

Mayor
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Deputy Mayor
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TOWN OF NEWTON
Application
Temporary Outdoor Dining Permit
(June 15, 2020 – November 30, 2020)

Date of Application: _____ Telephone No.: _____

Name of Applicant: _____

Email of Applicant: _____

Company/Trade Name: _____

Location of Licensed Premise: _____

Owner's Name: _____

REQUIREMENTS

1. A sketch must accompany this application showing the measurements of the area where tables, chairs, umbrellas, and any proposed trash receptacles will be located, as well as the location of tandem parking places in the adjoining street or streets. All New Jersey Department of Health and Sussex County Board of Health Guidelines must be adhered to. **Temporary outdoor dining may remain open for normal business hours, but must be closed/cleaned up completely before the 11 pm noise ordinance regulation goes into effect.** All restaurants, 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.

FIRE MARSHAL'S COMMENTS:

1. Access for fire department/emergency response vehicles and to fire hydrants and Fire Department Connections (FDC) must be maintained.
2. If tents are erected a tent permit must be obtained from the Fire Marshal. It is a Type 1 Permit and is \$54. (Life Hazard Uses not required to pay fee but still must have permit).
3. If cooking outdoors a permit must be issued by the Fire Marshal. Again, a Type 1 permit - \$54. (Life Hazard Uses not required to pay fee but still must have permit).
4. No smoking is permitted in eating areas and "No Smoking" signs must be displayed.
5. Use of extension cords must be minimized and only extension cords that are rated for outdoor use are permitted.
6. Aisles and means of egress need to be maintained. (Should not be an issue with Social Distancing).

Signed: _____

(Authorized Applicant Signature and Title)

*******FOR OFFICE USE ONLY*******

() Granted () Denied _____
Chief of Police Date

() Granted () Denied _____
Zoning Officer Date

Sketch submitted YES/NO _____

Insurance submitted & Hold Harmless Form YES/NO _____



TOWN OF NEWTON
Resolution #151-2020

June 22, 2020

“Resolution Permitting Temporary Outdoor Seating for Restaurants During the Pandemic Shutdown of Retail and Commercial Businesses in the Town of Newton”

WHEREAS, restaurants are an integral part of the Town of Newton; and

WHEREAS, policies and measures to mitigate the spread of the COVID-19 virus have greatly affected the business model of restaurants with the expansion of outdoor seating being a method of balancing the need for social distancing with the need to have adequate space to feasibly reopen; and

WHEREAS, The Town desires to help its local businesses through this difficult time, and providing an expedited mechanism to permit an expansion of outdoor seating capacity for restaurants is a means to support local businesses; 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 Town 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, the Mayor and Town Council of the Town of Newton, in the County of Sussex, in the State of New Jersey, 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 the Town 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 Zoning Permit for Temporary Outdoor Restaurant Seating 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 Town will waive the filing fee for a Zoning Permit for Temporary Outdoor Restaurant Seating seeking to create outdoor restaurant seating.

5. The Town 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 Town Zoning Officer;
- 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;
- 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. 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 their liquor license permits the serving of alcohol outdoors;
- n. 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 of parking stalls available in the discretion of the Town Zoning Officer;

- o. 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, or partitions, or other Executive Order requirements issued by the Governor;
- p. All outdoor seating areas must be closed by 11:00 p.m.;
- q. 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. Any approvals granted prior to this action shall remain in effect.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 22, 2020.



Teresa A. Oswin, RMC
Deputy Municipal Clerk