

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 21-156**

**RESOLUTION ALLOWING TEMPORARY CLOSURE OF BOAT CLUB COURT AT
CERTAIN TIMES TO PROVIDE 26 WEST RESTAURANT WITH EXPANDED CAPACITY AND
ADDITIONAL SPACE AS IT RECOVERS FROM THE COVID-19 CRISIS DURING 2021**

WHEREAS, by Resolution No. 21-91, dated March 24, 2021, the Borough of Red Bank (the “Borough”) temporarily designated a pedestrian mall on Broad Street and relaxed and modified certain regulations within the Borough, simultaneously and in accordance with the Governor’s lifting of state-wide restrictions and the guidelines arising therefrom, to provide businesses with expanded space to operate for the protection of business owners, employees, customers, and residents as the Borough recovers from the COVID-19 crisis; and

WHEREAS, since the adoption of Resolution No. 21-91, the Borough received a request from 26 West, a restaurant adjacent to Boat Club Court, to also temporarily close Boat Club Court to permit 26 West to operate with expanded space and capacity during the COVID-19 recovery;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank as follows:

(1) Nothing herein shall be construed or interpreted inconsistently with or in violation of any Executive Order issued by the Governor of the State of New Jersey, or any other law, rule, regulation, guideline, directive, or notice from any authority to which the Borough is subject or would otherwise be bound or guided. To the extent that any provision or term of this Resolution is inconsistent with any other lawful authority, this Resolution shall be construed as though such provision or term did not exist. The unenforceability of any such provision or term shall not render any other provision of this Resolution unenforceable.

(2) The Mayor & Council declare that from June 1, 2021 until September 30, 2021, Boat Club Court shall be closed to vehicular traffic while 26 West is open and operating, which closed hours shall not exceed 12:00PM to 12:00AM on any given day, for the purposes of creating an outdoor eating area during such time period, provided that 26 West submit the appropriate application and pay the applicable fees and receive approval from the appropriate Borough officials, pursuant to the permit process set forth in Resolution No. 21-91.

(3) The Mayor and Council direct the Borough Administrator, Zoning Officer, Fire Marshal, Construction Official, and Chief of Police to interpret and construe any and all applicable provisions and conditions of Chapter 219: “Alcoholic Beverages” and Chapter 430: “Licenses and Permits” and Chapter 478: “Parks and Recreation” and Chapter 562: “Sidewalk Cafes and Restaurants” and Chapter 590: “Solid Waste” and Chapter 596: “Special Improvement District” and Chapter 603: “Street Banners” and Chapter 608: “Streets and Sidewalks” and Chapter 680: “Vehicles and Traffic” to further the purposes set forth in this Resolution, provided that nothing herein shall be construed to limit the aforementioned Officers’ lawful jurisdiction(s) or interfere with the aforementioned Officers’ duties and responsibilities according to law; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Borough

Administrator, Zoning Officer, Construction Official, Fire Official, Chief of Police, and 26 West.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin	Motion	X			
Councilwoman Triggiano	Second	X			
Councilman Ballard		X			
Councilman Yngstrom					X
Councilman Zipprich		X			
Councilwoman Horgan		X			

Dated: May 26, 2021

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on May 26, 2021.

Pamela Borghi

Pamela Borghi, Municipal Clerk