

Township of Piscataway
Executive Order 2020-02

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, Piscataway Township is home to many restaurants that provide wonderful meals from a wide variety of cuisines to residents and visitors; and

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

Whereas, Piscataway Township has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; 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, Piscataway Township supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of coronavirus; and

Whereas, Piscataway Township supports temporary, practical measures that enable restaurants to augment their dine-in capabilities as a means to boost customer activity.

Whereas, Governor Phillip D. Murphy has issued Executive Order No. 150 permitting restaurants, cafeterias, dining establishments, bars and all other holders of a liquor license with retail consumption privileges to offer in-person service at outdoor areas subject to certain conditions.

Now, therefore, I, Brian C. Wahler, Mayor of the Township of Piscataway in the County of Middlesex in the State of New Jersey, by virtue of the authority vested in me by the constitution and statutes of this state, do hereby order and direct:

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 §21-3 in the Township Zoning Ordinance, as well as bars and taverns (which are not defined terms in the Township Zoning

Ordinance). A restaurant, fast food restaurant, drive-in restaurant, bar, tavern, cafeteria and dining establishment shall hereafter be collectively referred to as a “restaurant”. 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. Permission to create outdoor restaurant seating shall be initiated by the filing of a Zoning Permit Application. 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 Township will waive the filing fee for a Zoning Permit Application seeking to create outdoor restaurant seating.
5. The Township will expedite the review of all Zoning Permit 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 Township Zoning Officer. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.
 - 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, and no temporary flooring or mats may be utilized;
- i. The proposed hours of operation of the outdoor restaurant seating area will be included in the Zoning Permit 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. An applicant for a proposed outdoor restaurant seating area must have previously secured site plan approval from the Township Zoning Board of Adjustment or Planning Board and must be in compliance with its existing site plan approval;
- n. The consumption of alcoholic beverages within an outdoor restaurant seating area will be regulated by Special Ruling SR 2020-10 issued by the New Jersey Division of Alcoholic Beverage Control on June 3rd, 2020;
- o. Smoking is prohibited in all outdoor restaurant seating areas;
- p. All outdoor restaurant seating areas must be in conformance with all applicable local, state and federal regulations, including the state of New Jersey Department of Health Executive Directive No. 20-014, dated June 3, 2020;
- q. Capacity within the outdoor restaurant seating area shall be limited to a number that ensures that all patrons can remain six (6) feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;

- r. Tables seating individual groups must be six (6) feet apart in all directions and individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six (6) feet apart in all directions;
- s. Patrons are prohibited from entering the indoor restaurant except to walk through such premises when entering or exiting the restaurant in order to access the outdoor restaurant seating area, or to use the restrooms;
- t. All patrons are required to wear a face covering while inside the indoor premises of the restaurant, unless the patron has a medical reason for not doing so or is a child under two years of age;
- u. 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 Township Zoning Officer;
- v. 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 and partitions or other Executive Order requirements issued by the Governor;
- w. The Township Zoning Officer shall have the discretion to set the hours of operation of an outdoor restaurant seating area, and to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Township Zoning Ordinance in §21-2 as well as the goals and objectives of the Township's Master Plan;

8. This Executive Order shall take effect on Monday, June 15, 2020 at 6:00 AM.

9. This Executive Order 2020-02 replaces Executive Order 2020-01.

Given, under my hand and seal this 4th day of June, Two Thousand and Twenty, and of the incorporation of the Township of Piscataway, the two hundred and twenty-second.

Brian C. Wahler, Mayor

Attest:

James F. Clarkin III, Esq.
Assistant Township Attorney