

G.

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ADOPTING A TEMPORARY POLICY GOVERNING OUTDOOR DINING DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

MAY 26, 2020

BE IT RESOLVED by the Township Council of the Township of Toms

River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby adopts, "Township of Toms River Temporary Policy for Outdoor Dining During the COVID-19 Public Health Emergency."
2. This policy shall take effect when permitted by Executive Order of the Governor.
3. A copy of the Policy is attached hereto as "Schedule A", and made a part hereof.
4. A certified copy of this resolution shall be provided by the Office of Township Clerk to the following parties:

- a) Mayor Thomas Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Chief Financial Officer
- e) Township Attorney
- f) Township Engineer
- g) Building Department
- h) Code Enforcement
- i) Board of Adjustment
- j) Township Planner

Oliver Carlisle

Approved as to Legal Form

[Signature]

Kenneth B. Fitzsimmons
Township Attorney

L-May 26, 2020-23



I, DESTINY REYNOLDS, DEPUTY MUNICIPAL CLERK OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF A RESOLUTION APPROVED BY THE TOWNSHIP COUNCIL AT THEIR REGULAR MEETING OF MAY 26, 2020

[Signature]

Destiny Reynolds, Deputy Municipal Clerk

SCHEDULE "A"

TOWNSHIP OF TOMS RIVER

TEMPORARY POLICY FOR OUTDOOR DINING (IF AND WHEN PERMITTED) DURING THE COVID -19 PUBLIC HEALTH EMERGENCY

As a consequence of the pandemic and the resulting impact on businesses throughout the Township the following guidelines will remain in effect during the time period associated with New Jersey mandated social distancing requirements. Pursuant to Township Council resolution _____ adopted _____ these guidelines will be amended periodically consistent with Executive Orders and the laws of the State of New Jersey. Therefore, applicants are advised to review the up-to-date website posted version of this handout before submitting an application to the Zoning Office.

Also, the following guidelines are a synopsis of various codes including 348-2.3, 348-8.26, 348-8.37 and 348-5.20 and therefore may not be all encompassing. Applicants should rely on the specific applicable codes and are cautioned that additional specific state and local codes not listed herein may regulate construction of this nature. Copies of sign code §348-8.26 are posted on line at the www.tomsrivertownship.com and are available in the Town Hall Zoning Office free of charge.

In addition to these guidelines, applicants must adhere to all Executive Orders, Administrative Orders and the laws of the State of New Jersey.

SUBMISSION REQUIREMENTS

All applications must be filed in the Township of Toms River Zoning Office as follows:

1. A completed "Township of Toms River ZONING PERMIT APPLICATION".
2. The application must state the purpose and must also indicate the start date and duration.
3. \$100.00 zoning permit fee. The fee will be waived for special event applications submitted to enable business operations in compliance with COVID-19 Executive Orders.
4. The application must include a drawing depicting the size, dimensions, height, lettering, color and material of all special event signs. Applications for temporary outdoor display of goods should indicate the type, material and dimensions of the display area.
5. The application must include a survey or site plan based upon a survey marked to show the location

and dimensions of all temporary outdoor display areas, tents and special event signs (banners, pennant banners, streamers, buntings, snipe signs, "A" frame signs, etc.). Drawings depicting tents must comply with Section 348-8.37 of the township code.

6. Proposals for building mounted signs must include a drawing or photograph depicting the façade of the building and the location of the sign (s).
7. Any application for a special event at a site where multiple tenants exist (e.g. shopping center) must include a letter from the landowner or property manager approving the event.

GUIDELINES

1. DURATION:

1. The duration of any permit issued under this temporary policy shall remain in effect until such time as:
 - i. The governor removes the restriction for said applicant's type of business;
 - ii. The governor changes the restrictions for said business and changes to the approved layout are requested under a replacement permit.
 - iii. Unforeseen issues arise from the implementation of a permit which could not be resolved with a new permitted layout or procedure.

2. APPEALS:

2. Proposals for the temporary display of goods for sale that exceed or otherwise are inconsistent with the time limits set forth herein shall require Planning Board approval. (§348-5.20 B.5; Ordinance 4569-17)
3. The applicant may appeal the denial of any requested permit to the Zoning Board of Adjustment in accordance with N.J.S.A. 40:55d-70(a) (§348-5.20 F; Ordinance 4569-17)

3. SPECIAL OUTDOOR DINING GUIDELINES DURING THE PUBLIC HEALTH EMERGENCY PERIOD.

In addition to the foregoing, applications for outdoor events must adhere to the following:

- a) Plans / drawings for outdoor seating, dining, gatherings, etc. must include the following:
 - i. location, size and number of tables
 - ii. location and number of seats
 - iii. location, size and type of accessory structures such as bars, stages, lights, barricades, directional signage, sound systems, hostess station, traffic cones, temporary fences, etc.
 - iv. adequate details and distances (feet) demonstrating compliance with social distancing requirements of the most current applicable Executive Order by the State of New Jersey.
 - v. pedestrian and patron route protection across parking areas.

- b) The Zoning Officer may permit temporary outdoor seating, dining and gatherings etc. within parking spaces and related vehicular circulation aisles provided the applicant can demonstrate the proposal will not consume parking spaces that are otherwise needed to meet parking requirements of the site pursuant to Code 348-8.20.O as modified by capacity restrictions of the applicable COVID-19 Executive Order. For this reason, the applicant must submit a floor plan of the interior of the store / restaurant altered to adhere to capacity restrictions.

- c) All designs to occupy parking areas are subject to approval by the Toms River Police Department and Bureau of Fire Prevention.

- d) Some applications may necessitate the need for a separate NJUCC permit, for items such as lighting.

- e) It is the applicant's responsibility to adhere to all State mandated requirements and obtain all other necessary permits and approvals.

- f) During the emergency period only, tent(s) may be located within the required principal building setback and within any vehicular circulation aisle subject to approval of the Zoning Officer, Toms River Police Department and Fire Bureau.

- g) Such temporary outdoor event shall be permitted only where the goods or service are provided at an established business enclosed within a structure located on the subject property.

- h) Any proposal to expand / modify areas associated with the consumption or distribution of alcoholic beverages must be approved by the Municipal Clerk.

Revised: 5/22/20

TOWNSHIP OF TOMS RIVER ZONING PERMIT APPLICATION

A ZONING PERMIT APPLICATION MUST INCLUDE ITEMS ON THE DETAILED "ZONING PERMIT INSTRUCTIONS" HANDOUT AND:

- 1) THIS COMPLETED APPLICATION FORM
- 2) PLOT PLAN OR SURVEY MARKED TO ADEQUATELY DEPICT THE PROPOSAL
- 3) ARCHITECTURAL PLANS AND/OR ADEQUATE DETAILS
- 4) A COPY OF THE RESOLUTION COMPLIANCE CERTIFICATE IF DESIGN HAS PRIOR BOARD APPROVAL
- 5) WRITTEN CONSENT FROM THE LAND OWNER
- 6) "RESIDENTIAL DEVELOPMENT FEES TO FUND AFFORDABLE HOUSING" FORM IF APPLICABLE
- 7) OTHER SUBMITTALS THAT MAY BE REQUIRED BY THE ZONING OFFICER

APPLICANT _____ PHONE _____
(circle one) OWNER CONTRACTOR TENANT CONTRACT PURCHASER

APPLICANT'S ADDRESS _____
APARTMENT P.O. BOX STREET CITY/TOWN ZIP CODE

E-MAIL ADDRESS: _____ FAX: _____

HOMEOWNER INFORMATION: _____
(If different from Applicant Info.) NAME EMAIL PHONE

BLOCK _____ LOT _____ SITE ADDRESS _____

APPROVAL REQUESTED (PLEASE CHECK ALL THAT APPLY):

- | | | | |
|---|-------|----------------------------|-------|
| New single-family(S/F) dwelling* | _____ | New two-family dwelling* | _____ |
| S/F dwelling addition under 150 sq. ft. | _____ | House raise | _____ |
| S/F dwelling addition over 150 sq. ft.* | _____ | Zoning permit update | _____ |
| Accessory building | _____ | Shed less than 150 sq. ft. | _____ |
| Pool | _____ | Pool heater | _____ |
| Deck | _____ | Fence | _____ |
| Generator or air conditioning | _____ | Above ground tank (S/F) | _____ |
| Commercial tent* | _____ | Sign* | _____ |
| Trailer | _____ | Clothing bin (\$30.00 ea.) | _____ |
| Special event signage* | _____ | Verification letter * | _____ |

This request has prior approval from the Zoning Board of Adjustment or Planning Board
Change of commercial tenant (please submit "STATEMENT OF OPERATIONS/DESCRIPTION OF USE" form)*.....
Other (explain).....

With the exception of applications marked by an asterisk* all forms must be accompanied by a \$50.00 fee pursuant to §348-3.4. The fee for categories marked by an asterisk is \$100.00. Any construction, pools and/or grading disturbing over 150 square feet of the lot area will require an additional review fee of \$125.00 pursuant to §348-3.7A(3)(k).

APPLICATION FEE AMOUNT ENCLOSED: _____

PLEASE DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY



Application number _____ Date received _____ Receipt number _____

APPLICANT NOTIFIED BY:	<u>DENIAL</u>	<u>APPROVAL</u>
PHONE	_____	_____
E-MAIL	_____	_____
FAX	_____	_____
MAIL	_____	_____
IN PERSON / PICK UP	_____	_____

- [] The Permit/Building Department is now reviewing your application.
- [] No additional permits are required to begin construction.
- [] It is the applicant's responsibility to submit the stamped plan to the Permit /Building Dept.
- [X] Please be advised that any changes to the approved plot/grading plan, including pavers, may require a zoning permit update application.

Zoning official Date approved

Date	Status	Reviewed By:
/ / 20	Approved/Denied	
/ / 20	Approved/Denied	
/ / 20	Approved/Denied	
		Zoning
		Affordable Housing
		Engineering