

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Tuesday, April 28, 2015
Regular Meeting: 6:00 P.M.
VILLAGE HALL CONFERENCE ROOM
222 Grace Church Street
Port Chester, New York
AGENDA**

TIME: 6:00 P.M.

I	WORK SESSION	ACTION
1	Workshop on Village of Port Chester Tentative Budget for FY 2015-2016.	
II	RESOLUTION	ACTION
1	To set a Public Hearing to consider amending Village Code regarding Sidewalk Café.	

WORKSHOP

RESOLUTIONS



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Choose a Department

BOT Meeting Date: 4/28/2015

Item Type: Resolution

Sponsor's Name: BOT Member

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area Business & Economic Development		
	Yes	No			
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities N/A		
Strategic Plan Related	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

Agenda Heading Title
(Will appear on the Agenda as indicated below)

SETTING A PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 270 OF THE VILLAGE CODE WITH REGARD TO SIDEWALK CAFES

Summary

Background:

The Mayor has proposed making changes to the Village Code with regard to sidewalk cafes in order to encourage greater use.

The changes would:

--replace "restaurants" with "food service establishments" as establishments that would qualify for a sidewalk café permit which is defined.

-remove the restriction of sidewalk cafes to the C1, C2 and MUR Zoning Districts so that establishments throughout the Village would qualify.

-extend the season for sidewalk cafes from May 1 to October 31 to April 15 to November 15.

-extend the sidewalk café to include the sidewalk not only directly in front of the establishment, but also to the abutting facades on either side with the consent of the tenant and owner.

-eliminate minimum sidewalk width and minimum dimensions for benches or tables.

-allow for a single sandwich board sign.

The changes have been reviewed by the Building Inspector through the Village Manager.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Proposed Local Law

**PUBLIC HEARING TO CONSIDER AMENDING THE
VILLAGE CODE REGARDING SIDEWALK CAFÉS.**

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following
resolution was adopted by the Board of Trustees of the Village of Port Chester, New
York:

RESOLVED, that the Board of Trustees hereby schedules a public hearing on
Monday, May 18, 2015 at 7:00 P.M., or as soon thereafter at the Port Chester Justice
Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider
adopting a local law amending Chapter 270 the Code of the Village of Port Chester with
regard to sidewalk cafes.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

**A LOCAL LAW AMENDING CHAPTER 270 OF THE CODE OF THE VILLAGE OF
PORT CHESTER WITH REGARD TO SIDEWALK CAFES**

SECTION 1: The purpose and intent of this local law is to provide greater incentives for the establishment of such sidewalk cafes so as to further promote commerce throughout the Village.

SECTION 2: The Code of the Village of Port Chester, Chapter 270, “Sidewalk Cafes”, is hereby amended as follows:

Section 270-1. Location; purpose

The sidewalk café regulations as established in this chapter are intended to allow sidewalk cafes on public property accessory to [restaurants in locations in the C1 Neighborhood Retail District, C2 Central Business District and MUR Marina Redevelopment Project Urban Renewal District] food service establishments where they are determined to be appropriate and to protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- A. To provide adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes to ensure access to adjacent commercial and retail uses.
- B. To promote sidewalk cafes as a useful and properly planned amenity that will attract business to the Village.
- C. To encourage the most desirable use of land and buildings, particularly in the retail shopping districts and thereby increase the Village’s tax base.

Section 270-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

FOOD SERVICE ESTABLISHMENT – A location where food is prepared and intended for individual portion service and that either the Westchester County Department of Health or New York Department of Agriculture and Markets regulates.

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Section 270-3. Permit required; duration; renewal

A permit is required to operate a sidewalk café. The Office of the Village Clerk is authorized to issue an annual permit for the seasonal operation of a sidewalk café, provided that the application is complete and has been reviewed and approved by the Building Department as meeting all of the requirements of this chapter. A permit to operate a sidewalk café shall be valid from [May 1] April 15 up to and including [October 31] November 15 of any calendar year. Permits shall be prominently displayed and posted in the inside of the front window of the [restaurant] food service establishment for which a permit is issued. The Police Department shall be provided a current listing of all licensees.

Section 270-4. Application for permit; compliance with standards

A permit may only be issued upon the application of the owner, or tenant with the owner's consent, of a [restaurant (except fast food restaurants) as defined in Section 345-2 of the Code, which is located directly in front of the proposed sidewalk café and along the abutting facades on either side with the consent of the property owner and tenant of same [in the C1, C2 and MUR Zoning Districts], provided that the applicant complies with each of the following general standards:

[A. The sidewalk abutting the property must be at least nine feet in width as measured from the building line to the curblineline.]

[B] A. There shall be a minimum clear distance of five feet, exclusive of the area occupied by the sidewalk café, free of all obstructions, such as trees, parking meters, utility poles, streetlights and Village benches or planters, in order to allow for adequate and safe pedestrian movement. This distance may be reduced to three feet in width for a distance not to exceed 25 feet in length.

[C] B. No permanent or temporary structures may be affixed to the sidewalk area occupied by the sidewalk café, and the area may only be occupied by planters, benches or tables [no greater than 30 inches in width] of suitable dimension with chairs [adjacent to the exterior of the restaurant] for the convenience of the patrons of the café. The café shall be open except that it may be covered with a canvas cover or structural canopy of the [restaurant's] food service establishment's façade. Umbrellas are permitted provided that they are retractable, secured and do not obstruct pedestrians. Such benches, tables and chairs, and umbrellas must be removed and/or brought inside when the café is not in operation. No other appurtenances are permitted.

[D] C. The applicant must provide for a suitable temporary, removable barrier, such as bollards with connecting rope or chain or railing, to physically separate patrons from pedestrian traffic, that must be brought inside when the café is not in operation, unless waived in the discretion of the Village Manager or his/her designee. The sidewalk café shall be otherwise unenclosed.

[E] D. A clear and unobstructed means of egress must be provided and maintained from the [restaurant] food service establishment.

[F] E. A detailed scaled drawing, demonstrating compliance with the requirements set down above, together with a photograph of the area to be occupied by the sidewalk café and frontage of the restaurant, shall be submitted with the application.

[G] F. Prior to the issuance of the permit, there shall be an agreement executed by the owner and tenant to defend and save harmless the Village, its officers and employees against any loss, liability or liability or damages sustained by any person or to any property arising out of the operation of the café, together with a certificate of insurance issued to both the owner and tenant as insured and naming the Village, its officers and employees as an additional insured, in the minimum amount of \$1,000,000 each occurrence and \$2,000,000 dollars aggregate general liability insurance coverage as approved by the Village Attorney.

Section 270-5. Hours; food; alcoholic beverages; lighting; maintenance.

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F. No signs or advertising of any kind are permitted at or about the sidewalk café, except for a single sandwich board sign in a location approved by the Building Inspector. Sandwich board signs may not exceed two feet in width and three and a half feet in height. Such signs shall be removed and/or brought inside when the café is not in operation. No additional Village permit is required.

SECTION 3: This local law shall be effective immediately upon filing with the Secretary of State.