



Town of Amherst
Office of the Supervisor

EXECUTIVE ORDER # 2020.10

Declaration of Local State of Emergency in Response to COVID-19

WHEREAS, on March 15, 2020, I issued an Executive Order declaring a local state of emergency in the Town of Amherst; and which has been extended through April, 15th, extended through May 15 and extended until June 15th.

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and Erie County and are expected to continue; and

NOW, THEREFORE, I, Brian J. Kulpa, Supervisor of the Town of Amherst, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby issue this Executive Order dated June 4, 2020.

FURTHER, pursuant to the authority vested in me by Article 2B of the New York State Executive Law I hereby set in place the Town of Amherst Guidelines for Temporary Outside Dining Permit, (attached) to be set in place immediately upon approval of this order by New York State Officials and will remain in effect until it is established by Amherst Town Board resolution on June 8, 2020.

Given Under My Hand and the Seal of
the Town of Amherst, New York on this
5th day of June, 2020.

Brian J. Kulpa, Supervisor, Town of Amherst

Town of Amherst – Draft June 1, 2020

Guidelines for Temporary Outside Dining Permit



Purpose:

The Town of Amherst has approved an interim administrative approval to allow expanded outdoor seating provisions for those restaurants that have been affected by a required reduction in capacity during the COVID-19 public health emergency. Given the unprecedented situation caused by COVID-19, the economic implications to restaurant owners and employees, and the social desires of restaurant patrons, the Town will temporarily suspend zoning requirements to allow for exterior dining areas for existing established restaurants that currently have seating. The temporary relaxation of zoning requirements is meant to provide some economic relief for restaurants by allowing the use of exterior areas, including lawn areas and underutilized parking areas to further increase capacity lost by the social distancing requirements. This interim administrative approval has been authorized by Town Executive order and will be administered by the Building Commissioner.

Temporary permits will be valid from the date of approval and authorized not to exceed 90 days. Such permits are revocable for cause, including but not limited to: changes in the health emergency, a revocation of approval by the landowner/landlord, failure to abide by permit conditions, repeated nuisance complaints or impairment to public health and safety.

Permit Eligibility:

- ☐ Existing restaurants with seating.
- ☐ Business has a current assembly/operating permit.
- ☐ Property does not have any open fire, building, zoning or commercial property maintenance violations.
- ☐ Business has current Erie County Health Dept. permit to serve food.
- ☐ Business has updated NYS Liquor License for outside consumption.

Requirements/Limitations:

- ☐ Landlord/building owner must provide a signed revocable letter of approval to authorize use of exterior area chosen and a plan exhibit showing authorized area.
- ☐ Restaurant owner must provide a legible dimensioned plan that meets the drawing requirement standards shown on page 3 of this document, which shall include a detailed seating plan and any barrier protection from vehicles.
- ☐ Exterior activities will be limited to food and drink consumption seated at a table. Standing assembly and live entertainment will not be permitted under this interim permit approval process. Temporary exterior seating and interior seating shall not exceed current posted capacity.
- ☐ Exterior element protection will be limited to the use of patio umbrellas. Use of tents and similar enclosure structures will not be permitted.

Requirements/Limitations continued:

- ☐ Cooking outside, or the use of heaters and fire pits, candles and any open flame devices will not be permitted under this temporary permit.
- ☐ Use of temporary patio or decorative lighting must be identified on the plan and, be UL approved and meet the minimum requirements of the National Electric Code for their installation and use.
- ☐ Locations of dining areas may not obstruct Fire/EMS vehicular access routes or other firefighting features, including but not limited to: FDC valves, hydrants and required exits and knox boxes.
- ☐ Barrier protection must be employed to avoid vehicular conflicts.
- ☐ When patrons are provided with take out for consumption outside, a plan for refuse collection and table disinfection control must be identified.
- ☐ Only existing restroom facilities shall be utilized. The use of porta-poties shall not be approved under this permit. Waterless hand sanitizer stations may be employed outside as necessary.
- ☐ A fire inspection shall be required prior to occupancy.
- ☐ All ADA and accessibility standards shall be met and maintained.
- ☐ Additional fire extinguishers may be required as directed during fire inspection.
- ☐ Applicant must provide a copy of their business safety plan (NY Forward Safety Plan Template) utilizing the states web portal found by this URL <https://forward.ny.gov/ny-forward>
- ☐ Applicant must provide two representative photographs of proposed area:
 1. Viewing area from nearest curb line at street
 2. Viewing area from approximately 20 feet away

Resources:

New York State Industry Guidance and Reopening <https://forward.ny.gov/ny-forward>

National Restaurant Association – Reopening Guidance

<https://restaurant.org/downloads/pdfs/business/covid19-reopen-guidance.pdf>

Plan Requirements/Sample:

