

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 15<sup>th</sup> day of April, 2008 at 7:15 p.m. to consider a local law amending Chapter 108 entitled “Zoning”, §108-3 entitled “Definitions; word usage”, of the Riverhead Town Code as follows:

**CHAPTER 108  
ZONING  
Article I  
General Provisions**

BAR or TAVERN — An establishment primarily engaged in the sale and service of alcoholic beverages for on-premises consumption, subject to regulatory authority of the New York State Liquor Authority and consisting of one or more of the following characteristics: age restrictions or cover charges for admission; listening to music; hours of operation which extend beyond the normal dining times for dinner; and snacks, chips, peanuts, finger foods, tapas is ancillary to the principal use of serving and consuming alcoholic beverages. The accessory or incidental sale of food or snacks shall not entitle such a use to be considered a restaurant or bistro under other provisions of this Code.

~~BISTRO/CAFE — An eating establishment of 50 seats or less, whether indoor or outdoor, without drive through or drive-in service.~~

BISTRO- An establishment limited to 50 seats and a maximum seating area of 750 square feet where food or drink are prepared and served within an enclosed building or outside dining area, and predominantly consumed by customers seated at tables and served by wait staff on the premises, and shall not include bars, taverns, or fast-food restaurants. A bar or lounge area serving beverages shall be accessory to the principal use. The gross floor area devoted to an accessory bar shall constitute no more than 10% of the total gross floor area of the dining area. The architectural style, height, size, scale and appearance of the building shall be compatible with the hamlet in which the bistro is located as determined by Planning Board site plan approval.

~~DRIVE IN RESTAURANT — A building with accessory uses devoted to the preparation, sale and/or service of food, refreshments, edibles or drink within the premises and which makes available any facility (including but not limited to parking or standing space on the premises for vehicles or persons) for, or which permits in open spaces, patios, accessory buildings or automobiles on the premises, the consumption of such food, refreshments, edibles or drink.~~

~~RESTAURANT — A use in a building having as its sole purpose the preparation and serving of food to patrons for consumption on the premises within furnished dining areas, including as possible accessory uses live entertainment, outdoor dining and the serving of alcoholic beverages with meals and which does not provide for nor permit the consumption of food in vehicles. A restaurant shall not be construed to include any form of drive-in, open front or curb service~~

~~eating establishments, cart, wagon, vehicle, lunch wagon, dining car or camp car or any form of tavern, bar, nightclub or similar entertainment establishment.~~

RESTAURANT — An establishment kept, used, maintained, advertised, or held out to the public as a place where the primary business is the service of meals with suitable kitchen facilities and with sit-down service to customers for the preparation and serving of food and beverages selected by patrons from a full menu. Customers must be served by a waitperson, and the food must be consumed on the premises. The facility must focus primarily on the preparation and serving of food and any other activity such as entertainment or the operation of a bar is ancillary to this purpose. No fee or cover charge is required for entry. The facility will have permanent seating facilities with counters or tables adequate to accommodate all customers served, and the surface of these counters and/or tables will be sufficient to accommodate full culinary services for each customer. In the floor plan for the facility, the area devoted to a bar, if any, can represent no more than 15% of the gross floor area. A special permit shall be required for seasonal outdoor seating and outside music or entertainment. To the extent that food is separately ordered and taken out, this latter function shall be considered accessory to the primary restaurant use. The term "restaurant" shall not include bars, taverns, fast food restaurants, take-out restaurants or bistro.

RESTAURANT, FAST-FOOD — An establishment in which food is pre-prepared or prepared according to standardized procedures for consumption either on or off the premises and selection is made from a limited menu. Generally, the food or beverage is sold over a counter or pick up is made though a drive through window, the food is packaged in disposable containers and wrappers. Generally, there is no table service and cleanup is performed by the customer.

RESTAURANT, TAKE-OUT — An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly or heated in a device such as an oven or microwave oven. Generally, there is no table service, and food is generally served in a disposable wrapping or container. Take-out restaurants include prepared ice cream stores, bakeries, pizza-to-go, bagel and coffee establishments and the like, whether these have tables for patron seating or not.

TAVERN — Any building or use commonly known as a "bar," "barroom," "tavern," "saloon," "cabaret" or "nightclub"; a place or building where intoxicating liquors are sold to be drunk on the premises; a room containing a bar or counter at which liquors are sold or where liquors and refreshments are sold; or a room or place of entertainment where live music, live performances or films are permitted in conjunction with the sale of liquors

Underline represents addition(s)  
Strikethrough indicates deletion(s)

Dated: Riverhead, New York  
March 18, 2008

BY ORDER OF THE TOWN BOARD  
OF THE TONW OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

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