

Explanation: Resolution authorizing the Extension of the Use of Public Spaces for the purpose of outdoor retail services until January 4, 2021.

## TOWNSHIP OF SCOTCH PLAINS

### RESOLUTION NO. 2020-133

WHEREAS, on June 16, 2020, the Scotch Plains Township Council passed Resolution No 2020-95 encouraging the use of outdoor spaces for the purpose of reopening restaurant and café outdoor dining, per Governor Murphy's Executive Order, until September 3, 2020; and

WHEREAS, Scotch Plains is home to a majority of generational, Mom & Pop and independently run businesses who have been greatly impacted by COVID-19 and each of these businesses are an integral part of Scotch Plains' local economy and social fabric of our great Township; and

WHEREAS, many of these Scotch Plains businesses have opened outdoor spaces to serve their customers; and

WHEREAS, the Township of Scotch Plains supports and strongly adheres to the recommendations and guidance issued by the State, Federal and County governments, as well as the recommendations of the CDC and health care professionals to continue proactive measures such as social distancing to curtail the spread of COVID-19 the policies regarding restaurant/cafe and retail merchants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, it is in the best interest of the Township of Scotch Plains to continue to support the temporary, practical measures that enable restaurant/cafe and retail merchants to augment their indoor capabilities to boost customer activity; and

NOW, THEREFORE, the Mayor and Township Council of Scotch Plains hereby approve:

1. All currently issued permits and waivers shall be automatically extended without additional fees or reapplication until January 4, 2021.
2. New applications for outdoor dining for restaurant/cafe can be issued and the annual Special Use Permit Fee shall be waived consistent with the procedures put in place by Resolution No. 2020-95, as outlined in Chapter 23. Additionally, the Township will encourage restaurant/cafe/ to use parts of their parking lots as spaces for expanded outdoor dining, as well as the available public spaces arranged by the Township. In no case shall handicap accessible spaces be utilized for part of the outdoor dining arrangement located in parking lots.
  - a. Although all Special Use fees shall be waived, the owners and operators shall file for a Special Use Permit for all areas that include sidewalk and parking lot outdoor dining. Outdoor dining and sidewalk café applications shall be completed and submitted to the Department of Inspections for review, comment, and recommendations. All applications as outlined will be expedited in order to further encourage outdoor dining. Every application shall include all required documents as outlined in the Special Use Permit. The Zoning Officer shall have the authority to waive a copy of the survey that is required for the layout of the tables and chairs. By example: a digital photograph of the property can be provided with the layout, as long as it provides pedestrian safety, and a clear access for any pedestrian walking on that sidewalk. the Township of Scotch Plains must still be informed of all sidewalk and parking lot outdoor dining.

The Outdoor Dining or Sidewalk Cafes Application must be completed and submitted to the Department of Inspections.

3. Sidewalk retail sales for downtown businesses shall be allowed in conjunction with the filing of an Application for a Special Use Permit Standards for retail sales, again shall provide for clear passage and pedestrian safety; and shall not violate and safe distancing protocols . Businesses are encouraged to conduct sidewalk retail sales in front of their establishments by applying for a Special Use Permit. No tent or canopy shall be permitted in conjunction with any outdoor retail sales.
4. By way of this Resolution, the Township of Scotch Plains authorizes that Municipal Manager, at his or her discretion, to close the following parking lots and parks for outdoor dining:
  - Parking Lot No. 1 which is adjacent to Bartle Avenue and the Scotch Plains Public Library.
  - Parking Lot No. 2 adjacent to Bartle Avenue, and on the southerly side adjacent to Park Beverage Liquors.
  - Municipal Parking Lot No. 3 adjacent to the Municipal Building
  - Any Municipal Parking Lot from September 4, 2020 to January 4, 2021 during the hours of 9:00a.m. to 10:00 p.m.
5. All businesses will be liable for their products, as well any set-up of displays and tables/chairs for dining. All businesses shall have the appropriate insurance, as well as any and all applications and letters of authority shall be provided to the Township Manager for his approval. Additionally, no handicap accessible spaces shall be used for any of the above listed items.

The following standards are hereby put into place in conjunction with outdoor restaurant/cafe/ eating:

- b. Outdoor restaurant/cafe/ seating areas can be located upon public sidewalks where there is adequate provision made for pedestrian safety and access at all times.
- c. Adequate lighting shall be required if the outdoor restaurant/cafe/café dining area is proposed after dusk.
- d. All businesses must adhere to the Township of Scotch Plains Noise Ordinance.
- e. Umbrellas may be utilized in the outdoor restaurant/cafe area as long as they are attached to a stable base which will prohibit any wind uplift which can cause or create an unsafe condition.
- f. All outdoor activities, including restaurant/cafes and retail sales plans shall be submitted to the Department of Health for their review, comment and approval, as well as the Scotch Plains Police Department.
- g. Guidance on maximum number of individuals permitted at a table or requirements of distance between tables, as well as social distance between individuals waiting to be seated will be formulated by the Governor of the State of New Jersey permitting restaurant/cafes and retail merchants to open. Should the State of New Jersey, and the Office of the Governor defer those standards to local government, then the Township of Scotch Plains and their professionals shall create and disseminate all of that information to anyone applying for a Special Use Permit for either outdoor dining and/or outdoor retail sales.

- h. Should any other standards, not outlined above, be necessary to be created and/or enforced, the Zoning Officer of the Township of Scotch Plains shall have the discretion to create and promulgate additional standards for those properties conducting outdoor dining and retail sales in concert with the Municipal Manager and the Township Attorney.
  
- i. Any business wishing to utilize a tent for their patrons must obtain all the permits necessary under the Uniform Construction Code, as well as the Uniform Fire Code. To further encourage the use of outdoor dining and retail sales, all fees associated with the installation and operation of the tents will be waived. In addition:
  - 1. Tables must be spaced six feet apart.
  - 2. Smoking is prohibited in any outdoor area designated for food/beverage consumption.
  - 3. Self-Service options (i.e. buffets, salad bars, etc.) are not permitted.
  - 4. All licensees and permittees holding valid licenses or permits from the Division of alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey shall be entitled to apply for and receive a COVID-19 Expansion of Premises permit in a manner consistent with Special Ruling 2020-10 of the Division of alcoholic beverage (“SR-2020-10”)
  - 5. Insofar as an provision of Chapter 6 of the Municipal Code of the Township of Scotch Plains may be inconsistent with SR-2020-10 of the Division of Alcoholic Beverage Control, SR-2020-10 shall take precedence for the duration of the COVID-19 Expansion Permitting time period.
  
- j. Any business seeking to use a tent on their property must provide the following:
  - 1. Access to all handicap accessible spaces.
  - 2. Access to all parking spaces associated with any residential use in conjunction with the existing restaurant/cafe, or retail use being utilized for outdoor restaurant/cafe/café and retail sales.
  - 3. Fully secured area that will prevent any vehicles from accidentally gaining access or entry into the place of outdoor dining and seating, and retail sales for the safety of the patrons and the staff shall be provided.
  - 4. Provide adequate safety and accessibility for fire protection.
  - 5. No exit or egress doors shall be blocked at any time, preventing the exiting of patrons or workers.
  - 6. All fire department connections used for firefighting purposes shall remain accessible, and unobstructed at all times.
  - 7. A plan for garbage and trash removal shall be provided at the time of Application for a Special Use Permit.
  
- 6. Mandates that businesses comply with all CDC and State guidelines to ensure the safety of customers and employees. The Township will provide up-to-date information for businesses on the most recent protocols on the Township website.
  - a. Guidance on the maximum number of individuals permitted at a table or requirements of distance

between tables, as well as distance between individuals waiting to be seated will be formulated by the guidance of the Governor and State of New Jersey permitting restaurant/cafe and retail merchants to reopen.

b. The Township of Scotch Plains' Zoning Officer will have discretion to create additional standards for properties conducting outdoor dining and sidewalk retail sales.

Dated: August 18, 2020

**RECORD OF VOTE**

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LOSARDO	X				WHITE	X			
SPERA	X				MAYOR SMITH	X			
STAMLER	X				COMMENT				
MOTION	LOSARDO				SECOND	WHITE			
X- INDICATES VOTE	AB- ABSENT		NV-NOT VOTING						

Certified copy of a resolution adopted  
at a regular meeting of the Township  
Council of the Township of Scotch Plains,  
Union County, New Jersey on

\_\_\_ August 18, \_\_\_ 2020

Bozena Lacina, RMC  
Municipal Clerk