



**Law: COVID-19 kicks public assembly uses to the curb - by
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COVID-19 has left its mark on numerous sectors of our economy in ways we never would have imagined prior to March of 2020. The real estate sector is among one of those hit hardest by COVID-19. Under usual circumstances, seasoned real estate owners/developers know how to maximize the yield on a property while navigating the entitlement process in a timely and cost-effective manner. COVID-19 has undeniably changed the landscape of real estate development and forced real estate owners/developers to think outside the box. Social distancing requirements have led to a “new normal” for many public assembly uses such as restaurants, gyms and fitness centers. In addition to local zoning requirements, these uses must now meet New York State’s mandatory Phase 4 re-opening guidelines. These guidelines are cumbersome and extremely costly, resulting in fitness giants such as 24 Hour Fitness and Gold’s Gym, and many national restaurant chains, filing for bankruptcy. Indoor occupancy limitations have shifted usable square footage to outdoor areas such as sidewalks and parking lots. Curbside pick-up for restaurants and other retail uses is now the norm. While local municipalities have temporarily accommodated these uses, it is likely that zoning codes will be revised to allow for future site plans to include them. In addition, accessory drive-thru uses, once frowned upon due to their impacts on traffic, may be more acceptable to communities. How will properties, especially shopping centers, be redeveloped? Will restaurants, fitness centers and gyms continue to operate outdoors as we transition to cooler weather? Will municipalities change their zoning codes to reduce required parking to accommodate outdoor uses and curbside pick-up areas? The answers to these questions remain to be seen as we continue to navigate through the effects of COVID-19.

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