



PRESS RELEASE

Holiday Snack Bar – May 2023

The matter with Holiday Snack Bar arose from a neighbor's complaint that their operation was disturbing the peace. Upon investigation of that complaint, the Borough discovered that Holiday Snack Bar had unlawfully expanded its approved outdoor seating.

The issue here is the *number* of approved outdoor seats. It is not whether or not it had outdoor seating prior to COVID. Prior to COVID, Holiday Snack Bar operated with no more than 24 outdoor seats. Despite its public statements to the contrary, Holiday Snack Bar has been unable to provide even a scintilla of evidence that it operated with more than 24 outdoor seats outside of COVID.

Last summer, in violation of its approved outdoor seating capacity, Holiday Snack Bar operated with nearly 50 outdoor seats in a residential neighborhood, along with games abutting residential property, resulting in neighbor complaints.

The Borough is not against outdoor seating and routinely approves outdoor seating. However, approval of outdoor seating must happen pursuant to a process. Holiday Snack Bar has been told to follow this process for nearly a year – both privately and publicly – which requires appropriate application to the Land Use Board. Only when they refused to follow that process was the Borough compelled to initiate legal action to enforce the law. Indeed, even during the litigation, the Borough urged Holiday Snack Bar to follow the process to obtain approval to increase the number the approved outdoor seats. The Borough even offered to streamline the application and fee process. Holiday Snack Bar has ignored those invitations.

Holiday Snack Bar and media reports have also erroneously stated that serving breakfast resulted in the denial of its mercantile license. This is not true. Traditionally, Holiday Snack Bar did not seek to operate during breakfast hours. The Borough *approved* its application to expand its hours of operation and serve breakfast, with the caveat that breakfast not be served outdoors next to residential properties.

Again, the issue is not whether Holiday Snack Bar can have outdoor seating. The issue is the number of permitted outdoor seats. In order to increase the number of outdoor seats in a residential neighborhood, Holiday Snack Bar must obtain Land Use Board approval, which they have been told from day one. Rather than follow the proper legal process, Holiday Snack Bar chose to unlawfully expand its outdoor seating without approval. Only after Holiday Snack Bar ignored verbal, informal and formal notification to follow the process was the Borough compelled to initiate the action in Superior Court to ensure compliance with the law.

Beach Haven Municipal Council and Borough Manager #609-492-0111