

**BOROUGH OF PENNINGTON
RESOLUTION 2026-6.7**

**RESOLUTION GRANTING CONDITIONAL AUTHORIZATION FOR EMILY'S
CAFE TO MAINTAIN A TEMPORARY OUTDOOR
DINING AREA IN THE PUBLIC RIGHT- OF- WAY IN 2026**

WHEREAS, Emily Matticoli, d/b/a Emily's Cafe, a restaurant located at 9 North Main Street in the Borough of Pennington;

WHEREAS, Emily's Cafe has applied to Borough Council for permission to place movable tables and chairs on the sidewalk immediately adjacent to the restaurant, in particular, 3 tables and 6 chairs on the west side of North Main Street as shown in the attached sketch;

WHEREAS, Borough Council finds that the availability of outdoor dining contributes to the vitality of the Town Center and is consistent with the pedestrian-friendly environment envisioned for this area;

WHEREAS, Borough Council determines that approval of the proposed outdoor dining area for Emily's Cafe, on a temporary and conditional basis as set forth further below, is in the public interest;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, as follows:

1. Emily's Cafe is hereby granted permission to locate up to 3 tables and 6 chairs on the sidewalk immediately adjacent to the restaurant provided the following conditions are met:

A. The tables and chairs shall be arranged as shown on the attached sketch with no more than 3 tables and 6 chairs on the N. Main Street side of the restaurant.

B. The outdoor dining area and affected sidewalk shall at all times be kept clean and free of litter and in compliance with all applicable health regulations.

C. The outdoor dining area shall not obstruct pedestrian circulation on the sidewalk.

D. Operation of the outdoor dining area shall comply with the Borough Noise Ordinance, as set forth in Chapter 133 of the Borough Code.

E. The outdoor dining area may be used only during the operating hours of the restaurant. When the restaurant is not open, all tables and chairs shall be removed from the sidewalk.

F. Owners must provide receptacles for collection of all garbage generated by outdoor diners and ensure that these receptacles are emptied as frequently as needed to avoid overflow.

G. Emily Matticoli and Emily's Cafe shall indemnify and hold harmless the Borough of Pennington and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of the operation of the outdoor dining area approved by this resolution.

H. The outdoor dining area approved by this resolution shall not operate until Emily Matticoli or Emily's Café has filed with the Borough Clerk a current Certificate of Insurance which certifies that:

(1) the obligation to indemnify and hold harmless the Borough as provided above is insured by an insurance carrier authorized to do business in the State of New Jersey;

(2) the Borough of Pennington and its agents and employees are named as additional insureds under this insurance with respect to claims, damages, losses and expenses

arising out of operation of the outdoor dining area; and

(3) the insurance in effect provides (a) at least \$1,000,000. of occurrence coverage under each of the following types of coverage: general liability; premises liability; contractual liability; products and completed operations liability; personal and advertising injury liability; (b) property liability coverage in the amount of \$50,000.; (c) medical expense coverage in the amount of \$5,000.; (d) workers compensation coverage with the limits required by statute; and (e) employer's liability coverage in the amount of \$500,000. per person/per occurrence.

(4) the Borough will be given 10 days' written notice of any cancellation of this insurance.

2. The outdoor dining area complies with all applicable requirements of Section 215-94 of the Borough Code which regulates out door dining areas otherwise permitted by the Code.

3. The conditional authorization for outdoor dining granted by this resolution may be revoked by the Borough at any time, with or without notice to Emily Matticoli or Emily's Cafe. This conditional authorization also shall be subject to such additional or amended conditions as Borough Council may deem appropriate at any time.

4. This conditional authorization shall in any event expire on December 31, 2026.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Kassler-Taub					Valenza				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 1, 2026.

Gian-Paolo Caminiti, Borough Clerk