

BOROUGH OF WESTWOOD

Office of Construction and Zoning



TELEPHONE (201) 664-5900 • FAX (201) 664-7570 • 101 WASHINGTON AVENUE • WESTWOOD, NJ 07675

Outdoor Café Application

Date:	Block:	Lot:
Site Address:		
Business Name:	Telephone:	
Business Owner:		
Business Owner Home Address:		
Day Telephone:	Emergency #	
Building Owner:		
Building Owner Address:		
Building Owner Telephone:		
Fee Paid:	Date:	Check #:
		Permit #

Applicant's Check List

The Following Must Be Provided	X
Business Name & Phone Number	
Business Owner Name	
Business Owner Home Address	
Building Owner Name	
Building Owner Address	
Building Owner Phone #	
Non Refundable Fee	
Permission letter from the Building Owner	
Existing Restaurant seating capacity	
# of existing parking spaces	
Sketch of area to be used. MUST include the type and # of fixtures in the area i.e. trees, light posts, hydrants etc..	
Maximum 4 tables, 8 chairs (2 only per table)	
\$ 1,000,000 Insurance Rider naming the Borough of Westwood	
Hold harmless Clause	

This permit will be revoked for any infraction of State, County, Local Laws

Revised March, 2008

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-----For Office Use Only-----

The Following Data has been Received and Accepted:		
65C-125 Outdoor Dining Regulations		
Item Number	Accepted	
Page 137 item # B. et. Seq.	O K	N G
Page 138 item # C-1	O K	N G
Page 138 item # C-2	O K	N G
Page 138 item # C-3 et. Seq.	O K	N G
Page 138 item # D et. Seq.	O K	N G
Page 139 item # E et. Seq.	O K	N G
Reviewed, Inspected & Approved: Board of Health		
Reviewed, Inspected & Approved: Code Enforcement Official		
Comments:		

----- Items to be Reviewed by Enforcement Official -----

Inspection of Area	Not Accepted -- Explanation
Dates will be April 1 through November 30 th	
Hours will be 6:30 a.m. to 11:00 p.m.	
Tables MUST be removed before 11:30 pm	
Minimum of 4' clearance for pedestrians	
No extra items outside, only tables & chairs	
No added signage allowed	
Tables may not be larger than 30"	
No loud speakers, music etc.	
No preparing or storage of food items in area	
No Alcohol consumed or sold	
Tables for 2 people only	
Maximum of 8 seats permitted	
Can't attach tables & chairs in anyway	
Maximum 8 people, 24" per person	
If no tables, benches with backs to the wall.	
Umbrellas as per 2007 amendments	

§ 65C-125 Outdoor Dining Regulations

A. Definitions. The following terms apply to this section.

OUTDOOR CAFE - Any food establishment where food and other refreshments are served or consumed within the public right-of-way, ie the sidewalks immediately in front of any food establishment, cafe, or place of business where food and/or other refreshments are served; or where permitted on private property.

SIDEWALK - That area of the public right-of-way reserved for pedestrian traffic between the curb and the front line of a building.

B. Regulations. The following regulations apply to outdoor dining in the borough.

1. A minimum four (4) foot wide area of unobstructed paved surface will be available for pedestrian movement around or through the outdoor cafe.
2. No food or drink shall be prepared or stored other than in the interior of the eating establishment. No alcoholic beverages shall be sold or consumed in the outdoor dining area.
3. Outdoor cafes shall be permitted to operate from April 1 to November 30 in any calendar year. The permit, when issued, shall be valid for one season.
4. No tables, chairs or other equipment shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk, or property of the Borough.
5. No outdoor loudspeaker, public address system, radio or similar device shall be utilized.
6. No outdoor cafe shall be open for business prior to 6:30 a.m. nor remain open for business after 11:00 p.m. All persons occupying the outdoor cafe shall vacate the same no later than 11:30 p.m.
7. The applicant shall remove all chairs and other equipment from the sidewalk within thirty (30) minutes of the time in which the outdoor cafe is vacated at the end of each business day.
8. The Borough shall not require additional parking for outdoor cafe seating.
9. Tables shall be arranged so that the side of each table shall abut the wall of the food establishment it is associated with, provided that in no event shall the establishment be allowed more than eight (8) seats. Benches may be installed in place of tables and chairs, provided that the back of the bench shall abut the wall of the food establishment it is associated with, and further provided that in no event shall the food establishment be allowed benches that exceed eight (8) seats, based on a standard that equates twenty four (24) inches of seat length to one (1) seat.
10. Tables shall be limited to two-seat tables. The maximum permitted depth of the table, as measured from the wall it abuts, shall be thirty (30) inches.
11. The applicant shall be responsible for keeping the area of the outdoor cafe and the adjacent walks and streets free and clear of any debris or litter occasioned by the cafe. Areas must be cleaned as needed and at the time that business is closed for the evening.
12. No signs shall be permitted in the area of the outdoor cafe except for signs on the awnings complying with the Sign Ordinance of the Borough.
13. No carts, umbrellas or other physical features, other than that which is specifically permitted herein, shall be permitted to be placed within the sidewalk area.

C. Application.

1. No person shall operate an outdoor dining area/sidewalk cafe in the Borough without first obtaining an Outdoor Cafe Permit and satisfying all of the requirements of this section.
2. Each applicant shall submit and file an application with the Borough Zoning Officer, together with three copies of a Development Plan (as described below), and the appropriate fee.
3. The application shall set forth:
 - a) The name, address and telephone number of the applicant and property owner, and written authorization of the owner of the property in question, and the street address and block and lot number of the property in question;
 - b) A sketch containing a scale drawing clearly illustrating the location and number of proposed tables, chairs, planters, awnings, or other fixtures proposed to be located in the outdoor cafe.
 - c) The scale drawing shall illustrate: the location of any doors leading from the food establishment to the outdoor dining area. No such door may be obstructed in any manner; the dimension and location of the unobstructed space permitting passage of pedestrian traffic around or through the outdoor cafe. The location of all fire hydrants, utility poles or other fixtures permanently located in the outdoor dining area, or on the sidewalk or other area within fifty (50) feet of the outdoor dining area shall be shown;
 - d) A statement of the seating capacity of the existing food establishment and the proposed seating capacity of the outdoor dining area;
 - e) A statement indicating the number of parking spaces serving the existing food establishment.

D. Application Procedures.

1. The Zoning Officer will review the application for completeness and compliance with the terms of this ordinance. If the application is complete, the Zoning Officer will act upon the same within five business days of the submittal of a complete application. The Zoning Officer may refer the application to the construction official, Chiefs of the Bureaus of Police and Fire, the Health Officer, the municipal engineer and planner for their review and recommendation, whereupon the time for all of the aforementioned actions shall be increased to ten business days.
2. If the application complies with the applicable ordinances, the Zoning Officer shall issue a permit, which shall be valid for one season, as defined above.
3. Acceptance of the permit by the applicant shall represent consent to allow the Departments of Health, Fire, Police, and Building of the Township to inspect the outdoor cafe for continued compliance with the terms, conditions and regulations of this ordinance.

E. Supplemental Provisions.

1. No permit required by this ordinance shall be issued until the applicant shall have first filed with the Zoning Officer a comprehensive general liability policy issued to the applicant by a public liability insurance company authorized to do business in the State of New Jersey in the amounts specified. Such insurance policy shall name the Borough of Westwood as additional insured with respect to the operation and maintenance of the outdoor cafe in an amount determined by the borough.

2. The insurance coverage required by this section shall at all times be maintained for the full amount, and shall contain a clause obligating the company issuing same to give not less than thirty (30) days written notice to the Borough Clerk before cancellation or amendments of any of the terms thereof. The cancellation of any such policy shall have the immediate affect of suspending the permit to operate the outdoor cafe until a new policy complying with the provisions of this section is filed with the Zoning Officer and a letter confirming the new effective date of the permit is issued by the Zoning Officer.
3. No permit shall be issued until a statement is filed with the Zoning Officer agreeing to indemnify and hold harmless the Borough of Westwood from any and all claims, damages, judgement costs or expenses including attorney's fees, which may be incurred or required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor cafe for which the permit is issued.
4. Any permit issued hereunder is issued solely as a revocable permit, and is subject to revocation or suspension by the Zoning Officer for failure to comply with this ordinance or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. It shall be unlawful for any person to operate an outdoor cafe after the suspension or termination of the applicable permit.
5. No permit shall be issued unless the applicant agrees at the end of the license period, or in the event that the license is temporarily or permanently suspended or revoked, to vacate at his own cost and expense, the sidewalk space and remove any property placed thereon. Failure to do so on five (5) days written notice shall grant the Borough the right to remove any property on the sidewalk. The applicant shall be required to reimburse the Borough for the cost of removing and storing the same.