

# TOWN OF WAPPINGER



## ZONING DEPARTMENT

20 MIDDLEBUSH ROAD  
WAPPINGERS FALLS, NY 12590  
(845) 297-1373  
Fax (845) 297-0579

**DIRECTOR OF MUNICIPAL CODES**  
Barbara Roberti - Ext. 128

**DEPUTY ZONING ADMINISTRATOR**  
Judith Subrize - Ext 122

**BUILDING INSPECTOR**  
Susan Dao - Ext 122

**DEPUTY BUILDING INSPECTORS**  
Daniel Frank - Ext 130  
Angele Steady - Ext 142

**FIRE INSPECTOR**  
Howie Prager - Ext 127

### SUPERVISOR

Dr. RICHARD THURSTON

### TOWN COUNCIL

WILLIAM H. BEALE  
ANGELA BETTINA  
CHRISTOPHER PHILLIPS  
AL CASELLA

Dear Business Owner:

The Town of Wappinger passed Local Law #1-2014 on March 24, 2014 regarding outdoor seating associated with commercial businesses. The law is Section 240-36.2 of the Town of Wappinger Zoning Code.

With spring having arrived and outdoor dining upon us, we are requiring that all businesses that plan to have tables and chairs outside open a permit prior to placing the chairs and tables outside for use this season.

I have enclosed in addition to the Zoning Code, a permit application and the associated fees required. Failure to open a permit may result in legal action. Please note that no outdoor cooking is allowed without a building permit, health department approval, and possibly planning board approval.

As Zoning Administrator, I am authorized to grant an outdoor seating permit up to 16 seats as long as the area selected meets the criteria of Section 240-36.2. The Fire Inspector will also review the permit for safety as stated in the local law.

We appreciate everyone working with us to ensure that all residents enjoy your establishment in a safe and healthy manor.

Please be aware that if a permit is not applied for an enforcement action may take place and a \$250.00 Legalization fee will be imposed.

Sincerely,

Barbara Roberti  
Director of Strategic Planning & Municipal Codes

TOWN OF WAPPINGER BUILDING DEPARTMENT  
20 Middlebush Road  
Wappinger Falls, New York 12590  
Telephone: 845-297-6256 Fax: 845-297-0579  
<http://www.townofwappingerny.gov>

**COVID-19 OUTDOOR SEATING PERMIT APPLICATION**

Fee: \$ \_\_\_\_\_

Receipt: \_\_\_\_\_.

**Name of Applicant:** \_\_\_\_\_

Project Site Address: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Tel #: \_\_\_\_\_ Cell#: \_\_\_\_\_ Email: \_\_\_\_\_

Point of Contact: \_\_\_\_\_ Cell #: \_\_\_\_\_

Name of Owner of Building/Land: \_\_\_\_\_

Address: \_\_\_\_\_

Tel #: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Health Department #: \_\_\_\_\_

Do you plan to serve alcoholic beverages outdoors: YES  NO

Liquor License #: \_\_\_\_\_ Must follow SLA rules.

Current Hours of Operation: \_\_\_\_\_

Location of outdoor Seating: Public Property:  Private Property:

Patio:  Parking Lot:  Sidewalk:  Other:

Are public parking lot closures being requested for use: Yes  No   
Show how they will be protected.

Do you plan to have a tent: Yes:  No:   
\*\*If yes, a Tent Permit is required from the building department.

Occupancy Calculation:  
Legal Occupancy Limit: \_\_\_\_\_  
\*\*\*Combined Indoor and Outdoor occupancy cannot exceed legal occupancy limit per the Certificate of Occupancy issues by the Town of Wappinger.

Are there plans for electrical lighting: Yes  No   
\*\*If yes, an Electrical Permit from the Building Department is required.

**NARRATIVE DESCRIPTION:**

Describe your plan for the storage and removal of exterior trash and litter:

Describe your plan for providing restrooms for patrons including ADA compliance:

Describe your plan for accommodating waiting patrons:

**Signature and Hold Harmless Agreement**

Applicant agrees to defend the Town from and against any and all claims, suits, or actions for death or injury to persons or damage to property brought against the Town arising from any alleged claims, acts or omissions in connection with this Permit, whether or not suit is filed, unless such claim, suit or cause of action was based solely on the negligence of the Town, its employees, agents or contractors. Additionally, applicant shall indemnify the Town for any sums the Town becomes obligated to pay as damages arising out of such circumstances, except to the extent such damages are due solely to the negligence of the Town, its employees, agents or contractors. The applicant is an authorized representative/agent for the establishment.

Applicant acknowledges that the operation of the outdoor seating area will comply with all **New York State Building Code and Town of Wappinger Code.**

Applicant certifies that all information is accurate and correct.

Applicant agrees to allow Town staff to inspect outdoor seating at any time and comply with updates as required.

Owner/Manager Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone #: \_\_\_\_\_

**MUST CALL FOR INSPECTION FROM THE BUILDING DEPARTMENT BEFORE OPENING.**

# TOWN OF WAPPINGER



**BUILDING DEPARTMENT**  
20 MIDDLEBUSH ROAD  
WAPPINGERS FALLS, NY 12590-0324  
(845) 297-6256  
FAX: (845) 297-0579

## OWNER CONSENT FORM

BUILDING PERMIT # \_\_\_\_\_ APPLICATION # \_\_\_\_\_

SITE LOCATION: \_\_\_\_\_

GRID: # \_\_\_\_\_

Name of APPLICANT: \_\_\_\_\_

(Person PHYSICALLY coming in to apply)

### ~ CERTIFICATION ~

**NOTICE TO APPLICANTS: 240-109 Certificate of Occupancy**

It shall be unlawful for a building owner to use or permit the use of any building or premises or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure *until a Certificate of Occupancy shall have been issued by the Building Inspector and the Zoning Administrator.*

*I, \_\_\_\_\_, owner of the land/site/building hereby give my permission for the Town of Wappinger to approve or deny the above application in accordance with local and state codes and ordinances. I understand that this permit will not be closed out unless all proper inspections are completed which can include the building inspector having access to the interior of my residence/business. If this permit is not issued a certificate before the expiration date it will remain as a violation on my property until it is closed out. After the expiration date a new application and the permit fee will have to be submitted/paid again in order to close out the permit. I understand, as the land/site/building owner, that I am ultimately responsible for the closure/completion of the work described on this permit.*

***FAILURE TO COMPLY MAY RESULT IN COURT PROCEEDINGS.***

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Telephone Number

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Owner's Address

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**FOR OFFICE USE ONLY**

Code Enforcement Official: \_\_\_\_\_

**SITE PLAN:**

Indicate and label the following on the plan:

\* ***Detail*** the proposed outdoor seating area and label the location, size and number of tables and chairs, or any items to be part of the outdoor seating and location of unobstructed space permitting free passage of pedestrian traffic around and through the outdoor seating area.

\* ***Detail*** vehicular access: entrances, exits, and vehicular flow must be labeled. Indicate accessible parking, curbside pick-up area, and delivery vehicle locations. Depending on your location you may also want to provide parking for patrons.

\* ***Detail*** the location of trees, fire hydrants, utility poles, street light poles, parking meters, bus shelters, trash receptacles and any other obstructions or other permanent street fixtures, either existing or proposed, within the outdoor seating area.

\* ***Include*** any doors leading from the establishment or abutting buildings.

\* ***Detail*** barricade type and placement.

\* ***Detail*** location of tent, if applicable.

\* IF THERE ARE QUESTIONS OR SPECIAL CIRCUMSTANCES, PLEASE CONTACT THE BUILDING DEPARTMENT.

**PLEASE BE AWARE OF THE FOLLOWING GUIDANCE:**

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- Food and/or beverage must be consumed in outdoor, open-air areas, without a fixed roof (besides a temporary or seasonal awning or cover).
- Food and/or beverage must be consumed while seated at a table, bar, counter, or similar contrivance.
- Any consumption shall be subject to all other relevant executive orders, guidance's promulgated by the Department of Health, and/or any other relevant agency guidance.
- All Fire Safety requirements must be followed.
- If using outdoor electric, must be approved and inspected by a third party electrical inspector.

**Required Documents to be submitted:**

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1. Permit application
  2. Narrative description
  3. Site Plan
  4. Proof of landlord permission for outdoor seating
  5. Certificate of Insurance for use of public/private property for outdoor seating and/or the service and consumption of alcohol.
  6. Fee: \$ (calculate number of seats of to 16)
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**OUTDOOR SEATING PERMIT FEES:**

Outdoor seating fee per year: \$150 for the first six seats or portion thereof minimum, plus \$25 for each additional seat up to 16 seats.

Over 16 seats requires Planning Board approval.

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## **Permit Requirements and Guidelines**

- All tents require building permits and inspection.
- Outdoor seating must be separated from vehicles and a barrier must be provided.
- If using only private property, a full review is anticipated within 48 hours. If the use of public property is requested, the application review may take longer.
- Staff will expedite permit review and approval. Applicant will make themselves available for review comments and site visits. Permit Application approval may take longer if applicant is difficult to contact or application is not complete.

\*\*All outdoor seating must be in compliance with NYS guidelines for Outdoor and Take-Out/Delivery Food Services. –

<https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/OutdoorTakeoutDeliveryFoodServicesSummaryGuidance.pdf>

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