

TOWNSHIP OF CRANFORD
SUNSHINE NOTICE
TOWNSHIP COMMITTEE MEETING
June 15, 2020

Due to the ongoing public health emergency, and the Governor's Executive Orders related to the same, the Township Committee of the Township of Cranford will conduct all meetings remotely and by electronic means for the foreseeable future. The Township Committee will continue to meet on their regularly scheduled meeting dates and times.

In accordance with N.J.S.A. 10:4-6 (the "Open Public Meetings Act") and consistent with the Department of Community Affairs, Division of Local Government Services guidelines, the Township Committee Meetings will be open to the public by electronic means. Residents can view the meetings on TV-35, and via livestream on [TV-35's Facebook Page](#).

Residents who wish to participate in the virtual meeting for purposes of making a public comment or to participate in any scheduled public hearing should follow the instructions and complete the registration form available at the Township of Cranford's website at <https://www.cranfordnj.org/minutes-and-agendas>.

**TOWNSHIP COMMITTEE
CRANFORD, NEW JERSEY
SPECIAL MEETING AGENDA
June 15, 2020
11:00 AM**

THIS MEETING IS IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS ACT" AS ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED BY E-MAILING THE NOTICE OF THIS SPECIAL MEETING TO THE WESTFIELD LEADER, THE UNION COUNTY LOCAL SOURCE, THE STAR LEDGER, AND TAP INTO CRANFORD, BY POSTING SUCH SPECIAL MEETING NOTICE ON A BULLETIN BOARD IN THE TOWN HALL RESERVED FOR SUCH ANNOUNCEMENTS AND THE FILING OF SAID NOTICE WITH THE TOWNSHIP CLERK OF CRANFORD. FORMAL ACTION MAY BE TAKEN AT THIS MEETING.

ROLL CALL MAYOR PATRICK GIBLIN
 DEPUTY MAYOR KATHLEEN PRUNTY
 COMMISSIONER THOMAS H. HANNEN, JR.
 COMMISSIONER JEAN-ALBERT MAISONNEUVE
 COMMISSIONER MARY O'CONNOR

PUBLIC COMMENTS

Pursuant to the Code of the Township of Cranford, Article I, Section 32-4, persons addressing the Township Committee shall be allowed a maximum of five (5) minutes for their presentations.

DISCUSSION

Parklets and Use of Public Spaces by Cranford Businesses

RESOLUTIONS – By Consent Agenda

Resolution No. 2020-213A: Amending Resolution No. 2020-213 Authorizing the Municipal Tax Collector to prepare and mail Estimated Tax Bills in accordance with P.L. 1994. C.72

ORDINANCE – Public Hearing and Adoption

Ordinance No. 2020-09: AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD, PART III: HEALTH LEGISLATION, CHAPTER 255 LAND DEVELOPMENT, TO TEMPORARILY DELEGATE CERTAIN PLANNING BOARD DUTIES TO A CODE REVIEW COMMITTEE

PUBLIC COMMENTS

Pursuant to the Code of the Township of Cranford, Article I, Section 32-4, persons addressing the Township Committee shall be allowed a maximum of five (5) minutes for their presentations.

ADJOURNMENT

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

RESOLUTION NO. 2020-213A

**AMENDING RESOLUTION NO. 2020-213 AUTHORIZING THE MUNICIPAL
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN
ACCORDANCE WITH
P.L. 1994. C.72**

WHEREAS, in order for the Township of Cranford to meet our financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing it would be in our best interest to do so; and

WHEREAS, the municipal Tax Collector and the Chief Financial Officer have completed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Cranford, in the County of Union and the State of New Jersey on this 15th day of June 2020 as follows:

1. The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2020 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2020 is hereby set at: **\$109,278,615.42** and Special District is **\$174,298.53**
3. The estimated third quarter tax bill is due August 1, 2020. Interest will be charged after August 10, 2020

CERTIFICATION

I, Township Clerk of Cranford Township do hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by the Township Committee at its meeting on the 15th day of June 2020.

Patricia Donahue, RMC
Township Clerk

Date: _____

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

RESOLUTION NO. 2020-228

BE IT RESOLVED by the Township Committee of the Township of Cranford that the Downtown Management Corporation is authorized to close the lower portion of Municipal Lot 7 on Miln Street from 3 p.m. on Thursdays to 8 a.m. on Mondays, to assist downtown business dealing with operating restrictions from the on-going public health emergency.

Certified to be a true copy of a resolution adopted by the Township Committee of the Township of Cranford at a meeting held June 15, 2020.

Date:

Heather Capone, RMC
Deputy Township Clerk

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2020-09

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD,
PART III: HEALTH LEGISLATION, CHAPTER 255 LAND DEVELOPMENT, TO
TEMPORARILY DELEGATE CERTAIN PLANNING BOARD DUTIES TO A CODE
REVIEW COMMITTEE**

WHEREAS on January 31, 2020, the United States Department of Health and Human Services declared a public health emergency for the United States due to the highly contagious and deadly nature of the disease COVID-19; and

WHEREAS on March 9, 2020, due to the imminent danger to the residents of New Jersey posed by COVID-19, the Governor of the State of New Jersey declared a public health emergency and a State of Emergency through Executive Order No. 102; and

WHEREAS on March 16, 2020, the Governor of the State of New Jersey issued Executive Order No. 104 emphasizing the state-wide implementation of the social distancing guidelines recommended by the Center for Disease Control which specifies that individuals should avoid group settings and mass gatherings, and to maintain a physical distance of approximately 6 feet or 2 meters from others when possible; and

WHEREAS it was declared by the State of New Jersey that “bars and restaurants are locations where significant numbers of individuals gather in close proximity, making adherence to social distancing protocols impossible or impracticable” and that in order to “mitigate community spread of COVID-19, it is necessary to limit the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance,”; and

WHEREAS through Executive Order 104 issued by the Governor of the State of New Jersey, “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” were, for all intents and purposes, shut-down excepting pick-up and delivery services as a means to help mitigate the community spread of COVID-19 throughout the state; and

WHEREAS in the Township of Cranford, there are fifty-nine (59) local businesses negatively impacted by Executive Order 104 that are classified as “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” located within the Special Improvement District alone with numerous others throughout the Township; and

WHEREAS the small businesses negatively impacted by the requirements established by Executive Order No. 104 employ hundreds of people in the Township of Cranford with an unknown number of persons who subsequently had to be released from employment; and

WHEREAS the full impact of the restrictions imposed on small businesses due to the on-going worldwide COVID-19 pandemic are not yet fully known; and

WHEREAS it is assumed that a scaled re-opening of the State will require a continuation of the social distancing requirements implemented by the Governor of the State of New Jersey through Executive Order No. 104 as recommended by the CDC and the DOH; and

WHEREAS an assumed scaled and limited ‘re-opening’ will inhibit those businesses impacted by the restrictions imposed by Executive Order No. 104 to fully recover or to operate at their full, permitted capacity; and

WHEREAS the Township Committee believes it is essential to mitigate the potential losses faced by the small businesses located within the Township and to protect the long-term economic stability and viability of the Township to the fullest extent practicable, while ensuring the effective and responsible practice of land use development and management in the Township in accordance with the goals and objectives of the Township’s Master Plan; and

WHEREAS the Township Committee recommends the temporary lifting of certain restrictions and requirements related to the creation or expansion of outdoor seating for “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” which have been severely impacted by the imposition of restrictions implemented through Executive Order No. 104 and the assumed continuance of social distancing requirements as the State of New Jersey inevitably begins a staged ‘re-opening’ and lifting of restrictions throughout the state.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford as follows:

SECTION 1. Definitions.

Temporary Outdoor Seating – any expansion of outdoor seating through the construction or erection of a non-permanent structure that is to be removed by December 1, 2020. Temporary structures are not to be constructed of any materials that may constitute a permanent foundation, walls, lighting, heating and/or cooling.

Permanent Outdoor Seating – any expansion of outdoor seating through the construction or erection of a permanent structure. Permanent structures are to be those to remain beyond December 1, 2020 and must meet all applicable code requirements including the Uniform Construction Code, Health Code, and Fire Code. Facilities may be deemed permanent if the means and materials of construction constitute a permanent foundation, walls, lighting, hearing and/or cooling.

SECTION 2. There is hereby created, for the period this Ordinance is in effect, a Code Review Committee consisting of the Construction Official, Township Engineer, Fire Official, Health Official, Zoning Officer, and the Mayor or his/her designee.

SECTION 3. The powers and duties of the Planning Board, as specified in Section 255-2F, including Section 255-2F(11) & (12), to hear applications for development are hereby transferred to the Code Review Committee if:

a. The application is for an existing establishment defined in Chapter 255 of the Code of the Township of Cranford as ‘bakeries’, ‘bars and taverns,’ ‘coffee shops’, ‘delicatessens’, ‘restaurants’ or a similar uses offering food and drink with on-site seating or dining, that wishes;

b. The application proposes to expand their seating capacity through the construction or expansion of outdoor seating facilities;

c. The property in question was not subject to a previous site plan approval with conditions of approval that would be affected by the proposed construction or expansion of outdoor seating facilities;

d. The proposed construction or expansion of outdoor seating facilities is compliant with all requirements and standards as defined in Article V – Zoning of Chapter 255 – Land Development and would not otherwise require relief from the Zoning Board of Adjustment;

e. The proposed construction or expansion of outdoor seating facilities is compliant with all the requirements and standards as defined in Chapter 225 – Flood Damage Prevention;

f. The proposed construction or expansion of outdoor seating facilities is compliant with all applicable health code requirements;

g. The proposed construction or expansion of outdoor seating facilities is compliant all applicable fire and construction code requirements;

h. The applicant shall obtain any approvals necessary in order to permit the sale and/or consumption of alcoholic beverages in any temporary or permanent outdoor seating area;

i. In considering such applications, the Code Review Committee is to apply the standards for review and approval typically designated to the Planning Board and to ensure that the standards and requirements established by Chapter 255 – Land Development of the Township; and

j. Code are effectively enforced and the proposed construction or expansion of outdoor seating facilities is consistent with general intent and purpose of Chapter 255 – Land Development.

SECTION 4. Extensions & Subsequent Review By Land Use Boards.

- a. The Code Review Committee may grant one (1) 60-day extension for any previously approved construction or expansion of temporary outdoor seating facilities.
- b. Notwithstanding the foregoing, any applicant who receives approval pursuant to this Ordinance of an application for permanent outdoor seating must file, by December 1, 2020, an application, including for any variances or exceptions, etc., as applicable, before to the appropriate Board of Jurisdiction (i.e., Planning Board or Zoning Board of Adjustment).
- c. Any applicant who seeks to improve temporary outdoor seating facilities that were approved pursuant to this Ordinance must seek approval from the appropriate Board of Jurisdiction.

SECTION 5. Conduct of Code Review Committee Meetings. The Code Review Committee’s review and considerations shall comply with the Open Public Meetings Act and Open Public Records Act, including but not limited to the following:

- a. The Office of Planning & Zoning shall provide notification to the public of all applications received for review by the Code Review Committee for the construction or expansion of outdoor seating facilities on the Township Website. Details shall include:
 - i. The applicant;
 - ii. Applicant address and business address (if different);
 - iii. Details regarding the proposed improvements including:
 - 1. Construction type and materials;
 - 2. Proposed extension of services;
 - 3. Existing seating capacity;
 - 4. Proposed seating capacity.
- b. Meetings are to be held immediately following scheduled Development Review Committee meetings; held every other Wednesday on the same day as scheduled Planning Board meetings.
- c. Meetings shall be held publicly either in person or via a video platform such as Google Meet. Interested parties should be provided access information for all meetings that are held remotely upon request.

SECTION 6. Appeal Process. Applicants or interested parties may appeal to the applicable Board of Jurisdiction any decision rendered by the Code Review Committee.

- a. Applicants denied by the Code Review Committee due to a failure to meet any of the requirements listed above (Provisions 1-5) that would ordinarily be subject to Planning Board approval shall submit a site plan application to the Planning Board.
- b. Applicants denied by the Code Review Committee due to the requirement to obtain a “d” or “use” variance that would ordinarily be subject to approval by the

Zoning Board of Adjustment shall submit an application to the Zoning Board of Adjustment.

SECTION 7. This Ordinance shall take effect upon adoption and publication according to law, and shall expire on December 31, 2020, unless extended by ordinance duly enacted according to law.

Introduced:
Adopted:

Approved:

Patrick F. Giblin
Chairman, Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

Recorded Vote

Introduced

Adopted

Patrick F. Giblin
Kathleen Prunty
Thomas Hannen, Jr.
Jean-Albert Maisonneuve
Mary O'Connor