

**TOWNSHIP OF HARDYSTON**

**RESOLUTION # 40-20**

**A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, TO TEMPORARILY AMEND CERTAIN OUTDOOR DINING REQUIREMENTS TO ENABLE LOCAL RESTAURANTS TO IMPLEMENT SOCIAL DISTANCING AND SUPPORT THE REOPENING PROCESS**

**WHEREAS**, recent changes in the economy, including the COVID-19 public health emergency and resulting social distancing requirements, have led the Township to review its outdoor dining requirements; and

**WHEREAS**, the Governing Body desires to support the economic recovery of local restaurants by temporarily relaxing certain outdoor dining restrictions, as recommended by the Township Planner, so that restaurants are able to increase customer traffic while satisfying social distancing requirements; and

**WHEREAS**, the Township Planner and the Township Attorney has reviewed same and found the temporary relaxation satisfactory; and

**WHEREAS**, the Governing Body finds it in the best interest of the Township to temporarily relax certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, as follows:

1. Outdoor seating will be temporarily permitted as an accessory use to any existing brewery, restaurant, or eating establishment as permitted by the Township Zoning Ordinance.
2. Restaurants must continue to follow all rules and regulations of the Health Department and Division of Alcoholic Beverage Control, as well as all applicable local, State and federal laws.
3. Temporary outdoor dining plans in accordance with this resolution shall require the approval of the Township Zoning Officer.
4. The Zoning Officer, Chief of Police and Township Manager reserve the right to deny the modification of the rules or put in place specific requirements or restrictions in order to protect the health, safety and welfare of the general public. Appeals of such requirements may be filed with the Township Council.
5. This Resolution does not permit the construction of or alteration to any building or structure. No changes may be made that alter the existing character of any building or structure.

6. This Resolution applies only to establishments already approved to operate as a restaurant as of this Resolution's date of adoption.

7. Outdoor restaurant seating will not require the filing of a Site Plan Application.

8. 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 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.

9. 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. Restaurants may display one temporary sign to notify the public of in-house, take-out as well as outdoor dining options and any restrictions in place due to the COVID-19 public health emergency.
- d. An awning or umbrellas may be utilized within an outdoor restaurant area, but tents shall not be permitted;
- 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. 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;

- g. The proposed hours of operation of the outdoor restaurant seating area will be included in the Temporary Outdoor Restaurant Seating Application;
- h. No outdoor restaurant seating area may be located within an approved delivery area/loading zone;
- i. Restaurants with existing outdoor seating areas may seek to expand the existing area;
- j. 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.

10. This Resolution shall be effective once the State of New Jersey, through the Governor's Office, has issued an executive order order permitting restaurants to serve customers on premises.

11. This Resolution shall remain in effect until the Governor ends the restrictions pertaining to restaurants and eating establishments to serve patrons at their place of business in accordance with the state of emergency.

12. The Township Council reserves the right to rescind or amend this Resolution for the health and safety of the public.

This Resolution will take effect immediately.

Adopted:

Adopted this 27th day of May, 2020  
and certified as a true copy of an  
original.

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Jane Bakalarczyk  
Township Clerk