

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
IN RE: JB ON THE WATER, LLC
MEMORANDUM

HISTORY

This application for a Special Use Permit and Variances concerns what was historically known as the Bay View Inn. During the 1970's, the Inn had been owned by Frederick R. Coleman. During this period of time, and extending into the early 1980's, the Inn fell into disrepair and was eventually left vacant. On November 26, 1985, a special exception was sought to extend and enlarge a "nonconforming use, viz. a hotel and restaurant. The structure is now vacant and has been vacant for a period of time." ZB Decision 11/26/85. The special exception sought renovation of the structure to create 32 luxury hotel suites and a restaurant. The Zoning Board found as follows:

1. That the main structure was in disrepair, vacant and a fire hazard.
2. That the maximum number of hotel rooms had been 44, and now the proposed renovation only sought approval for 32 rooms.
3. That the proposed alterations will not increase the extent of existing traffic hazards.
4. That the proposed alterations will not diminish the value of neighboring properties.

Variances and special exceptions were granted with certain conditions related to razing two single family homes, allowing egress only onto Conanicus Avenue, and vegetative screening from the north properties. ZB Decision 12/16/85.

There were various other decisions from the Zoning Board over the years, but those decisions did not materially alter the legal framework for continuing use of the Inn as an Inn and restaurant.

The last significant Zoning Board decision is dated June 27, 2007. That decision approved the construction of a porch at the southeast corner of the existing structure. The Zoning Board found as a fact that "The renovations will have no effect on the health, morals and welfare to residents and citizens of the Town of Jamestown or [alter] the general character of the surrounding area." ZB decision 6/27/07.

The proposed porch is shown on a "sketch of 2007 application proposed deck area expansion", a copy of which will be supplied to the Board. There is substantial overlap of the then proposed porch with this application for a deck expansion. The 2007 proposed porch was never built (*if built it would have projected closer to the Southeast & Bay View Drive*).

On June 8, 2021, the Jamestown Building Official issued a zoning certificate for the site. He stated that "The site currently is approved for seating of 186. The 186 seats total requires 37 parking spaces and 32 timeshare units require 32 parking spaces for a property total of 69

parking spaces. Any changes to these totals would require a zoning review and possibly a variance.” The site plan shows that the site has 81 parking spaces.

Included as exhibits to that zoning certificate is a decision dated November 17, 2016 from Building Official Chris Costa. In that decision, Mr. Costa stated that the plan presented for outdoor service of alcohol did not violate prior zoning decisions. The seating plan showed 186 seats, which requires 37 parking spaces. The timeshares require an additional 32 spaces, for a total of 69 parking spaces. The site plan presented showed 77 parking spaces, so no zoning relief was required.

The proposed site plan shows **186** seats inclusive of the 36 seats on the lawn area.

On January 4, 2022, this matter was presented to the Planning Commission for a decision with regard to development review under Article 11 of the Jamestown Zoning Code. The Planning Commission endorsed the plan and recommended to the Zoning Board that the Special Use Permit be amended to allow for construction of the deck and handicap access as proposed. The Planning Commission found:

“8. The restaurant, as shown on the plans comply with parking based on that the number of seats in the restaurant and are not proposed to change. This includes a 186 seat restaurant and a total requirement of 69 parking spaces. The Zoning Certificate, dated 6-8-21, by [the building official] notes that the site is approved for 20 Lounge seats, 46 Bay Room seats, 34 Tavern seats, 20 Veranda seats, 30 deck seats and 36 lawn seats. This seating requires a total of 69 parking spaces;

9. The site plan shows a total of 55 on site spaces and 26 adjacent public off site spaces available to patrons of the Bay View Hotel and restaurant;”¹

The liquor license transfer to the applicant was approved by the Town Council. The site plan submitted to the Town Council showing seating is attached hereto.

APPLICABLE LAW

SPECIAL USE PERMIT

This application is brought under Section 82-704 of the Code. That section provides that “Applications for alteration of a nonconforming use shall be made as a request for a special use permit to the zoning board. The board shall ensure that no alteration is permitted which would increase the degree of nonconformity, except in the CD and CW zoning districts where the zoning board may allow alteration or expansion at its discretion.” In this case, measuring the degree of nonconformity is driven by whether the density of the site is being increased. Given that the number of timeshare units is not changing, and that the number of seats permitted

¹ The Town has always allowed the parking spaces on Bay View Drive to count toward the total count available to the site. See Zoning Board decision dated February 2, 1984: “...to provide total parking of not less than fifty-five (55) spaces inclusive of fifteen (15) parking places on Town property....”.

within the restaurant is not changing, there clearly is no increase in the degree of nonconformity.

The standards for granting a Special Use Permit are found in Sec. 82-602. "Before any special use permit shall be granted, the applicant shall show to the satisfaction of the zoning board:

- A. That the granting of the special use permit will not result in conditions inimical to the public health, safety, morals and welfare; and
- B. That the granting of such special use permit will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

In granting a special use permit, the zoning board may impose such special conditions as are deemed necessary to maintain harmony with other lots in the same or abutting zoning districts and to promote the objectives of this ordinance [chapter]."

In this case, one of the more important reasons for requesting this relief is the degree to which public health authorities have either required or encouraged restaurants to maintain distancing. If this restaurant is going to survive, it is extremely important that the owner factor in the possibility or likelihood that the RI Department of Health will require minimum distancing between tables. This plan provides for significant distance between the tables. Phase III guidelines for restaurants issued by the RIDOH on 11-6-20 states that tables "Be separated by at least eight feet from table edge to table edge or to allow six feet spacing between seated customers at different tables; and Be at least six feet away from areas with regular customer foot traffic (e.g. routes to bathrooms, entrances, and exits)."

DIMENSIONAL VARIANCE

This application also seeks relief from the front setback requirements in an R 20 zone. The reason for the request is twofold. First, an ADA handicap ramp is required for entry into the restaurant. Given the placement of the existing building, the only way to construct the ramp to provide accessibility to the street is to place the ramp between the existing building and the street. The second request is closely related to the first. Given the location of the existing building, the new deck, which aligns with the existing building, falls within the front setback.

The legal standard for granting a dimensional variance is found in Sec. 82-607.

"The zoning board of review shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

1. In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the ordinance [this chapter]. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and

2. In granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

3. An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use. If the special use could not exist without the dimensional variance, the zoning board of review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.”

In this case, testimony will be presented that the viability of this restaurant depends upon outdoor seating. With New England’s limited season, shoreline restaurants have a narrow window for generating sufficient revenue to stay open. Most of any shoreline restaurant’s revenue comes in the summer months. During those months, weather permitting, most customers prefer to be seated outside. So this application clearly satisfies standard 2. If this application is not granted, the applicant will suffer more than a mere inconvenience. This application arguably satisfies standard 1 relating to use variances, as it is highly questionable that this restaurant can survive without outdoor seating. As residents of Jamestown, we know that all the restaurants that have opened in this location have failed, some sooner rather than later.

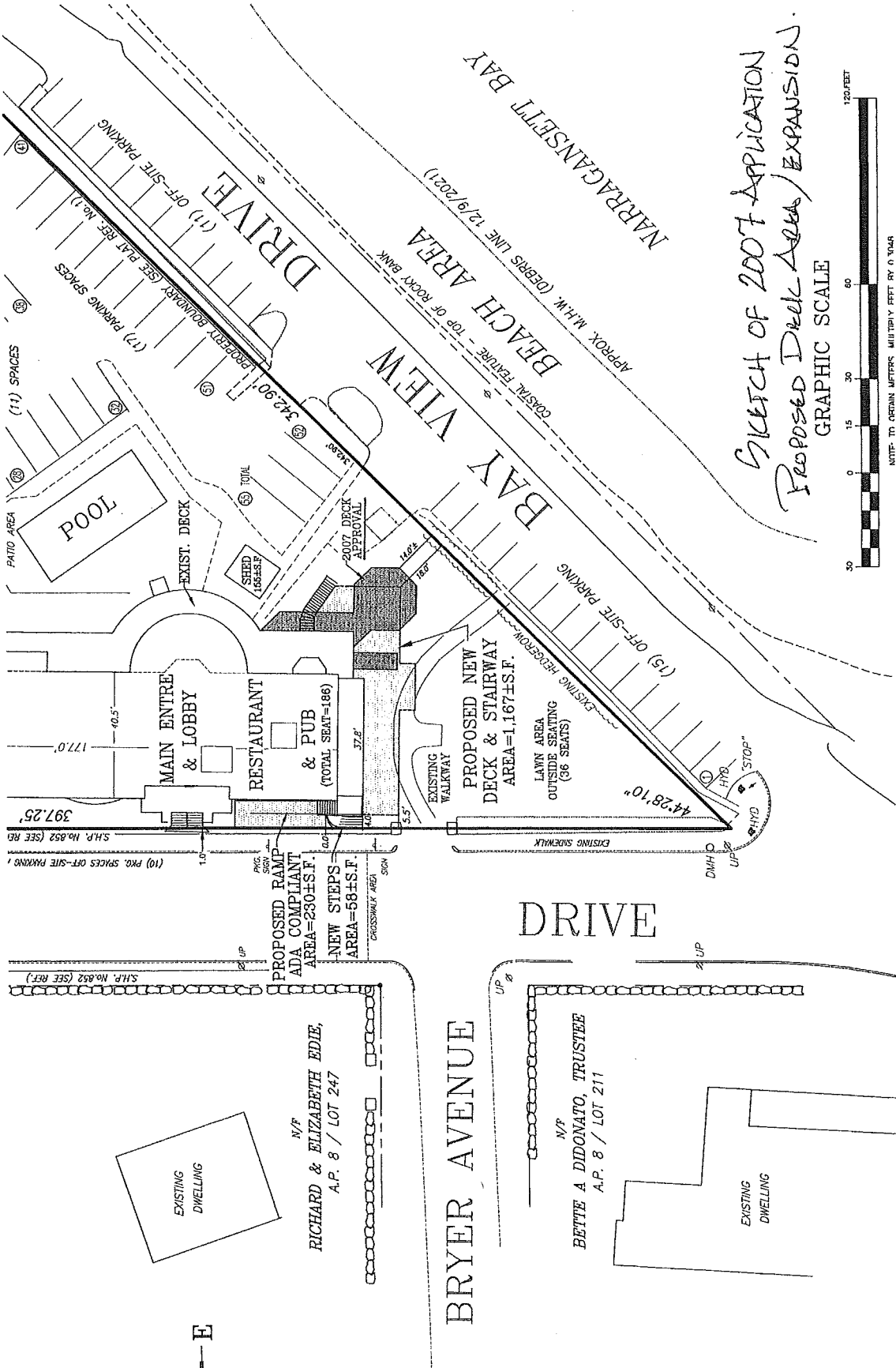
Standard 3 is clearly applicable to this case, as the petition seeks both a special use permit and dimensional variance.

Respectfully submitted:

JB ON THE WATER, LLC

By its Attorney:

/s/ Mark E. Liberati
Mark E. Liberati, Esq.
57 Narragansett Avenue
Jamestown, RI 02835



SKETCH OF 2007 APPLICATION
 Proposed Deck Area / Expansion.

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

DECISION

Re: Application of Frederick R. Coleman

This matter came before the Board on November 26, 1985, pursuant to the application of Frederick R. Coleman dated October 29, 1985. The application sought a special exception to extend and enlarge a non-conforming use, viz. a hotel and restaurant. The structure is now vacant and has been vacant for a period of time.

The Petitioner, through his architect, John Smyth, reviewed the overall concept of the renovation of the Bay Voyage Inn to create 32 luxury hotel suites in accordance with the plans placed on file with the application. Mr. Smyth presented the Board with some amendments to the plans on file which were marked as exhibits and made part of the record. The overall plan entailed the demolition of two buildings to the north of the hotel. Mr. Smyth also stated there would be appropriate plantings along the boundary lines so as to partially screen neighboring properties.

Paul Hogan, a real estate expert, testified that after his review of the plans and surrounding property, it was his opinion that the conversion of the now vacant hotel into a fully restored hotel would be an improvement to the neighborhood, and would enhance the value of surrounding

properties. He testified further that in his opinion the proposed renovation would be to the benefit of the public health and safety, as the existing hotel was a substantial fire hazard.

The Petitioner called Dennis M. Taber, recognized by the Board as a traffic expert. Mr. Taber explained the parking arrangements and noted that the parking spaces required by the zoning code had been met by the applicant. He further stated that ingress and egress on Bay View Drive would not create a traffic problem. The parking lot opening on Conanicus Avenue would be used solely for egress. Traffic would not be increased, as the proposed use is the same as now exists, but would be less intense.

Mr. Eugene Schavione testified that he had entered into a Purchase and Sale Agreement with Mr. Coleman to purchase the property, and that he intended to develop it as an interval ownership project. Mr. Schavione presented the Board with a letter indicating that he had made financing arrangements to complete the project, and testified that it would be a first-class project.

Mr. Coleman testified that he was the owner of the property and that he had operated the hotel. The maximum number of hotel rooms available was forty-four during the period of time he operated the hotel.

Three members of the public spoke in favor of the project. Nobody opposed the petition, nor did any member of the public speak against the petition. The Board took the

matter under consideration in executive session. After some discussion, the Board continued the executive session until Tuesday, December 3, 1985, at 8:00 p.m.

DECISION

The Board makes the following findings of fact:

- (1) That the premises are located in an R-20 use district.
- (2) That there are three (3) structures presently existing on the premises.
- (3) That the main structure measuring approximately 150' x 70' has been used for many years as a hotel and restaurant.
- (4) That the two subsidiary structures measuring 35'x 35' and 30'x 25', respectively, have been and are used as single family residences.
- (5) That the main structure is in disrepair, vacant and presently a fire hazard.
- (6) That the proposed alterations will not increase the extent of the existing traffic hazards.
- (7) That the proposed alterations will not cause a diminution in value to the neighborhood properties.

Applying the law to these facts, it was voted:

- (1) To grant a variance from the provision of the Ordinance (Section 403(A) of Article IV) requiring that a

non-conforming structure which is demolished to be rebuilt in accordance with all provisions of the Ordinance.

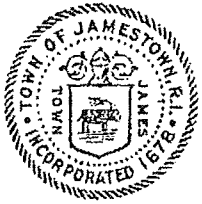
Vote: 5 - 0

(2) To grant a variance allowing the construction of a cupola forty-three (43') feet in height in accordance with the plans submitted. Vote: 5 - 0

(3) To grant a special exception to extend or enlarge the existing structure in accordance with the plans submitted and to grant the regulatory variances required by such enlargement or extension as reflected on said plans, subject to the following conditions and limitations:

- (a) Destruction and demolition of the two subsidiary buildings on the premises prior to issuance of any certificate of occupancy, as the same is defined in the State Building Code.
- (b) Access to Conanicus Avenue from the parking lot as shown on the plans by egress only.
- (c) Screening of adjacent properties located north of the premises by way of an evergreen hedge.

Vote: 4 - 1



Town of Jamestown

RHODE ISLAND

02835

TOWN CLERK

(401) 423.0200

December 16, 1985

Frederick R. Coleman
150 Conaicus Avenue
Jamestown, R.I.

Dear Mr. Coleman,

At a meeting of the Zoning Board of Review held on December 3, 1985 the following motion was passed.

FINDINGS OF FACT

1. That the premises are located in an R-20 use district.
2. That there are three (3) structures presently existing on the premises.
3. That the main structure measuring approximately 150' x 70' has been used for many years as a hotel and restaurant.
4. That the two subsidiary structures measuring 35' x 35' and 30' x 25', respectively, have been and are used as single family residences.
5. That the main structure is in disrepair, vacant and presently a fire hazard.
6. That the proposed alterations will not increase the extent of the existing traffic hazards.
7. That the proposed alterations will not cause a diminution in value to the neighborhood properties.

Applying the law to these facts, it was voted:

1. To grant a variance from the provision of the Ordinance (Section 403(A) of Article IV) requiring that a non-conforming structure which is demolished to be rebuilt in accordance with all provisions of the Ordinance.

Vote: 5 - 0

2. To grant a variance allowing the construction of a cupola forty-three (43') feet in height in accordance with the plans submitted.

Vote: 5 - 0

December 16, 1985
Mr. Frederick R. Coleman

Page 2

3. To grant a special exception to extend or enlarge the existing structure in accordance with the plans submitted and to grant the regulatory variances required by such enlargement or extension as reflected on said plans, subject to the following conditions and limitations:

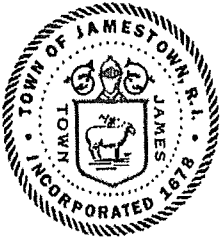
- (a) Destruction and demolition of the two subsidiary buildings on the premises prior to issuance of any certificate of occupancy, as the same is defined in the State Building Code.
- (b) Access to Conanicus Avenue from the parking lot as shown on the plans by egress only.
- (c) Screening of adjacent properties located north of the premises by way of an evergreen hedge.

Vote: 4 - 1

Very truly yours,

Lois E. Coons
Town Clerk

cc: Building Inspector
Arthur W. Murphy, Esq.



Town of Jamestown

93 Narragansett Avenue
401-423-7200

Jamestown, Rhode Island
02835-1199

June 27, 2007

Eastern Resorts
C/o Quentin Anthony, Esq.
41 Long Wharf
Newport, RI 02840

Dear Mr. Anthony,

The following is the decision on your Petition heard by the Town of Jamestown Zoning Board of Review on June 26, 2007.

After testimony was completed at the public hearing for which due notice was given and a record kept, the Town of Jamestown Zoning Board of Review, after taking into consideration all of the testimony and exhibits at the public hearing, makes the following determination:

A motion was made by Richard Cribb and seconded by Richard Boren to grant the request of Eastern Resorts Co. LLC whose property is located at 150 Conanicus Ave., and further identified as Tax Assessor's Plat 8, Lot 258 for a variance from Article 7, Section 703, 704 to construct a new porch at 12' 10 ½ " from Bay View Dr.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following restriction/condition(s):

1. The dumpsters will be moved inside the property line.
2. No portion of the deck or gazebo will be enclosed.
3. No outdoor music after 10 p.m.

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 49, 652 sq. ft.
2. There were no abutters against the proposal and one in favor with some reservations.
3. The renovations will have no effect on the health, morals, and welfare to residents and citizens of the Town of Jamestown or the general character of the surrounding area.
4. The Planning Board unanimously recommended approval of this application.
5. The applicant has withdrawn the request for a new sign.

The motion carried by a vote of 4 - 1.

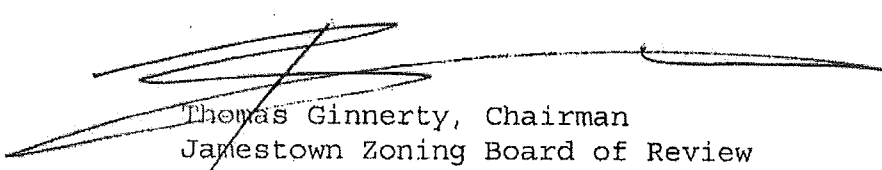
Thomas Ginnerty voted against the motion.

Richard Boren, David Nardolillo, Dean Wagner, and Richard Cribb voted in favor of the motion.

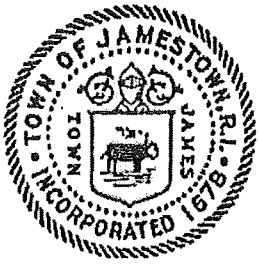
Richard Allphin was not seated and Don Wineberg and Joseph Logan were absent.

This variance will expire one year from the date of granting unless the applicant exercises the permission granted.

Very truly yours,


Thomas Ginnerty, Chairman
Jamestown Zoning Board of Review
TG/pw

RECEIVED FOR RECORD
- Aug 16, 2007 11:38:28A
- JAMESTOWN TOWN CLERK
- ARLENE D. PETIT



TOWN OF JAMESTOWN

93 Narragansett Avenue, Jamestown RI, 02835
William L Moore, Building & Zoning Official
401-423-9803, wmoore@jamestownri.net

ZONING CERTIFICATE

Date: 6/8/2021

Property location: 150 Conanicus

Assessor Plat: 8-258

Owner: Eastern Resorts Co LLC / Shannon Brito d/b/a JB's on the water

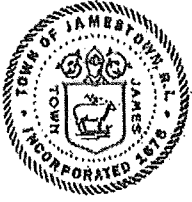
Zoning District: R-20

Current Use: 32 Unit Time share residence & Restaurant (A-2)

Remarks: The current use in the Jamestown Zoning Ordinance, 82-301 table, Uses and Districts VI, C, 3 is compliant as per Special Use Permit and Variance approval by the Jamestown ZBR on November 26, 1985, December 3, 1985 respectively, of the Jamestown Land evidence records, for the specifics. The site currently is approved for seating of Lounge 20, Bay Room 46, Tavern 34, Veranda 20, Outdoor dining deck 30, and Lawn 36. The 186 seats total requires, 37 parking spaces and 32 timeshare units require 32 parking spaces for a property total of 69 parking spaces. Any changes to those totals would require a zoning review and possibly a variance. A valid Liquor License is required. Apply for approval to the Jamestown Town Council.

William L Moore

Jamestown Building Official and Zoning Enforcement Officer



Office of Code Enforcement

Zoning
Building Codes
Minimum Housing
Property Maintenance

93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9803
email: ccosta@jamestownri.net

TO: ANDREW E. NOTA, TOWN ADMINISTRATOR
FROM: CHRIS COSTA, BUILDING/ZONING OFFICIAL
SUBJECT: BAY VOYAGE SERVICE EXPANSION REQUEST
DATE: NOVEMBER 17, 2016

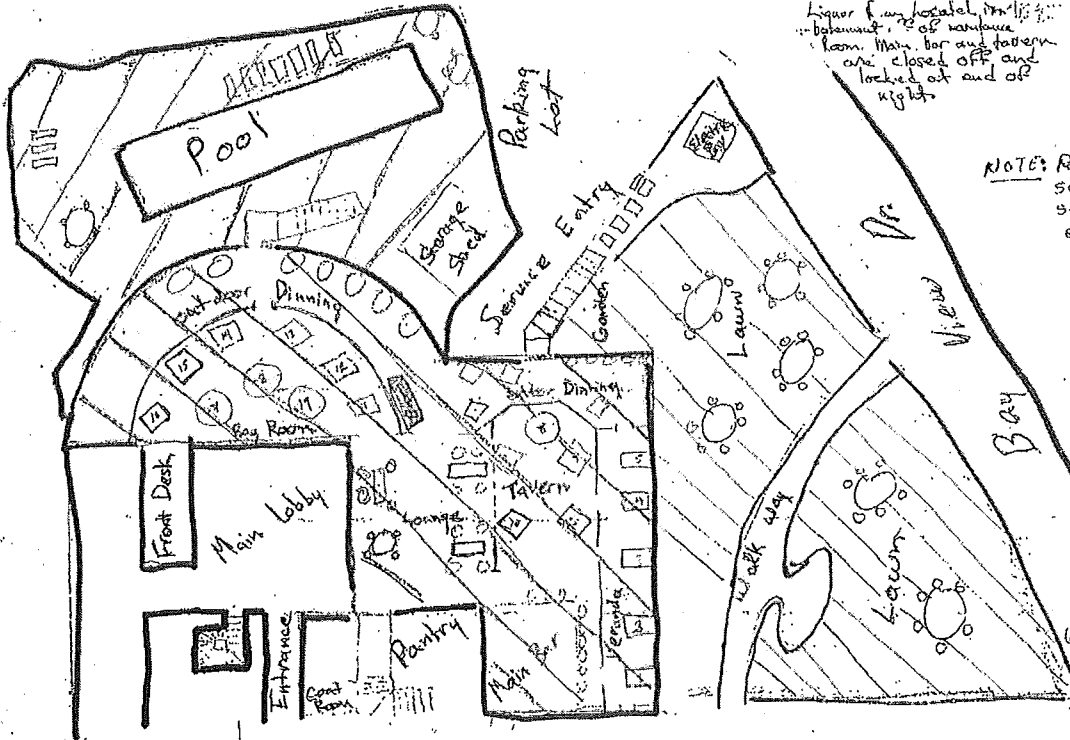
In review of all building and zoning files for the Bay Voyage, there appears to be no conditions or restrictions on where alcohol can be consumed or served on the property. The potential maximum parking increase to be generated from the expansion will not exceed the 77 spaces provided. The seating plan and calculations show 186 seats divide by 5 equals 37 plus one per 32 timeshare units to be 69 space required. The May 2, 2016 Town Council minutes reflect a granted of permission to consume alcohol on the designated grass area.

In my review, I do not feel that this application should be considered an expansion of use, requiring separate Zoning Board review. This application should fall under the jurisdiction of the Liquor Licensing Board for review and consideration.

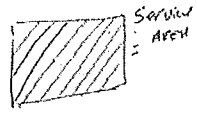
Should you require any additional input on this matter, please let me know.

SUP. → EXT, need enlargement of now uniformity.
 9-24-91 ZB For Relocating STAIRS & Converting porch to Dining.

RECEIVED
 TOWN OF JANE TOWN, N.Y.
 16 NOV 14 PM 11:43



Liquor Room located on 1st floor
 basement, 2nd of main floor
 from main bar and tavern
 are closed off and
 locked at and off
 nights



NOTE: Request to increase
 Service Area to lawn
 seating, 6 tables w/ 6 seats
 each (Total 36 seats),
 Seasonally From
 April 1st Through
 October 31st

- Seating - Inside
- 1. Lounge = 20
 - 2. Bay Room = 46
 - 3. Tavern = 34
 - 4. Veranda = 20
 - 5. Outdoor Dining = 30
 DECK
- TOTAL = 150

6. LAWN AREA = 36

$$\begin{array}{r}
 \div 186 \\
 \hline
 5 \text{ seats} \\
 \hline
 37 \\
 + 32 \text{ TIME SHARE} \\
 \hline
 69 \text{ SPACES}
 \end{array}$$



Office of the Town Planner

MEMORANDUM

TO: Zoning Board of Review
FROM: Lisa Bryer, AICP, Town Planner
RE: Application of 150 Conanicus Ave., Bay Voyage Restaurant, Plat 8 Lot 258, Development Plan Review in the Jamestown Village Special Development District, Jamestown Zoning Ordinance Article 11, Development Plan Discussion, Review and Approval and Recommendation to Zoning Board on variances and Special Use Permit
DATE: January 4, 2021

The application of John and Shannon Brito DBA J.B.'s On The Water, and Owner 150 Conanicus LLC and The Bay Voyage Condominium association, located at 150 Conanicus Avenue was reviewed by the Planning Commission on December 15, 2021 and the Planning Commission hereby grants Development Plan approval and endorses amending the Special use Permit previously approved by the Jamestown Zoning Board of Review on 11/26/85 and 12/3/85 based on the following finding of fact and subject to the following conditions of approval:

Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11 as an alteration of the building façade as well as street frontage;
2. The existing Bay Voyage Hotel was built in 1900 and is non-conforming by setback on the west side where the hotel is set back approximately 10 feet off the Conanicus Avenue right-of-way and the existing stairs to Conanicus Avenue are set back only one foot from the edge of the right-of-way. The proposed handicap ramp and stairs is proposed to be within that 10' setback.;
3. This applicant testified that the application will need both a setback variance on Conanicus Avenue for the deck, and the stairs, as well as an amendment to the special use permit;
4. This application has been reviewed by the TRC on 12-13-21 and by the Planning Commission on 12-15-21;
5. The applicant was represented by Amy Sonder, PLS, Easterbrooks and Associates and applicants John and Shannon Brito.;
6. The following information has been provided for the current application:
 - a) Site Plan for Renovations to Bay Voyage Inn and Restaurant/JBs on the Water, prepared by Easterbrooks and Associates, LLC dated November 14, 2021 revised Dec. 15, 2021
 - b) Plans JB on the Water, Handicap Ramp and Deck Addition, 150 Conanicut Avenue, Jamestown RO by LDL Studio, Inc, Providence, RI:
 - 1) Proposed Partial Floor Plan A1.00 dated 12/15/2021
 - 2) Proposed West Building Elevation, SD2.0 dated 12/15/2021
 - 3) Proposed South Building Elevation, SD2.1 dated 12/15/2021

- 4) Proposed East Building Elevation, SD2.2 dated 12/15/2021
 - 5) Exterior Rendering – View 1, dated 12/15/2021
 - 6) Conanicut Avenue View, dated 12/15/2021
 - 7) Exterior Rendering View 2 dated 12/15/2021
- c) The Bay Voyage Condominium Survey Plan Recorded in Jamestown Land Evidence HPF 42A 1986
7. This property is located in the R-20 Zoning District. Restaurant, and Hotel are not permitted by right and a special use permit has been issued by the Zoning Board for changes to the building over the years.
 8. The restaurant, as shown on the plans comply with parking based on that the number of seats in the restaurant and are not proposed to change. This includes a 186 seat restaurant and a total requirement of 69 parking spaces. The Zoning Certificate, dated 6-8-2021 by Jamestown Building and Zoning Official William L. Moore notes that the site is approved for 20 Lounge seats, 46 Bay Room seats, 34 Tavern seats, 20 Veranda seats, 30 deck seats and 36 lawn seats. This seating requires a total of 69 parking spaces;
 9. The site plan shows a total of 55 on site spaces and 26 adjacent public off-site spaces available to patrons of the Bay View Hotel and restaurant;
 10. The applicant testified that the new handicap ramp at the front/west side of the building makes the building more compliant with regards to accessibility and requires no variance by state law;
 11. John Britto testified that the condominium association is as invested in the success of the restaurant as he is and the condominium board has approved the proposed changes;
 12. Construction of the new deck requires approval from CRMC because it is within 200' of their jurisdictional area;
 13. The trash receptacle for the entire facility, including the restaurant, is located at the Northwest corner of the property

Conditions of Approval:

1. The site improvements shall be built in strict accordance with the plans referenced above;
2. Approval is required by the Zoning Board of Review for zoning ordinance variances and amendment to the special use permit prior to issuance of a building permit;
3. The new sign for the restaurant shall be administratively approved by the Town Planner;
4. The Solicitor clarified that the applicant should provide the modified documentation of authorization of the Condominium Association as well as providing the signature of the unit owner on the application; and,
5. Final Development Plan Approval shall be granted administratively when all conditions of approval are satisfied and the variances and Special Use Permit has been granted by the Zoning Board of Review.

Phase III Guidelines for Restaurants

Effective November 30, 2020 through December 13, 2020 additional restrictions are in place that override information in this document, most notably the degree to which your activities, venues and industry may operate and at what capacity. Please refer to [Rhode Island on Pause](#) that is posted on Reopening RI's website for the most current information.

This guidance document describes procedures for restaurants, cafeterias, other food service establishments, breweries, distilleries, farmer wineries, and bars (herein referred to as "restaurants" or "establishments") operating and resuming services in a phased approach in accordance with established guidelines. If you have questions, please contact the Rhode Island Department of Health's (RIDOH) Center for Food Protection at 401.222.2749 or 401.222.2750. In addition to the sector-specific guidance outlined here, all businesses are required to comply with the [general business guidelines](#) posted on www.reopeningri.com.

Summary of Phase III operations

Restaurants may continue indoor dining in addition to outdoor dining (subject to applicable municipal approval) as well as pick-up, delivery, and drive-through operations. This guidance includes guidelines, recommendations, and requirements that will assist establishments in following the general business guidance that is required of all establishments. Establishments are reminded that these guidelines will continue to be updated as additional activities are permitted in future phases of the reopening and in accordance with updates to Centers for Disease Control and Prevention (CDC) and RIDOH regulations and guidance.

Effective November 8, 2020, all bars and restaurants must close at 10 p.m. Sunday – Thursday and at 10:30 p.m. on Friday and Saturday.

Guidance for On-Premises Dining

Physical Distancing, Capacity and Operations:

- An establishment's indoor dining capacity is limited to 66% of an establishment's regular seating capacity so long as spacing requirements described below can be maintained.
- Outdoor dining is still encouraged as long as the restaurant does not service more than its normal operating capacity and physical distancing can be maintained. Additionally, if an establishment has established extra outdoor dining capacity in Phase I or Phase II, that additional outdoor capacity may remain in Phase III if the municipality continues to approve such additional capacity (in accordance with the municipality's approval processes).
- Self-service seating (e.g. in a fast food restaurant) is prohibited. Staff may designate tables for customers (e.g. by table number) upon checkout, as long as the establishment ensures that tables are cleaned between customers and that customers sit only in areas that permit physical distancing.
- All customers consuming food or drink on premises must be seated in accordance with all indoor and outdoor dining requirements.
- Mingling or congregating of customers is prohibited. Establishments should take measures to prevent mingling and congregating of customers—especially at bars and in waiting areas, including outdoor bars and waiting areas. Examples of these measures include designating

REOPENING RI

staff to enforce physical distancing at bars and in waiting areas, establishing queues of customers with demarcated six-foot physical distancing spacing in waiting areas, and posting signage reminding customers of the importance of physical distancing.

- Tables must:

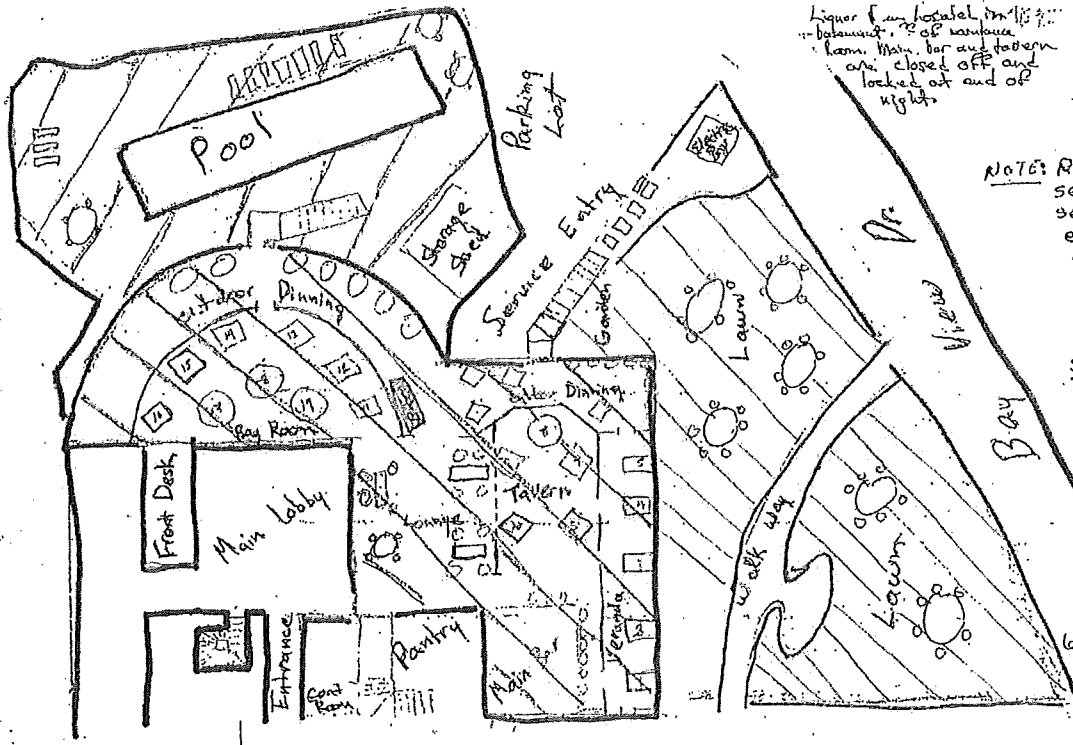
- Be separated by at least eight feet from table edge to table edge or to allow six feet spacing between seated customers at different tables; and
- Be at least six feet away from areas with regular customer foot traffic (e.g. routes to bathrooms, entrances, and exits).
- Tables may be closer together if physical, non-porous barriers (e.g. Plexiglas, plastic glass, etc.) of an appropriate height (tall enough to fully separate seated customers) are installed between tables.

- The capacity for indoor catered events is 25 people, and the capacity for outdoor catered events is 75 people, with exceptions for previously scheduled weddings.
- Customers are strongly encouraged to minimize the size of their party, to minimize the number of non-household members they dine with, and to keep their party to eight people or fewer. Additionally, no more than eight customers are allowed at a single table. Parties of eight or more customers are to be seated at two or more separate tables, and it is recommended strongly that restaurants seat such larger parties outdoors, where possible. Restaurants may also choose not to allow larger parties.
- Service to standing customers (e.g. in a bar area) is prohibited with the exception of food pick-up where standards for pick-up referenced below in the *Guidance for Pick-up, Drive-through, and Delivery* section are followed. This guidance includes six feet of physical distance between individuals in pick-up and waiting areas.
- Establishments must prevent customer access to potential gathering spaces on the premises (e.g. dance floors, courtyards). Customer seating anywhere other than at tables or designated seating areas of a bar is prohibited.
- Restaurants are recommended to help prevent socializing or mixing between tables or between different parties.
- It is recommended that, to the extent possible, establishments maximize spacing between individuals. Establishments are reminded of the State's general guidance regarding physical distancing which reads that "All persons should remain at least six (6) feet apart at all times. If social distancing is not feasible, individuals must minimize time in violation of social distancing, and additional precautions should be taken. Procedures that cannot be executed with social distancing should be documented by businesses and organizations in the written COVID-19 Control Plan required."
- Establishments should consider designating separate entrances and exits for customers, where practicable, to promote one-way customer traffic.
- Establishments should demarcate physical distancing spaces in waiting areas and indicate customer traffic flows with tape or paint on the floor as well as with signage.
- In order to facilitate physical distancing among staff and to minimize the number of people staff interact with, establishments should consider:
 - Staggering employee shifts and break times;
 - Cohorting staff within each shift (i.e. keeping the same shift schedules and avoiding mixing staff across shifts);
 - Designating separate work zones for servers;
 - Spacing workstations and personnel positioning by six feet, when practicable; and
 - Eliminating or minimizing the use of shared equipment.
- Establishments should make adjustments to promote physical distancing within bathrooms

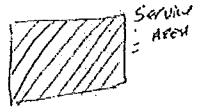


SUP → EXT, re-enlargement of now uniformity.
 9-24-91 ZB For Relocating STAIRS & Converting porch to Dining.

RECEIVED
 TOWN OF FAIRFIELD, N.J.
 16 NOV 14 PM 1:43



Liquor from hotel in basement. Main bar and tavern are closed off and locked at end of night.



NOTE: Request to increase service area to lawn seating, 6 tables w/ 6 seats each (total 36 seats), Seasonally From April 1st Through October 31st

SEATING - INSIDE

- 1. Lounge = 20
- 2. Bay Room = 46
- 3. Tavern = 34
- 4. Veranda = 20
- 5. Outdoor Dining = 30 Deck

TOTAL = 150

6. LAWN AREA = 36

$$\begin{array}{r} \div 186 \\ \hline 5 \text{ seats} \\ 37 \\ + 32 \text{ more} \\ \hline 69 \text{ spaces} \end{array}$$

EM
 6/8/21