



Donna Lent, Town Clerk

Patricia Ryan-Correa, Chief Deputy Town Clerk
One Independence Hill, Farmingville, NY 11738
(631) 451-9101 FAX: 451-9264

The Town of Brookhaven authorizes the use of outdoor areas on private parcels of existing businesses as drive-in movie theaters subject to the conditions listed in the attached Town of Brookhaven Declaration of Emergency signed on June 8, 2020.

Drive-In Movie Theater Amusement Permits are authorized until November 1, 2020.

Permissible Event Hours: from sunset with the last movie commencing at 11:30 PM

Any tents, rides, structures, electrical wiring and equipment shall be in place and operational for purposes of inspection by Town and State Officials no later than 12 PM (Noon) of the last Town/State business day prior to the scheduled opening the following day. There is an additional fee for inspections that do not occur during normal business hours.

EVENTS MUST COMPLY WITH ALL REGULATIONS LISTED IN THE ATTACHED DECLARATION OF EMERGENCY. IT IS THE APPLICANT'S RESPONSIBILITY TO REVIEW THE DECLARATION OF EMERGENCY IN ITS ENTIRETY.

ALCOHOL SALES ARE STRICTLY PROHIBITED.

Application Requirements:

1. All permit applications must be submitted with all required documents at least fifteen (15) days prior to the commencement of such amusement.

Pursuant to Part 18 of the New York State Sanitary Code, any public function with an estimated peak attendance of 5,000 or more requires a New York State Permit for a Public Gathering. Please call Suffolk County Health Services at (631) 853-3130 for a permit application.

2. Completed application must be submitted in **TRIPLICATE**.
3. Fill out all spaces in Amusement Application.
4. If you will be serving food, you must contact the Suffolk County Health Department at (631) 852-5997 for Health Department requirements.
5. Application must be submitted with all required documents (see list on next page).



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Required Documents (must accompany completed application):

A. **LIABILITY INSURANCE CERTIFICATE – Certificate shall include the Town of Brookhaven as additional insured** and shall not be cancelled without fifteen (15) days prior notice of cancellation to the Town Clerk.

Public liability insurance is required in limits of not less than one million dollars (\$1,000,000) combined single limit for both bodily injury to or death of any one (1) or more persons and for damage to or destruction of property. Additional insurance coverage may be requested if deemed necessary.

B. **CERTIFIED CHECK/SURETY BOND (FOR ADVANCE TICKET SALES ONLY) – Surety for refund \$5,000** (In the event that one or more performances of amusement are cancelled or that ticket holders are refused admission on account of limited seating or capacity limitations imposed).

C. **LETTER FROM APPLICANT BUSINESS – On letterhead stating that the business will be responsible for clean-up of the amusement site in accordance with Chapter 49, Property Maintenance, code of the Town of Brookhaven.**

D. **LETTER OF PERMISSION FROM PROPERTY OWNER – If amusement site is owned by the applicant business, please state so in above letter.**

E. **WAIVER/LIABILITY RELEASE AND HOLD HARMLESS AGREEMENT – A copy of this agreement must be signed and notarized by the applicant AND by any person, entity or organization coordinating, managing or operating the event.**

Please feel free to contact the Town Clerk's office at 631-451-7093 or 631-451-9120 if you need any assistance in completing this application.



Drive-In Movie Theater Amusement Application

TC-06 rev. 0620

Donna Lent, Town Clerk

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One Independence Hill, Farmingville, NY 11738

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Receipt #: _____

1. NAME OF BUSINESS		2. DATE BUSINESS WAS FORMED:	
3. BUS. ADDRESS: NUMBER AND STREET		TOWN	STATE ZIP
4. NAME OF BUS. REPRESENTATIVE MANAGING EVENT AND POSITION:			
5. REP. ADDRESS: NUMBER AND STREET		TOWN	STATE ZIP
6. HOME TELEPHONE NUMBER:	7. BUSINESS TELEPHONE NUMBER:	8. DATE OF BIRTH:	9. SOCIAL SECURITY NUMBER:
10. HAVE YOU BEEN CONVICTED OF A FELONY? IF YES, EXPLAIN:			
11. PURPOSE OF AMUSEMENT/EVENT AND DISPOSITION OF PROCEEDS:			
12. LOCATION OF AMUSEMENT/EVENT (MUST BE THE SAME AS BUSINESS LOCATION):			
SUFFOLK COUNTY TAX MAP NUMBER (SECTION BLOCK LOT):			
13. FULL DESCRIPTION OF AMUSEMENT/EVENT ACTIVITY:			
14. ANTICIPATED NUMBER OF ATTENDEES:		15. DATES AND HOURS OF AMUSEMENT/EVENT:	
16. HAVE YOU HELD THIS EVENT IN THE PAST? IF YES, PROVIDE DATES:		17. WILL FOOD BE SERVED?	

18. NAMES & ADDRESSES OF INDIVIDUAL OPERATORS/VENDORS			
*IF MORE SPACE IS NEEDED, PLEASE LIST ON ADDITIONAL SHEET OF PAPER.			
NAME	ADDRESS	DATE OF BIRTH	SOCIAL SECURITY #

STATE OF NEW YORK }
COUNTY OF SUFFOLK } SS:

I, _____, being duly sworn deposes and says that I am the above named applicant and that I make this application to obtain a permit to conduct the amusement/event described herein as required by the Code of the Town of Brookhaven, regulating conduct of persons therein, defining offenses and providing penalties for violation thereof. I have personal knowledge that the matters stated in the within application and its attachments herein contained are true. I make this application under penalty of perjury and swear to the truth herein. Any representations and/or statement in this application that are found to be materially inaccurate may result in denial of permit or revocation of permit.

Sworn to before me this _____ day of _____, _____.

Applicant Signature

Notary Public

Date



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SITE PLAN OF PROPOSED AMUSEMENT/EVENT ACTIVITY

Please supply the following:

1. Realistic description, with accurate footage and setbacks, of where the amusements and on-site parking will be located.
2. Location of generators, indicating distance from closest residences.
3. Nearest cross street to the proposed site.
4. The location of all areas to be designated as entrances and exits to the proposed site.
5. An original survey of the property.
6. Minimum 50' setback required off all public roadways.
7. If applicable, attach notarized statement of from true property owner stating nature, extent and duration of event/ amusement and granting permission to operate event/amusement on premises.
8. Attach separate list of number & types of food service and restroom locations.
9. Attach a notarized letter from applicant to restore and clean site to prior condition.

N

OFFICIAL USE ONLY

This permit is approved subject to the Provisions of Chapter 4 of the Brookhaven Town Code, entitled "Amusements", and any other conditions so noted in the enclosed letter.

DATE:

SIGNATURE, TOWN CLERK OF THE TOWN OF BROOKHAVEN:



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WAIVER/LIABILITY RELEASE AND HOLD HARMLESS

(Name) _____, (address) _____,

New York, hereby assumes all liability and all risks in the performance of the (Name of Event)

_____ at (Location) _____

and undertakes complete responsibility for all acts undertaken by the undersigned in connection with the event on the Town of Brookhaven premises/property located at

(Location) _____ New York, during the period, commencing on or

about (Date) _____ through _____.

The undersigned, its agents, servants, employees, invitees, volunteers and successors and assigns further agree to save harmless and forever indemnify the Town of Brookhaven, its officers, agents, servants, and employees, enumerated volunteers, from any and all liabilities, damages, claims, expenses, suits, arbitrations, judgments and/or executions plus attorney's fees and the costs of investigation for any bodily injury, personal injury, wrongful death and property damage arising out of or in any way connected to the event herein.

The undersigned, its agents, servants, employees, invitees, volunteers and successors and assigns further agree that it will indemnify and hold harmless the Town of Brookhaven, it's officers, employees, agents and non-remunerated volunteers from any claims made by any person for any loss, damage or injury resulting from or arising out of any acts or omissions of the undersigned or any other persons acting on behalf of the undersigned, with regard to or in



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connection with the event. The undersigned's responsibility under this section shall not be limited to the required or available insurance coverage.

Dated: _____

Signed: _____

Print Name: _____

Acknowledgement of Corporation

STATE OF NEW YORK)

SS.:

COUNTY OF SUFFOLK)

On the _____ day of _____ in the year 20__ before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he/she/they reside(s) in _____ (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they is (are) the _____ (president or other officer or director or attorney in fact duly appointed) of the (name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by authority of the board of directors of said corporation.

Notary Public

Acknowledgement of Individual

STATE OF NEW YORK)

SS.:

COUNTY OF SUFFOLK)

On the _____ day of _____ in the year 202__ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

**TOWN OF BROOKHAVEN
STATE OF NEW YORK
COUNTY OF SUFFOLK**

DECLARATION OF STATE OF EMERGENCY

I, Edward P. Romaine, Supervisor of the Town of Brookhaven, pursuant to Article 2-B Section 24 of the New York State Executive law, hereby certify as follows:

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern;

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19;

WHEREAS, cases of transmission of COVID-19 have been documented in the Town of Brookhaven and more are expected to continue; and

WHEREAS, the Town of Brookhaven is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors.

WHEREAS, the State of New York by Executive Order No. 202 dated March 7, 2020, has addressed the transmission of the cases of COVID-19.

WHEREAS, the Town of Brookhaven is desirous of assisting existing businesses in the Town of Brookhaven which have been authorized to re-open and seek to utilize existing outdoor areas for drive-in movie theaters, provided social distancing and cleansing/disinfecting measures are in place.

Pursuant to the powers vested in me by Executive Law §24, I hereby declare a State of Emergency. This State of Emergency has been declared because there is a reasonable apprehension of transmission of COVID-19 cases in the Town of Brookhaven.

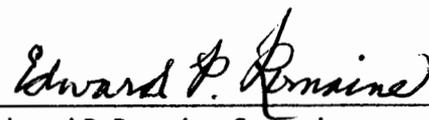
From the date of this Executive Order until November 1, 2020, the Town Board of the Town of Brookhaven hereby authorizes and permits the use of outdoor areas on private parcels of existing businesses in the Town of Brookhaven as drive in movie theaters subject to the following:

1. The Host/Applicant submit an Amusement/Event Application for Drive-In Movie Theater to the Brookhaven Town Clerk at least fifteen (15) days prior to the commencement of utilizing a parcel as a drive-in movie theater.
2. All areas designated for drive-in movie theater use must be situated at least one thousand (1000) feet from any residential property lines in the Town of Brookhaven.
3. The permissible event hours for drive in movie theaters shall be daily, including weekends, from sunset until 12:00 a.m.
4. At all times, all employees and guests shall strictly adhere to social distancing guidelines and occupancy restrictions imposed by the Governor of the State of New York, including but not limited to maintaining a distance of six (6) feet from other individuals and/or wearing a face mask or cloth face covering that covers your nose and mouth when six (6) feet of social distancing cannot be maintained.
5. The Host/Applicant is responsible for implementing all necessary cleansing/disinfecting procedures for any on-site restroom facilities.
6. The Host/Applicant is responsible for the designation of appropriate parking stalls which are at least six (6) feet apart in order to adhere to social distance guidelines imposed by the Governor of the State of New York.
7. Food trucks and mobile concessions in specifically designated and approved areas are permitted provided that all queue lines have floor markings at a distance of six (6) feet apart in order to ensure that individuals maintain a distance of six (6) foot distance.
8. The sale of alcohol is strictly prohibited.
9. Attendees shall remain within their vehicles at all times except to utilize the restrooms or make purchases from food trucks/mobile concessions. No outdoor seating is permitted for viewing purposes.
10. Nothing herein shall be deemed to supersede, alter or amend the requirements for all preliminary approvals by Town of Brookhaven Division of Fire Prevention, Town of Brookhaven Division of Public Safety and Suffolk County Police Department.
11. No fee shall be charged for drive-in movie theater applications.
12. The Host/Applicant is permitted one (1) advertisement sign per street frontage not to exceed thirty-two (32) square feet in area and shall not be placed in the Town's right of way or in a location that will obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the public
13. The Host/Applicant is responsible for maintaining the events/parcels free of trash and other debris and provide trash receptacles in accordance with Chapter 49, Property Maintenance, code of the Town of Brookhaven.
14. All paved areas, including but not limited to parking spaces, must conform with Chapter 49, Property Maintenance, code of the Town of Brookhaven, in order to afford safe passage for pedestrian and motor vehicle traffic in order to prevent hazards to public health, safety and welfare.

15. Outside loudspeakers, if utilized, must comply with all provisions set forth in Brookhaven Town Code Chapter 50.
16. The Host/Applicant must submit a public liability insurance certificate of limits not less than one million (\$1,000,000) dollars naming the Town of Brookhaven as an additional insured, which shall not be cancelled without fifteen (15) days notice to the Town Clerk.
17. Any approval to utilize a site as a drive-in movie theater shall not negate or permit any violation which may exist on the subject premises at the time of approval of such accommodation.
18. The following sections of the Brookhaven Town Code are hereby temporarily suspended or modified, from the date of this Executive order through November 1, 2020:
 - a. Town Code Section 57A-9(C) is suspended to the extent that applicants/hosts need not submit an application to the Division of Building for temporary sign permit(s).
 - b. Town Code Section 4-3 is suspended to the extent that drive-in movie theater amusements for profit are permitted.
 - c. Town Code Section 4-4 is hereby suspended to the extent that drive-in movie theater permit applications for events involving attendees in excess of 1,000 persons need only apply 15 days prior to commencement of such event.
 - d. Town Code Section 4-7 is hereby suspended to the extent that drive-in movie theater events are permitted to operate daily, including weekends, from sunset until 12:00 a.m.

DATED: June 8, 2020


Annette Eaderesto, Witness


Edward P. Romaine, Supervisor
Town of Brookhaven

TOWN OF BROOKHAVEN
STATE OF NEW YORK
COUNTY OF SUFFOLK

DECLARATION OF STATE OF EMERGENCY

I, Edward P. Romaine, Supervisor of the Town of Brookhaven, pursuant to Article 2-B Section 24 of the New York State Executive law, hereby certify as follows:

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern;

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19;

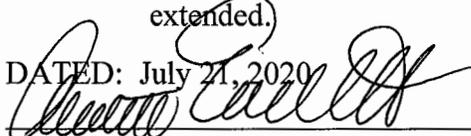
WHEREAS, cases of transmission of COVID-19 have been documented in the Town of Brookhaven and more are expected to continue; and

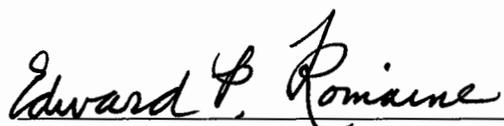
WHEREAS, the Town of Brookhaven is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors.

WHEREAS, the State of New York by Executive Order No. 202 dated March 7, 2020, has addressed the transmission of the cases of COVID-19.

1. The Executive Order regarding drive-in establishments dated June 11, 2020, extended on July 10, 2020, is hereby extended and provisions 3. and 18 d. are modified as follows:
 3. Drive-in movie theaters shall be daily, including weekends, commencing from sunset with the last movie commencing at 11:30 p.m.
 18. d. Drive-in movie theaters are permitted to operate daily, including weekends, commencing from sunset with the last movie commencing at 11: 30 p.m.
2. The Executive Order dated June 11, 2020, extended on July 10, 2020, regarding outdoor eateries dated June 11, 2020 is hereby extended.
3. The Executive Order dated June 30, 2020, extended on July 10, 2020, is hereby extended.)

DATED: July 21, 2020


Annette Eaderesto, Witness
Town Attorney


Edward P. Romaine, Supervisor
Town of Brookhaven

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STATE OF NEW YORK
COUNTY OF SUFFOLK

DECLARATION OF STATE OF EMERGENCY

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WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern;

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WHEREAS, cases of transmission of COVID-19 have been documented in the Town of Brookhaven and more are expected to continue; and

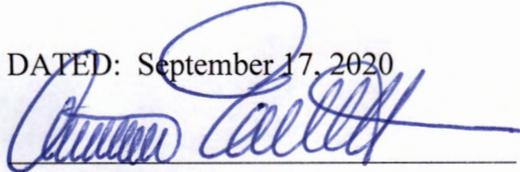
WHEREAS, the Town of Brookhaven is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors.

WHEREAS, the State of New York by Executive Order No. 202 dated March 7, 2020, has addressed the transmission of the cases of COVID-19.

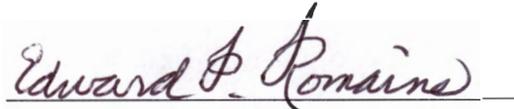
1. The Executive Order dated June 30, 2020, extended and/or amended on July 10, 2020, July 17, 2020, July 21, 2020, July 31, 2020, August 5, 2020, August 17, 2020 and August 25, 2020, and September 2, 2020, is hereby extended and provision 3r is modified as follows:
 - 3r. Any building permit, Fire Prevention new permission or new Installation permit, issued by the Town of Brookhaven between March 1 and May 15, 2020, which expires within 12 months of issuance shall hereby be valid for 18 months from the date of issuance. All open building permits existing between March 1, 2020 and May 27, 2020, shall automatically be extended by 75 days from the date of expiration. However, this shall not apply to any building permits that are for construction not paused by COVID-19 Executive Order, including but not limited to affordable housing and energy construction.
2. The Executive Order regarding outdoor eateries dated June 11, 2020, extended and/or amended on July 10, 2020, July 17, 2020, July 21, 2020, July 31, 2020, August 5, 2020, August 17, 2020, August 25, 2020, and September 2, 2020, is hereby extended.

3. The Executive Order regarding drive-in establishments dated June 11, 2020, extended and/or amended on July 10, 2020, July 17, 2020, July 21, 2020, July 31, 2020, August 5, 2020, August 17, 2020, August 25, 2020, and September 2, 2020, is hereby extended until December 31, 2020, and provisions 7 and 8 are modified as follows:
 7. Only one (1) food truck or mobile concession is permitted for each drive-in movie event, which is located in a specifically designated and approved area, provided that all queue lines have floor markings at a distance of six (6) feet apart in order to ensure that individuals maintain a six (6) foot distance. No amusement/carnival rides or games shall be permitted for any events.
 8. Attendees shall remain within their vehicles at all times except to utilize the restrooms or make a purchase from the one (1) food truck/mobile concession situated in the designated and approved area. No outdoor seating is permitted for viewing purposes.

DATED: September 17, 2020



Annette Eaderesto, Witness
Town Attorney



Edward P. Romaine, Supervisor
Town of Brookhaven