

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2020-139

Council Meeting Date: 06-08-2020

Date Adopted: 06-08-2020

TITLE: RESOLUTION TEMPORARILY RELAXING EXISTING ORDINANCES AND PROCEDURES ASSOCIATED WITH REVIEW AND APPROVAL FOR EXISTING RESTAURANTS AND FOOD ESTABLISHMENTS AND OTHER RETAIL BUSINESSES PROVIDING FOR OUTDOOR DINING AND OUTDOOR DISPLAYS TO PROVIDE ASSISTANCE TO LOCAL RETAIL BUSINESSES UNDER CURRENT EMERGENCY ORDERS ENACTED IN CONNECTION WITH THE ONGOING CORONAVIROS PUBLIC HEALTH EMERGENCY

Councilperson Muñoz submitted the following resolution, which was duly seconded by Councilperson Cumiskey.

WHEREAS, the pandemic known as COVID-19 has impacted the economy in the United States, the State of New Jersey and the Borough of New Providence, necessitating a declaration of a state of emergency in New Jersey; and

WHEREAS, Governor Phillip Murphy has issued Executive Orders closing and modifying certain businesses within the State of New Jersey; and

WHEREAS, the Governor is beginning to allow businesses to reopen under certain circumstances and conditions; and

WHEREAS, the pandemic has had a significant negative impact upon the local businesses of the Borough of New Providence; and

WHEREAS, in the anticipation that the regulations, prohibitions, and social distancing requirements within the Executive Orders of the Governor are being relaxed and may continue to be relaxed and modified in the coming weeks or months, permitting bars, restaurants, food and dining establishments and other retail establishments to operate under certain conditions, the Mayor and Council of the Borough of New Providence find it to be appropriate to temporarily relax its ordinances and regulations, including, but not limited to the procedures associated with review and approval in order to permit local establishments to locate tables and chairs out of doors, in the Borough right of way, and other locations on site, subject to the requirements and restrictions set forth herein and subsequent to the State of New Jersey relaxing restrictions established under Executive Orders; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the Borough to temporarily relax the outdoor dining restrictions on local business establishments and to extend outdoor dining into public rights of way, and to provide for additional space for outdoor dining into designated public parking areas, and to allow for outdoor dining areas to be established on private property and private parking lots under specific terms and conditions consistent with the guidelines provided by the State of New Jersey and upon application and approval by the Borough Construction Official; and

WHEREAS, the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey wish to provide assistance to all local businesses as they reopen;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey as follows:

The Borough Construction Official or his designee are hereby granted the authority and discretion to approve outdoor dining plan applications pertaining to existing full-service bars/restaurants in order to permit said establishments to relocate existing tables/seating or locate new tables/seating within the Borough right of way (including sidewalks) and other locations on site or designated areas of public parking lots during times as designated by said official and in accordance with restrictions that may be imposed by said official subject to the following requirements and restrictions:

A. Applicants who wish to relocate existing approved tables/seats to other locations on site, or to locate newly acquired tables/seats outdoors, including the Borough right of way or other locations on site, shall be required to submit a proposal to the Borough Construction Official depicting the proposed layout and location of tables/seating outside of such establishment, which shall also include, but not be limited to, confirmation of the number of existing approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area outside and the curb line. An illustration, rendering or photograph may be submitted, but is not required unless the Construction Official or his designee determine such is required. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas. The approval of any temporary outdoor dining plan in relation to this Resolution shall be subject to the following conditions:

1. Applicants may be permitted to relocate existing approvals tables/seats or to locate newly acquired tables/seats to other locations on site, including the Borough right of way, subject to review and approval of the Borough's Construction Official or his designee. Notwithstanding the provisions of this Resolution, no tables/seats shall encroach on or obstruct the free flow of pedestrian traffic on the pedestrian walkways or any of its approaches.

2. Applicants may be permitted to utilize the public right of way of the adjacent property owner for outdoor dining with the express written consent and approval by the adjacent property owner and business which must be submitted with the proposal.

3. Tables/seats may be permitted to be located in the Borough right of way provided a minimum six foot pedestrian walkway is maintained and provided for the general public subject to applicable ADA requirements

4. Approved tables/seats located in an outdoor dining area defined as a designated area on a premises of a retail food establishment or restaurant, but located outside of the principal building and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress may be permitted to be utilized between the hours of 10:00 a.m. and 11:00 p.m.

5. Applicants must submit a letter of approval of their landlord in the event their premises are rented.

6. Applicants must acknowledge and agree to fully comply with all current and newly imposed safety and precautionary measures and guidelines established by the State of New Jersey.

7. The sale/service of alcoholic beverages in these locations shall be permitted in accordance with Executive Order 150, Department of Health Executive Directive No. 20-014, and the Division of Alcoholic Beverages Control Special Ruling SR 2020-10, and all subsequent orders, directives and rulings regarding outdoor service of alcohol.

This Resolution shall automatically lapse and have no further legal effect on November 1, 2020, the State of New Jersey rescinding Executive Order 107 or eliminating social distancing regulations, or by further resolution of the Borough, whichever first occurs.

This Resolution shall take effect immediately.

APPROVED, this 8th day of June, 2020.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUMISKEY	X			
DESARNO	X			
GEOFFROY	X			
MATSIKLOUDIS	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 8th day of June, 2020.

Wendi B. Barry, Borough Clerk