](#) (if applicable)

4

If you are expanding to a contiguous outdoor, open-air area that is part of your existing premises, submit an updated diagram within 5 business days of expanding to the [SLA](#) at [temporaryalterations@sla.ny.gov](mailto: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.

# Restaurant + Retail Outdoor Expansion Overview

The County Executive's order waiving or suspending certain municipal ordinances has allowed the City of Poughkeepsie to tailor our existing sidewalk café ordinance to allow businesses to accommodate outdoor dining while at the same time follow social distancing guidelines. The current initiative entails leveraging available private and public outdoor space, not typically permitted for business activity, to be used as temporary expanded areas for restaurants and retail businesses while maintaining public health and safety requirements.

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;

- |                                     |                         |
|-------------------------------------|-------------------------|
| <b>1 private open space</b>         | <b>3 sidewalk cafes</b> |
| <b>2 private off-street parking</b> | <b>4 parklets</b>       |

## 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 building inspector, or his designee. The outdoor dining permit is also subject to ongoing review by the building inspector, or his designee, and any violations of the conditions as set forth in the certification, may subject the violator to a fine or suspension or revocation of the permit

To receive certification, businesses must submit the following to Planning Director Natalie Quinn at [nquinn@cityofpoughkeepsie.com](mailto:nquinn@cityofpoughkeepsie.com) :

- ✓ Certification Request Form
- ✓ Site Sketch
- ✓ SLA Licensee Certification Form (if applicable)

# Restaurant + Retail Outdoor Expansion

## General Requirements

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

### PHYSICAL REQUIREMENTS

- ☐ All indoor and outdoor seating must be spaced at least six feet apart
- ☐ No permanent structures may be affixed to the sidewalk 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 and NFPA 701
- ☐ Tents or temporary structures shall not be fully enclosed and must be open air
- ☐ Safe pedestrian pathways between barrier walls must be provided
- ☐ 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

- ☐ Total seating can not exceed 100% of existing occupancy
- ☐ Outdoor seating must be closed after 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday
- ☐ Implement contactless ordering and payment processes, if possible (NYS)
- ☐ Provide easily accessible sanitizer for patrons and employees (NYS)

### FIRE SAFETY GUIDELINES

- ☐ No heating, cooking or open flames are permitted in outdoor dining areas
- ☐ Fire hydrants / fire lanes cannot be blocked – minimum 3 ft. 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



# Restaurant + Retail Outdoor Expansion

## Outdoor Expansion Options



**Private Open Space**



**Private Off-Street Parking**



**Sidewalk Cafe**



**Parklets**

CREDIT: Hudson River Housing, Inc., Mill House Brewing Company, Paul Hesse



# Restaurant + Retail Outdoor Expansion

## 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 on p.3 and all state and local requirements referenced in Attachment B and Attachment C
- Movable barriers or other temporary materials shall be arranged as to enclose the dining area, 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

# Restaurant + Retail Outdoor Expansion

## 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 on p.3 and all state and local requirements referenced in Attachment B and Attachment C
- No parking for disabled persons may be utilized
- Temporary barriers 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 property owner or landlord



CREDIT: CNBC and The Herald New



# Restaurant + Retail Outdoor Expansion

## 3 SIDEWALK CAFE

Operating restrictions and general requirements for sidewalk cafes per Section 15-14 shall remain in effect and shall generally apply to all private business operations including retail establishments.

- Must abide by the general requirements on p.3 and all state and local requirements referenced in Attachment B and Attachment C
- The area to be used for a sidewalk cafe 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 three feet in width, in front of all entrances of the building



CREDIT: @essiesrestaurantpk

# Restaurant + Retail Outdoor Expansion

## 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 per Section 15-14 shall apply to all parklets.

- Must abide by the general requirements on p.3 and all state and local requirements referenced in Attachment B and Attachment C
- 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 ft from the edge of the adjacent travel lane**
- May not use spaces designated for disabled parking



CREDIT: Open Norfolk;; Jason Whitman Getty Images



# Restaurant + Retail Outdoor Expansion

## MOVABLE BARRIERS + TEMPORARY MATERIALS

Temporary barrier and furniture materials, such as those depicted below, can be utilized to better define boundaries of extended business operations.



CREDIT: CITY OF TAMPA'S LIFT UP LOCAL GUIDE



# 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 spaces do not need to submit a certification request to the city. However, you must abide by all NYS Department of Health, State Liquor Authority, and Dutchess 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 everyday at closing?**

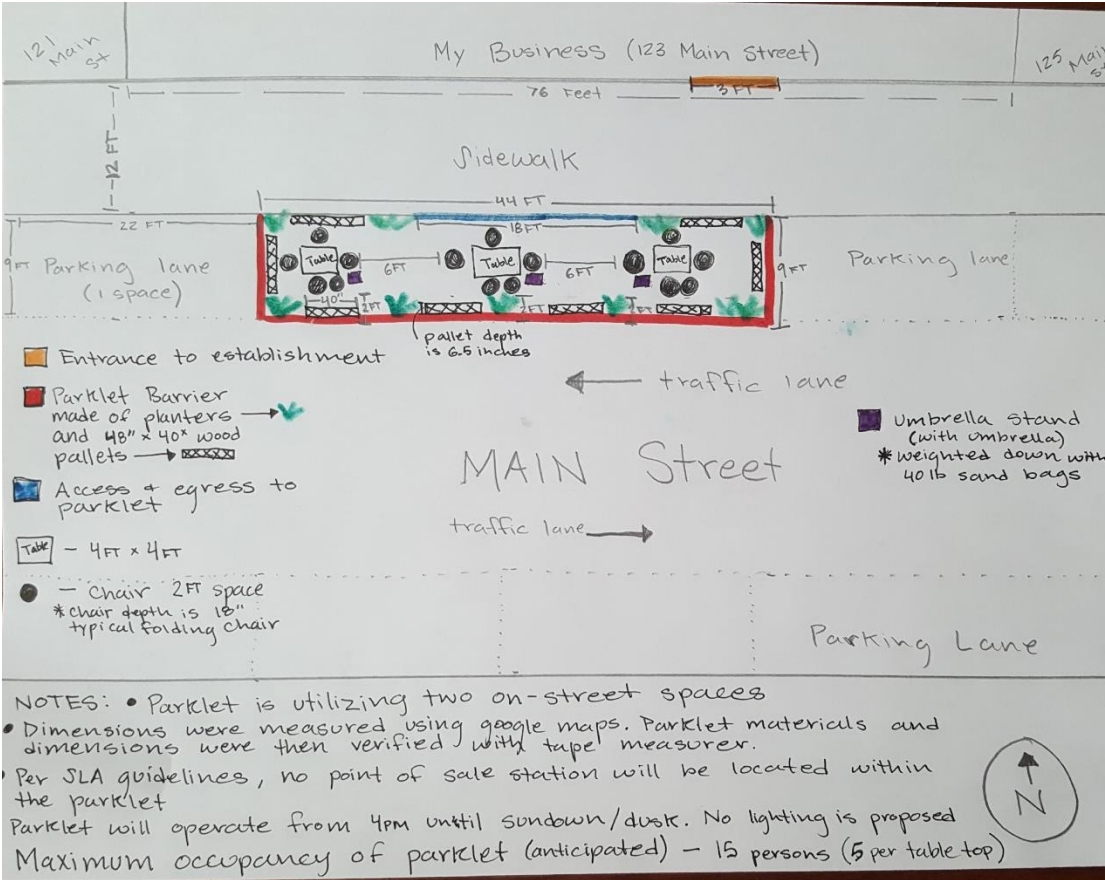
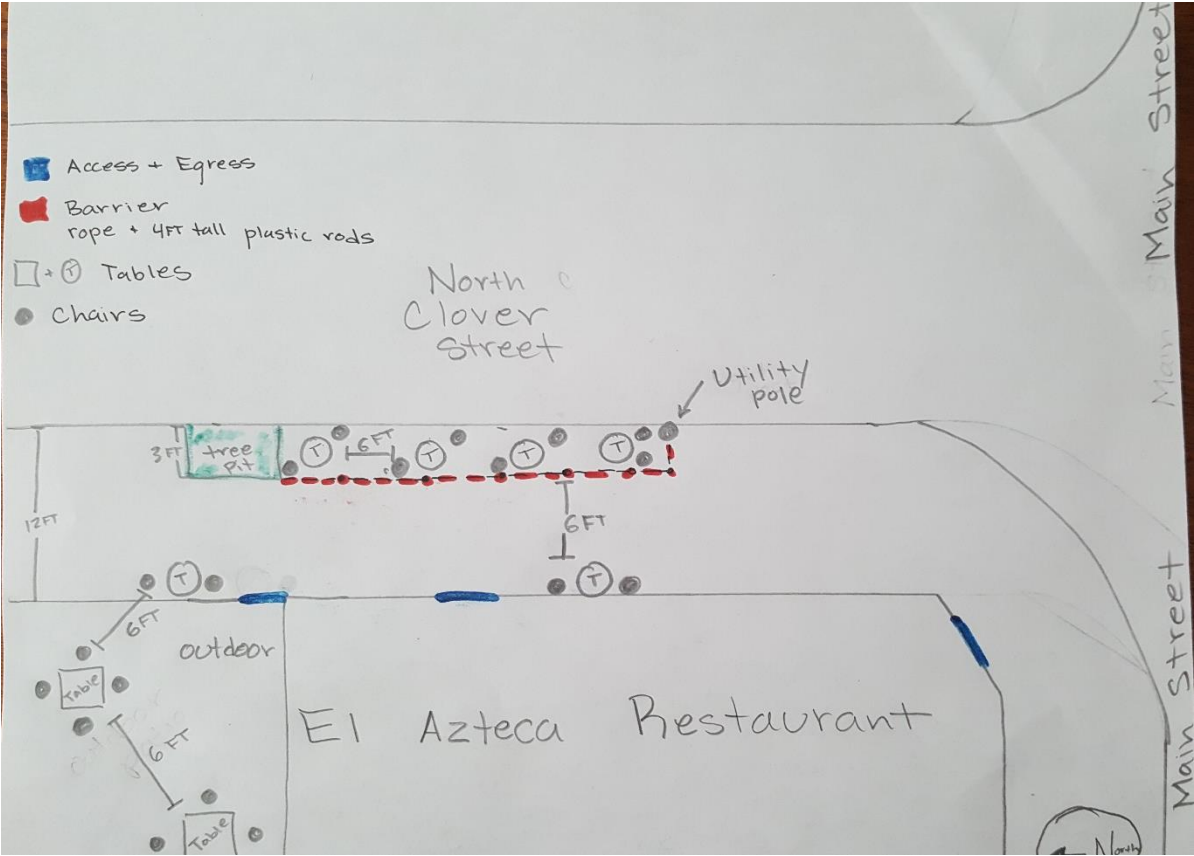
A: No, for the duration of the program, temporary outdoor dining and retail spaces (and the materials utilize to create them) may remain in place. Business owners will be responsible for securing all materials and keeping the space free of trash and other debris.

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

A: Businesses are responsible for purchasing or creating their own temporary materials. However, the City may be able to lend or assist businesses in securing materials such as jersey barriers or wood pallets. Additionally, we recommend businesses reach out to the Public Arts Commission to potentially coordinate with local artists to create temporary barricades. Please email Natalie Quinn at [nquinn@cityofpoughkeepsie](mailto:nquinn@cityofpoughkeepsie) to inquire about these options.

# APPENDIX A: SAMPLE SITE SKETCHES

SAMPLE PARKLET SKETCH



SAMPLE SIDEWALK CAFÉ SKETCH

## APPENDIX B:

# NYS DEPARTMENT OF HEALTH GUIDANCE

On April 26, 2020, Governor Cuomo announced a phased reopening for the State of New York. Poughkeepsie and the Mid-Hudson Region are slated to enter Phase 2 of the re-opening 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 industry 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.



## APPENDIX C:

# DUTCHESS COUNTY + STATE LIQUOR AUTHORITY

In light of the state's inclusion of expanded outdoor space for dining in Phase II, which is expected begin on Tuesday, June 9<sup>th</sup>, Dutchess County Executive Molinaro has released the following guidance:

- Food and/or beverage must be consumed in outdoor, open-air areas, without a fixed roof (besides a temporary or seasonal awning or cover).
- Food and/or beverage must be consumed while seated at a table, bar, counter, or similar contrivance.
- All tables must be 6 feet apart; any seat at bar, counter, or similar must be 6 feet apart.
- All staff of the licensed business must wear face masks at all times.
- All customers must wear face masks at any time they are not seated.
- Any consumption shall be subject to all other relevant executive orders, guidances promulgated by the Department of Health, and/or any other relevant agency guidance.

Dutchess County Government continues to provide residents the most current information on its [COVID-19 Community Impact Dashboard](#), as well as guidance on its website, [dutchessny.gov/coronavirus](https://dutchessny.gov/coronavirus), its Coronavirus hotline, (845) 486-3555, and its [Facebook](#) and [Twitter](#) accounts.

## 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.