

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**RESOLUTION No. 2020-183**

A motion was made by Mayor McEvoy; seconded by Councilman Ryan that the following resolution be adopted:

**PERMITTING THE EXTENSION OF TEMPORARY ZONING PERMITS  
FOR SIDEWALK CAFES AND OUTDOOR RESTAURANT SEATING  
DURING THE COVID-19 PANDEMIC SHUTDOWN RECOVERY**

**WHEREAS**, restaurants are an integral part of the local economies and social fabrics of municipalities; and

**WHEREAS**, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

**WHEREAS**, the proper adherence of measures to mitigate the spread of the COVID-19 virus has greatly affected the business model of restaurants; and

**WHEREAS**, Resolution No. 2020-119 passed by the Township Council on June 8, 2020 permits Temporary Zoning Permits for Sidewalk Cafes and Outdoor Restaurant Seating through October 31, 2020.

**WHEREAS**, restaurant owners are seeking additional guidance as to how they may safely continue dine-in service in an outdoor setting as cold weather approaches; and

**WHEREAS**, the Township wishes to continue to help its local businesses through this difficult time by allowing additional time for Temporary Zoning Permits for Sidewalk Cafes and Outdoor Restaurant Seating through March 31, 2021.

**NOW THEREFORE BE IT RESOLVED**, the Township Council of the Township of Verona in the County of Essex in the State of New Jersey hereby agree as follows:

1. All prior regulations under Resolution No. 2020-119 shall still apply, unless otherwise revised as part of this extension.
2. Temporary Zoning Permits for Sidewalk Cafes and Outdoor Restaurant Seating as defined in § 150-7.22 and 150-7.23 in the Township Zoning Ordinance shall be permitted. Temporary Zoning Permits shall be issued by the Zoning Officer. All Temporary Zoning Permits issued pursuant to this Resolution shall expire on March 31, 2021.
3. Zoning-Engineering Regulations.
  - a. No standing patrons will be permitted; everyone must be seated to be served.
  - b. All on premise alcohol service must be done by wait staff to seated patrons.
  - c. Capacity for any outside dining area or expansion will be limited to no more than the indoor capacity of the associated business and will be strictly limited by the number of seats identified in their previously submitted and approved outdoor dining layout. \*Applicants must submit a new seating layout if they intend on revising what was previously approved under the original seating layout which is on file with the zoning office.
  - d. No instrumentalist(s), live, recorded or outdoor music shall be permitted in any outdoor dining area which is being permitted as part of this temporary permit for outdoor dining or any outdoor patio dining area which was given prior approval by the Township of Verona's land use boards, unless the such use was granted approval as part of the conditions of that approval.
  - e. No outdoor seating area shall be located within any designated fire lane, vehicular circulation aisle or parking space, except when a temporary outdoor seating area may be permitted within the parking area on the lot if it was determined by township officials that there is no public health, welfare, and safety concerns related to such location. A site inspection will be required by the

township or may be requested by the applicant in order to determine whether a parking area or a portion thereof may be utilized for the purposes of the location of such temporary outdoor seating.

- f. If the outdoor seating is located directly in front of the applicant's retail food establishment, the applicant shall demonstrate that a minimum of four (4) feet of unobstructed paved surface will be available for pedestrian traffic around and through the outdoor seating area measured from the perimeter of the proposed outdoor seating area to the wall or curb of walkway.
  - g. Each permittee is responsible for keeping the area of the outdoor seating and the adjacent areas free and clear of any debris or litter occasioned by the outdoor seating. Areas shall be cleaned as needed and at the time that business is closed and at the beginning of each business day.
  - h. Tents shall be permitted however their size and minimum requirement of openings shall be governed by the rules and regulations set forth by the Township Building, Fire and Health Dept. TENTS MUST BE REMOVED NO LATER THAN NOVEMBER 30, 2020.
  - i. Portable/Patio style heaters shall be permitted. Use shall be governed by the rules and regulations set forth by the Township Building, Fire Prevention Bureau.
4. Building Department Regulations. For tents or canopies under the Uniform Construction Code 5:23-2.14 subsection (ii) a construction permit is not required if ALL of the conditions below are met:
- a. The tent, tensioned membrane structure, or canopy is 140 feet or less in any dimension and 16,800 square feet or less in area whether it is one unit or is composed of multiple units;
  - b. The tent, tensioned membrane structure, or canopy remains in place or will remain in place for fewer than 180 days;
  - c. The tent, tensioned membrane structure, or canopy is used or occupied ONLY BETWEEN APRIL 1 AND NOVEMBER 30;
  - d. The tent, tensioned membrane structure, or canopy does not have a permanent anchoring system or foundation;
  - e. The tent, tensioned membrane structure, or canopy does not contain platforms or bleachers greater than 11 feet high.
5. Fire Prevention Bureau Regulations. Executive Order No. 163 (Murphy) defines Outdoor Areas as "Open air spaces that have no roof or cover or have a fixed roof or temporary or seasonal awning or cover, with at least two open sides that would comprise over 50 percent of the total wall space if the space were fully enclosed".
- a. TENT & APPURTENANCES (PERMIT MAY BE REQUIRED)
    - i. Flame Propagation Performance Certification required
    - ii. Heaters prohibited under tent
    - iii. Cooking prohibited
    - iv. Smoking prohibited (signage required)
    - v. Candles or open flame prohibited under tent
    - vi. Electrical lighting - direct or outdoor rated cords to GFI
    - vii. Vehicle barriers may be required
    - viii. 2A-10BC fire extinguisher required under tent
  - b. PERGOLA
    - i. Two open sides required as per Executive Order No. 163 (Murphy)
  - c. HEATERS
    - i. Heaters prohibited under tent except for an electric space heater
    - ii. Patio/mushroom heaters (Propane)
    - iii. Must be minimum of five feet horizontally from all structures and overhangs
    - iv. Maintain a minimum clearance of three feet vertically and two feet horizontally from combustibles
    - v. Maintain a clearance of twenty feet from all tents and canopies, do not block egress ways.
    - vi. "Bullet" type heaters prohibited - must be vertical type

- vii. Electric space heater permitted – plugged directly into a GFI outlet with an outdoor rated cord
- viii. Generator prohibited under tent

d. GAS TABLES / FIREPLACES

- i. Prohibited under tents, canopies and pergolas

6. This Resolution shall take effect retroactively on November 1, 2020 and remain in effect until March 31, 2021 or revoked or modified beforehand by the Township Council.

**ROLL CALL:**

**AYES:** McGrath, Giblin, Ryan, Roman, McEvoy

**NAYS:**

**THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON NOVEMBER 9, 2020.**

  
JENNIFER KIERNAN  
MUNICIPAL CLERK

