

DECLARATION

WHEREAS, the continuing health crisis created by the COVID-19 pandemic has resulted in a series of Executive Orders issued by the Governor of the State of New York, and

WHEREAS, Executive Order 202.38 allows for outdoor service of food and beverages at licensed premises of restaurants and bars, and

WHEREAS, it is expected that this grant will be a temporary measure as the State moves toward allowing further expansion of the commercial sector, and

WHEREAS, the Village recognizes the importance of the protocols as outlined in the Forward NY plan and the phases contained within it as the State works to re-open, and

WHEREAS, Village Code section 240-25 currently requires site plan review and a public hearing before the Board of Trustees prior to outdoor dining being approved at commercial establishments, and

WHEREAS, imposing such a requirement under the current circumstances would impair the intent of Executive Order 202.38, and

WHEREAS, a declaration of a state of emergency will both recognize the continuing need to address the everchanging circumstances created by the COVID- 19 crisis, and will specifically allow the Village to temporarily waive the requirements under Village Code section 240-25,

THEREFORE, a State of Emergency is hereby declared in the Inc. Village of Flower Hill effective at 12:00 PM Friday June 12, 2020 and continuing in effect for a period of five calendar days. At the conclusion of each five day period, it may be extended for an additional five days or until a declaration by the Mayor that the emergency no longer exists.

The State of Emergency is being declared due to the continued emergency conditions produced by the COVID-19 crisis which threaten or imperil the public safety of the citizens of this Village, and the need to take certain measures commensurate with the Executive Order 202.38 of the Governor which would allow for outdoor service of food and beverages at the licensed premises of restaurants and bars.

As Mayor, I have exercised the authority given to me under New York State Executive Law, Article 2-B, to preserve the public safety and hereby render all required and available assistance vital to the security, well-being and health of the citizens of the community.

Accordingly, section 240-25 of the Village Code which would require site plan review and a public hearing before the Board of Trustees before outdoor dining could take place at commercial establishments is hereby waived temporarily consistent with the intent of Executive Order 202.38. Temporary permits for such outdoor dining are to be obtained in the following manner:

1) Any commercial establishment that will have outdoor seating will submit a proposed plan to the Building Inspector for his review and approval;

- 2) Any such establishment must comply with all other applicable codes and rules, including those of the NYS and Nassau County Department of Health;
- 3) Any permit issued will be temporary and renewable every two weeks;
- 4) The Village may revoke the permit at any time;
- 5) Any grant must be accompanied by the establishment providing documentation that the Village is added as an additional insured on its policy;
- 6) The Village will notify adjacent residential homeowners of the temporary permit request;

Signed:



Hon. Brian Herrington, Mayor

Date: 06/12/2020