

**BOROUGH OF HILLSDALE
RESOLUTION 20169**

**RESOLUTION TO EXTEND RESOLUTION 20111
TEMPORARY MODIFICATION AND SUSPENSION OF AND TO
CONTINUE THE ENFORCEMENT OF THE ZONING ORDINANCE
WITH REGARD TO DEMAREST FARMS SO AS TO PERMIT “POP-UP
DRIVE-IN MOVIE THEATER” TO BE OPERATED ON THE “FARM
STAND” PROPERTY THROUGH OCTOBER, 31, 2020**

WHEREAS, the President of the United States has declared both a National Emergency and a Public Health Emergency throughout the country as a result of the COVID-19 pandemic; and

WHEREAS, Governor Murphy has similarly declared New Jersey to be in the midst of a Public Health Emergency and a State of Emergency; and

WHEREAS, as a result thereof, Governor Murphy has issued a number of Executive Orders concerning COVID-19, which have, among other things, implemented certain restrictions on businesses and imposed social distancing requirements on individuals; and

WHEREAS, said restrictions have forced many businesses to close or temporarily suspend operations and have resulted in the public having limited entertainment options; and

WHEREAS, the current restrictions have had a significant negative impact on the ability of these businesses to pay rent, taxes and mortgage payments, to maintain their staffing levels and to generate the income on which these business owners rely; and

WHEREAS, Demarest Farms is a “Commercial Farm” as that term is used in New Jersey’s “Right to Farm Act” which operates under an AMP for On-Farm Direct Marketing Facilities, Activities, and Events [See, N.J.A.C. 2:76-2A.13] pursuant to the determination of the Bergen County Agriculture Development Board (the “BCADB” or “the Farm Board”) which AMP does not permit “Drive-In” movies of any sort; and

WHEREAS, by Resolution 20111, Demarest Farms was granted permission to operate a temporary “Pop-up” drive in theater, each evening for the period of June 8, 2020 through August 31, 2020 only in order to supplement its income during 2020 where it is claimed that COVID-19, and various Orders and Regulations associated therewith, will have an impact on its business; and

WHEREAS, Resolution 20111 acknowledged that the Right to Farm Act and the applicable AMP do not permit the proposed, temporary, “Pop-up” Drive-In, and that Demarest Farms is therefore subject to the Local Zoning Ordinance applicable to the R-1 Residential Zone, which does not permit the operation of a Drive-In Movie; and

WHEREAS, by Resolution 20111, the Mayor and Council determined that it is necessary and advisable to temporarily modify and suspend enforcement of certain regulations related to the

Borough’s Zoning Ordinance in order to assist Demarest Farms and to temporarily permit Drive-In Movies at Demarest Farms; and

WHEREAS, the Governing Body desires to modify Resolution 20111 only as follows:

NOW THEREFORE BE IT RESOLVED as follows:

1. Demarest Farms shall be permitted to present a “Summer Drive-In Series” consisting of Drive-In movies up to 7 nights per week between June 8 and October 31, 2020 on the Farm Stand portion of Demarest Farms and to serve ancillary food.
2. All other conditions of Resolution 20111 remain in full force and effect
3. The within Resolution is subject to the following: Demarest Farms shall, by August 19, 2020, modify their current EMP to include the Drive In activities as it will extend into the fall “Pick Your Own” Season.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony		X	X				
Escobar, John			X				
Horvath, Zoltan			X				
Lundy, Abby	X		X				
Pizzella, Frank			X				
Trochimiuk, Janetta			X				
Ruocco, John							

Adopted: August 11, 2020

Attest: Denise Kohan
 Denise Kohan
 Municipal Clerk

John Ruocco
 John Ruocco
 Mayor