

VILLAGE OF SKANEATELES

26 Fennell St

Skaneateles, NY 13152

315-685-2118

Email: codes@villageofskaneateles.com

Fax: 315-685-0730

INSTRUCTIONS TO APPLICANTS FOR A SIDEWALK CAFE

Please prepare this application by completing all the necessary sections. Consult the Code Enforcement Officer if you need assistance completing this application.

SIGN AND DATE THE APPLICATION ON PAGE 2 BEFORE A NOTARY PUBLIC

MUST be accompanied by the following items:

1. Property survey, **that is to scale**, showing the current locations of:
 - i. All existing buildings and structures on the property and their dimensions.
 - ii. All buildings and structures on adjacent lots, within 25' of the property lines.
 - iii. Parking areas, paved areas, driveways, patios and decks with dimensions.
 - iv. Special easements and right-of-way's if applicable.
 - v. Site plan with table of required, existing setbacks and lot coverage.
 - vi. All property line dimensions: front, left and right sides and rear.
 - vii. All distances (setbacks) from existing building(s) on the property to the lot lines in #5.
 - viii. Distance from the adjacent lot's structures (#2) to the nearest shared or common lot line.

*If no changes to site since your Village Approval you may use the survey and site plan previously provided and approved.

2. Check payable to the: **Village of Skaneateles**; for a Licensing fee, in the amount of \$100.00.
3. A copy of your Certificate of Occupancy
4. Site Plan for Sidewalk Café. Permitted Use Chart section C(25).
5. A certificate of insurance naming the Village of Skaneateles, its elected officials, officers, employees and agents as additional insureds. 225-87(E)(5).
6. A drawing or rendering of the placement of tables, chairs, barriers, planters and any other structures or furnishings which will form a part of the sidewalk cafe. Section 225-87(E)(6).
7. Images of tables, chairs, railings, planters or any other structures or furnishings which will form a part of the sidewalk café. 225-87(E)(7).
8. Check made payable to the: **Village of Skaneateles**; for a refundable deposit, in the amount of \$500.00. 225-87(F).
9. If property is owned by a Corporation, LLC, or other entity, Authorization Resolution
10. If property is owned by a Trust, a copy of the Trust or Trust Affidavit
11. The Code Enforcement Officer may require additional drawings, plans, documents or specifications that he/she deems appropriate per *Skaneateles Code*
12. If applicant is not the property owner, power of attorney in favor of the applicant, a signed and notarized agency letter, or a signed retainer agreement, authorizing the applicant to act on behalf of the property owner.
13. If applicant is a tenant, operator or otherwise not the property owner, a signed and notarized agency letter, or a signed retainer agreement, authorizing an agent to act on its behalf.

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LICENSE APPLICATION CHECK LIST

*** SEE INSTRUCTIONS FOR DETAILS ***

- COMPLETED AND SIGNED LICENSING APPLICATION
- APPLICATION SIGNATURE NOTARIZED
- PROPERTY SURVEY
- CERTIFICATE OF OCCUPANCY
- BUILDING PLANS OR FLOOR PLANS AND ELEVATIONS
- SITE PLAN. PERMITTED USE CHART SECTION C(25)
- COMMERCIAL REVIEW FORM (IF APPLICABLE)
- CHECK PAYABLE TO THE VILLAGE OF SKANEATELES
- ZONING DISTRICT C OR DOWNTOWN D
- A CERTIFICATE OF INSURANCE NAMING THE VILLAGE OF SKANEATELES, ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS AS ADDITIONAL INSURED 225-87(E)(5)
- A DRAWING OR RENDERING OF THE PLACEMENT OF TABLES, CHAIRS, BARRIERS, PLANTERS AND ANY OTHER STRUCTURES OR FURNISHINGS WHICH WILL FORM A PART OF THE SIDEWALK CAFE. SECTION 225-87(E)(6)
- IMAGES OF TABLES, CHAIRS, RAILINGS, PLANTERS OR ANY OTHER STRUCTURES OR FURNISHINGS WHICH WILL FORM A PART OF THE SIDEWALK CAFÉ 225-87(E)(7).
- REFUNDABLE DEPOSIT 225-87(F)
- IF APPLICANT IS A TENANT, OPERATOR OR OTHERWISE NOT THE PROPERTY OWNER, A SIGNED AND NOTARIZED AGENCY LETTER, OR A SIGNED RETAINER AGREEMENT, AUTHORIZING AN AGENT TO ACT ON ITS BEHALF
- IF PROPERTY IS OWNED BY A CORPORATION, LLC, OR OTHER ENTITY, AUTHORIZATION RESOLUTION
- IF PROPERTY IS OWNED BY A TRUST, A COPY OF THE TRUST OR TRUST AFFIDAVIT
- IF APPLICANT IS NOT THE PROPERTY OWNER, POWER OF ATTORNEY, SIGNED AND NOTARIZED AGENCY LETTER, OR SIGNED RETAINER AGREEMENT, AUTHORIZING THE APPLICANT TO ACT ON BEHALF OF THE PROPERTY OWNER

*** ALL INCOMPLETE APPLICATIONS WILL BE RETURNED ***

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Application for Licensing (page 1 of 2)

Date of Application _____ Permit Date and Number _____

Name of Applicant _____

Address of Applicant _____

Applicant's Email _____ Contact # _____

Name of Property Owner (if different from applicant) _____

Property Owner Address _____

Property Owner Email _____ Contact # _____

Type of Facility (as terms defined by Village Code):

Restaurant _____ Other _____

Tax Map Number _____

Existing Use _____

Criteria as described in Chapter 225, sections-83-87 of the Village Code:

Any other authorizations needed or approvals obtained to operate _____

Business Owners' Policy Insurance/Certificate of Insurance

Name _____ Term _____

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Application for Licensing (page 2 of 2)

By signing below, the applicant agrees to indemnify, defend and save harmless the Village, its elected officials, officers, employees and agents from and against any claim, loss, liability or damage, including reasonable attorneys' fees, resulting from bodily injury, including death and property damage, sustained by any person as a result of a applicant's operation of a sidewalk cafe on public property - 225-87(E)(4).

The applicant declares that the information contained in this application, and the plans, specifications and other supporting materials submitted in support of this application are true, the applicant has reviewed the excerpts of the Skaneateles Village Code attached hereto, and has made such representations to induce the Village of Skaneateles to issue a License and the applicant will comply with all laws, codes and ordinances controlling this work.

Date _____ Signature _____

Print Applicant's Name _____

Affidavit of Owner or Applicant

STATE OF NEW YORK)

) ss:

COUNTY OF _____)

On the ____ day of _____, in the year 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

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Licensing Application Review Sheet

Date Received _____ Tax Map Number _____

Applicant's Name _____

Name of Property Owner (if different from applicant) _____

Address of Worksite _____

Permit Fee Date Received _____ Amount Received _____

Additional Info. Requested _____

Date Review Completed _____ Signature _____

Reasons for Denial – Does not comply with the following:

Planning Board Review and Positive Recommendation _____
Planning Board Recommended Term of License _____
Planning Board Conditions, if any

Permit Number _____ Date Issue _____ Term _____
Application Status: _____ Approved _____ Denied

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For your convenience, below are excerpts from the Village Code which may apply to your property and this Licensing Application. It is understood that other provisions of the Village Code may or do apply to the property. The Applicant is encouraged to review the entire Village Code which can be obtained at www.villageofskaneateles.com.

Section 225-4 (“Definitions”):

“SIDEWALK CAFE -- An outdoor dining area located adjacent to a public sidewalk and/or on private property which provides food and/or beverages and contains readily removable tables, chairs, railings, planters or similar furnishings or structures. It shall be otherwise unenclosed by fixed walls and open to the air.”

225-83 through 225-87:

“§ 225-83. Purpose and intent.

It is the intent of the Board of Trustees to permit sidewalk cafes in the zoning districts C and downtown D of the Village. The purpose of this chapter is to regulate such use. The regulations set forth below are intended to permit and enhance sidewalk cafes and make them more attractive, yet ensure the safety and health of the public and not restrict public passage as a result of such sidewalk cafes.

§ 225-84. Location.

- A. Sidewalk cafes may be located on private and/or public property in zoning districts C and downtown D of the Village of Skaneateles as set forth in this chapter.
- B. Pedestrian or vehicular traffic shall not be impeded or obstructed as a result of the location of a sidewalk cafe.
- C. Sidewalk cafes shall not interfere with any public service facilities, such as telephones, mailboxes or benches, located on the sidewalk or the public right-of-way.
- D. The specific location of tables, chairs and any other structures related to the sidewalk cafe shall be approved by the Village Planning Board. The Village Planning Board shall have authority to determine that tables, chairs or other structures associated with the sidewalk café shall not be placed in certain locations, notwithstanding that other location criteria set forth in this chapter may be satisfied.

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E. A sidewalk cafe shall be located only directly in front of the establishment with which it is associated, and it shall be operated solely in conjunction with such establishment.

§ 225-85. Standards.

A. All furniture shall be of suitable construction and color and shall be reviewed by the Planning Board prior for consideration.

B. In the event that the sidewalk cafe contains two or fewer tables, such tables shall be placed against the appurtenant building with no chairs between the building and the tables.

C. Furnishings or structures shall not be attached, temporarily or permanently, to the sidewalk or any other public property. The permittee shall be responsible for any sidewalk damage incurred.

D. No furnishings or structures which form a part of the sidewalk cafe shall be attached, temporarily or permanently, to any building or structure abutting the cafe.

E. Umbrellas may be permitted. Notwithstanding anything to the contrary set forth in this Code, such umbrellas shall be approved by the Planning Board.

F. Sound amplification and public address systems and equipment shall be prohibited. Areas approved for sidewalk cafes shall not be utilized for live performance or recorded audio transmissions.

G. Chairs and tables shall not be utilized for the display of merchandise or the advertising of goods or services.

H. All alcoholic beverages shall be prepared within the appurtenant establishment. The consumption of alcoholic beverages by a member of the public, while a patron at a sidewalk cafe, within the confines of the area of the sidewalk cafe, shall not be a violation of any local law, ordinance, rule or regulation relating to open alcoholic containers in a public area.

I. No patron at a sidewalk cafe shall consume food or beverages unless said patron is seated at a table.

J. No smoking, vaping, or similar activity shall be permitted.

K. No disposable paper or plastic goods shall be used, provided that paper napkins shall be permitted. All other tableware must be of cloth, glass or metal.

L. The permittee is responsible, at all times, for the cleanliness of the cafe, as well as the cleanliness of the abutting sidewalk and curb areas.

M. No structure, container or enclosure for garbage or rubbish may be erected or placed adjacent to or within the confines of the sidewalk cafe.

N. Tables located on private property abutting a public sidewalk shall comply with the standards set forth in this chapter.

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§ 225-86. Hours of operation.

- A. Sidewalk cafes shall not operate prior to 7:00 a.m. or subsequent to 10:00 p.m. on any day.
- B. The actual hours of operation of each sidewalk cafe shall be posted in a visible location.
- C. No establishment providing a sidewalk cafe shall permit members of the public to congregate in the cafe area after 10:00 p.m. Failure to enforce this provision may result in revocation of the applicable permit.
- D. During periods when the establishment with which a sidewalk cafe is associated is closed for business, chairs shall be removed from the sidewalk.

§ 225-87. Licensing/permit requirements; security deposit.

- A. Sidewalk cafes may operate from April 15 to November 15.
- B. An annual permit, secured from the Planning Board, shall be required for all sidewalk cafe operations. The Board of Trustees shall, by general resolution, establish the permit fee for sidewalk cafes. In the event that the Planning Board shall deny any application for a sidewalk cafe, it shall provide the applicant with the reasons for the denial in writing.
- C. A permit may be revoked by the Planning Board in the event that a permittee has violated any provision set forth in this chapter or any other law, ordinance, rule or regulation applicable to any use being conducted on the premises of which the sidewalk cafe is a part.
- D. All applications for a permit to operate a sidewalk cafe shall bear the signature of the owner/operator of the establishment.
- E. A letter of application for a permit to operate a sidewalk cafe shall be submitted to the Planning Board and shall include, at a minimum, the following information:
 - (1) The name, address and title of the applicant.
 - (2) The name and address of the property owner, if different from the applicant.
 - (3) Consent of the owner of the property to submit the application, in the event that the applicant is not the owner.
 - (4) An agreement to indemnify, defend and save harmless the Village, its elected officials, officers, employees and agents from and against any claim, loss, liability or damage, including reasonable attorneys' fees, resulting from bodily injury, including death and property damage, sustained by any person as a result of a permittee's operation of a sidewalk cafe on public property. This provision shall take effect by operation of law, notwithstanding failure of the permittee to provide said written agreement.
 - (5) A certificate of insurance, acceptable to the Village, stating that an applicant for a permit has, in full force and effect, public liability and property damage insurance at levels deemed appropriate by the Planning Board. The certificate shall name the Village of Skaneateles, its elected officials, officers, employees and agents

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as additional insureds. The certificate of insurance shall state that such insurance shall not be canceled or revoked prior to 30 days' written notice to the village.

(6) A drawing or rendering of the placement of tables, chairs, barriers, planters and any other structures or furnishings which will form a part of the sidewalk cafe.

(7) Images of tables, chairs, railings, planters or any other structures or furnishings which will form a part of the sidewalk cafe.

F. The Board of Trustees shall, by general resolution, establish a refundable deposit which shall be furnished to the Village prior to the issuance of any permit. Such deposit shall be retained by the Village as security for the faithful performance of the terms and conditions set forth in this chapter and in the issued permit. Upon the failure of a permittee to comply with such conditions or upon default by the permittee, the deposit may be utilized by the Village for expenses incurred by the Village relating to requirements of this chapter or any other applicable law, ordinance, rule or regulation. No prior notice shall be necessary to utilize the deposit set forth herein. No permittee shall have any claim whatsoever against the Village for loss of any anticipated profits or for any other losses which may be sustained by actions of the Village. Upon the expiration of any permit, the full amount of the deposit or balance thereof (in the event that expenses have been incurred by the Village) shall be returned to the permittee.”