

David Gabay
Law Offices of David A. Gabay, PC
80 Orville Drive, Suite 100
Bohemia, New York 11716
631-467-4177
david@new-york-business-lawyer.com

7 Legal Steps Needed to Build A New Restaurant

New restaurant owners can sometime be intimidated by the legal process needed to build a new establishment. Here is a general outline of the legal steps required to build and launch a new restaurant.

- **Zoning**: Your location must be zoned to allow a restaurant. Zoning restrictions can sometimes be changed, so don't give up if you realize the zoning does not currently allow a restaurant. A good restaurant lawyer can help you apply to change the zoning to permit your concept.
- **Site Approval**: Every new building must be reviewed and approved to make sure it complies with the local master plan or building restrictions as to size, type, and features. Check with the planning board or commission for a site approval.
- **Public Hearing**: A public hearing allows people to voice their objections concerning businesses in the community. These hearings address issues relating to the businesses' impact on the environment, the traffic and the overall community. For example, these issues may arise if a restaurant serves alcohol. Make sure to attend these hearings to find out if there are any possible objections. Be prepared to address and respond to them in case they do arise.
- **Safety Review**: Officials from the building department and the fire department will hold a plan review meeting to ensure your restaurant is safe and meets all requirements by evaluating the plans for **fire protection**, occupancy capacity and building safety.
- **Building Permit**: Construction of your restaurant cannot start without a formal application for a building permit.
- **Inspections**: Building, fire, and health inspectors will visit the construction site to make sure all work is being done properly. They can, and do, come unannounced.
- **Certificate of Occupancy**: If you meet all guidelines and requirements, you will receive a certificate of occupancy for your new restaurant. This is the official document which allows you to open for business.

This is a long list of steps, and each one has several components. You should work with an experienced restaurant lawyer to guide you through this process as smoothly and efficiently as possible.

You should make sure you keep track of all the necessary paperwork. Make copies of all your application materials and permits so you can record and refer back to them if needed. This will also help you manage the long and complicated process smoothly.

For more information on building a restaurant in New York, please call or email me.

David Gabay
Law Offices of David A. Gabay, PC
80 Orville Drive, Suite 100
Bohemia, New York 11716
631-467-4177
david@new-york-busines-lawyer.com