Governor Cuomo released NY Forward – A Guide to Reopening New York & Building Back Better (https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYForwardReopeningGuide.pdf) in May 2020. The guidance divides New York into ten regions and sets forth a four-phased path to reopening. Westchester County is in the “Mid Hudson Region.” Businesses in each region will open based on health metrics being met, and each phase is approximately two weeks. The breakdown of industries in each phase are as follows:

**Phase One: Mid-Hudson Region opened May 26, 2020**
https://forward.ny.gov/phase-one-industries
  - Construction
  - Agriculture, Forestry, Fishing and Hunting
  - Retail - Limited to curbside or in-store pickup or drop off
  - Manufacturing
  - Wholesale Trade

**Phase Two: Mid-Hudson Region opened June 9, 2020**
https://forward.ny.gov/phase-two-industries
  - Professional Services
  - Retail
  - Administrative Support
  - Real Estate / Rental & Leasing

**Phase Three: Not Open**
https://forward.ny.gov/phase-three-industries
  - Restaurants / Food Services

**Phase Four: Not Open**
https://forward.ny.gov/phase-four-industries
  - Arts / Entertainment / Recreation
  - Education

For more detailed information see https://forward.ny.gov/.

The measures listed below provide municipalities with recommendations they may want to consider as their local businesses begin to reopen and adjust to the new standards and protocols.
**Outdoor markets/outdoor sales**

Retail sales are currently limited to curbside pickup or in-store pickup/drop off. As we move into Phase 2, additional indoor retail sales will be permitted. However, outdoor markets and sales may be a safer and more attractive option for retailers and customers as it allows for greater social distancing and airflow. Outdoor markets and sales could be located on municipal streets, sidewalks, parking lots (public or private), and public rights-of-way.

- Municipalities can review their existing permitting requirements for street fairs, sidewalk sales, and farmers markets to see if they can be applied or adapted to meet current needs. In particular, consider expanding hours/days of the week the activity is permitted and reducing or waiving fees.
- Municipalities may consider widening existing sidewalks in downtown areas to expand the area available for outdoor retail. This could be accomplished by reducing on street parking and installing temporary barriers.
- Municipalities can review zoning and permitting requirements for allowing the temporary use of private parking lots and sidewalks (i.e. within a shopping center) for retail sales. Some codes may require site plan approval for these areas for retail sales. Municipalities may consider amending or temporarily suspending these regulations to permit the administrative review of permits for retail activities, as well as reducing minimum parking requirements.

**Outdoor dining**

Outdoor seating will be necessary for restaurants to serve patrons onsite, and even restaurants that already have outdoor seating may wish to expand it to be economically viable. In downtown areas municipalities could permit the use of public sidewalks, streets, and parking lots. However, in most communities, outdoor seating on private property requires site plan approval—which can be a lengthy process.

- Municipalities can review their zoning and permitting requirements to see how this could be handled administratively through an action by the local legislative body (i.e. moratorium on certain zoning provisions or executive order setting up a temporary permit process). The administrative review could include:
  - Fire safety/ADA access,
  - Appropriate distancing between tables,
  - Safety barriers (concrete bollards, planters, etc. to protect diners),
  - Capacity caps (based on objective criteria such as appropriate spacing, adequate parking, and septic capacity).
**Pick-up and take-out**

Traditional restaurants where their primary customers were sit-down diners are now finding themselves in a situation that for the foreseeable future takeout may need to be a larger part of their business.

- Over the years, certain zoning codes have provisions that don’t allow drive-through windows or takeout windows. A municipality may want to reconsider their prohibition in certain zoning districts or on certain properties where the installation of drive-through or takeout windows would not cause traffic problems or a safety hazard to pedestrians.

- Where drive-through windows or takeout windows are allowed, municipality may want to provide a waiver for site plan amendments to allow for installation of these accessory uses. These site plan changes could be done administrative review.

- Restaurateurs may need to create a separate area for pick-up or may request to alter their façade to create a takeout window. Communities could consider reviewing their codes to waive any architectural review board approvals for the inclusion of a take-out window.

- Businesses may need to mark out areas for queuing of vehicles on their property, particularly in parking lots. Communities may want to provide a waiver for site plan amendments to allow for temporary installation of these areas. These site plan changes could also be done administrative review.

**Curbside pick-up and short-term parking**

Many downtown areas do not have off street parking lots or parking areas that are marked as curbside pickup or short-term parking for its commercial businesses. Parking in downtowns is usually marked for longer term parking. While quick stops to pick-up items from downtown stores were able to take place prior to the onset of COVID-19, quick stops and pick-ups were not the primary means a customer would engage with retail shops or restaurants, especially in downtowns. Small adjustments can be made to make it easier for customers.

- A municipality may want to repurpose a few parking spots in their downtowns to allow for curbside pickup or specifically identify spaces for short term parking only. These spaces could be shared between a few businesses and strategically interspersed in different areas in the downtown.

- Adding easily readable and clearly marked signage so customers know where to park for short term parking or curbside pickup will help assist customers.
**Expansion of Pedestrian Environment**

The pedestrian environment within commercial areas is crucial to making people feel safe, preventing overcrowded situations, and providing people a means of getting fresh air and exercise. With the need for additional outdoor dining, outdoor sales, and pick-up and takeout areas, space for pedestrian movement on sidewalks will compete with a number of other uses.

- Municipalities can extend the public pedestrian thoroughfare by closing public streets to vehicular traffic during peak shopping periods.

- Repurpose curbside parking spaces for other outdoor uses such as outdoor sales, seating spaces, or outdoor dining to prevent overcrowding on sidewalks.

- Mark out areas on sidewalks for businesses that may develop a line for those waiting for pickup or takeout items to prevent the blocking of sidewalks and overcrowded conditions.

**Biking environment**

Biking has become an alternative to mass transit, taxis, or other ride share options during the pandemic. This trend may not reverse itself in the long term. While adding bicycle lanes and restriping roadways requires planning and capital expenses there are other less costly initiatives municipalities can implement to help assist bikers.

- Any streets being closed to pedestrians could also be used by bicyclist. Where possibly try to connect these roadways to other roadways that are also closed to vehicular traffic, roadways with established bike lanes, or established bike trails.

- Install bicycle racks where there are none located, especially in commercial areas.

- Provide signage and community reminders to drivers that bicycles share the roads too.

**Home occupations**

The shelter in place order has upended the typical office structure for many people and it has economically affected many small businesses. Even when things open, many people or small business owners may choose to remain operating out of their homes.

- Municipalities could re-examine their home occupation or home business laws to determine if restrictions are in place for these types of uses in residential districts and if so, consider making them permissible or temporarily waiving the restrictions to allow for these uses. Waivers could be done administratively with local government staff.
• If current zoning laws allow for these uses but they require permits or approvals from land use boards, consider creating an administrative process that can be completed with local government staff instead of land use boards.

**Streamlining permitting**

• Streamlining permitting for struggling business will be critical for facilitating an economic recovery. However, it should not mean a waiver or excusal of health, safety, and long-term planning concerns. Consider what your municipality can do to reasonably facilitate reopening through the use of administrative reviews and temporary permits. This will be especially relevant during the summer months where outdoor sales, pop-up commercial uses, dining, and recreation are encouraged.