

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

RESOLUTION #20-190

**A RESOLUTION DIRECTING THE HOPEWELL TOWNSHIP ZONING OFFICER
TO ISSUE A TEMPORARY ACTIVITIES PERMIT TO
HOPEWELL VALLEY ENTERPRISES LLC**

WHEREAS, restaurants are an integral part of the local economics 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, the Township wishes to help its local businesses through this difficult time; and

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, the Township has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

WHEREAS, the Township supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the COVID-19 virus; and

WHEREAS, the Township supports temporary, practical measures that enable restaurants to augment their dining capabilities as a means to boost customer activity; and

WHEREAS, Hopewell Valley Enterprises LLC seeks permission to offer temporary outdoor dining and beverages utilizing a portion of their property, Hopewell Valley Vineyards, to serve light-fare and wine in compliance with all Executive Orders issued to date by the Governor of New Jersey, including the most recent Executive Order dated June 1, 2020, specifically setting forth requirements with respect to outdoor restaurant operations during the return to restaurant dining under the COVID-19 phasing schedule as of June 15, 2020; and

WHEREAS, this proposal has been reviewed by the Hopewell Township Attorney who has advised that this proposal can be authorized under a Temporary Activities Permit issued by the Hopewell Township Zoning Officer; and

WHEREAS, this request has been reviewed by the Municipal Construction Office, Hopewell Township Health Department, Hopewell Township Police Department, and Hopewell Valley Fire Safety who have raised no objections;

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of June 2020, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Hopewell Township Zoning Officer be directed to issue a Temporary Activities Permit to Hopewell Valley Enterprises for temporary outdoor dining and beverages utilizing a portion of their property, Hopewell Valley Vineyards. Operation will be in compliance with all Executive Orders issued by the Governor of New Jersey with respect to outdoor restaurant operations under the COVID-19 phasing schedule, subject to receipt of all final approvals and comments from the Municipal Construction Office, Hopewell Township Health Officer, Hopewell Township Police, Hopewell Valley Fire Safety and Zoning Officer, and subject to any relevant restrictions on use, noise, signs, etc., or other permits as may be required, including;

This Temporary Activities Permit approval is granted for the configuration depicted on the plan/sketch attached to this Resolution and is subject to the following conditions:

1. Reservations are strongly encouraged; however, if reservations are not mandatory, there must be a way to ensure that customers waiting to be seated are social distancing or waiting in their vehicles. All distance separations shall comply with all applicable Executive Orders issued by the Governor of New Jersey, as well as any other requirements, conditions and/or limitations in the Governor's Executive Orders required as of June 15, 2020.
2. Policy (with signage) should require customers to wear masks until they are seated and at any time they are not seated at their table.
3. 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 that their liquor license permits the serving of alcohol outdoors. Applicants are required to obtain a COVID-19 Expansion Permit from the Division of Alcoholic Beverage Control for a one-time fee of \$75.00, the term of which shall be from date of issuance until November 30, 2020, the expiration date of seasonal consumption licenses.

4. Food preparation, storage, cooling or refrigeration, or associated equipment is prohibited within the outdoor dining area.
5. External sound systems in the outdoor dining area are prohibited.
6. Permissible operating hours for the outdoor dining area are 1:00 p.m. to 6:00 p.m., Friday, Saturday and Sunday.
7. A barrier is required at the end of the driveway to ensure vehicles do not enter the seating area.
8. Barriers establishing the perimeter of the designated outdoor dining area shall remain in place for the duration of this Temporary Activities Permit. Removal and replacement of the outdoor dining area on a daily basis to coincide with operating hours shall not be permitted.
9. For perimeter barriers within existing parking lot areas, barriers shall be a minimum of 42 inches in height and contain high-visibility / reflectorized materials to enhance visibility for vehicles within the active parking lot.
10. A minimum space of at least 4 feet of unrestricted pedestrian pathway shall be maintained at all times so as not to interfere with, impede, slow, divert or in any way prevent pedestrians from freely passing along the sidewalk or ingress and egress to the establishment at any time.
11. Temporary lighting used to illuminate the outdoor dining area shall not be directed to shine into or across existing parking areas or adjacent roads. Temporary lighting may be used during the permissible operating hours for the outdoor dining area only.
12. No temporary outdoor dining area shall be located within an approved delivery area, loading zone or fire lane and shall not block any municipal sign, public bench, planter, fire hydrant or any other public amenity.
13. No temporary outdoor dining area shall impact the effective functioning of the prior approved site plan, except for the specific mitigating measures depicted on the approved plan contained within this permit.
14. Tents shall not be permitted within temporary outdoor dining areas. Awnings or umbrellas may be used. Outdoor dining furniture, including awnings, umbrellas and any other decorative material shall be fire-retardant or manufactured of fire-resistant material and shall be constructed of weather resistant and durable materials able to sustain typical wind gusts. In the event of unusually strong inclement weather, furniture shall be secured or moved to a secure place.
15. All temporary outdoor dining areas shall maintain the existing ground conditions with no changes in grade. Temporary flooring or mats are not permitted.
16. Space heaters are not permitted.

17. Any expansion or changes to the outdoor dining area to enlarge or alter the configuration of the occupied footprint shall invalidate this permit.
18. This permit shall be valid through November 30, 2020. The Permittee may apply for an extension to this permit provided such request is received no later than close of normal municipal business hours five business days prior to the expiration date of the permit.

Date Adopted: June 11, 2020

CERTIFICATION

I, Katherine Fenton-Newman, Deputy Municipal Clerk, of the Township of Hopewell, County of Mercer, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at the regular meeting held on the 11th day of June, 2020, via Zoom Video Communications.



Katherine Fenton-Newman, RMC, CMR
Deputy Municipal Clerk