

VILLAGE OF GREAT NECK PLAZA
BOARD OF TRUSTEES
RESOLUTION NO. 3 of 2021
DATED: April 7, 2021

WHEREAS, by reason of the COVID-19 pandemic, Governor Andrew Cuomo declared a state of emergency in the State of New York in early March 2020 and, since then, has issued numerous executive orders restricting the operation of and/or necessitating the closure of lawfully-operating businesses in the Village, including restaurants and food establishments (“restaurants”); and

WHEREAS, by reason of progress in controlling the pandemic during the prior year, Governor Cuomo has begun to ease some of the restrictions that were previously imposed on businesses, has begun to allow certain businesses and activities to resume, and has indicated that this process will continue; and

WHEREAS, businesses in the Village have suffered great financial hardship due to the pandemic restrictions, some of them failing or even being forced to close; and

WHEREAS, even after re-opening, many restaurants will continue to suffer hardship due to reduced indoor seating capacity; and

WHEREAS, the Village is mindful of the need to take whatever feasible and reasonable measures are available to aid local businesses in their recovery, while also being mindful of public health and safety concerns in re-opening local businesses; and

WHEREAS, restaurants in the Village, which require a conditional use permit in order to operate, were prohibited prior to the pandemic from having outside dining unless such use was expressly permitted in the permit, and were also not allowed to make outgoing deliveries by motor vehicle unless authorization to do so was expressly stated in the permit; and

WHEREAS, by Resolution No. 2 of 2020, the Village determined that, for a temporary period, depending on location, it would serve the health, safety and welfare of the Village to (a) facilitate outside dining at restaurants and food establishments, and (b) permit delivery by motor vehicle from restaurants, when and where feasible, even if such uses are not expressly allowed, or are prohibited, in the restaurants’ permits, subject to conditions that rationally balance public health and safety with the recovery needs of businesses; and

WHEREAS, the Village Board of Trustees has determined that it will serve the health, safety and welfare of the Village to extend the measures authorized by Resolution No. 2 of 2020 for a further period of time.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Superintendent of the Building Department (“Building Superintendent”) be and hereby is authorized as a matter of prosecutorial discretion, during the period from the date of this resolution until November 30, 2021, to suspend enforcement proceedings against restaurants which provide outside dining without express authorization in their permits to do so, provided that:
 - (a) The restaurant has submitted a written application on a form approved by the Village seeking permission for such outside dining;
 - (b) The restaurant has submitted a diagram showing the location of the proposed outside dining, specifying the number of tables and chairs to be used, which must comply with appropriate social distancing standards;
 - (c) The Building Superintendent has inspected the area of proposed outside dining and has approved it in terms of public safety, including that all outdoor dining areas are adequately protected from vehicular traffic, and that the outside dining area leaves sufficient space for pedestrian circulation;
 - (d) If the restaurant proposes to provide outside dining on areas not on its property, it provides the Village with proof of consent of the property owner on which the outside dining will be provided;
 - (e) The restaurant provides the Village with proof of liability and property damage insurance in amounts specified by the Building Superintendent naming the Village as an additional insured if the outside dining is to be provided on a public sidewalk or roadway;
 - (f) All tables and chairs in the outside dining area are removed each night no later than 11 pm and stored inside the restaurant premises until the following day when the restaurant is permitted by its permit to open, unless otherwise directed by the Building Superintendent;
 - (g) The restaurant complies with all social distancing, masking, sanitizing and other applicable COVID-19 requirements imposed by the State of New York, the Village and other governmental agencies;
 - (h) Except to the extent authorized by Governor Cuomo’s emergency executive orders, no patron of the restaurant utilizing the outside dining area shall be allowed inside the restaurant, and then only in the number and for the purposes (e.g., use of bathrooms) allowed;
 - (i) The restaurant’s application for outside dining, stamped “approved” by the Building Superintendent, shall be displayed in the window of the restaurant; and

- (j) The stamped approved application shall explicitly state that the restaurant shall immediately cease its outside dining activities if and when the Building Superintendent determines that such activities cannot be or have not been safely conducted.
- 2. During the period when NYS pandemic restrictions remain in effect, a restaurant may apply to the Board of Trustees for a modification of its hours of operation, by letter application, for which the Village shall not impose an application fee.
- 3. The Building Superintendent be and is hereby is authorized as a matter of prosecutorial discretion, during the period from the date of this resolution until November 30, 2021, to suspend enforcement proceedings against restaurants which make outgoing deliveries from their premises without express authorization in their permits, or despite a prohibition in their premises, provided that the Building Superintendent has determined that there is an available and safe location where the delivery vehicle can be stored (when not in use) and parked (while being loaded for deliveries).
- 4. Pursuant to the authority of Village Code Section 206-67(A), which empowers the Village Board to enact parking regulations by resolution, the Building Superintendent is authorized during the period from the date of this resolution until November 30, 2021, to convert public parking spaces, whether metered spaces or permit spaces, and whether located in the street or in municipal on-grade lots, to other uses and to other time restrictions that will facilitate outside dining for restaurants, curbside pick-ups at restaurant, and curbside service by other businesses, provided that (a) the Building Superintendent is satisfied that any such change in use will be safe and feasible, and (b) the Building Superintendent informs this Board of all such changes at its first meeting following such change, at which time the Board may approve, deny or modify such change.
- 5. Nothing herein shall be deemed to supersede any New York State or federal requirements, including those dealing with the Covid-19 pandemic.

and it is FURTHER RESOLVED THAT this resolution shall take effect immediately upon its adoption by the Board of Trustees and shall remain in effect until November 30, 2021 or until further resolution of the Village Board.

Motion was moved by _____, seconded by _____, and approved by a vote of ___ ayes to ___ nays.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the Village this 7th day of April, 2021.

 Patricia O’Byrne
 Village Clerk-Treasurer

