

TO BE READ IN FULL

RESOLUTION #2020-132
**RESOLUTION ALLOWING OUTDOOR SEATING FOR RESTAURANTS
DURING THE PANDEMIC SHUTDOWN OF RETAIL AND COMMERCIAL
BUSINESSES IN NEW JERSEY**

WHEREAS, restaurants are an integral part of the local economies and social fabrics of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the Covid-19 virus has greatly affected the business model of restaurants; and

WHEREAS, The Borough wishes to help its local businesses through this difficult time; and

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, The Borough has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

WHEREAS, restaurant owners are seeking guidance as to how they may safely resume dine-in service upon an eventual broadening of business activity allowable under state authority; and

WHEREAS, The Borough supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the Covid-19 virus; and

WHEREAS, The Borough supports temporary, practical measures that enable restaurants to augment their dine-in capabilities as a means to boost customer activity.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Sayreville in the County of Middlesex in the State of New Jersey hereby agree as follows:

1. Outdoor seating will be temporarily permitted as an accessory use to a restaurant, fast-food restaurant and drive-in restaurant as those terms are defined in Chapter 26-115 in the Borough Zoning Ordinance. The temporary period shall be up to 120 days unless a longer or shorter time is established by an Executive Order Issued by the Governor.
2. Outdoor restaurant seating will not require the filing of a Site Plan Application.

3. A Temporary Outdoor Restaurant Seating Application must be obtained prior to the creation of any outdoor seating. A drawing of the proposed outdoor restaurant seating area must accompany the Zoning Permit Application. This drawing shall show the location and size of all proposed tables and chairs and distances to other tables and chairs and distances from any other structures such as a host podium and serving stations. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable Executive Orders. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey.
4. The Borough will waive the filing fee for a Temporary Outdoor Restaurant Seating Application to the Planning and Engineering Department seeking to create outdoor restaurant seating
5. The Borough will expedite the review of all Applications seeking to create outdoor restaurant seating.
6. No performance bond, maintenance bond or engineering inspection fees will be required in connection with an approved outdoor restaurant seating plan.
7. The following standards are hereby created in connection with outdoor restaurant seating:
 - a. The outdoor restaurant seating area may not exceed 1,000 square feet;
 - b. Outdoor restaurant seating areas can be located upon public sidewalks where adequate provision is made for the pedestrian public, on relatively level grass areas, and in parking lots where an adequate number of parking stalls remain in the opinion of the Borough Zoning Officer. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.
 - c. Where outdoor seating is proposed to be created in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area in order to enhance public safety;
 - d. Temporary lighting will be required if the outdoor restaurant seating area is proposed to be utilized after dusk;
 - e. Landscaping of the perimeter of or within the outdoor restaurant seating area will not be required but may be proposed by the applicant;
 - f. An awning or umbrellas may be utilized within an outdoor restaurant area, but tents shall not be permitted;

- g. Serving stations and a host podium may be located within an outdoor restaurant seating area provided a plexiglass or other similar partition is used;
- h. No change in grading will be permitted in order to create an outdoor restaurant seating area, and no temporary flooring or mats may be utilized.
- i. The proposed hours of operation of the outdoor restaurant seating area will be included in the Temporary Outdoor Restaurant Seating Application;
- j. No outdoor restaurant seating area may be located within an approved delivery area/loading zone;
- k. Restaurants with existing outdoor seating areas may seek to expand the existing area;
- l. The proposed outdoor restaurant seating area may not affect the effective functioning of a prior approved site plan;
- m. An applicant for a proposed outdoor restaurant seating area must have previously secured site plan approval from the Borough Zoning Board of Adjustment or Planning Board and must be in compliance with its existing site plan approval;
- n. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission therefore all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors;
- o. In multi-tenanted properties, an approved outdoor restaurant seating area must be discontinued or reduced in size if other retail, personal service and/or commercial establishments are permitted to reopen and there is not then an adequate number or parking stalls available in the discretion of the Borough Zoning Officer;
- p. An approved outdoor restaurant seating area must be discontinued or reduced in size if proper social distancing is not maintained or the restaurant establishment does not comply with applicable sanitary and cleaning standards, use of masks and partitions or other Executive Order requirements issued by the Governor.
- q. All outdoor seating areas must be closed by 10pm:
- r. The Borough Zoning Officer shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Borough Zoning Ordinances

- s. Chapter 26-115 as well as the goals and objectives of the Borough's Master Plan;
 - t. Additional provisions concerning such issues as the maximum number of people at a table; required minimum distances between tables; and standards for addressing patrons waiting to be seated will be formulated after the promulgation of the Governor's Executive Order permitting restaurants to reopen.
8. This Resolution shall take effect on the date that restaurants for dine-in service are permitted to reopen by executive order of the Governor.

/s/Kevin Dalina, Councilman
(Planning and Zoning Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

	Conti	Dalina	Enriquez	Maher	Novak	Roberts
Ayes	X	X	X	X	X	X
Nays						
Abstain						
Absent						

I, Jessica Morelos, Municipal Clerk of the Borough of Sayreville do hereby certify that the foregoing is a true copy of a Resolution adopted at a Regular Meeting of the Mayor and Borough Council held on the 8th day of June, 2020.


Municipal Clerk