

WHEREAS, in response to the COVID-19 pandemic, the Governor declared a State of Emergency and issued an Executive Order allowing restaurants and other eating and drinking establishments to conduct outdoor dining, on municipal space or otherwise, subject to compliance with local laws and regulations; and

WHEREAS, in response to the Governor's Executive Order the Town Cornwall suspended those parts of the Town Zoning Code which required restaurants and other eating and drinking establishments to obtain site plan approval or other land use approvals in order to conduct outdoor dining; and

WHEREAS, the State of Emergency and the Governor's Executive Orders have now expired; and

WHEREAS, in order to encourage economic recovery and to sustain the economic viability of local restaurants or other eating and drinking establishments, New York State has enacted a law entitled "An Act in relation to permitting the use of municipal space for outdoor dining"; and

WHEREAS, under the said state law, restaurants and other eating and drinking establishments may continue to conduct outdoor dining, on municipal space or otherwise, for one year from the law's effective date subject to issuance of a municipal "temporary use permit" for outdoor dining;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board of the Town of Cornwall, as permitted by the said State law, hereby authorizes the Town Building Inspector to issue temporary use permits for outdoor dining in lieu of requiring site plan approval or other land use permits for restaurants and other eating and drinking establishments to conduct outdoor dining; and

2. That any restaurant or other eating and drinking establishment which conducted outdoor dining at any time from March 31, 2020 through the date of this resolution shall be entitled to issuance of a temporary use permit from the Building Inspector to continue the pre-existing outdoor dining activity for the duration of the aforesaid State law upon request; and

3. That any restaurant or other eating and drinking establishment which did not conduct outdoor dining at any time from March 31, 2020 through the date of this resolution but wishes to do so now, may obtain a temporary use permit from the Building Inspector to conduct outdoor dining activity for the duration of the aforesaid State law by submitting to the Building Inspector a diagram of the outdoor space to be used, a brief written description of how the outdoor space is intended to be used, and a written statement demonstrating to the Building Inspector's satisfaction that the proposed use of the outdoor space does not violate the Building & Fire Safety Code; and

4. That a copy of this resolution shall be provided to the Town Building Inspector, and posted with Town Clerk and on the Town's website.

Councilwoman Scott presented the foregoing resolution which was seconded by Councilman McGuinness.

The vote on the foregoing resolution was as follows:

Helen Bunt, Councilwoman, voting Aye

J. Kerry McGuinness, Councilman, voting Aye

Virginia A. Scott, Councilwoman, voting Aye

Joshua Wojehowski, Councilman, voting Abstained

Richard Randazzo, Supervisor, voting Aye