

RESOLUTION No. 12, 2020

Whereas, The Lackawanna City Council is the Governing Body of the City of Lackawanna New York (the City) with the power pursuant to New York General City Law § 20, and otherwise, to regulate the use of land within the City, and to impose area restrictions on said land usage; and

Whereas pursuant to New York State Governor's Executive Order 202 through 202.6, and subsequent Executive Orders, the interior space of New York State restaurants, and many retail stores, have been substantially closed for business since approximately March 15TH, 2020; and

Whereas it is now anticipated that the State of New York will allow the reopening of many closed restaurants and retail businesses in the near future, but with restrictions as to the number of people, and the density of allowed service in the retail and restaurant space, once it is opened; and

Whereas the exterior space, at and around, many existent facilities provides the potential for businesses to recover customer bases, and survive the economic downturn, however the time period for traditional site plan review, would substantially delay the reopening; and

Whereas this City Council would like to adopt a process for the expedited issuance of permits for outside restaurant and retail space, while protecting the quality of life at surrounding properties; accordingly it is hereby

Resolved § 194-33 of the Code of the City of Lackawanna is now hereby amended to provide a new provision to allow for the temporary issuance of Permits for outdoor retail and restaurant space as follows:

§ 194-33- a Temporary Permit for Outdoor Commercial Space

- 1. Set forth below is the application and approval process for the issuance of Temporary Permits for the installation and operation of commercial and retail space as the business community re-opens as part of the recovery from the Covid-19 Pandemic which resulted in the temporary closures of many establishments. All operations permitted hereunder must strictly comply with of the New York State Governor's Executive Orders concerning*

Covid 19, and all applicable health and safety guidance documents for reopening published at <https://forward.ny.gov/>. The Power granted by the Lackawanna City Council for the approval of Outdoor Commercial Space is temporary, and shall terminate on September 1ST 2020, unless otherwise extended by this governing body.

2. *Contents of Applications. An owner or operator of a restaurant and/or retail establishment abutting in whole or in part upon a public street, who desires to extend the services of such restaurant and/or retail establishment into the sidewalk portion of the public street, or lands adjoining the sidewalk on which the restaurant and/or retail establishment abuts, or onto his or his landlord's own property, may file an application therefor with the Director of Development. The application shall be accompanied by a currently dated plot plan drawn to a suitable scale, as determined by the Code Enforcement Officer, showing:*
 - (a) The location and size of the structure housing the restaurant or retail establishment; and*
 - (b) The location and dimensions of the entire sidewalk between the curbline and the right-of-way adjacent to the restaurant; and*
 - (c) The length of the property lot line abutting the public street; and*
 - (d) The contemplated hours of operation of the outside portion of the restaurant or retail space; and.*
 - (e) The number and location of any table, or other apparatus, and fencing to be placed in the outdoor space, together with the location of any railings, walls or planters to be placed therein, and location of any equipment used to hold merchandise; and*
 - (f) the mechanism for holding any tables or fences or other apparatus in place which must be removeable without any impact to the sidewalk or other municipally owned hardscape feature; and*
 - (g) The maximum number of people intended to be accommodated by the proposed extension; and*
 - (h) Whether or not the sidewalk in front of the premises supports or contains a bus stop, utility pole or poles, public rubbish containers, a bus passenger shelter, fire hydrant, trees, public telephone or any permanent obstruction, and if so, their location; and*
 - (i) Where on the premises there is to be found the water shutoff, gas shutoff and sewer vent; and*
 - (j) As a requirement for installation and/or placement of any apparatus and use of a sidewalk cafe as within this section, the design and plans shall include necessary access for persons with handicapping conditions by access routes at ground level or with a ramp or similar access to allow a barrier-free entrance to those persons with handicapping conditions.*

(3) Review and Approval of Applications. The application and plot plan required above shall be filed with the Code Enforcement Office of the City of Lackawanna, together with an application fee of \$50. The Code Enforcement Officer shall forward a copy of the application to the Commissioner of Public Works, the Director of Public Safety and the Fire Marshall, and the Director of Development, each of whom shall review the application and then in their discretion make a determination to approve the designs and plans as submitted, request modifications, or deny. In no case shall the unobstructed portion of the public passageway, after the installation of the sidewalk cafe, be less than four feet in width, and in some instances the afore referenced Commissioner, or Director, may require an unobstructed passageway or more than four feet in areas of high pedestrian traffic. The Commissioner of Public Works, Director of Public Safety, or Fire Marshall may demand modification of any plans to meet their public health, safety and welfare concerns. If, and only after the Commissioner of Public Works, Director of Public Safety and Fire Marshall approve the plans as submitted, or modified, the Director of Development may approve the application, disapprove it or approve it with conditions.

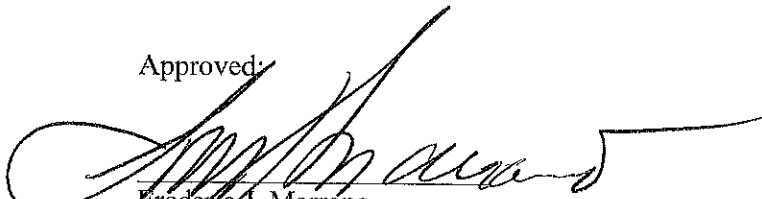
(4) Expiration of Temporary Permits. Permits issued pursuant to the provisions of the above provisions automatically expire on November 1st 2020. Upon the expiration of the Temporary Permit all apparatus, and installations shall be removed from the public passageway no later than November 15th, 2020.

(5) The Permit Fee. The Permit fee shall be \$45.00.

This Resolution Shall take Effect Immediately

Dated: 6/2, 2020
Lackawanna, New York

Approved:



Frederic J. Marrano
Council President