

Department of
Transportation & Traffic Safety
Town Hall • 100 Main Street
Huntington, NY 11743-6991



Phone: (631) 351-3053
Fax: (631) 351-3066

**TEMPORARY OUTDOOR PARKLET DINING ON THE TOWN'S RIGHT-OF-WAY
PARKING LANE / SHOULDER AREA**

FOR 2021 ONLY

Business Name (legal/dba): _____

Business Owner's Name (Individual): _____

Business Address (Specific Location): _____

E-Mail: _____ Home Phone: _____

Work Phone: _____ Cell Phone: _____

- The building in which the restaurant is located shall have a certificate of occupancy for the current establishment before applying for the temporary outdoor dining permit.
- A diagram in conformance with the requirements of **Addendum A** and **Figure 1** showing, among other things, the number of tables and chairs and approximate area and proposed seating plan where the outdoor dining will be located, the height and width of the protective barriers that surround the seating area, and the metered parking spaces (or part thereof), if any, that will be occupied by the parklet.
- Submit a certificate of insurance, along with the application, evidencing the following coverage: a) : General Liability Insurance with limits of no less than \$1,000,000.00 per occurrence/\$2,000,000.00 in the aggregate; b) Liquor Liability Insurance with limits of \$2,000,000.00 per occurrence; c) and NYS Workers Compensation and Disability Insurance for the restaurant's employees (statutory limits). The Town of Huntington must be included as the certificate holder and as an "additional insured, by endorsement." A copy of the endorsement must be provided with the certificate of insurance. All insurance coverage is required to remain in full force and effect for the term of the permit.
- Submit a completed SLA Licensee Certification For Temporary Extension of Licensed Premises Onto Municipal Property, if applicable.
- Submit a check made payable to the Town of Huntington in the amount of \$100.00 per month for each metered parking space (or part thereof) that is used by the applicant for the parklet.



Please initial each statement after reading and agreeing to terms:

_____ I hereby certify that I am the owner of a small business located at the address set forth herein, that there is a Certificate of Occupancy for its use as a dining facility and I make this application for a temporary outdoor dining on the Town's right-of-way (parking lane/shoulder area).

_____ I acknowledge a temporary outdoor parklet permit shall be issued for a period ending December 31 for the current year.

_____ I acknowledge any violation of any condition imposed by the permitting agency shall be cause for revocation of the permit for outdoor dining.

_____ I acknowledge as a condition of granting of the temporary outdoor dining permit, the Applicant shall be required to sign an Hold Harmless and Indemnification Agreement which shall include provisions requiring the Applicant to defend, indemnify and hold the Town of Huntington, its officers, agents and/or employees harmless from any liability and attorneys' fees, imposed upon or incurred by the Town of Huntington, its officers, agents and/or employees arising from the negligence, gross negligence, recklessness, malpractice, or intentional tort of the Applicant arising out of or in connection with the Applicant's use and occupancy of the Town's right-of-way as contemplated by the permit herein described.

_____ I acknowledge the applicant shall not install any permanent obstructions or barriers on the Town's right-of-way.

_____ I hereby certify that I am compliance with the New York Forward Safety Plan of which a copy is to be maintained on premises and must comply with the terms thereof.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO §210.45 OF THE NEW YORK STATE PENAL LAW

SIGNATURE

DATE

SIGNATURE

DATE

PRINT NAME

PRINT NAME

Submit this completed form, a diagram in conformance with the requirements of Addendum A and Figure 1, and, if applicable, the SLA Licensee Certification for Temporary Extension of Licensed Premises onto Municipal Property, and all other necessary documents, to the Town of Huntington Department of Transportation & Traffic Safety at Traffic@HuntingtonNY.gov, Huntington Town Hall (Room 109), 100 Main Street, Huntington, NY 11743, phone (631) 351-3053, fax (631) 351-3066



**Licensee Certification For Temporary Extension of Licensed
Premises Onto Municipal Property
(To Be Included With Municipality Application)**

rev 06032020

SERIAL # **LICENSE TYPE**

LICENSEE:

DBA (TRADE NAME):

ADDRESS OF THE PREMISES:

CITY: , NY **ZIP CODE:**

BUSINESS EMAIL ADDRESS:

BUSINESS PHONE:

I,
Name of Certificant

hereby certify that I am a duly authorized principal or representative of the above-referenced license (and if a representative, I am the _____ [insert title] of the licensee), that I have reviewed the attached diagram, also signed by me, depicting and identifying the municipal property that my municipality is applying to temporarily become part of the licensed premises (the “Municipal Extension”), and that the above-referenced licensee agrees that it will supervise and maintain the Municipal Extension in accordance with the Alcoholic Beverage Control Laws just as if such Municipal Extension was part of the licensed premises as set forth in the license, including any and all Guidance issued by the State Liquor Authority with respect thereto, and that the above-referenced licensee will also adhere to whatever other and further rules and requirements are imposed by my municipality in connection herewith, and that the above-referenced licensee will adhere to these requirements as long as the temporary Municipal Extension remains in place (or until the above-refenced licensee delivers a written certification to the Licensing Bureau of the State Liquor Authority expressly advising that such Municipal Extension is being rejected), after which the above-referenced licensee will no longer be permitted to treat the Municipal Extension as being part of the licensed premises.

(Signature of Applicant/Representative)

(Date)

ADDENDUM A

OUTDOOR PARKLET RESTAURANT DINING PROGRAM WITHIN THE TOWN'S RIGHT-OF-WAY (PARKING LANE/SHOULDER AREA), TEMPORARY

The Director of Transportation & Traffic Safety may issue a permit to use the Town's right-of-way (parking lane/shoulder area) for outdoor dining, as part of a restaurant, delicatessen or other eating establishment for the consumption of food and beverage.

The Town's Outdoor Parklet Restaurant Dining within the Town Right-of-Way Program is an effort to implement a town-wide program to expand outdoor seating options for food establishments to promote open space, enhance social distancing, and help them rebound in these difficult economic times.

Please review the requirements below to determine if your location qualifies to use the parking lane/shoulder area for outdoor parklet restaurant dining.

Submitting an application is an acknowledgement that the establishment understands and agrees to all applicable terms and conditions and all applicable laws and guidance. If an establishment is not compliant, the Town may revoke or suspend its authorization at any time during the program period.

Establishments may apply to use the Town's right-of-way (parking lane/shoulder area) for outdoor dining contiguous to their business. The proposed area cannot be beyond the extension of the applicant's property frontage. **Outdoor dining within the parklet shall be no later than 11PM each night, except until no later than 12:00 a.m. on Friday and Saturday nights, if permitted by New York State.**

As part of any approval granted under this subsection, to ensure public safety, health and welfare, the Director of Transportation & Traffic Safety shall, in consultation with other Town Departments, consider and may impose any special requirements for the control



of traffic, noise, lighting, littering or hours of operation which are found necessary for the protection of surrounding properties.

The applicant, after receiving all Town approvals, will execute a license agreement with the Town and will be required to pay a fee of one hundred dollars (\$100) per metered parking space per month that is no longer accessible as a result of the proposed use. This fee will be required starting the first day of the month during which the metered parking space is not accessible.

The permit shall be good from the time of issuance until December 31, 2021, unless revoked for a violation of the license agreement.

The applicant for a temporary permit for outdoor dining shall submit a diagram showing the number of tables and chairs and approximate area and proposed seating plan where the outdoor dining will be located (within the Town's right-of-way). The diagram should include all information set forth in Figure 1 - Outdoor Parklet Restaurant Dining within the Town Right-of-Way. *If the applicant has approval for and is or has plans to implement outdoor dining along the sidewalk adjacent to a proposed parklet, they shall include the location and spacing of the sidewalk seating elements in their parklet plan diagram so that it can be reviewed in conjunction with what is being submitted for Town approval.* The diagram shall incorporate the following elements:

- A protective barrier to surround the seating area, such as planters or objects of similar size and weight, on all three sides of the seating perimeter that are in the roadway, to separate seating from the travel lane.
 - Barriers must be at least 18" in width and 36-42" in height (excluding plantings) on all three sides that are in the roadway, to preserve visibility for motorists and provide protection for patrons.
 - All 18" roadway barriers must be completely filled with soil or sand.
 - Barriers must have a fully built interior wall and bottom to hold filler material.



- *Subject to review and approval*, plastic water-filled barriers may be proposed as an alternative treatment to surround the seating area and must meet the following minimum requirements: 42" tall x 72" long x 24" wide at the base, narrowing to approximately 10" wide at the top.
- Continuous reflector tape must be added along the top outside edges.
- A plastic water-filled barrier in front of the roadway barrier facing oncoming traffic will be required for a majority of restaurants. As an alternative, the Town has a limited number of concrete barricades and Type III barricades that, on a first come first serve basis, will be deployed by Town staff and placed as end treatments adjacent to the end of parklets facing approaching roadway traffic. When there are consecutive parklets along one side of a Town roadway, the need for additional barrier end treatments will be determined by the Department of Transportation and Traffic Safety.
- Barriers shall be placed directly adjacent to each other (no gaps) and no more than 8' from the curb and/or encroach into any travel lane.
- Ensure visibility of patrons and barriers at night by clearly marking all barriers with yellow high intensity retro-reflective tape or reflectors.
- Show material and construction details of barrier and any planned privacy screening that is proposed on top of the barriers.
- No signage or advertising will be permitted as part of a proposed parklet.
- A ramp for ADA compliance, which can be made of non-permanent materials
- No seating or barriers within 15' of a fire hydrant.



- No seating or barriers within 20' of a crosswalk or pedestrian path, to provide for safe visibility of pedestrians and vehicle turns and avoid crowding.
- No lighting that is blinding to passing traffic.
- Parklet will not be permitted within a No Stopping Anytime or No Standing Anytime zone, bus stop or on-street accessible parking spaces.
- Where seating is authorized along a curb, install a platform behind the required barrier to flush height with curb to facilitate ADA compliance, prevent the curb from becoming a tripping hazard, and allow drainage to underpass seating.
- Such platforms shall not block rain water drainage getting to the curb or flowing along the curb.
- Such platforms shall not obstruct access to or ventilation of utility covers.

No applicant shall take any steps to incorporate a parklet within the Town's right-of-way until they have a fully executed agreement with the Town.

This program is for proposed outdoor parklet restaurant dining in the parking lane/shoulder area along Town roadways only. For those that are interested in applying for similar use along New York State Department of Transportation (NYSDOT) roadways, NYSDOT has its own permit (PERM 33-g) submission and approval process which can be found at: [NYSDOT PERM 33](#). **A food establishment that obtains DOT approval, must still execute an agreement with the Town, provide the required insurance, and pay a fee to the Town of Huntington in the amount of \$100.00 per month for each metered parking space (or part thereof) that is used by the applicant for the parklet.**

For those interested in the use of sidewalks for dining within the Town's right-of-way, see Town Code Chapter 198-2 Outdoor Dining on the Town's Right-of-Way, Temporary which is subject to the submission and approval of the Town's Engineering Department.



Any violation of any condition either imposed by the permitting agency or in the license agreement shall be cause for revocation of the permit for outdoor parklet dining (e.g., the outdoor dining may not be located in an area designated by any board of the Town for some other use).

The Town may immediately revise, terminate or suspend, for a period of time and without prior notice, the seating area usage based on valid complaints, lack of ADA access, need for repairs, or for any other reason.

Restaurants/Applicants must:

- Comply with Town Fire Marshall and other applicable Fire Codes.
- Remove tables and chairs or secure them in place when not in operation.
- Tables, chairs, and barriers must be provided by applicant.
- Adhere to other Town Code requirements regarding the use of heaters, tents and/or enclosures.

Three (3) occurrences of any one (1) or a combination of the following: rowdy behavior, blocking the passage of pedestrians or littering, as observed and cited by Town inspectors, Transportation & Traffic Safety personnel, Public Safety personnel or Police Department personnel, shall be cause for revocation of the permit.

If the outdoor dining shall be located on the Town's right-of-way (parking lane/shoulder area), then the applicant for the permit shall submit a certificate of insurance, along with the application, naming the Town of Huntington as an additional named insured. A certificate of insurance evidencing such coverage and providing proof that the Town of Huntington is an additional insured shall be provided by the applicant to the Town of Huntington Director of Transportation & Traffic Safety before the granting of the requested permit. Said coverage shall remain in full force and effect for the term of the permit.

As a condition of the granting of the temporary outdoor parklet restaurant dining permit, the applicant agrees to indemnify and hold the Town of Huntington, its agents, servants and/or employees harmless from and against all claims, including reasonable attorney fees and liability for property damage and/or personal injury, including death,



arising out of or in connection with the applicant's use and occupancy of the Town's right-of-way as contemplated by the permit herein described.

The applicant shall not install any permanent obstructions or barriers within the Town's right-of-way.

The building in which the restaurant is located shall have a certificate of occupancy (permitted use) for the current establishment before applying for the temporary outdoor parklet restaurant dining permit.



Outdoor Parklet Restaurant Dining Within the Town Right-of-Way FAQ's

Updated March 6, 2021

1. Who is eligible to apply?

Any food service establishment licensed by the Suffolk County Department of Health Services which has business frontage on the ground floor.

2. Is there a fee?

There is a fee in the amount of \$100.00 per month for each metered parking space (or part thereof) that is used by the applicant for the parklet.

3. Do I need insurance?

Yes.

4. What is the duration of the program?

This program will last through December 31, 2021.

5. Can my barriers and furniture remain in the roadway when I'm not in operation?

Yes, they may remain in place 24/7 for the duration of the program. Tables and chairs must be removed or secured in place when not in use.

6. Is the seating exclusive to my business and can I serve food?

Yes, seating is exclusive for your business and table service is allowed.

7. Can I serve alcoholic beverages in the outdoor dining area?

Yes, if you are licensed by the State Liquor Authority and submit all appropriate documents.

8. Can I use the seating area for performances or other types of activity?

No. The program is for outdoor dining only at this time.

9. Is Outdoor Restaurant Seating ADA accessible?

Yes, under this program the Town requires all restaurant seating to be ADA compliant.



10. Can I use elements besides furniture, barriers, and ramps?

Yes, umbrellas with a weighted base or tents or other shelters, not to exceed 400 square feet in total or fully enclose the seating area, which follow manufacturers installation instructions to secure the tents properly and safely are allowed on authorized sidewalk and roadway seating areas but may not extend past the barrier or obstruct access to or ventilation of utility covers. Areas of multiple tents that are combined or are tied to each other cannot exceed 400 square feet in total. Umbrellas and tents should not be used during inclement weather such as high wind condition.

Structures or additions of any kind may not be bolted down or drilled into the roadway or sidewalk.

Structures, tents or umbrellas may not block any right of way signs or street regulation signs.

11. Can I add lighting to seating areas?

Yes, provided lighting is not blinding to passing traffic and complies with all applicable codes.

12. How do I know if the parking lane/shoulder area in front of my business is eligible for this program?

Here is a list of the different street signs and whether they indicate if your parking lane/shoulder area is eligible for this program:

- **No Parking Anytime**

Yes. You may use the roadway for dining if this is the sign in front of your business.

- **No Standing Anytime**

No. You may not use the roadway in front of your business if there's a No Standing Anytime sign.

- **No Standing During Specific Days/Hours**

Yes with restrictions. You may use the roadway space during the hours No Standing is not in effect. You must remove all barriers, seating and ramps during the hours No Standing is in effect.

- **No Stopping Anytime**

No. You may not use the roadway in front of your business if there's a No Stopping Anytime sign.



- **Bus Stop**

No. You may not use the roadway in front of your business if it's in a bus stop.

- **Metered Parking**

Yes. You may use the roadway in front of your business.

- **Truck Loading Only & Commercial Vehicles Only**

Yes. You may use the roadway in front of your business.

13. When will my restaurant be inspected and by whom?

Inspectors will make both proactive and complaint-driven visits. Restaurants may expect visits from the Town's Public Safety and Transportation & Traffic Safety Departments, among others.

14. Is smoking allowed in outdoor dining areas?

No. Smoking and electronic cigarette use is not allowed in outdoor dining areas. Vaping and hookah smoking is not allowed.

15. May I prepare, cook or warm food in my outdoor dining areas?

No. No cooking, barbeque, nor open flames (i.e. ethanol gel chafing fuel) are allowed in roadway nor sidewalk seating areas.

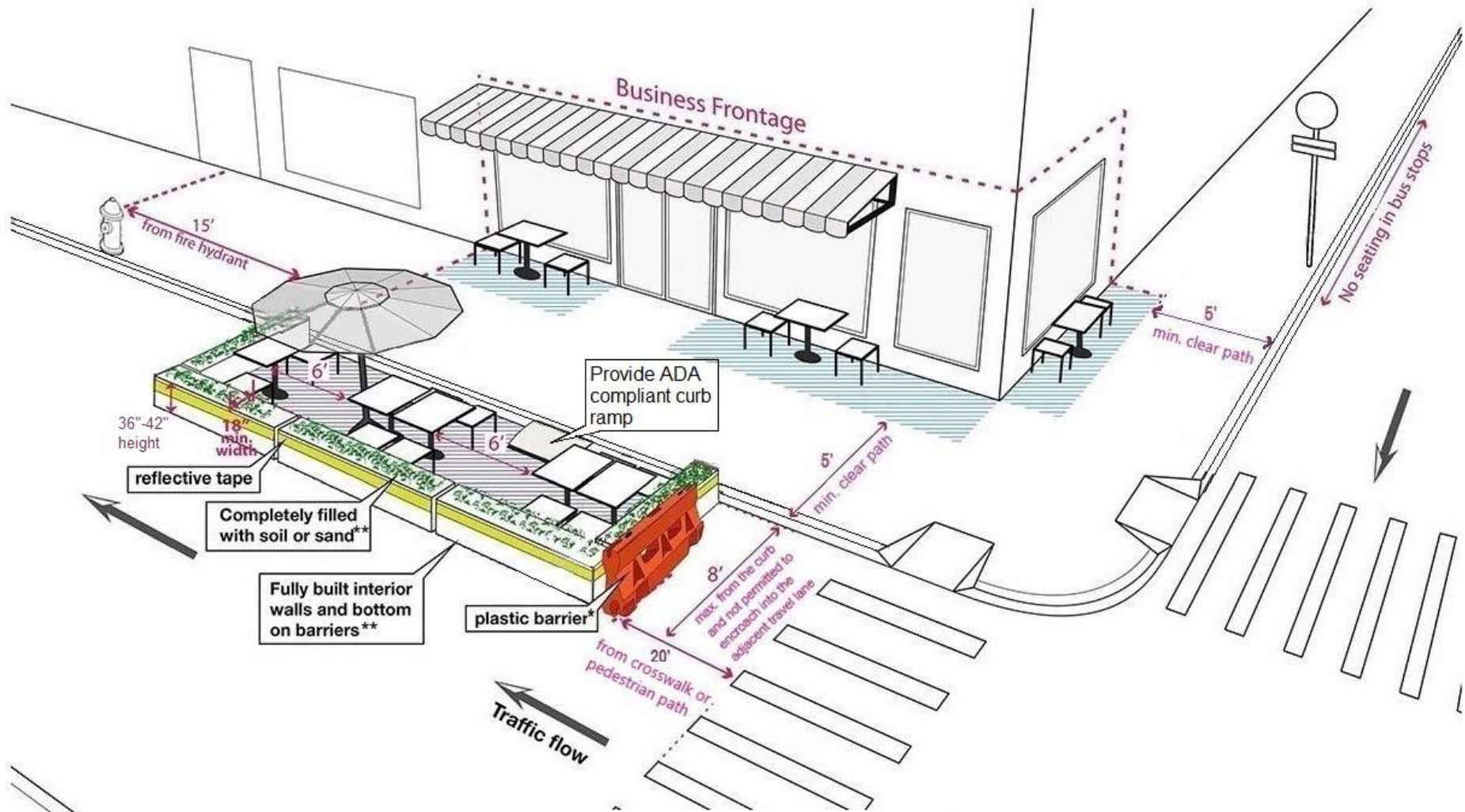
16. Under what circumstances will we need to move or remove an outdoor structure in the street, for example to accommodate snow removal or construction?

All roadway seating elements must be removed when a Town Department, utility company or other contractor needs to access the space for installation or repair. This includes tents, barriers, tables, chairs, portable heaters, etc.

In addition, some roadway seating elements will need to be removed during a snow alert when parklet dining is suspended.



Figure 1: Outdoor Parklet Restaurant Dining within the Town Right-of-way



* Plastic water-filled barrier to have reflective tape. As an alternative, the Town has a limited supply of concrete barriers and Type III barricades that, on a first come first serve basis, will be deployed by Town staff and placed as end treatments adjacent to the end of parklets facing approaching roadway traffic. When there are consecutive parklets along one side of a Town roadway, the need for additional barrier end treatments will be determined by the Department of Transportation and Traffic Safety.

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