

**TOWNSHIP OF WARREN
RESOLUTION NO. 2018-250
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
WARREN MEMORIALIZING THE DENIAL OF A PERSON-TO-PERSON AND
PLACE-TO-PLACE COMBINED TRANSFER OF PLENARY RETAIL
CONSUMPTION LICENSE
1820-33-004-009.**

WHEREAS, the Township Committee for the Township of Warren, County of Somerset, is vested with jurisdiction to act on the transfer of alcoholic beverage licenses, as the Local Issuing Authority, pursuant to the authority granted by the provisions of *N.J.S.A. 33:1-1, et seq.*; and

WHEREAS, the Township Committee of the Township of Warren, pursuant to the provisions of *N.J.S.A. 33:1-1, et seq.*, has previously issued a Plenary Retail Consumption License, Number 1820-33-004-009 to VINJOHN, LLC, which License is currently held in pocket status and is not sited to a particular location; and

WHEREAS, a combined application has been filed by Shyam Food, LLC, seeking the Approval of a person-to-person and place-to-place transfer of the aforesaid License, which application, if granted, would result in Shyam Food, LLC, becoming the holder of the aforesaid License, with the License being sited at 61 Mountain Boulevard, in the Township of Warren; and

WHEREAS, Shyam Food, LLC has duly submitted all required application documents, including the proper legal notice, and fees to the Township of Warren; and

WHEREAS, the Township of Warren Police Department has undertaken an investigation in to the qualification of Shyam Food, LLC, and its member to hold a Plenary Retail Consumption License; and

WHEREAS, the Township of Warren Police Department has completed its investigation and has reported no derogatory information that would negatively impact the qualification of Shyam Food, LLC, to hold an interest in a Plenary Retail Consumption License; and

WHEREAS, the proposed transfer was published, pursuant to the provisions of *N.J.S.A. 33:1-1, et seq.*; and

WHEREAS, an objection to the proposed transfer was filed with the Clerk of the Township of Warren; and

WHEREAS, the substance of the objection was that the proposed utilization of the Plenary Retail Consumption License exceeded the authority granted such licenses, pursuant to the provisions of *N.J.S.A. 33:1-12*, as well as the regulations adopted by the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the provisions of *N.J.S.A. 33:1-12*, as well as the regulations adopted by the New Jersey Division of Alcoholic Beverage Control, permit holders of Plenary Retail Consumption Licenses, upon the satisfaction of specific enumerated conditions, to sell alcoholic beverages in original containers for consumption off the licensed premises; and

WHEREAS, upon receipt of the aforesaid objection the Township Committee for the Township of Warren is required to hold a hearing on the application and the objection before proceeding to act upon the aforesaid transfer application; and

WHEREAS, pursuant to the provisions of *N.J.S.A. 33:1-1, et seq.*, the Township Committee of the Township of Warren, in its capacity as the Local Issuing Authority, as defined by *N.J.S.A. 33:1-1, et seq.*, did, on Thursday, September 13, 2018, conduct the afore described hearing, during which the Township Committee heard from Shyam Food, LLC, the Objector, the Township of Warren's Zoning Officer, and the Township of Warren's Special Counsel; and

WHEREAS, the Township Committee of the Township of Warren, in its capacity as the Local Issuing Authority, specifically finds:

1. The proposed use of the property located 61 Mountain Boulevard, in the Township of Warren is not a permitted use; under the Township of Warren Zoning Ordinance in the CB Zone; and
2. The proposed operation of the Applicant, as evidenced by:
 - a. The floor plan submitted in support of the Application,
 - b. The size of the proposed walk-in beer cooler,
 - c. The extent to which exterior shelving is to be installed full-height along the exterior walls,
 - d. The proposed size of the bar/seating area, and
 - e. The lack of any publicly accessible restroom facilities,

constitutes clear evidence of a plan by the Applicant to attempt to utilize the License, if the transfers are approved, as a Plenary Retail Distribution License, rather, than as a permitted Plenary Retail Consumption Licensee, in clear violation of the provisions of *N.J.S.A. 33:1-12*, as well as the regulations adopted by the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Township Committee of the Township of Warren, in its capacity as the Local Issuing Authority, does find that the proposed use of the Plenary Retail Consumption License would exceed that utilization authorized by the provisions of *N.J.S.A. 33:1-12*, as well as the regulations adopted by the New Jersey Division of Alcoholic Beverage Control; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, in its capacity as the Local Issuing Authority, pursuant to the provisions of *N.J.S.A. 33:1-1, et seq.*, hereby denies the combined application filed by Shyam Food, LLC, seeking the Approval of a person-to-person and place-to-place transfer of the aforesaid License;

IT IS FURTHER RESOLVED that the Township Clerk, is hereby authorized to notify the New Jersey Division of Alcoholic Beverage Control of this action; and

IT IS STILL FURTHER RESOLVED that a copy of this Resolution, along with the application and supporting materials submitted by Shyam Food, LLC, will be maintained in the Plenary Retail Consumption License Number 1820-33-004-009, in the Township Clerk's Office; and

IT IS STILL FURTHER RESOLVED that the Township Clerk shall forward a copy of this Resolution to the Applicant, as well as to VINJOHN, LLC, the current holder of the aforesaid License.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
x		LAZO	x			
		MARION	x			
	x	GARAFOLA	x			
		DINARDO	x			
		SORDILLO	x			

CERTIFICATION

I, Cathy Reese, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on October 18, 2018.


Cathy Reese, RMC
Township Clerk