

**RESOLUTION ESTABLISHING AND AUTHORIZING TEMPORARY  
ADMINISTRATIVE APPROVAL FOR IN-PERSON OUTDOOR DINING**

**WHEREAS**, on March 9, 2020, Governor Murphy issued Executive Order No. 103 declaring both a State of Emergency and a Public Health Emergency in response to the outbreak of COVID-19 within the State of New Jersey; and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order No. 104 enacting several “social distancing” regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, and imposing restrictions on scope of service and hours of operation for other non-essential retail, recreational, dining and entertainment businesses; and

**WHEREAS**, on March 21, 2020, Governor Murphy issued Executive Order No. 107 which expanded the social distancing regulations set forth within Executive Order No. 104, including but not limited to, directing all New Jersey residents to remain in their home or place of residence with specific limited exceptions, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

**WHEREAS**, Executive Order No. 107 also specifically stated that “[a]ll restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses”; and

**WHEREAS**, on June 3, 2020, Governor Murphy issued Executive Order No. 150 which will allow restaurants, cafeterias, dining establishments, food courts, bars, and all other holders of a liquor license with retail consumption privileges (“food or beverage establishments”) to offer in-person service at outdoor areas beginning at 6:00 a.m. on June 15, 2020, provided that the food or beverage establishment complies with certain requirements; and

**WHEREAS**, Executive Order No. 150 also specifically allows municipalities “to use their existing authority to allow food and beverage establishments to expand their footprint to outdoor areas”; and

**WHEREAS**, in order to allow food or beverage establishments to offer in-person outdoor service as authorized by Executive Order No. 150 the Township of Robbinsville supports temporary, practical measures that enable such establishments to augment their dine-in capabilities as a means to boost customer activity;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Robbinsville, County of Mercer, State of New Jersey, in order to provide food

and beverage establishments within Robbinsville Township with the opportunity to take full advantage of the benefits provided by Executive Order No. 150, hereby agree as follows:

1. Outdoor seating will be temporarily permitted subject to a modified administrative approval process. This process shall require the submission of a Temporary Outdoor Restaurant Seating Application which, if approved, will result in the issuance of a Temporary Outdoor Restaurant Seating Permit. The temporary period shall be up to 160 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 Permit must be obtained prior to the creation of any outdoor seating not otherwise approved by prior site plan approval. A sketch of the proposed outdoor restaurant seating area must accompany the Temporary Outdoor Restaurant Seating 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 or regulations issued pursuant thereto. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey. The Application and sketch submitted therewith shall both be signed by the tenant and property owner, if applicable.
4. There shall be no fee charged for the submission of a Temporary Outdoor Restaurant Seating Application to the Department of Community Development seeking to create outdoor restaurant seating or for the approval of a Temporary Outdoor Restaurant Seating Permit.
5. The Township will, to the best of its ability, expedite the review of all Temporary Outdoor Restaurant Seating Applications, but in no event shall such review exceed 5 business days from the Township's receipt of a completed Application.
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. 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 Township Zoning Officer. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.

- b. 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;
- c. Temporary lighting will be required if the outdoor restaurant seating area is proposed to be utilized after dusk;
- d. Landscaping of the perimeter of or within the outdoor restaurant seating area will not be required but may be proposed by the applicant;
- e. Serving stations and a host podium may be located within an outdoor restaurant seating area provided a plexiglass or other similar partition is used;
- f. The proposed hours of operation of the outdoor restaurant seating area will be included in the Temporary Outdoor Restaurant Seating Application;
- g. Restaurants with existing outdoor seating areas may seek to expand the existing area;
- h. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Division of Alcoholic Beverage Control. Therefore, all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors;
- i. 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;
- j. All temporary outdoor seating areas must be closed by 11 p.m.;
- k. The Business Administrator, upon recommendations by the 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 Township's Noise Ordinance, Zoning Ordinance, as well as the goals and objectives of the Township's Master Plan;
- l. 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 may be formulated after the promulgation of the Governor's Executive Order permitting restaurants to reopen.
- m. Unless otherwise modified by the provisions of this Resolution, all applicable zoning, construction, health, and fire codes continue to apply.

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.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be provided to the Business Administrator, Director of Community Development and the Zoning Officer.

I certify this to be a true copy of a resolution adopted by the Township Council of the Township of Robbinsville at a meeting held on June 11, 2020.

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Michele Seigfried, Municipal Clerk