

1. Agenda 042816

Documents: [AGENDA SPECIAL MEETING 04-28-16.PDF](#)

2. Supporting Documents 042816

Documents: [MEETING DOCS 42816.PDF](#)

**SPECIAL MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

April 28, 2016

5:00 P.M.

AGENDA

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O’Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent:

1. PERSONS ADDRESSING COUNCIL:

2. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves Aleka’s Restaurant LLC located at 103 Margaret Street to use **two** parking spaces in front of their establishment for outdoor dining, seating subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2016– September 30, 2016.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

B. RESOLVED: In accordance with the request therefore the Common Council approves The Pepper located at 13 City Hall Place to use **three** parking spaces in front of their establishment for

outdoor dining seating, subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The City is asked to permit the licensee to use concrete barricades. The requested dates are from May 1, 2016 – September 30, 2015.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

C. RESOLVED: In accordance with the request therefore the Common Council approves Olive Ridley’s located at 37 Court Street to use **two** parking spaces in front of their establishment for outdoor dining seating, subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2016– September 30, 2016.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

D. RESOLVED: In accordance with the request therefore the Common Council approves the Champlain Wine Company located at 30 City Hall Place to use **one** parking space in front of their establishment for outdoor dining seating, subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2016– September 30, 2016.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

E. RESOLVED: In accordance with the request therefore the Common Council approves Irises Café & Wine Bar located at 20-22 City Hall Place to use **four** parking spaces in front of 16-24 City Hall Place (Irises Café Wine Bar and DeLish by Irises) for outdoor dining seating, subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2016– September 30, 2016.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

F. RESOLVED: In accordance with the request therefore the Common Council approves Hobie’s Sports Den located at 68 Margaret Street to use **two** parking spaces in front of their establishment for outdoor dining seating, subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The owners will contact Concrete Supply or similar and are prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2016– September 30, 2016.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

G. RESOLVED: In accordance with the request therefore the Common Council approves Peabody’s located at 7 Clinton Street to use **two** parking spaces in front of their establishment for outdoor dining seating, subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The owners will contact Concrete Supply or similar and are prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2016– September 30, 2016.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

H. RESOLVED: In accordance with the request therefore the Common Council approves Blue Collar Bistro 82 Margaret Street to use **two** parking spaces in front of their establishment for outdoor dining seating, subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The owners will contact Concrete Supply or similar and are prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2016– September 30, 2016.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

Motion to Adjourn by Councilor _____; Seconded by Councilor _____

Roll call Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

MEETING ADJOURNED: _____

ALENA'S

CITY OF PLATTSBURGH
Sidewalk Cafe Permit Application

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A "sidewalk café" means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A "sidewalk café permit" means a permit issued by the City Building Inspector for operation of a sidewalk cafe which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

1. Sidewalk Café Plan set as described below.
2. Site Photographs.
3. Statement of Purpose/Liquor License.
4. Indemnification, Release and Hold Harmless Agreement. Form is attached.
5. Proof of Insurance evidencing coverage for the full term of the permit. Insurance requirements are attached.
6. Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
7. Payment of application fee, permit fee and user fee, where applicable.
8. Applicant Information Sheet.

1. Sidewalk Cafe Plan

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector's Office, together with a nonrefundable fee of \$15. Such plans shall show:

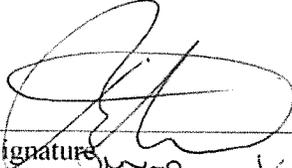
A. A legible site plan including the following information:

- North Arrow.
- Site plan with clearly identified and accurate measurements.

shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at PLATTSBURGH NY this 17 day of April, 2016
(city, state)


Signature

PETER KRITZIOTIS
Name (Please Print)

OWNER/OPERATOR
Title

103 MARGARET ST
Address

PLATTSBURGH NY 12901
City, State, Zip

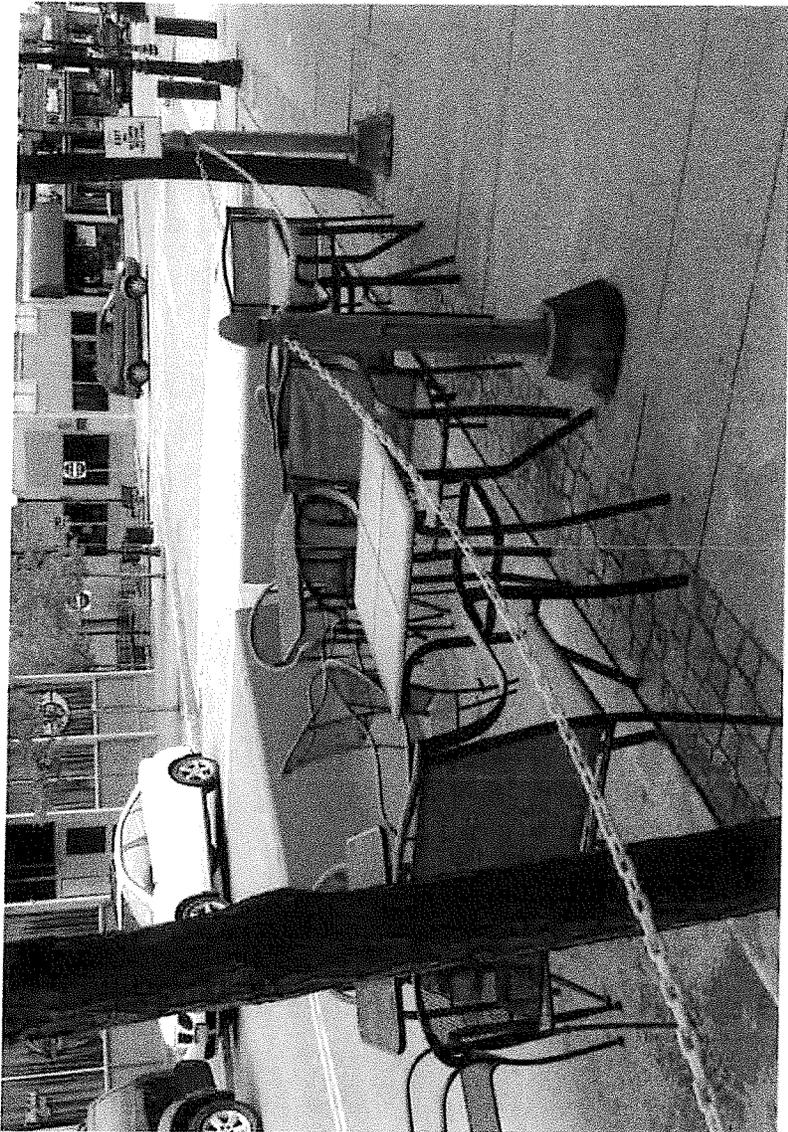
5. Proof of Insurance

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

6. Agreement to Acknowledge and Comply with the Sidewalk Cafe Rules of Operation

Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

1. A minimum clear path of travel within the pedestrian zone is required on all public sidewalks. The clear path of travel shall fall entirely within the pedestrian zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh and shall remain free from obstructions of any kind. The minimum clear path of travel shall be five (5) feet on the sidewalk within the pedestrian zone free and clear of any obstructions unless otherwise indicated herein, and be clear of any tables or other property, and applicant shall not use any of said sidewalk area in the exercise of privileges granted herein, except to pass to and from the sidewalk café; however, applicant use may at no time obstruct access to the clear path of travel. Cords, electric cords, strings and lights may not be strung over or be placed



April 19, 16

To whom it may concern,

ALEKA'S RESTAURANT LLC
STATEMENT OF PURPOSE
LIQUOR LICENSE

ALEKA'S IS APPLYING FOR 2 PARKING SPACES WHICH WILL ENCLOSE A TOTAL OF 9 TABLES (5 4 TOPS AND 4 2 TOPS) THE JERSEY BARRIERS ARE OWNED BY ALEKA'S (2 5 FOOTERS AND 3 10 FOOTERS) ALSO FOR THE ENCLOSURE 5 CONCRETE BLOCKS WITH WOODEN POSTS TIED WITH PLASTIC YELLOW CHAIN. PHOTOS FROM PREVIOUS YEAR PROVIDED.

TWO OF THE TABLES ON THE STREET LEVEL WILL BE HANDICAP ACCESSABLE WITH THE USE OF

A. 2-FT X 36. IN ALUMINUM THRESHOLD WHEELCHAIR RAMP.

(PHOTO ATTACHED) RESTAURANT WILL BE OPEN 7 DAYS A WEEK FOR LUNCH AND DINNER. (HOURS MON THRU SAT. 11-10)

ALEKA'S WILL BE SERVING FOOD & ALCOHOLIC (SUN 12-8)
BEVERAGES. LIQUOR LICENSE PROVIDED. WE HAVE COMPLIED IN THE PAST AND WILL CONTINUE TO DO SO.


PETER KRITZIOTIS

ALEKA'S PETER
103 MARGARET ST.
PLATTSBURGH, NY 12901
ALEKA0331@GMAIL.COM
cel: 578-5363



COURT ST

10 FT SIDEWALK

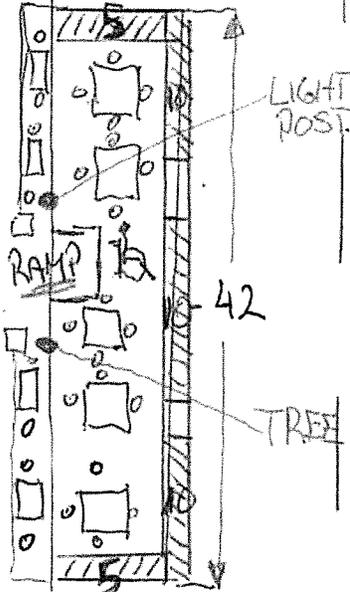
MUNICIPAL
PARKING LOT

SIDE WALK

ALEKA'S

35

7 1/2



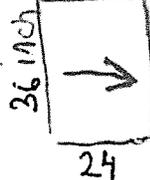
LIGHT
POST.

42

TREE

VILLARI'S

MEMO
RAMP



A
ALLOWING
3 FT OF
CLEARANCE

CLINTON ST

MARGARET ST

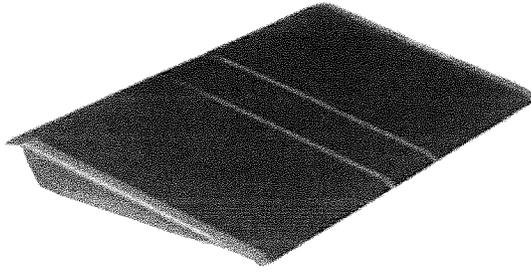
BOOKSTORE

COFFEE
KAT.

EMPTY
LOT

HERITAGE
PRINTING.

GREEN
ROOM



**2-ft x 36-in Aluminum Threshold Doorway
Wheelchair Ramp**

by

1 Reviews

- 1 +

\$138.00

Add to Cart

Save

RESTAURANT WINE LICENSE
SERIAL #: 2189103
COUNTY: CLINTON

EFFECTIVE DATE: 05/05/2015
EXPIRATION DATE: 6/30/2017
CERTIFICATE #: 828716

NEW YORK STATE ALCOHOLIC BEVERAGE CONTROL BOARD

THE LICENSEE DESIGNATED BELOW IS HEREBY GRANTED PERMISSION, UNDER THE ALCOHOLIC BEVERAGE CONTROL LAW TO TRAFFIC IN ALCOHOLIC BEVERAGE PURSUANT TO THE TYPE OF LICENSE INDICATED IN THE UPPER LEFT HAND CORNER OF THIS CERTIFICATE AND ACCORDING TO THE STATUTES AND REGULATIONS PERTAINING THERETO.

THIS LICENSE SHALL NOT BE TRANSFERABLE TO ANY OTHER PERSON OR TO ANY OTHER PREMISES OR TO ANY OTHER PART OF THE BUILDING CONTAINING SUCH LICENSED PREMISES: IT SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT AND MAY BE REVOKED AT ANY TIME PURSUANT TO LAW
METHOD OF OPERATION

RESTAURANT SERVING BEER AND WINE

Recorded Music & Dancing

FILING FEE \$25.00
LICENSE FEE \$480.00

ALEKA'S RESTAURANT LLC

103 MARGARET ST
PLATTSBURGH NY 12901


Jeanique Greene

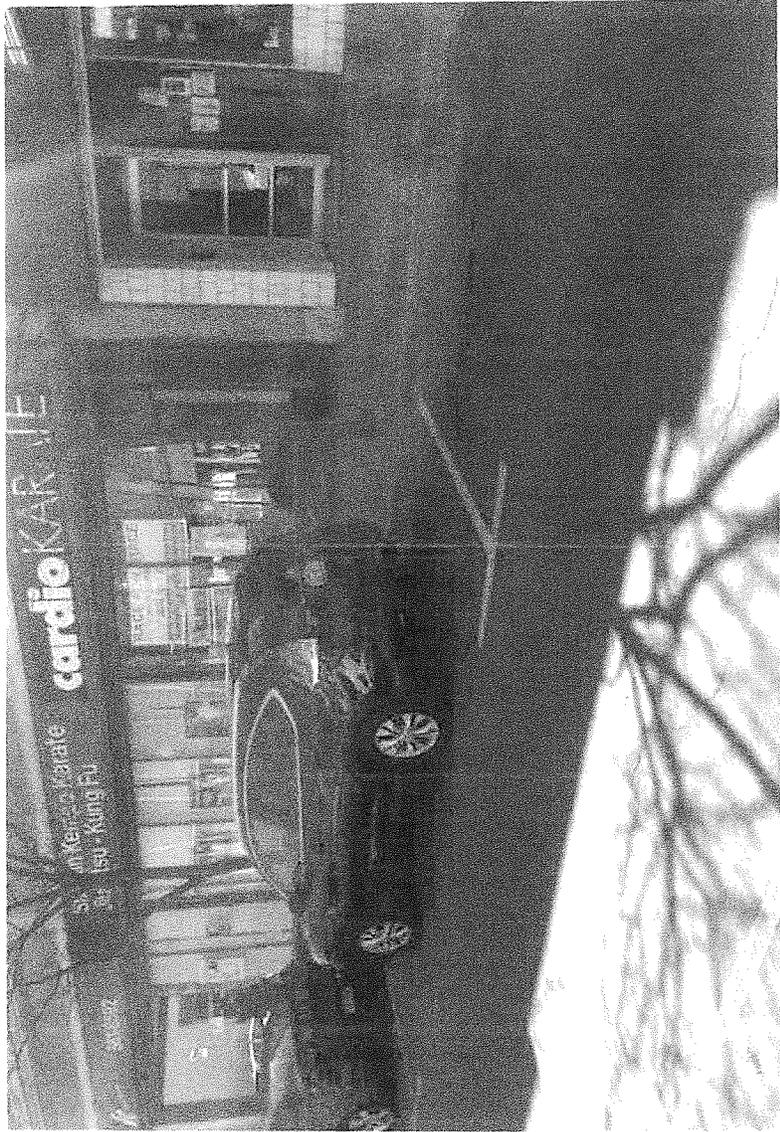
Jeanique Greene Kevin Kim
Commissioners

BEFORE COMMENCING OR DOING ANY BUSINESS FOR THE TIME FOR WHICH THIS LICENSE HAS BEEN ISSUED, THE SAID LICENSE SHALL BE ENCLOSED IN A SUITABLE WOOD OR METAL FRAME, HAVING A CLEAR GLASS SPACE AND A SUBSTANTIAL WOOD OR METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN THE ROOM WHERE SUCH BUSINESS IS CARRIED ON, SO THAT ALL PERSONS VISITING SUCH PLACE MAY READILY SEE THE SAME.

SLA FORM 124-02 (10-02)

Certificate No. 0828716





Muses

CITY OF PLATTSBURGH
Sidewalk Cafe Permit Application

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A "sidewalk café" means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A "sidewalk café permit" means a permit issued by the City Building Inspector for operation of a sidewalk café which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

1. Sidewalk Café Plan set as described below.
2. Site Photographs.
3. Statement of Purpose/Liquor License.
4. Indemnification, Release and Hold Harmless Agreement. Form is attached.
5. Proof of Insurance evidencing coverage for the full term of the permit. Insurance requirements are attached.
6. Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
7. Payment of application fee, permit fee and user fee, where applicable.
8. Applicant Information Sheet.

1. Sidewalk Cafe Plan

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector's Office, together with a nonrefundable fee of \$15. Such plans shall show:

- A. A legible site plan including the following information:
 - North Arrow.
 - Site plan with clearly identified and accurate measurements.
 - Name of adjoining street(s).

- Width of adjacent sidewalk.
- Location of property lines and dimensions of sidewalk proposed for the sidewalk cafe area.
- Location of existing improvements (e.g. utility poles, fire hydrants, bike racks, traffic signs, sign posts, tree pits/grates, etc.) showing the distance of each to the sidewalk cafe area.
- Pedestrian Zone, Building Zone, Curb Zone Planter / Furniture Zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh.
- Sidewalk width remaining for clear path of travel and (if applicable) the number of parking spaces requested for the sidewalk cafe.
- Location and dimensions of any proposed improvements associated with the sidewalk cafe such, but not necessarily limited to, tables, seating, fencing, barriers, signs, etc. If there are any sidewalk grates / vents within the proposed area of the Sidewalk Cafe, the grates / vents need to be identified on the plan and shown on the plan as part of the clearance.
- Location of building entrances and zoning classification for site.

Please note that a table of sidewalk dimensions is available for review at the City Building Inspector's Office.

2. Photographs

Each applicant for a sidewalk cafe permit shall submit two copies of photographs showing the front of the proposed building, street and sidewalk and the front of immediately adjacent properties.

3. Statement of Purpose/Liquor License

Each applicant for a sidewalk cafe permit shall submit a statement of purpose describing in detail how the use will be conducted, the type of items intended to be consumed on premises, and the hours of operation (particularly the hours that the area is to be occupied as a sidewalk cafe). If alcoholic beverages are intended to be served at the sidewalk cafe, the applicant must provide a valid liquor license from the State of New York. If the applicant is seeking to occupy parking spaces, the number and location of the proposed spaces shall be identified and the applicant shall also indicate whether it owns the concrete barriers.

4. Indemnification Agreement

WHEREAS, the undersigned desires to maintain a sidewalk cafe on a portion of the public sidewalk and/or street in the City of Plattsburgh; and

WHEREAS, the City of Plattsburgh may permit the undersigned to maintain such an area, provided that the City shall not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to release, indemnify, defend and hold harmless the City of Plattsburgh, its officers, employees and agents against any and all

loss, liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk cafe. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at Plattsburgh, ny this 24 day of April, 20 16
(city, state)

Carol McLean
Signature
Carol McLean
Name (Please Print)
Owner
Title
18-20-22 City Hall Place
Address
Plattsburgh, ny 12901
City, State, Zip

5. Proof of Insurance

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

6. Agreement to Acknowledge and Comply with the Sidewalk Cafe Rules of Operation

Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

1. A minimum clear path of travel within the pedestrian zone is required on all public sidewalks. The clear path of travel shall fall entirely within the pedestrian zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh and shall remain free from obstructions of any kind. The minimum clear path of travel shall be five (5) feet on the sidewalk within the pedestrian zone free and clear of any obstructions

unless otherwise indicated herein, and be clear of any tables or other property, and applicant shall not use any of said sidewalk area in the exercise of privileges granted herein, except to pass to and from the sidewalk café; however, applicant use may at no time obstruct access to the clear path of travel. Cords, electric cords, strings and lights may not be strung over or be placed on the pedestrian zone. The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway or cause pedestrians to divert from the pedestrian zone.

2. At least one accessible route shall connect the outdoor café to the public sidewalk. It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated)).
3. The proposed sidewalk café shall be sited to provide an unobstructed corner-curb radius area.
4. A wider clear path of travel may be required by the City Building Inspector's Office to provide for pedestrian passage, traffic management, or for any other public-use purpose.
5. The permittee must make sure the sidewalk café is kept clean and clear of any trash or refuse, paper and other waste including during special events held by other organizations. All freestanding planters, fences, or railings must be self-supporting, no higher than 30 inches, and not be permanently attached to the public right-of-way.
6. The permittee shall not operate the sidewalk café in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles.
7. No advertisements, signs, neon signs, decorations or displays shall be placed in, on, or about the sidewalk café premises without the prior written approval of the City Building Inspector's Office.
8. No loud or unnecessary noises are permitted from the café. Music, from whatever source (acoustical, electric or other), is not allowed to be played on the premises outdoors between the hours of 12:00 midnight and 8:00 a.m.
9. Sidewalk cafés whether in the public sidewalk or street must be accessible to persons with physical disabilities and in full compliance with the Americans with Disabilities Act. At least one door into the café or restaurant must be a minimum of three (3) feet wide. In addition, an ADA accessible non-skid ramp may be required if there is a change in grade such as in the case of in street café areas. At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities. Accessible tables must be dispersed throughout the café seating area.
10. Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade

meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.

11. Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
12. The chairs, tables, services stations, and other items actually utilized by the permittee for the operation of the sidewalk café must reasonably coincide with the sidewalk café plan. Applicants may however operate with fewer tables and chairs than the number approved. Businesses may not operate with more tables and chairs than their license states. Every freestanding table used by the café counts as one, even when connected or combined with another table.
13. With the exception of canopies approved by the Building Inspector's Office, no items can extend over the edges of the café. Restrictions include, but are not limited to, umbrellas and valances. No advertising is permitted on the sidewalk café other than the name of the establishment on the valance of an awning.
14. Portable gas heaters are permitted in sidewalk cafés, subject to review and approval by the Building Inspector's Office and the Fire Department.
15. The permittee must ensure that by no later than 12:30 a.m. all patrons must be vacated from the sidewalk cafe and by no later than the closing of the establishment all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Building Inspector's approval of the sidewalk cafe plans.
16. The permittee must not serve no alcoholic beverages on or at any sidewalk cafe after 12:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 12:00 a.m. and not begin until 8:00 a.m.
17. The permittee must remove all sidewalk cafe structures by October 31 and not install prior to April 1 in any year for which a permit is granted.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/31/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Northern Insuring Agency, Inc. 171 Margaret Street P. O. Box 789 Plattsburgh NY 12901-0789		CONTACT NAME: Sarah Cronk-Duquette PHONE (A/C, No, Ext): (518) 561-7000 FAX (A/C, No): (518) 561-0210 E-MAIL ADDRESS: sarahcd@northerninsuring.com																						
INSURED Carol B. Mclean, DBA: Irises Cafe and Wine Bar 20-22 City Hall Place Plattsburgh NY 12901		<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A:</td> <td>Union Ins. Co</td> <td>25844</td> </tr> <tr> <td>INSURER B:</td> <td></td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Union Ins. Co	25844	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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COVERAGES **CERTIFICATE NUMBER:** CL1583112231 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		CFA031091116	9/30/2015	9/30/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 LIQUOR LIABILITY \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
With respects to outdoor seating

CERTIFICATE HOLDER City of Plattsburgh 41 City Hall Place Plattsburgh, NY 12901	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE D McCullough, CIC, CR <i>[Signature]</i>
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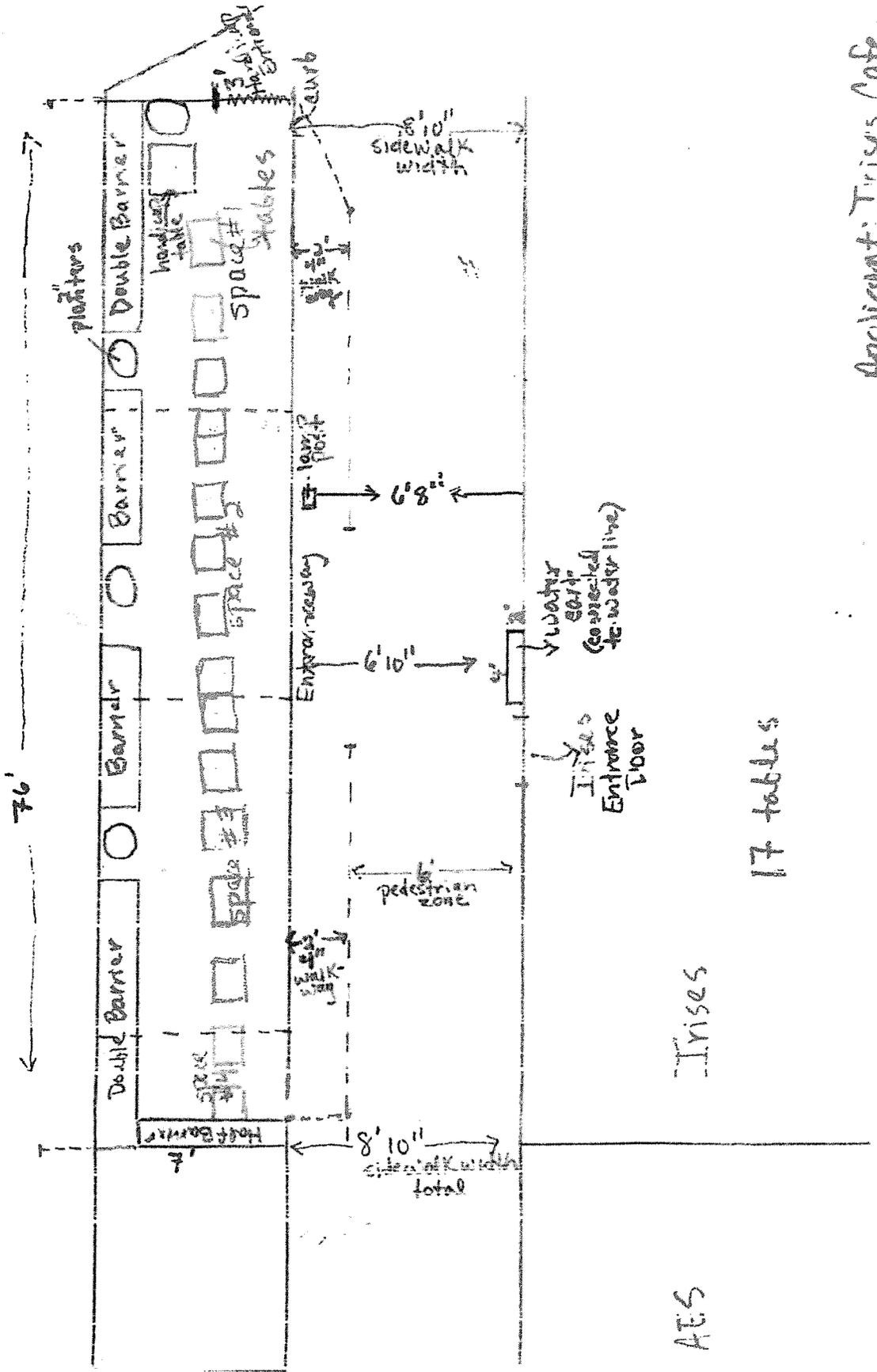
Statement of Purpose

The sidewalk/street café area will be used for Irises patrons to consume food and beverages (alcohol & non-alcohol) prepared and served by Irises staff members between the hours of 11:30am – 12:00am.

The outdoor seating area will be located in the 4 parking spaces in front of Irises' building, 18-24 City Hall Place. We place the concrete barriers (4 of which Irises owns) along the perimeter of spaces, leaving the white lane line visible. We place the end cap 5' barrier at the property line where Irises building ends (adjacent to AES), which only uses part of that parking space (still pay full \$300) and maintains room for a vehicle to be parked there.

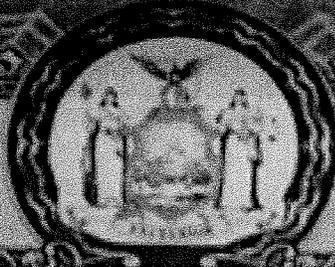
North
→

City Hall Plaza



Applicant: Irises Cafe

ON-PREMISE LIQUOR LICENSE
SERIAL #: 8084222
COUNTY: COLONIA



EFFECTIVE DATE: 11/20/2014
EXPIRATION DATE: 11/20/2015
CERTIFICATE #: 8842222

NEW YORK STATE LIQUOR AUTHORITY

THE LICENSE DESCRIBED BELOW IS HEREBY GRANTED PURSUANT TO THE NYS LIQUOR CONTROL LAW AND TRAFFIC IN ALCOHOLIC BEVERAGES PURSUANT TO THE TYPE OF LICENSE DESCRIBED IN THE UPPER LEFT CORNER THEREOF OF THIS CERTIFICATE AND ACCORDING TO THE STATUTES AND REGULATIONS PERTAINING THERE TO.

THIS LICENSE SHALL NOT BE TRANSFERRED TO ANY OTHER PERSON OR TO ANY OTHER BUSINESS OR TO ANY OTHER DATED BY THE BUSINESS CONTAINING SAID LICENSE. FURTHER, IT SHALL NOT BE TREATED AS PROPERTY OR AS A CREDIT AND MAY BE REVOKED AT ANY TIME PURSUANT TO LAW.

METHOD OF OPERATION

RESTAURANT SERVING BEER, WINE AND LIQUOR

CAROL B. MCLEAN
IRISH CAFE & WINE BAR
25-22 CITY HALL PLACE
PLATTENBURGH NY 12901

FILING FEE: \$90.00
LICENSE FEE: \$1,192.00

Dennis Power
Dennis Power
Chairman

BEFORE COMMENCING OR RESUMING ANY BUSINESS FOR THE TIME FOR WHICH THIS LICENSE HAS BEEN ISSUED, THE SAID LICENSE SHALL BE ENCASED IN A DURABLE PLYWOOD OR METAL FRAME, PROVIDING A CLEAR GLASS SPACE AND A SUBSTANTIAL BACKING ON METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN THE MAIN BUSINESS PLACE DESCRIBED IN CERTIFICATE ON JOB THAT ALL PERSONS VISITING SAID PLACE MAY READILY SEE THE SAME.

Certificate No. 8842222

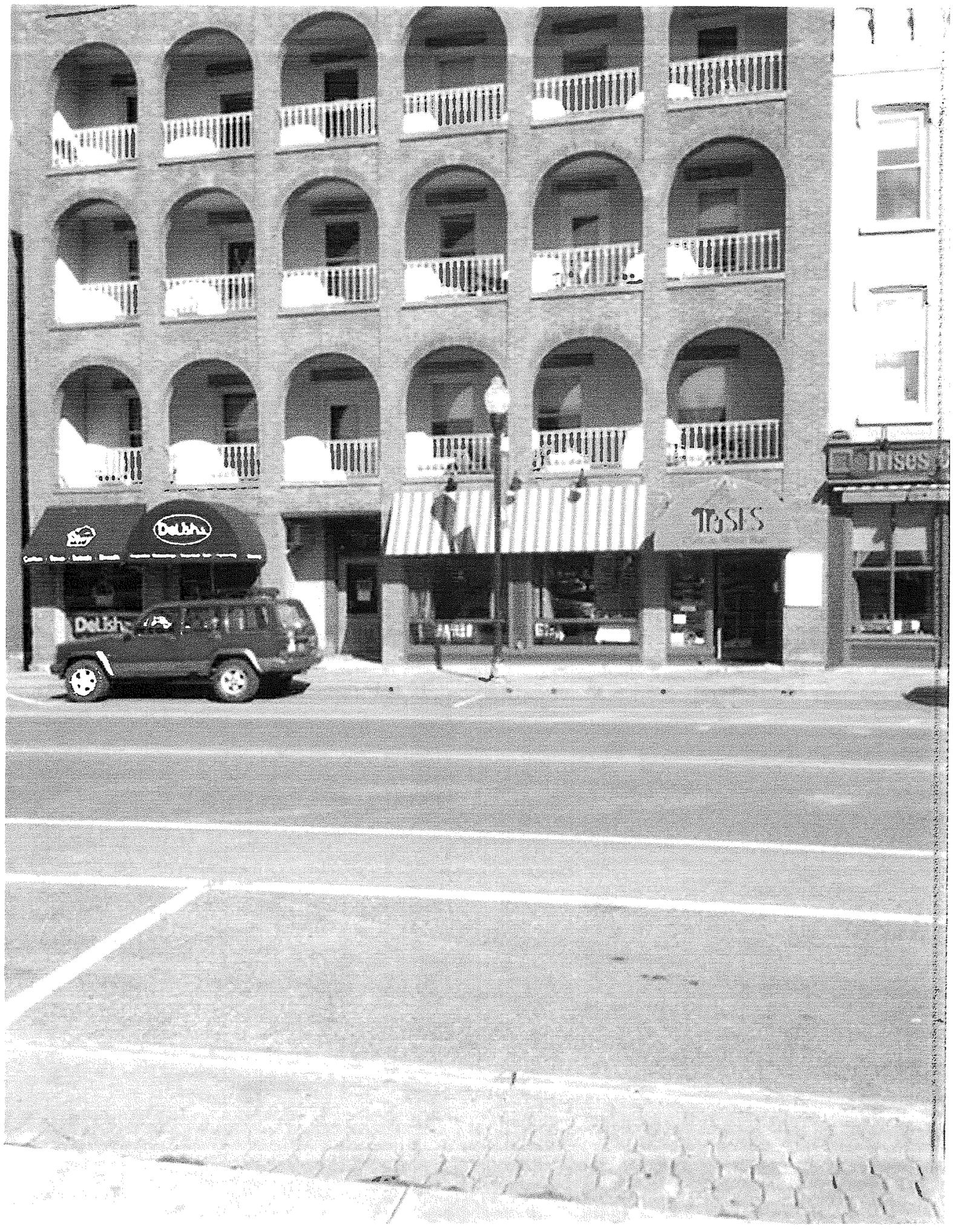
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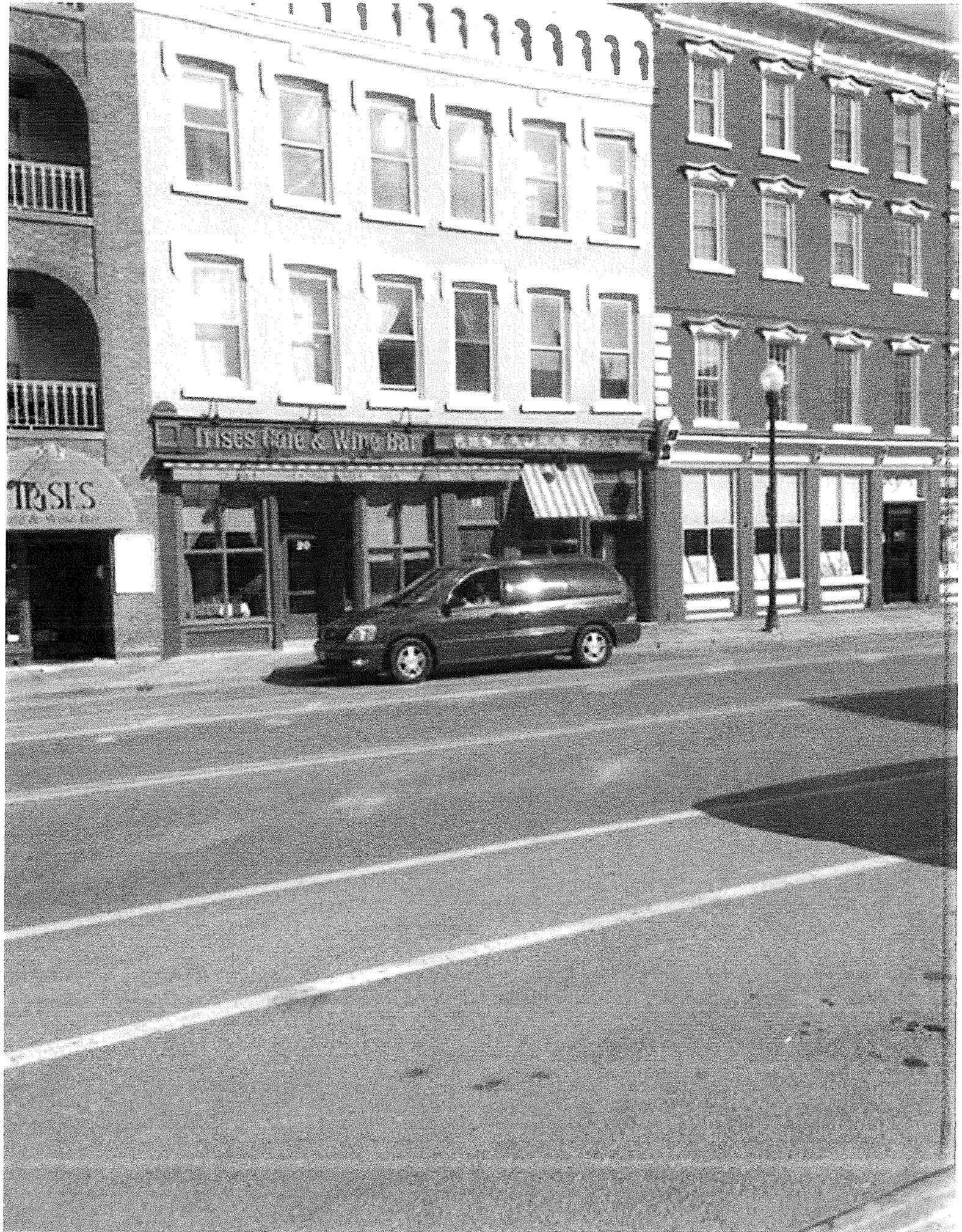


AES

AES

MAN 1 57





TUSO'S Cafe & Wine Bar

TUSO'S

The Pepper

**CITY OF PLATTSBURGH
Sidewalk Cafe Permit Application**

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A "sidewalk café" means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A "sidewalk café permit" means a permit issued by the City Building Inspector for operation of a sidewalk café which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

1. Sidewalk Café Plan set as described below.
2. Site Photographs.
3. Statement of Purpose/Liquor License.
4. Indemnification, Release and Hold Harmless Agreement. Form is attached.
5. Proof of Insurance evidencing coverage for the full term of the permit. Insurance requirements are attached.
6. Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
7. Payment of application fee, permit fee and user fee, where applicable.
8. Applicant Information Sheet.

1. Sidewalk Cafe Plan

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector's Office, together with a nonrefundable fee of \$15. Such plans shall show:

A. A legible site plan including the following information:

- North Arrow.

- Site plan with clearly identified and accurate measurements.
- Name of adjoining street(s).
- Width of adjacent sidewalk.
- Location of property lines and dimensions of sidewalk proposed for the sidewalk cafe area.
- Location of existing improvements (e.g. utility poles, fire hydrants, bike racks, traffic signs, sign posts, tree pits/grates, etc.) showing the distance of each to the sidewalk café area.
- Pedestrian Zone, Building Zone, Curb Zone Planter / Furniture Zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh.
- Sidewalk width remaining for clear path of travel and (if applicable) the number of parking spaces requested for the sidewalk café.
- Location and dimensions of any proposed improvements associated with the sidewalk café such, but not necessarily limited to, tables, seating, fencing, barriers, signs, etc. If there are any sidewalk grates / vents within the proposed area of the Sidewalk Café, the grates / vents need to be identified on the plan and shown on the plan as part of the clearance.
- Location of building entrances and zoning classification for site.

Please note that a table of sidewalk dimensions is available for review at the City Building Inspector's Office.

2. Photographs

Each applicant for a sidewalk café permit shall submit two copies of photographs showing the front of the proposed building, street and sidewalk and the front of immediately adjacent properties.

3. Statement of Purpose/Liquor License

Each applicant for a sidewalk café permit shall submit a statement of purpose describing in detail how the use will be conducted, the type of items intended to be consumed on premises, and the hours of operation (particularly the hours that the area is to be occupied as a sidewalk café). If alcoholic beverages are intended to be served at the sidewalk café, the applicant must provide a valid liquor license from the State of New York. If the applicant is seeking to occupy parking spaces, the number and location of the proposed spaces shall be identified and the applicant shall also indicate whether it owns the concrete barriers.

4. Indemnification Agreement

WHEREAS, the undersigned desires to maintain a sidewalk cafe on a portion of the public sidewalk and/or street in the City of Plattsburgh; and
 WHEREAS, the City of Plattsburgh may permit the undersigned to maintain such an area, provided that the City shall not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;
 NOW, THEREFORE, the undersigned agrees to release, indemnify, defend and hold

harmless the City of Plattsburgh, its officers, employees and agents against any and all loss, liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk cafe. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at Plattsburgh, NY this 20th day of April, 2016
(city, state)

Michelle Kelley
Signature
Michelle Kelley
Name (Please Print)
Owner
Title
13 City Hall Pl.
Address
Plattsburgh, NY 12901
City, State, Zip

5. Proof of Insurance

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

6. Agreement to Acknowledge and Comply with the Sidewalk Cafe Rules of Operation

Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

1. A minimum clear path of travel within the pedestrian zone is required on all public sidewalks. The clear path of travel shall fall entirely within the pedestrian zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh and shall remain free from obstructions of any kind. The minimum clear path of travel shall be five (5) feet on the sidewalk within the pedestrian zone free and clear of any obstructions unless otherwise indicated herein, and be clear of any

tables or other property, and applicant shall not use any of said sidewalk area in the exercise of privileges granted herein, except to pass to and from the sidewalk café; however, applicant use may at no time obstruct access to the clear path of travel. Cords, electric cords, strings and lights may not be strung over or be placed on the pedestrian zone. The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway or cause pedestrians to divert from the pedestrian zone.

2. At least one accessible route shall connect the outdoor café to the public sidewalk. It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated)).
3. The proposed sidewalk café shall be sited to provide an unobstructed corner-curb radius area.
4. A wider clear path of travel may be required by the City Building Inspector's Office to provide for pedestrian passage, traffic management, or for any other public-use purpose.
5. The permittee must make sure the sidewalk café is kept clean and clear of any trash or refuse, paper and other waste including during special events held by other organizations. All freestanding planters, fences, or railings must be self-supporting, no higher than 30 inches, and not be permanently attached to the public right-of-way.
6. The permittee shall not operate the sidewalk café in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles.
7. No advertisements, signs, neon signs, decorations or displays shall be placed in, on, or about the sidewalk café premises without the prior written approval of the City Building Inspector's Office.
8. No loud or unnecessary noises are permitted from the café. Music, from whatever source (acoustical, electric or other), is not allowed to be played on the premises outdoors between the hours of 12:00 midnight and 8:00 a.m.
9. Sidewalk cafés whether in the public sidewalk or street must be accessible to persons with physical disabilities and in full compliance with the Americans with Disabilities Act. At least one door into the café or restaurant must be a minimum of three (3) feet wide. In addition, an ADA accessible non-skid ramp may be required if there is a change in grade such as in the case of in street café areas. At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities. Accessible tables must be dispersed throughout the café seating area.
10. Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted

fence or barricade meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.

11. Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
12. The chairs, tables, services stations, and other items actually utilized by the permittee for the operation of the sidewalk café must reasonably coincide with the sidewalk café plan. Applicants may however operate with fewer tables and chairs than the number approved. Businesses may not operate with more tables and chairs than their license states. Every freestanding table used by the café counts as one, even when connected or combined with another table.
13. With the exception of canopies approved by the Building Inspector's Office, no items can extend over the edges of the café. Restrictions include, but are not limited to, umbrellas and valances. No advertising is permitted on the sidewalk café other than the name of the establishment on the valance of an awning.
14. Portable gas heaters are permitted in sidewalk cafés, subject to review and approval by the Building Inspector's Office and the Fire Department.
15. The permittee must ensure that by no later than 12:30 a.m. all patrons must be vacated from the sidewalk cafe and by no later than the closing of the establishment all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Building Inspector's approval of the sidewalk cafe plans.
16. The permittee must not serve no alcoholic beverages on or at any sidewalk cafe after 12:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 12:00 a.m. and not begin until 8:00 a.m.
17. The permittee must remove all sidewalk cafe structures by October 31 and not install prior to April 1 in any year for which a permit is granted.
18. At the termination of the permit, return the sidewalk café area to the City in as good condition as at the commencement of the term hereof, usual wear and tear, acts of God, or unavoidable accidents excepted.

19. All applicants must prominently display their Sidewalk Café Permit and the approval plan in the window or doors that look onto the street during all hours of operation, so that inspectors, the public, and the local community will all be aware of the correct operating conditions.
20. Comply with all other provisions of the Code of the City of Plattsburgh, state and federal regulations, including the Americans with Disabilities Act.

I acknowledge that I have read the relevant sections of Article VI of Chapter 233 of the City Code of the City of Plattsburgh regarding the regulation of sidewalk cafes and agree to abide by all requirements set forth above, and within the Code.

Michelle Kelley
Applicant Signature

4/20/2016
Date

7. Applicable Fees

Sidewalk Café Permit Application Fee (submit with Application): \$15.00
Annual Sidewalk Permit Fee (remit upon application approval): (?)
Parking Space Use Fee: \$300/space



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/18/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Northern Insuring Agency, Inc. 171 Margaret Street P. O. Box 789 Plattsburgh NY 12901-0789		CONTACT NAME: Christine Davis, CISR PHONE (A/C. No. Ext): (518) 561-7000 FAX (A/C. No.): (518) 561-0210 E-MAIL ADDRESS: chrisd@northerninsuring.com	
INSURED Crazr, LLC, DBA: The Pepper 13 City Hall Place Plattsburgh NY 12901		INSURER(S) AFFORDING COVERAGE INSURER A: Harleystville Ins Co. NAIC # 23582 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL1641813106 **REVISION NUMBER:**

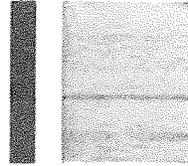
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	MPA97778V	6/16/2015	6/16/2016	EACH OCCURRENCE \$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
						MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMP/OP AGG \$ 2,000,000
						Liquor Liability \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$
						BODILY INJURY (Per person) \$
						BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$
						AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE OTH-ER
						E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Plattsburgh is named as additional insured with regards to outdoor seating

CERTIFICATE HOLDER 324-7576 City of Plattsburgh 41 City Hall Place Plattsburgh, NY 12901	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE D McCullough, CIC, CR <i>Signature</i> President
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The Pepper
13 City Hall Pl.
Plattsburgh, NY 12901
518-566-4688
Thepepper2011@yahoo.com



April 18, 2016

Dear City of Plattsburgh,

My name is Michelle Kelley, I am writing in regards to having outdoor seating for the months beginning May 1st - Sept, 30th. We are asking for the three parking spots directly in front of The Pepper, Each Parking area is 7' D X 21'W. We have purchased Concrete barriers and they will be installed and removed by the construction company which we have purchased the barriers from. The Barriers are painted with nice, clean and bright colors for safety. We are planning on 8 tables and would have special personnel to watch the exterior for any issues or concerns. We are very excited to continue to add our great restaurant for these summer months and to allow our great & loyal customers to enjoy the sights and sounds of our great city.

With regards,

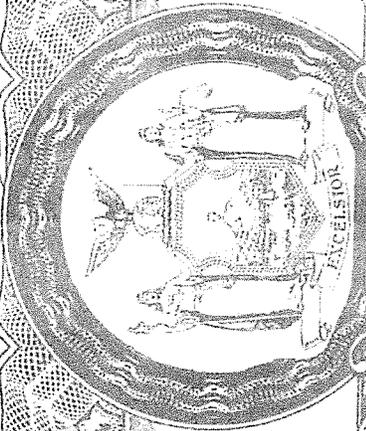
Michelle Kelley
Owner

Statement of Purpose

The pepper intends to utilize 3 parking spaces outside the establishment. The 3 parking spaces will occupy 8 tables, 32 seats. The outdoor Café will operate accordingly with The Peppers Daily hours of operations. Which are as follow: Monday-Thursday 11:30am-9:30pm, Friday-Saturday 11:30am-10pm and closed Sunday. Wait staff has been hired and trained to serve Mexican cuisine, margaritas and beer.

ON-PREMISES LIQUOR LICENSE
SERIAL #: 2181332
COUNTY: CLINTON

EFFECTIVE DATE: 02/02/2016
EXPIRATION DATE: 3/31/2018
CERTIFICATE #: 857340



NEW YORK STATE LIQUOR AUTHORITY

THE LICENSEE DESIGNATED BELOW IS HEREBY GRANTED PERMISSION, UNDER THE ALCOHOLIC BEVERAGE CONTROL LAW TO TRAFFIC IN ALCOHOLIC BEVERAGE PURSUANT TO THE TYPE OF LICENSE INDICATED IN THE UPPER LEFT HAND CORNER OF THIS CERTIFICATE AND ACCORDING TO THE STATUTES AND REGULATIONS PERTAINING THERETO.

THIS LICENSE SHALL NOT BE TRANSFERABLE TO ANY OTHER PERSON OR TO ANY OTHER PREMISES OR TO ANY OTHER PART OF THE BUILDING CONTAINING SUCH LICENSED PREMISES; IT SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT AND MAY BE REVOKED AT ANY TIME PURSUANT TO LAW

METHOD OF OPERATION

RESTAURANT SERVING BEER, WINE AND LIQUOR

Recorded Music

FILING FEE \$90.00
LICENSE FEE \$1,792.00

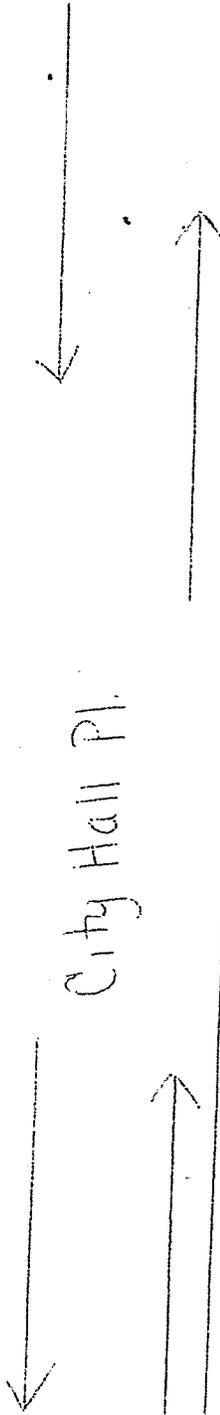
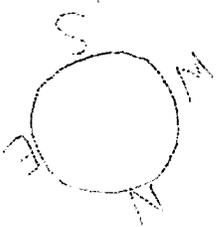
CRAZR LLC
THE PEPPER
13 CITY HALL, PL
PLATTSBURGH NY 12901

Vincent G. Bradley
Chairman

BEFORE COMMENCING OR DOING ANY BUSINESS FOR THE TIME FOR WHICH THIS LICENSE HAS BEEN ISSUED, THE SAID LICENSE SHALL BE ENCLOSED IN A SUITABLE WOOD OR METAL FRAME, HAVING A CLEAR GLASS SPACE AND A SUBSTANTIAL WOOD OR METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN THE ROOM WHERE SUCH BUSINESS IS CARRIED ON, SO THAT ALL PERSONS VISITING SUCH PLACE MAY READILY SEE THE SAME

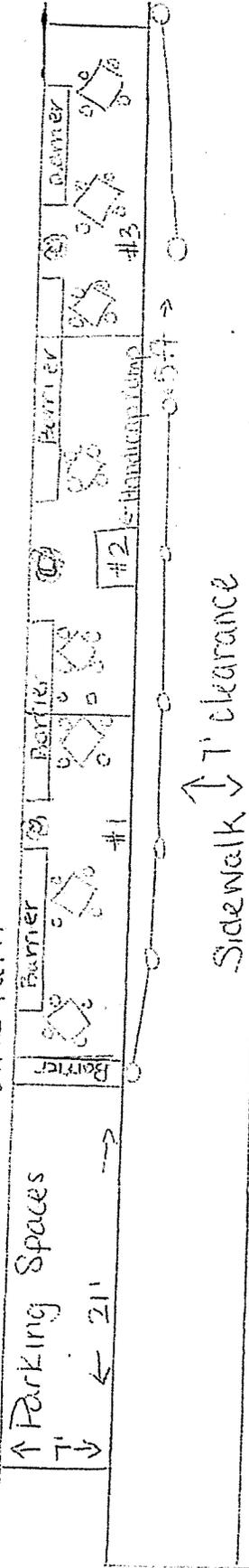
SLA FORM 100-003 (10/09)

Certificate No. B857340



City Hall Pl.

Bike Path



Sidewalk ↑ 7' clearance ↓

Court St →

City Parking lot

The Pepper

3 parking Spaces #1, 2, 3

8 tables ☼

Crowd control barriers ○—○

Jersey Barriers □

Planters ☼

**CITY OF PLATTSBURGH
Sidewalk Cafe Permit Application**

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A "sidewalk café" means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A "sidewalk café permit" means a permit issued by the City Building Inspector for operation of a sidewalk cafe which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

- Sidewalk Café Plan set as described below.
 - Site Photographs.
 - Statement of Purpose/Liquor License.
 - Indemnification, Release and Hold Harmless Agreement. Form is attached.
 - Proof of Insurance evidencing coverage for the full term of the permit.
Insurance requirements are attached.
 - Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
 - Payment of application fee, permit fee and user fee, where applicable.
 - Applicant Information Sheet.
-
- **Sidewalk Cafe Plan**

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector's Office, together with a nonrefundable fee of \$15. Such plans shall show:

- A legible site plan including the following information:
 - North Arrow.
 - Site plan with clearly identified and accurate measurements.

- Name of adjoining street(s).
- Width of adjacent sidewalk.
- Location of property lines and dimensions of sidewalk proposed for the sidewalk café area.
- Location of existing improvements (e.g. utility poles, fire hydrants, bike racks, traffic signs, sign posts, tree pits/grates, etc.) showing the distance of each to the sidewalk café area.
- Pedestrian Zone, Building Zone, Curb Zone Planter / Furniture Zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh.
- Sidewalk width remaining for clear path of travel and (if applicable) the number of parking spaces requested for the sidewalk café.
- Location and dimensions of any proposed improvements associated with the sidewalk café such, but not necessarily limited to, tables, seating, fencing, barriers, signs, etc. If there are any sidewalk grates / vents within the proposed area of the Sidewalk Café, the grates / vents need to be identified on the plan and shown on the plan as part of the clearance.
- Location of building entrances and zoning classification for site.

Please note that a table of sidewalk dimensions is available for review at the City Building Inspector's Office.

- **Photographs**

Each applicant for a sidewalk café permit shall submit two copies of photographs showing the front of the proposed building, street and sidewalk and the front of immediately adjacent properties.

- **Statement of Purpose/Liquor License**

Each applicant for a sidewalk café permit shall submit a statement of purpose describing in detail how the use will be conducted, the type of items intended to be consumed on premises, and the hours of operation (particularly the hours that the area is to be occupied as a sidewalk café). If alcoholic beverages are intended to be served at the sidewalk café, the applicant must provide a valid liquor license from the State of New York. If the applicant is seeking to occupy parking spaces, the number and location of the proposed spaces shall be identified and the applicant shall also indicate whether it owns the concrete barriers.

- **Indemnification Agreement**

WHEREAS, the undersigned desires to maintain a sidewalk café on a portion of the public sidewalk and/or street in the City of Plattsburgh; and
 WHEREAS, the City of Plattsburgh may permit the undersigned to maintain such an area, provided that the City shall not thereby incur the risk of any liabilities to

the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to release, indemnify, defend and hold harmless the City of Plattsburgh, its officers, employees and agents against any and all loss, liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk cafe. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at Three o'clock this 22nd day of April,
2016. (Plattsburgh, NY)
(city, state)

Sabrina K. LeClair

Signature

Sabrina K. LeClair

Name (Please Print)

General Manager

Title

37 Court St.

Address

Plattsburgh, NY, 12901

City, State, Zip

- **Proof of Insurance**

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

- **Agreement to Acknowledge and Comply with the Sidewalk Cafe Rules of Operation**

Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

- A minimum clear path of travel within the pedestrian zone is required on all public sidewalks. The clear path of travel shall fall entirely within the pedestrian zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh and shall remain free from obstructions of any kind. The minimum clear path of travel shall be five (5) feet on the sidewalk within the pedestrian zone free and clear of any obstructions unless otherwise indicated herein, and be clear of any tables or other property, and applicant shall not use any of said sidewalk area in the exercise of privileges granted herein, except to pass to and from the sidewalk café; however, applicant use may at no time obstruct access to the clear path of travel. Cords, electric cords, strings and lights may not be strung over or be placed on the pedestrian zone. The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway or cause pedestrians to divert from the pedestrian zone.
- At least one accessible route shall connect the outdoor café to the public sidewalk. It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated)).
- The proposed sidewalk café shall be sited to provide an unobstructed corner-curb radius area.
- A wider clear path of travel may be required by the City Building Inspector's Office to provide for pedestrian passage, traffic management, or for any other public-use purpose.
- The permittee must make sure the sidewalk café is kept clean and clear of any trash or refuse, paper and other waste including during special events held by other organizations. All freestanding planters, fences, or railings must be self-supporting, no higher than 30 inches, and not be permanently attached to the public right-of-way.
- The permittee shall not operate the sidewalk café in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles.
- No advertisements, signs, neon signs, decorations or displays shall be placed in, on, or about the sidewalk café premises without the prior written approval of the City Building Inspector's Office.
- No loud or unnecessary noises are permitted from the café. Music, from whatever source (acoustical, electric or other), is not allowed to be played on the premises

outdoors between the hours of 12:00 midnight and 8:00 a.m.

- Sidewalk cafés whether in the public sidewalk or street must be accessible to persons with physical disabilities and in full compliance with the Americans with Disabilities Act. At least one door into the café or restaurant must be a minimum of three (3) feet wide. In addition, an ADA accessible non-skid ramp may be required if there is a change in grade such as in the case of in street café areas. At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities. Accessible tables must be dispersed throughout the café seating area.
- Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.
- Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
- The chairs, tables, services stations, and other items actually utilized by the permittee for the operation of the sidewalk café must reasonably coincide with the sidewalk café plan. Applicants may however operate with fewer tables and chairs than the number approved. Businesses may not operate with more tables and chairs than their license states. Every freestanding table used by the café counts as one, even when connected or combined with another table.
- With the exception of canopies approved by the Building Inspector's Office, no items can extend over the edges of the café. Restrictions include, but are not limited to, umbrellas and valances. No advertising is permitted on the sidewalk café other than the name of the establishment on the valance of an awning.
- Portable gas heaters are permitted in sidewalk cafés, subject to review and approval by the Building Inspector's Office and the Fire Department.
- The permittee must ensure that by no later than 12:30 a.m. all patrons must be vacated from the sidewalk café and by no later than the closing of the

establishment all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Building Inspector's approval of the sidewalk cafe plans.

- The permittee must not serve no alcoholic beverages on or at any sidewalk cafe after 12:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 12:00 a.m. and not begin until 8:00 a.m.
- The permittee must remove all sidewalk cafe structures by October 31 and not install prior to April 1 in any year for which a permit is granted.
- At the termination of the permit, return the sidewalk café area to the City in as good condition as at the commencement of the term hereof, usual wear and tear, acts of God, or unavoidable accidents excepted.
- All applicants must prominently display their Sidewalk Café Permit and the approval plan in the window or doors that look onto the street during all hours of operation, so that inspectors, the public, and the local community will all be aware of the correct operating conditions.
- Comply with all other provisions of the Code of the City of Plattsburgh, state and federal regulations, including the Americans with Disabilities Act.

I acknowledge that I have read the relevant sections of Article VI of Chapter 233 of the City Code of the City of Plattsburgh regarding the regulation of sidewalk cafes and agree to abide by all requirements set forth above, and within the Code.


Applicant Signature

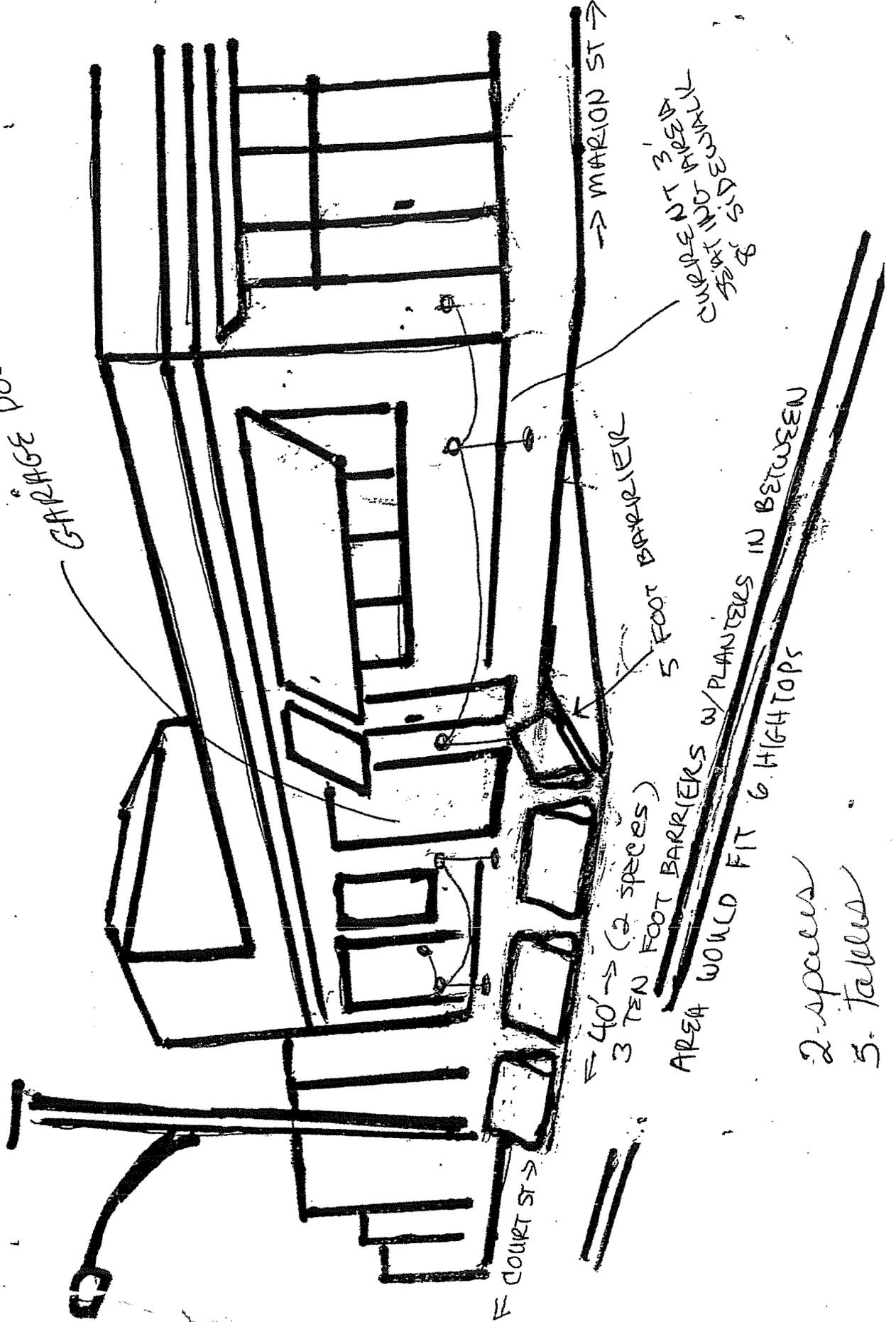
4/22/16
Date

- **Applicable Fees**

Sidewalk Café Permit Application Fee (submit with Application): \$15.00
Annual Sidewalk Permit Fee (remit upon application approval): (?)
Parking Space Use Fee: \$300/space

OLIVE RIDGEY'S
37 COURT ST
324-2200

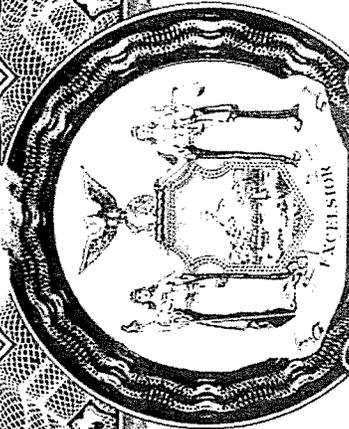
GARAGE DOOR



2 spaces
5 Tables

ON-PREMISES LIQUOR LICENSE
SERIAL #: 2135211
COUNTY: CLINTON

EFFECTIVE DATE: 10/01/2014
EXPIRATION DATE: 11/30/2016
CERTIFICATE #: 839149



NEW YORK STATE LIQUOR AUTHORITY

THE LICENSEE DESIGNATED BELOW IS HEREBY GRANTED PERMISSION, UNDER THE ALCOHOLIC BEVERAGE CONTROL LAW TO TRAFFIC IN ALCOHOLIC BEVERAGE PURSUANT TO THE TYPE OF LICENSE INDICATED IN THE UPPER LEFT HAND CORNER OF THIS CERTIFICATE AND ACCORDING TO THE STATUTES AND REGULATIONS PERTAINING THERETO.

THIS LICENSE SHALL NOT BE TRANSFERABLE TO ANY OTHER PERSON OR TO ANY OTHER PREMISES OR TO ANY OTHER PART OF THE BUILDING CONTAINING SUCH LICENSED PREMISES: IT SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT AND MAY BE REVOKED AT ANY TIME PURSUANT TO LAW
METHOD OF OPERATION

RESTAURANT SERVING BEER, WINE & LIQUOR

Patio, Dancing, Live & Recorded Music

MAJO LLC
OLIVE RIDLEYS
37 COURT STREET
PLATTSBURGH NY 12901

FILING FEE \$90.00
LICENSE FEE \$1,792.00

Deni Roman
Deni Roman
Chairman

BEFORE COMMENCING OR DOING ANY BUSINESS FOR THE TIME FOR WHICH THIS LICENSE HAS BEEN ISSUED, THE SAID LICENSEE SHALL BE ENCLOSED IN A SUITABLE WOOD OR METAL FRAME, HAVING A CLEAR GLASS SPACE AND A SUBSTANTIAL WOOD OR METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN THE ROOM WHERE SUCH BUSINESS IS CARRIED ON, SO THAT ALL PERSONS VISITING SUCH PLACE MAY READILY SEE THE SAME.

SLA FORM 100-033 (10/02)

Certificate No. B839149

**CITY OF PLATTSBURGH
Sidewalk Cafe Permit Application**

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A "sidewalk café" means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A "sidewalk café permit" means a permit issued by the City Building Inspector for operation of a sidewalk cafe which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

1. Sidewalk Café Plan set as described below.
2. Site Photographs.
3. Statement of Purpose/Liquor License.
4. Indemnification, Release and Hold Harmless Agreement. Form is attached.
5. Proof of Insurance evidencing coverage for the full term of the permit. Insurance requirements are attached.
6. Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
7. Payment of application fee, permit fee and user fee, where applicable.
8. Applicant Information Sheet.

1. Sidewalk Cafe Plan

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector's Office, together with a nonrefundable fee of \$15. Such plans shall show:

- A. A legible site plan including the following information:
 - North Arrow.
 - Site plan with clearly identified and accurate measurements.
 - Name of adjoining street(s).

- Width of adjacent sidewalk.
- Location of property lines and dimensions of sidewalk proposed for the sidewalk cafe area.
- Location of existing improvements (e.g. utility poles, fire hydrants, bike racks, traffic signs, sign posts, tree pits/grates, etc.) showing the distance of each to the sidewalk café area.
- Pedestrian Zone, Building Zone, Curb Zone Planter / Furniture Zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh.
- Sidewalk width remaining for clear path of travel and (if applicable) the number of parking spaces requested for the sidewalk café.
- Location and dimensions of any proposed improvements associated with the sidewalk café such, but not necessarily limited to, tables, seating, fencing, barriers, signs, etc. If there are any sidewalk grates / vents within the proposed area of the Sidewalk Café, the grates / vents need to be identified on the plan and shown on the plan as part of the clearance.
- Location of building entrances and zoning classification for site.

Please note that a table of sidewalk dimensions is available for review at the City Building Inspector's Office.

2. Photographs

Each applicant for a sidewalk café permit shall submit two copies of photographs showing the front of the proposed building, street and sidewalk and the front of immediately adjacent properties.

3. Statement of Purpose/Liquor License

Each applicant for a sidewalk café permit shall submit a statement of purpose describing in detail how the use will be conducted, the type of items intended to be consumed on premises, and the hours of operation (particularly the hours that the area is to be occupied as a sidewalk café). If alcoholic beverages are intended to be served at the sidewalk café, the applicant must provide a valid liquor license from the State of New York. If the applicant is seeking to occupy parking spaces, the number and location of the proposed spaces shall be identified and the applicant shall also indicate whether it owns the concrete barriers.

4. Indemnification Agreement

WHEREAS, the undersigned desires to maintain a sidewalk cafe on a portion of the public sidewalk and/or street in the City of Plattsburgh; and

WHEREAS, the City of Plattsburgh may permit the undersigned to maintain such an area, provided that the City shall not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to release, indemnify, defend and hold harmless the City of Plattsburgh, its officers, employees and agents against any and all loss,

liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk cafe. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at _____ Plattsburgh, NY this ___21st day of _____ April _____, 2016_.
(city, state)



Signature

_____ Colin Read _____

Name (Please Print)

_____ Co-Owner, Champlain Wine Co. _____

Title

_____ 30 City Hall Place _____

Address

_____ Plattsburgh, NY, 12901 _____

City, State, Zip

5. Proof of Insurance

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

6. Agreement to Acknowledge and Comply with the Sidewalk Cafe Rules of Operation

Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

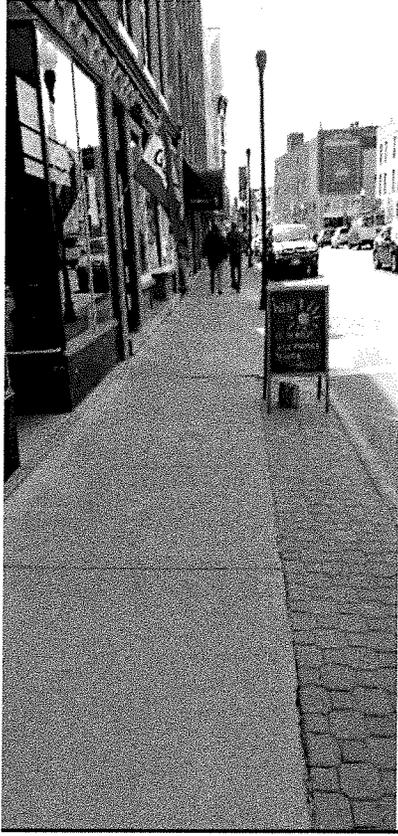
1. A minimum clear path of travel within the pedestrian zone is required on all public sidewalks. The clear path of travel shall fall entirely within the pedestrian zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh and shall remain free from obstructions of any kind. The minimum clear path of travel shall be five (5) feet on the sidewalk within the pedestrian zone free and clear of any obstructions

unless otherwise indicated herein, and be clear of any tables or other property, and applicant shall not use any of said sidewalk area in the exercise of privileges granted herein, except to pass to and from the sidewalk café; however, applicant use may at no time obstruct access to the clear path of travel. Cords, electric cords, strings and lights may not be strung over or be placed on the pedestrian zone. The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway or cause pedestrians to divert from the pedestrian zone.

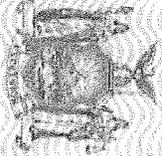
2. At least one accessible route shall connect the outdoor café to the public sidewalk. It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated)).
3. The proposed sidewalk café shall be sited to provide an unobstructed corner-curb radius area.
4. A wider clear path of travel may be required by the City Building Inspector's Office to provide for pedestrian passage, traffic management, or for any other public-use purpose.
5. The permittee must make sure the sidewalk café is kept clean and clear of any trash or refuse, paper and other waste including during special events held by other organizations. All freestanding planters, fences, or railings must be self-supporting, no higher than 30 inches, and not be permanently attached to the public right-of-way.
6. The permittee shall not operate the sidewalk café in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles.
7. No advertisements, signs, neon signs, decorations or displays shall be placed in, on, or about the sidewalk café premises without the prior written approval of the City Building Inspector's Office.
8. No loud or unnecessary noises are permitted from the café. Music, from whatever source (acoustical, electric or other), is not allowed to be played on the premises outdoors between the hours of 12:00 midnight and 8:00 a.m.
9. Sidewalk cafés whether in the public sidewalk or street must be accessible to persons with physical disabilities and in full compliance with the Americans with Disabilities Act. At least one door into the café or restaurant must be a minimum of three (3) feet wide. In addition, an ADA accessible non-skid ramp may be required if there is a change in grade such as in the case of in street café areas. At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities. Accessible tables must be dispersed throughout the café seating area.
10. Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade

meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.

11. Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
12. The chairs, tables, services stations, and other items actually utilized by the permittee for the operation of the sidewalk café must reasonably coincide with the sidewalk café plan. Applicants may however operate with fewer tables and chairs than the number approved. Businesses may not operate with more tables and chairs than their license states. Every freestanding table used by the café counts as one, even when connected or combined with another table.
13. With the exception of canopies approved by the Building Inspector's Office, no items can extend over the edges of the café. Restrictions include, but are not limited to, umbrellas and valances. No advertising is permitted on the sidewalk café other than the name of the establishment on the valance of an awning.
14. Portable gas heaters are permitted in sidewalk cafés, subject to review and approval by the Building Inspector's Office and the Fire Department.
15. The permittee must ensure that by no later than 12:30 a.m. all patrons must be vacated from the sidewalk cafe and by no later than the closing of the establishment all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Building Inspector's approval of the sidewalk cafe plans.
16. The permittee must not serve no alcoholic beverages on or at any sidewalk cafe after 12:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 12:00 a.m. and not begin until 8:00 a.m.
17. The permittee must remove all sidewalk cafe structures by October 31 and not install prior to April 1 in any year for which a permit is granted.



NEW YORK STATE LIQUOR AUTHORITY



2017 2 CLIN FB 2196750 611
PERMIT 530863
PERMIT EFFECTIVE DATE 9/16/2014
PERMIT EXPIRES 8/31/2017

FILING FEE \$0.00
PERMIT FEE \$0.00
COUNTY CLINTON
PERMIT TYPE FB
PERMIT SERIAL 2196750
LICENSE 2171856

FARM WINERY BRANCH OFFICE PERMIT

THE LICENSEE DESIGNATED BELOW IS HEREBY GRANTED PERMISSION UNDER SEC. 51-a, SUBD. 9 OF THE ABC LAW TO OPERATE A BRANCH OFFICE IN COMPLIANCE WITH CONDITIONS CONTAINED IN THE APPLICATION FORM.

COLIN READ & NATALIE PECK
30 CITY HALL PL
PLATTSBURGH NY 12901

Dennis Rosen
Dennis Rosen
Chairman

Certificate No. E530863



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/26/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Northern Insuring Agency, Inc. 171 Margaret Street P. O. Box 789 Plattsburgh NY 12901-0789	CONTACT NAME: Christine Davis, CISR PHONE (A/C No. Ext): (518) 561-7000 E-MAIL ADDRESS: chrisd@northerninsuring.com	FAX (A/C No.): (518) 561-0210
	INSURER(S) AFFORDING COVERAGE	
INSURED Colin Read & Natalie Peck Company dba The Champlain Wine Company 30 City Hall Place Plattsburgh NY 12901	INSURER A Acadia Insurance Company	NAIC # 31325
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES **CERTIFICATE NUMBER:** CL15102312379 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		BOA501960314	10/23/2015	10/23/2016	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Liquor Liability \$ 300,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
With respects to outdoor dining at insureds location. The licensee agrees to indemnify and save harmless the City and its representatives from & against all losses & all claims, demands, suits, actions, payments, & judgements arising from bodily injury, personal injury, property damage or otherwise brought or recovered against the City or it's representatives by reason of any act or ommission to the Licensee, its agents, servants, or employees, including any & all expense, legal or otherwise incurred by the City it's representatives in the defense of any claim or suit

CERTIFICATE HOLDER 324-7576 City of Plattsburgh 41 City Hall Place Plattsburgh, NY 12901	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE D McCullough, CIC, CR <i>Sharon Pitts McCullough, President</i>
---	---

Hobbies Sports Den

CITY OF PLATTSBURGH Sidewalk Cafe Permit Application

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A "sidewalk café" means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A "sidewalk café permit" means a permit issued by the City Building Inspector for operation of a sidewalk cafe which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

1. Sidewalk Café Plan set as described below.
2. Site Photographs.
3. Statement of Purpose/Liquor License.
4. Indemnification, Release and Hold Harmless Agreement. Form is attached.
5. Proof of Insurance evidencing coverage for the full term of the permit. Insurance requirements are attached.
6. Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
7. Payment of application fee, permit fee and user fee, where applicable.
8. Applicant Information Sheet.

1. Sidewalk Cafe Plan

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector's Office, together with a nonrefundable fee of \$15. Such plans shall show:

- A. A legible site plan including the following information:
 - North Arrow.
 - Site plan with clearly identified and accurate measurements.
 - Name of adjoining street(s).

- Width of adjacent sidewalk.
- Location of property lines and dimensions of sidewalk proposed for the sidewalk cafe area.
- Location of existing improvements (e.g. utility poles, fire hydrants, bike racks, traffic signs, sign posts, tree pits/grates, etc.) showing the distance of each to the sidewalk café area.
- Pedestrian Zone, Building Zone, Curb Zone Planter / Furniture Zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh.
- Sidewalk width remaining for clear path of travel and (if applicable) the number of parking spaces requested for the sidewalk café.
- Location and dimensions of any proposed improvements associated with the sidewalk café such, but not necessarily limited to, tables, seating, fencing, barriers, signs, etc. If there are any sidewalk grates / vents within the proposed area of the Sidewalk Café, the grates / vents need to be identified on the plan and shown on the plan as part of the clearance.
- Location of building entrances and zoning classification for site.

Please note that a table of sidewalk dimensions is available for review at the City Building Inspector's Office.

2. Photographs

Each applicant for a sidewalk café permit shall submit two copies of photographs showing the front of the proposed building, street and sidewalk and the front of immediately adjacent properties.

3. Statement of Purpose/Liquor License

Each applicant for a sidewalk café permit shall submit a statement of purpose describing in detail how the use will be conducted, the type of items intended to be consumed on premises, and the hours of operation (particularly the hours that the area is to be occupied as a sidewalk café). If alcoholic beverages are intended to be served at the sidewalk café, the applicant must provide a valid liquor license from the State of New York. If the applicant is seeking to occupy parking spaces, the number and location of the proposed spaces shall be identified and the applicant shall also indicate whether it owns the concrete barriers.

4. Indemnification Agreement

WHEREAS, the undersigned desires to maintain a sidewalk cafe on a portion of the public sidewalk and/or street in the City of Plattsburgh; and

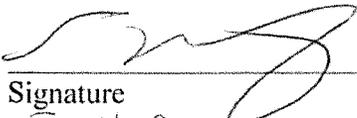
WHEREAS, the City of Plattsburgh may permit the undersigned to maintain such an area, provided that the City shall not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to release, indemnify, defend and hold harmless the City of Plattsburgh, its officers, employees and agents against any and all loss,

liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk cafe. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at Plattsburgh N.Y. this 26 day of April, 2006.
(city, state)



Signature
Scott Berwind

Name (Please Print)
Peris

Title
PO BOX 400

Address
Peru N.Y. 12972

City, State, Zip

5. Proof of Insurance

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

6. Agreement to Acknowledge and Comply with the Sidewalk Cafe Rules of Operation

Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

1. A minimum clear path of travel within the pedestrian zone is required on all public sidewalks. The clear path of travel shall fall entirely within the pedestrian zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh and shall remain free from obstructions of any kind. The minimum clear path of travel shall be five (5) feet on the sidewalk within the pedestrian zone free and clear of any obstructions

unless otherwise indicated herein, and be clear of any tables or other property, and applicant shall not use any of said sidewalk area in the exercise of privileges granted herein, except to pass to and from the sidewalk café; however, applicant use may at no time obstruct access to the clear path of travel. Cords, electric cords, strings and lights may not be strung over or be placed on the pedestrian zone. The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway or cause pedestrians to divert from the pedestrian zone.

2. At least one accessible route shall connect the outdoor café to the public sidewalk. It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated)).
3. The proposed sidewalk café shall be sited to provide an unobstructed corner-curb radius area.
4. A wider clear path of travel may be required by the City Building Inspector's Office to provide for pedestrian passage, traffic management, or for any other public-use purpose.
5. The permittee must make sure the sidewalk café is kept clean and clear of any trash or refuse, paper and other waste including during special events held by other organizations. All freestanding planters, fences, or railings must be self-supporting, no higher than 30 inches, and not be permanently attached to the public right-of-way.
6. The permittee shall not operate the sidewalk café in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles.
7. No advertisements, signs, neon signs, decorations or displays shall be placed in, on, or about the sidewalk café premises without the prior written approval of the City Building Inspector's Office.
8. No loud or unnecessary noises are permitted from the café. Music, from whatever source (acoustical, electric or other), is not allowed to be played on the premises outdoors between the hours of 12:00 midnight and 8:00 a.m.
9. Sidewalk cafés whether in the public sidewalk or street must be accessible to persons with physical disabilities and in full compliance with the Americans with Disabilities Act. At least one door into the café or restaurant must be a minimum of three (3) feet wide. In addition, an ADA accessible non-skid ramp may be required if there is a change in grade such as in the case of in street café areas. At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities. Accessible tables must be dispersed throughout the café seating area.
10. Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade

meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.

11. Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
12. The chairs, tables, services stations, and other items actually utilized by the permittee for the operation of the sidewalk café must reasonably coincide with the sidewalk café plan. Applicants may however operate with fewer tables and chairs than the number approved. Businesses may not operate with more tables and chairs than their license states. Every freestanding table used by the café counts as one, even when connected or combined with another table.
13. With the exception of canopies approved by the Building Inspector's Office, no items can extend over the edges of the café. Restrictions include, but are not limited to, umbrellas and valances. No advertising is permitted on the sidewalk café other than the name of the establishment on the valance of an awning.
14. Portable gas heaters are permitted in sidewalk cafés, subject to review and approval by the Building Inspector's Office and the Fire Department.
15. The permittee must ensure that by no later than 12:30 a.m. all patrons must be vacated from the sidewalk cafe and by no later than the closing of the establishment all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Building Inspector's approval of the sidewalk cafe plans.
16. The permittee must not serve no alcoholic beverages on or at any sidewalk cafe after 12:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 12:00 a.m. and not begin until 8:00 a.m.
17. The permittee must remove all sidewalk cafe structures by October 31 and not install prior to April 1 in any year for which a permit is granted.

18. At the termination of the permit, return the sidewalk café area to the City in as good condition as at the commencement of the term hereof, usual wear and tear, acts of God, or unavoidable accidents excepted.
19. All applicants must prominently display their Sidewalk Café Permit and the approval plan in the window or doors that look onto the street during all hours of operation, so that inspectors, the public, and the local community will all be aware of the correct operating conditions.
20. Comply with all other provisions of the Code of the City of Plattsburgh, state and federal regulations, including the Americans with Disabilities Act.

I acknowledge that I have read the relevant sections of Article VI of Chapter 233 of the City Code of the City of Plattsburgh regarding the regulation of sidewalk cafes and agree to abide by all requirements set forth above, and within the Code.

Scott Barrano 
Applicant Signature

4/26/16
Date

7. Applicable Fees

Sidewalk Café Permit Application Fee (submit with Application): \$15.00
Annual Sidewalk Permit Fee (remit upon application approval): (?)
Parking Space Use Fee: \$300/space



CERTIFICATE OF LIABILITY INSURANCE

SUODA-1 OF 10. 011

DATE (MM/DD/YYYY)

04/26/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CFA Insurance Agency LLC 686 Bear Swamp Road P O Box 965 Peru, NY 12972 Commercial Peru House Acct.	CONTACT NAME: Commercial Peru House Acct.
	PHONE (A/C, No, Ext): 518-643-7946 FAX (A/C, No): 518-643-8136
E-MAIL ADDRESS:	
INSURER(S) AFFORDING COVERAGE	
INSURER A: Dryden Mutual	NAIC # 13919
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			SMP00008240-02	11/01/2015	11/01/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 1,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATU-TORY LIMITS OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Outside Seating for Restaurant

CERTIFICATE HOLDER

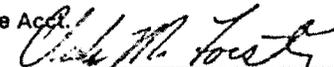
City of Plattsburgh Zoning
 City Clerk
 41 City Hall Place
 Plattsburgh, NY 12901

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Commercial Peru House Acct.



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Hobie's Sports Den
68 Margaret St
Plattsburgh NY 12901

April 26, 2016

To Whom it May Concern:

Hobie's is proposing to add outdoor seating for the upcoming summer. Last summer Hobie's had sidewalk seating but with the limited width of the building being 20 feet we could only fit a total of 4 tables, 16 seats, which were in high demand. For this year Hobie's is asking for the additional area of the two parking spaces in front of Hobie's which will allow Hobie's to accommodate its customers. We will use the concrete barriers for the road side and have chain link to close off the area for dining. The proposed space would be used for a casual outdoor dining experience from 11am to 12am. Please refer to the following pages for our valid liquor license, proof of insurance, plot diagram and photographs.

Thank you for your time and consideration,



Scott Bazzano

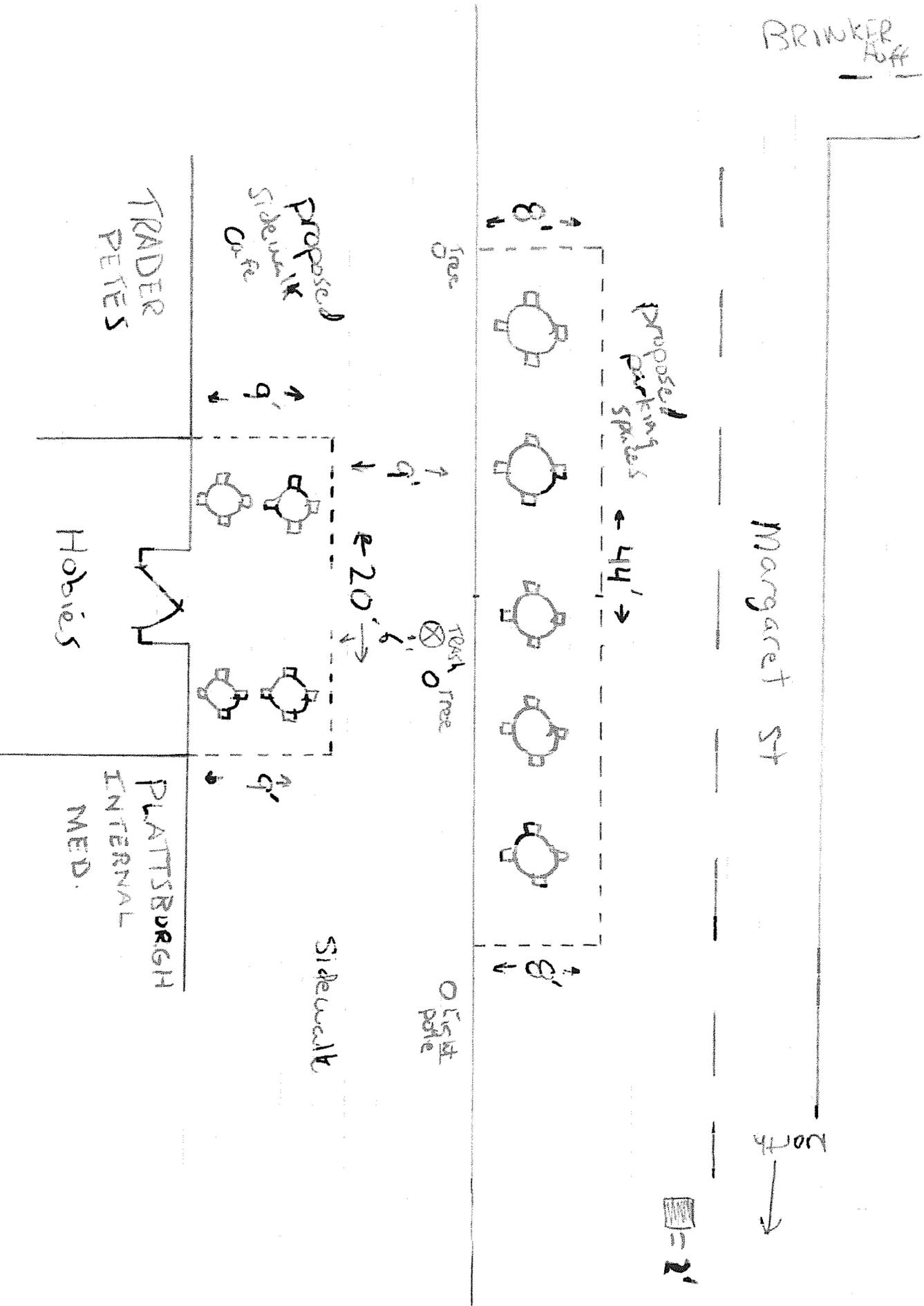
518 - 593 - 8528

BRINKER
Buff

Margaret St

WOLF →

2'







EST. 1974
HOBIE'S SPORTS DEN

EST. 1974
Hobie's Sports Den

Heffes
Doritos
Coca-Cola

STOUT
SUNNYS
ALE'S
DRAFT BEER
DOG

COLLEGE
ANTI
OPEN HERE EVERY
FRIDAY
6-10 PM
SATURDAY
10-12 PM

ON-PREMISES LIQUOR LICENSE
SERIAL #: 2197841
COUNTY: CLINTON

EFFECTIVE DATE: 01/08/2015
EXPIRATION DATE: 12/31/2016
CERTIFICATE #: 845633

NEW YORK STATE LIQUOR AUTHORITY

THE LICENSEE DESIGNATED BELOW IS HEREBY GRANTED PERMISSION, UNDER THE ALCOHOLIC BEVERAGE CONTROL LAW TO TRAFFIC IN ALCOHOLIC BEVERAGE PURSUANT TO THE TYPE OF LICENSE INDICATED IN THE UPPER LEFT HAND CORNER OF THIS CERTIFICATE AND ACCORDING TO THE STATUTES AND REGULATIONS PERTAINING THERETO.

THIS LICENSE SHALL NOT BE TRANSFERABLE TO ANY OTHER PERSON OR TO ANY OTHER PREMISES OR TO ANY OTHER PART OF THE BUILDING CONTAINING SUCH LICENSED PREMISES: IT SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT AND MAY BE REVOKED AT ANY TIME PURSUANT TO LAW
METHOD OF OPERATION

RESTAURANT SERVING BEER WINE & LIQUOR

Juke Box-Patron Dancing- Licensed Sidewalk Cafe

SOUBAZZ INC
HOBIE'S SPORTS DEN
68 MARGARET ST
PLATTSBURGH NY 12901

FILING FEE \$200.00
LICENSE FEE \$1,792.00

Dennis Rosen

Dennis Rosen
Chairman

BEFORE COMMENCING OR DOING ANY BUSINESS FOR THE TIME FOR WHICH THIS LICENSE HAS BEEN ISSUED, THE SAID LICENSE SHALL BE ENCLOSED IN A SUITABLE WOOD OR METAL FRAME, HAVING A CLEAR GLASS SPACE AND A SUBSTANTIAL WOOD OR METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN THE ROOM WHERE SUCH BUSINESS IS CARRIED ON, SO THAT ALL PERSONS VISITING SUCH PLACE MAY READILY SEE THE SAME.

SLA FORM 160-033 (10/09)

Certificate No. **B845633**

FOLD AND TEAR HERE

FOLD AND TEAR HERE

Blue Collar

CITY OF PLATTSBURGH
Sidewalk Cafe Permit Application

would like preferred
Plan w/ no parking
spaces!

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

4/27/16

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A "sidewalk café" means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A "sidewalk café permit" means a permit issued by the City Building Inspector for operation of a sidewalk cafe which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

1. Sidewalk Café Plan set as described below.
2. Site Photographs.
3. Statement of Purpose/Liquor License.
4. Indemnification, Release and Hold Harmless Agreement. Form is attached.
5. Proof of Insurance evidencing coverage for the full term of the permit. Insurance requirements are attached.
6. Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
7. Payment of application fee, permit fee and user fee, where applicable.
8. Applicant Information Sheet.

1. Sidewalk Cafe Plan

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector's Office, together with a nonrefundable fee of \$15. Such plans shall show:

- A. A legible site plan including the following information:
- North Arrow.
 - Site plan with clearly identified and accurate measurements.
 - Name of adjoining street(s).

- Width of adjacent sidewalk.
- Location of property lines and dimensions of sidewalk proposed for the sidewalk café area.
- Location of existing improvements (e.g. utility poles, fire hydrants, bike racks, traffic signs, sign posts, tree pits/grates, etc.) showing the distance of each to the sidewalk café area.
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- Sidewalk width remaining for clear path of travel and (if applicable) the number of parking spaces requested for the sidewalk café.
- Location and dimensions of any proposed improvements associated with the sidewalk café such, but not necessarily limited to, tables, seating, fencing, barriers, signs, etc. If there are any sidewalk grates / vents within the proposed area of the Sidewalk Café, the grates / vents need to be identified on the plan and shown on the plan as part of the clearance.
- Location of building entrances and zoning classification for site.

Please note that a table of sidewalk dimensions is available for review at the City Building Inspector's Office.

2. Photographs

Each applicant for a sidewalk café permit shall submit two copies of photographs showing the front of the proposed building, street and sidewalk and the front of immediately adjacent properties.

3. Statement of Purpose/Liquor License

Each applicant for a sidewalk café permit shall submit a statement of purpose describing in detail how the use will be conducted, the type of items intended to be consumed on premises, and the hours of operation (particularly the hours that the area is to be occupied as a sidewalk café). If alcoholic beverages are intended to be served at the sidewalk café, the applicant must provide a valid liquor license from the State of New York. If the applicant is seeking to occupy parking spaces, the number and location of the proposed spaces shall be identified and the applicant shall also indicate whether it owns the concrete barriers.

4. Indemnification Agreement

WHEREAS, the undersigned desires to maintain a sidewalk cafe on a portion of the public sidewalk and/or street in the City of Plattsburgh; and

WHEREAS, the City of Plattsburgh may permit the undersigned to maintain such an area, provided that the City shall not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to release, indemnify, defend and hold harmless the City of Plattsburgh, its officers, employees and agents against any and all

loss, liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk cafe. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at _____ this _____ day of _____, 20____.
(city, state)

Cynthia Snow
Signature

Cynthia Snow
Name (Please Print)

Owner
Title

82 Margaret St
Address

Plattsburgh NY 12901
City, State, Zip

5. Proof of Insurance

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

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Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

1. A minimum clear path of travel within the pedestrian zone is required on all public sidewalks. The clear path of travel shall fall entirely within the pedestrian zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh and shall remain free from obstructions of any kind. The minimum clear path of travel shall be five (5) feet on the sidewalk within the pedestrian zone free and clear of any obstructions



CERTIFICATE OF LIABILITY INSURANCE

BLUE-1 UP ID: GN

DATE (MM/DD/YYYY)

04/27/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CFA Insurance Agency LLC 686 Bear Swamp Road P O Box 965 Peru, NY 12972 Commercial Peru House Acct.	CONTACT NAME: Commercial Peru House Acct. PHONE (A/C, No, Ext): 518-643-7946 E-MAIL ADDRESS:	FAX (A/C, No): 518-643-8136													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Dryden Mutual</td> <td>13919</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Dryden Mutual	13919	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :
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INSURED Blue Collar Bistro Cynthia Snow 82 Margaret Street Plattsburgh, NY 12901															

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			SMP00017399-02	04/04/2016	04/04/2017	EACH OCCURRENCE	\$ 1,000,000
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							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (PER ACCIDENT)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS	OTH-ER
							E L EACH ACCIDENT	\$
							E L DISEASE - EA EMPLOYEE	\$
							E L DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

City of Plattsburgh Zoning City Clerk is an Additional Insured
Outdoor Seating for Restaurant

CERTIFICATE HOLDER

CANCELLATION

City of Plattsburgh Zoning
City Clerk
41 City Hall Place
Plattsburgh, NY 12901

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Commercial Peru House Acct

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2 Barriers

Parking 2

Parking 1

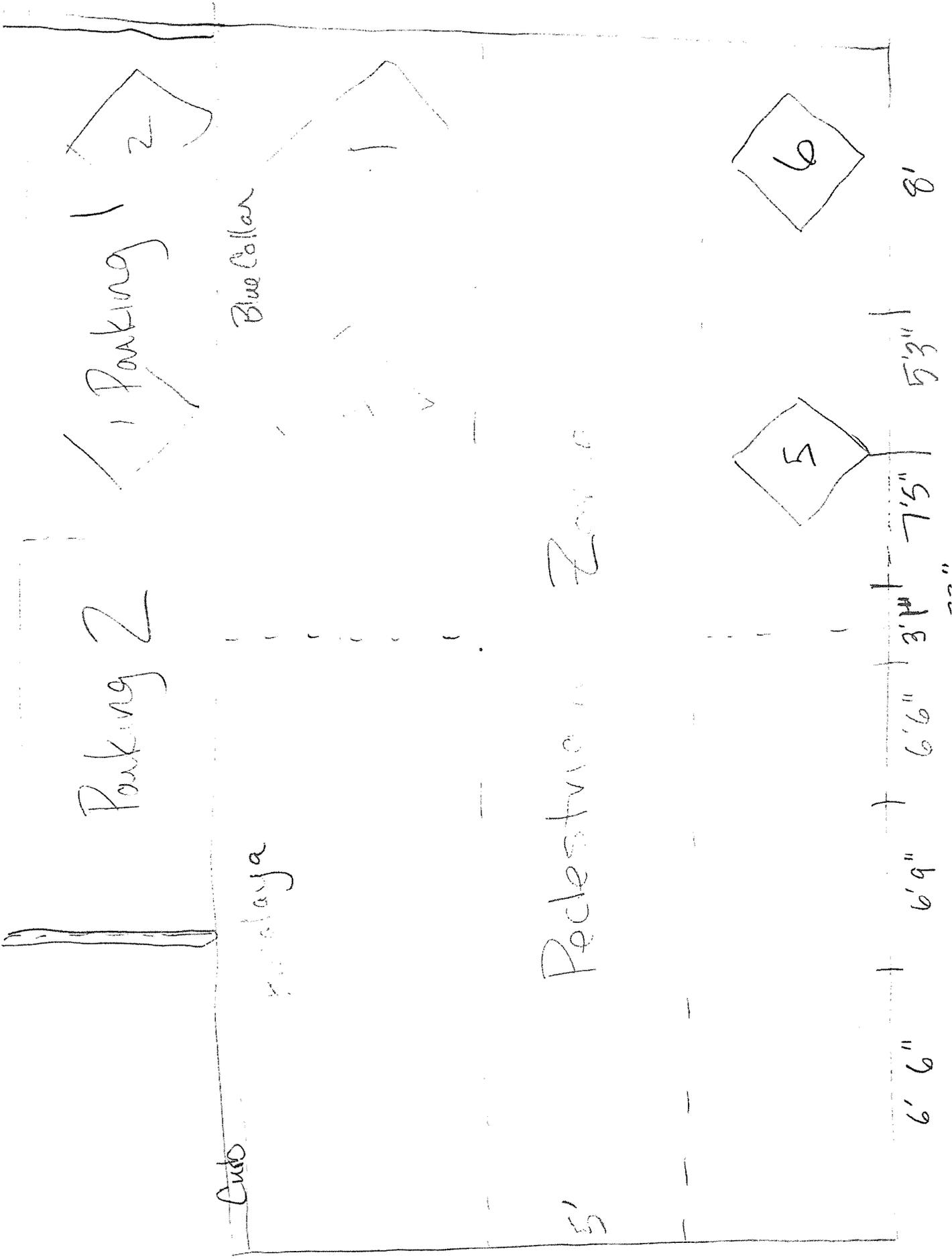
Auto

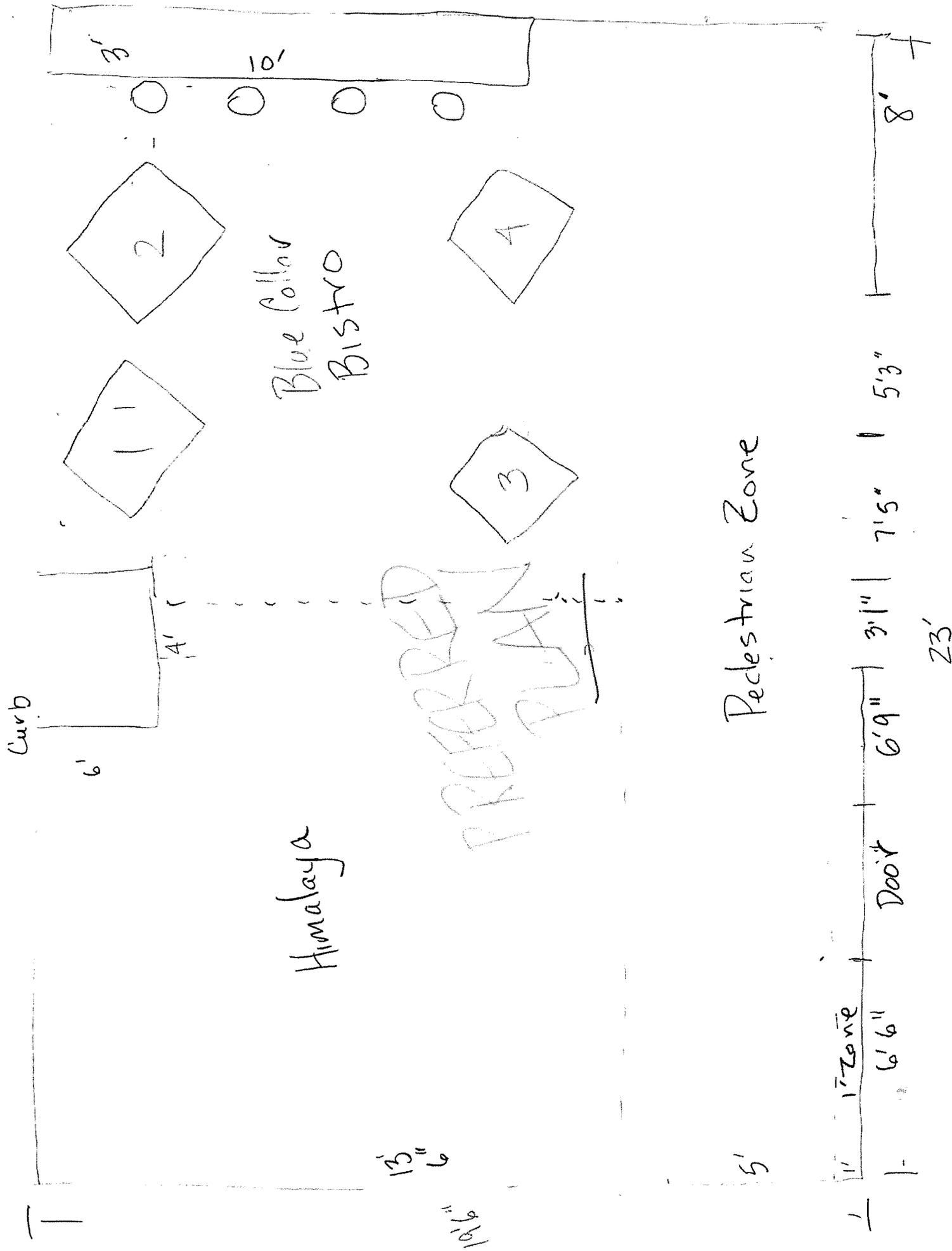
Handicapped

Blue Collar

Pedestrian Zone

19'6"





Curb

Blue Collar
BISTRO

Himalaya

PREFERRED

Pedestrian Zone

1' Zone

Door

23'

3'

10'

5'3"

7'5"

3'1"

6'9"

1'

5'

8'

2

1

4

3

13'6"

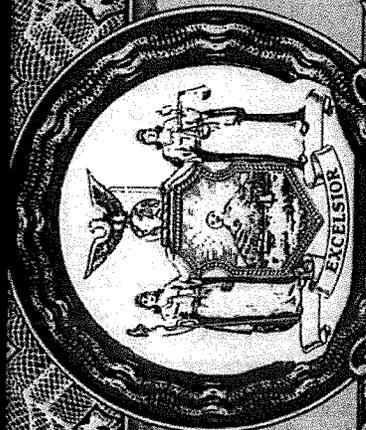
11'6"

Blue Collar Bistro

▶ Mimosas
▶ Sunday Fundy

RESTAURANT WINE LICENSE
SERIAL #: 2195828
COUNTY: CLINTON

EFFECTIVE DATE: 06/20/2014
EXPIRATION DATE: 5/31/2016
CERTIFICATE #: 815939



NEW YORK STATE LIQUOR AUTHORITY

THE LICENSE DESIGNATED BELOW IS HEREBY GRANTED PERMISSION, UNDER THE ALCOHOLIC BEVERAGE CONTROL LAW TO TRAFFIC IN ALCOHOLIC BEVERAGE PURSUANT TO THE TYPE OF LICENSE INDICATED IN THE UPPER LEFT HAND CORNER OF THIS CERTIFICATE AND ACCORDING TO THE STATUTES AND REGULATIONS PERTAINING THERETO.

THIS LICENSE SHALL NOT BE TRANSFERABLE TO ANY OTHER PERSON OR TO ANY OTHER PREMISES OR TO ANY OTHER PART OF THE BUILDING CONTAINING SUCH LICENSED PREMISES. IT SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT AND MAY BE REVOKED AT ANY TIME PURSUANT TO LAW.

METHOD OF OPERATION

RESTAURANT SERVING BEER & WINE ONLY

Sidewalk Cafe, Recorded Music

CYNTHIA S SNOW & BENJAMIN EICHENBERGER
BLUE COLLAR BISTRO
82 MARGARET ST
PLATTSBURGH NY 12901

NEW YORK STATE LIQUOR AUTHORITY
FILING FEE
LICENSING FEE

\$100.00
\$480.00

Dennis Rosen

Dennis Rosen
Chairman

BEFORE COMMENCING OR DOING ANY BUSINESS FOR THE TIME FOR WHICH THIS LICENSE HAS BEEN ISSUED, THE SAID LICENSE SHALL BE ENCLOSED IN A SUITABLE WOOD OR METAL FRAME, HAVING A CLEAR GLASS SPACE AND A SUBSTANTIAL WOOD OR METAL BACK SO THAT THE WHOLE OF SAID LICENSE MAY BE SEEN THEREIN, AND SHALL BE POSTED UP AND AT ALL TIMES DISPLAYED IN A CONSPICUOUS PLACE IN THE ROOM WHERE SUCH BUSINESS IS CARRIED ON, SO THAT ALL PERSONS VISITING SUCH PLACE MAY READILY SEE THE SAME.

SLA FORM 190-033 (10/09)

Certificate No. 0815939

FOLD AND TEAR HERE

FOLD AND TEAR HERE

Reabody's

**CITY OF PLATTSBURGH
Sidewalk Cafe Permit Application**

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A "sidewalk café" means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A "sidewalk café permit" means a permit issued by the City Building Inspector for operation of a sidewalk cafe which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

1. Sidewalk Café Plan set as described below.
2. Site Photographs.
3. Statement of Purpose/Liquor License.
4. Indemnification, Release and Hold Harmless Agreement. Form is attached.
5. Proof of Insurance evidencing coverage for the full term of the permit. Insurance requirements are attached.
6. Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
7. Payment of application fee, permit fee and user fee, where applicable.
8. Applicant Information Sheet.

1. Sidewalk Cafe Plan

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector's Office, together with a nonrefundable fee of \$15. Such plans shall show:

- A. A legible site plan including the following information:
 - North Arrow.
 - Site plan with clearly identified and accurate measurements.
 - Name of adjoining street(s).

- Width of adjacent sidewalk.
- Location of property lines and dimensions of sidewalk proposed for the sidewalk cafe area.
- Location of existing improvements (e.g. utility poles, fire hydrants, bike racks, traffic signs, sign posts, tree pits/grates, etc.) showing the distance of each to the sidewalk café area.
- Pedestrian Zone, Building Zone, Curb Zone Planter / Furniture Zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh.
- Sidewalk width remaining for clear path of travel and (if applicable) the number of parking spaces requested for the sidewalk café.
- Location and dimensions of any proposed improvements associated with the sidewalk café such, but not necessarily limited to, tables, seating, fencing, barriers, signs, etc. If there are any sidewalk grates / vents within the proposed area of the Sidewalk Café, the grates / vents need to be identified on the plan and shown on the plan as part of the clearance.
- Location of building entrances and zoning classification for site.

Please note that a table of sidewalk dimensions is available for review at the City Building Inspector's Office.

2. Photographs

Each applicant for a sidewalk café permit shall submit two copies of photographs showing the front of the proposed building, street and sidewalk and the front of immediately adjacent properties.

3. Statement of Purpose/Liquor License

Each applicant for a sidewalk café permit shall submit a statement of purpose describing in detail how the use will be conducted, the type of items intended to be consumed on premises, and the hours of operation (particularly the hours that the area is to be occupied as a sidewalk café). If alcoholic beverages are intended to be served at the sidewalk café, the applicant must provide a valid liquor license from the State of New York. If the applicant is seeking to occupy parking spaces, the number and location of the proposed spaces shall be identified and the applicant shall also indicate whether it owns the concrete barriers.

4. Indemnification Agreement

WHEREAS, the undersigned desires to maintain a sidewalk cafe on a portion of the public sidewalk and/or street in the City of Plattsburgh; and

WHEREAS, the City of Plattsburgh may permit the undersigned to maintain such an area, provided that the City shall not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to release, indemnify, defend and hold harmless the City of Plattsburgh, its officers, employees and agents against any and all

loss, liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk cafe. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at PLATTSBURGH, NY this 27 day of APRIL, 2016.
(city, state)

Joshua F. DeBay
Signature
JOSHUA F. DEBAY
Name (Please Print)
OWNER, PEABODYS
Title
7 CLINTON ST.
Address
PLATTSBURGH, NY 12901
City, State, Zip

5. Proof of Insurance

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

6. Agreement to Acknowledge and Comply with the Sidewalk Cafe Rules of Operation

Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

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unless otherwise indicated herein, and be clear of any tables or other property, and applicant shall not use any of said sidewalk area in the exercise of privileges granted herein, except to pass to and from the sidewalk café; however, applicant use may at no time obstruct access to the clear path of travel. Cords, electric cords, strings and lights may not be strung over or be placed on the pedestrian zone. The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway or cause pedestrians to divert from the pedestrian zone.

2. At least one accessible route shall connect the outdoor café to the public sidewalk. It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated)).
3. The proposed sidewalk café shall be sited to provide an unobstructed corner-curb radius area.
4. A wider clear path of travel may be required by the City Building Inspector's Office to provide for pedestrian passage, traffic management, or for any other public-use purpose.
5. The permittee must make sure the sidewalk café is kept clean and clear of any trash or refuse, paper and other waste including during special events held by other organizations. All freestanding planters, fences, or railings must be self-supporting, no higher than 30 inches, and not be permanently attached to the public right-of-way.
6. The permittee shall not operate the sidewalk café in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles.
7. No advertisements, signs, neon signs, decorations or displays shall be placed in, on, or about the sidewalk café premises without the prior written approval of the City Building Inspector's Office.
8. No loud or unnecessary noises are permitted from the café. Music, from whatever source (acoustical, electric or other), is not allowed to be played on the premises outdoors between the hours of 12:00 midnight and 8:00 a.m.
9. Sidewalk cafés whether in the public sidewalk or street must be accessible to persons with physical disabilities and in full compliance with the Americans with Disabilities Act. At least one door into the café or restaurant must be a minimum of three (3) feet wide. In addition, an ADA accessible non-skid ramp may be required if there is a change in grade such as in the case of in street café areas. At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities. Accessible tables must be dispersed throughout the café seating area.
10. Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade

meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.

11. Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
12. The chairs, tables, services stations, and other items actually utilized by the permittee for the operation of the sidewalk café must reasonably coincide with the sidewalk café plan. Applicants may however operate with fewer tables and chairs than the number approved. Businesses may not operate with more tables and chairs than their license states. Every freestanding table used by the café counts as one, even when connected or combined with another table.
13. With the exception of canopies approved by the Building Inspector's Office, no items can extend over the edges of the café. Restrictions include, but are not limited to, umbrellas and valances. No advertising is permitted on the sidewalk café other than the name of the establishment on the valance of an awning.
14. Portable gas heaters are permitted in sidewalk cafés, subject to review and approval by the Building Inspector's Office and the Fire Department.
15. The permittee must ensure that by no later than 12:30 a.m. all patrons must be vacated from the sidewalk cafe and by no later than the closing of the establishment all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Building Inspector's approval of the sidewalk cafe plans.
16. The permittee must not serve no alcoholic beverages on or at any sidewalk cafe after 12:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 12:00 a.m. and not begin until 8:00 a.m.
17. The permittee must remove all sidewalk cafe structures by October 31 and not install prior to April 1 in any year for which a permit is granted.



JOSHRDU-01

KL04343

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/27/2016

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PRODUCER NBT-Mang Ins Agency 66 South Broad Street Norwich, NY 13815	CONTACT NAME: Kristi LaFave PHONE (A/C, No, Ext): (800) 965-6264 FAX (A/C, No): (607) 334-4162 E-MAIL ADDRESS: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; border: none;">INSURER(S) AFFORDING COVERAGE</td> <td style="text-align: center; border: none;">NAIC #</td> </tr> <tr> <td style="border: none;">INSURER A : Dryden Mutual Insurance Company</td> <td style="border: none;">13919</td> </tr> <tr> <td style="border: none;">INSURER B :</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">INSURER C :</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">INSURER D :</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">INSURER E :</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">INSURER F :</td> <td style="border: none;"></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Dryden Mutual Insurance Company	13919	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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	\$																				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N		N/A			<table style="width: 100%; border: none;"> <tr><td>PER STATUTE</td><td style="text-align: right;">\$</td></tr> <tr><td>OTH-ER</td><td style="text-align: right;">\$</td></tr> <tr><td>E.L. EACH ACCIDENT</td><td style="text-align: right;">\$</td></tr> <tr><td>E.L. DISEASE - EA EMPLOYEE</td><td style="text-align: right;">\$</td></tr> <tr><td>E.L. DISEASE - POLICY LIMIT</td><td style="text-align: right;">\$</td></tr> </table>	PER STATUTE	\$	OTH-ER	\$	E.L. EACH ACCIDENT	\$	E.L. DISEASE - EA EMPLOYEE	\$	E.L. DISEASE - POLICY LIMIT	\$				
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E.L. EACH ACCIDENT	\$																				
E.L. DISEASE - EA EMPLOYEE	\$																				
E.L. DISEASE - POLICY LIMIT	\$																				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Outdoor Seating

CERTIFICATE HOLDER**CANCELLATION**

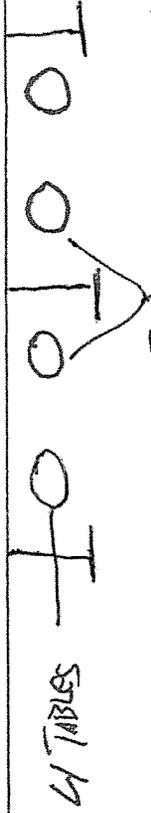
City of Plattsburgh 41 City Hall Place Plattsburgh, NY 12901	<p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p>AUTHORIZED REPRESENTATIVE </p>
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OAK STREET

PEABODY'S

SIDEWALK



REQUESTING THE USE OF THE TWO PARKING SPOTS DIRECTLY IN FRONT OF PEABODY'S FRONT DOOR

Jessie DUBAY
P.E.P.

CLINTON STREET

MARGARET STREET

ON PREMISES LIQUOR LICENSE
SERIAL # 2140419
COUNTY CLINTON

EFFECTIVE DATE: 03/15/2016
EXPIRATION DATE: 03/31/2018
CERTIFICATE #: B0858734

NEW YORK STATE LIQUOR AUTHORITY

THE LICENSE DESCRIBED BELOW IS HEREBY GRANTED PROVIDED, UNDER THE ALCOHOLIC BEVERAGE CONTROL LAW TO TRANSFER ALCOHOLIC BEVERAGES PURSUANT TO THE TYPE OF LICENSE DESCRIBED IN THE ABOVE LEFT HAND COLUMN OF THIS CERTIFICATE AND ACCORDING TO THE STATUTES AND REGULATING PERFORMANCES THEREOF.

THIS LICENSE SHALL NOT BE TRANSFERABLE TO ANY OTHER PERSON OR TO ANY OTHER ADDRESS OR TO ANY OTHER TYPE OF THE BUSINESS DESCRIBED HEREIN UNLESS IT FIRST BE APPROVED BY THE LIQUOR AUTHORITY. NO TRANSFER SHALL BE MADE WITHOUT THE APPROVAL OF THE LIQUOR AUTHORITY.

METHOD OF OPERATION

TAXED RESTAURANT SERVING BEER, WINE AND LIQUOR

JOSHUA R DUBAY
PEABODY'S
7 11 CLINTON STREET
FLATTSBURGH NY 12901

FEES PAID \$90.00
LICENSE FEE \$1,792.00

Vincent G. Brady

Vincent G. Brady
Chairman

BEFORE COMMENCING OR USING ANY BUSINESS FOR THE PURPOSES OF THIS LICENSE, THE LICENSEE SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION OF THE LICENSE AND SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE OF THE LICENSE. THE LICENSEE SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE OF THE LICENSE AND SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE OF THE LICENSE. THE LICENSEE SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE OF THE LICENSE AND SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE OF THE LICENSE.

Certificate No. B0858734