

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
BOARD OF ALCOHOLIC BEVERAGE CONTROL**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, the 1920's Road House, Inc., t/a Essex House, Inc., ("the Licensee") is the owner and operator of the Essex House, a restaurant and bar located at 525 Northfield Avenue, West Orange, New Jersey, 07052, the License bearing #0722-33-071-003; and

WHEREAS, an Application has been filed by the Licensee for the renewal of its Plenary Retail Consumption License #0722-33-071-003, for the License Term from **July 1, 2017, through June 30, 2018**; and

WHEREAS, on February 21, 2012, the Township of West Orange brought a Notice of Charges of ABC Violations against the Licensee, charging violations of N.J.A.C. 13:2-23.6(a)(2), prohibition against immoral activities, disturbance, and nuisance on or about the licensed premises (one count - brawl, act of violence, disturbance, or unnecessary noise), and N.J.A.C. 13:2-23.6(b), prohibition against immoral activities, disturbance, and nuisance (one count - failing to operate licensee's business in orderly and lawful fashion so as to constitute a nuisance, the misconduct of the licensee, its employees and patrons creating conditions contrary to the public health, safety and welfare), all occurring over the course of 2010 to the present, and most recently on February 10, 2012; and

WHEREAS, the Licensee was properly and personally served with that Notice of Charges and by and through its attorney, Robert C. Williams, Esq., entered a Not Guilty plea to each charge with the Municipal Clerk; and

WHEREAS, the Licensee appeared before the Township Council of the Township of West Orange, serving as that municipality's ABC Board, the Licensee represented by its counsel, Robert C. Williams, Esq., and Kenneth W. Kayser, Esq., appearing on behalf of the Township as its ABC Prosecutor, for a hearing on the charges; and

WHEREAS, discussion and negotiation resulted in the Licensee and the Township, coming to an agreement to resolve the charges without the need for an evidentiary hearing, which agreement, memorialized by Resolution, was placed on the record before the ABC Board, providing as follows:

As to Charge 2, a violation of N.J.A.C. 13:2-23.6(b), prohibition against immoral activities, disturbance, and nuisance on premises, to wit, failing to operate licensee's business in orderly and lawful fashion so as to constitute a nuisance, the misconduct of the licensee, its employees and patrons creating conditions contrary to the public health, safety and welfare, the Licensee shall change its plea from not guilty to non-vult;

As to Charge 1, charging a violation of N.J.A.C. 13:2-23.6(a)(2), prohibition against immoral activities, disturbance, and nuisance on or about the licensed premises, to wit, permitting a brawl, act of violence, disturbance, or unnecessary noise on the licensed premises, said Charge is and hereby is dismissed;

As to Charge 2, the Licensee's License shall be suspended for ten (10) days, and said period of suspension shall be held in abeyance for a period of one (1) year from the date of the adoption of this Resolution, April 3, 2012, and if within that one (1) year period there occurs a new violation of any section of N.J.A.C. 13:2-23.6, for which there is a finding of responsibility, whether made within or after that one (1) year period, and there being no waiver of the Licensee's right to defend such a charge, the ten (10) days held in abeyance as to Charge 2 shall be served at the direction of the ABC Board in addition to any penalty imposed on the new charge(s);

Further as to Charge 2, the Licensee shall agree to the attachment to its License of a Special Condition that it shall have no parties or party-type events which are open to the public and promoted through social networking, or other internet sites, or otherwise promoted or advertised, and intended to attract a large number of attendees who pay for admission, whether to a promoter, or to the Licensee, or someone working for either or both;

Further as to Charge 2, the Licensee shall agree to the attachment to its License of a Special Condition that whenever a private party, or other private event is held at the licensed premises, which is anticipated to result in the parking lot at the premises filling to 75% of capacity, or more, at least two parking attendants shall be employed to monitor and manage ingress to and egress from the lot so as to maintain order and to prevent patrons from parking on the adjacent and nearby residential streets and off-street parking locations;

Further as to Charge 2, the Licensee shall agree to the attachment of its License of a Special Condition that entertainment at the licensed premises involving amplified music shall not be permitted after 11:00 p.m., on Sundays through Thursdays, and shall not be permitted after 1:00 a.m., on Saturday and Sunday mornings, excepting an event already committed to for Saturday, June 23, 2012, a party consisting of an older group of patrons who have previously had parties at the Licensee's location without incident and at which amplified music may be played until 1:30 a.m.;

During the period of suspension, if and when served, no alcoholic beverages shall be served or consumed on the premises and any and all alcoholic beverages on the premises shall be secured; and

WHEREAS, Special Conditions such as those agreed to may be re-imposed with each License renewal, subject to the Licensee's right to be heard with respect to them; and

WHEREAS, the Licensee, by and through its counsel, was notified by certified mail, return receipt requested, of the ABC Board's intention to continue the same Special Conditions for the 2012 to 2013 License Term, and for each succeeding License Term, and was provided with an opportunity to object and be heard with respect to the Special Conditions being imposed, and declined to object or to request a hearing; and

WHEREAS, the Licensee was again notified by letter dated and sent by certified mail, registered return receipt on or about May 25, 2017, of the ABC Board's intention to impose the same Special Conditions upon renewal of the license for the next License Term and providing the opportunity for a formal hearing regarding such imposition of Special Conditions upon request; and

WHEREAS, the Licensee has offered no objection and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal for the next License Term;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License 0722-33-071-003, belonging to the Licensee, for the period from **July 1, 2017 through June 30, 2018**, for the premises located at 525 Northfield Avenue, West Orange, New Jersey, subject to the following Special Conditions pursuant to N.J.S.A. 33:1-32:

1. It shall have no parties or party-type events which are open to the public and promoted through social networking, or other internet sites, or otherwise promoted or advertised, and intended to attract a large number of attendees who pay for admission, whether to a promoter, or to the Licensee, or someone working for either or both;
2. Whenever a private party, or other private event is held at the licensed premises, which is anticipated to result in the parking lot at the premises filling to 75% of capacity, or more, at least two parking attendants shall be employed to monitor and manage ingress to and egress from the lot so as to maintain order and to prevent patrons from parking on the adjacent and nearby residential streets and off-street parking locations;
3. Entertainment at the licensed premises involving amplified music shall not be permitted after 11:00 p.m., on Sundays through Thursdays, and shall not be permitted after 1:00 a.m., on Saturday and Sunday mornings ;

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey, the Licensee and Licensee's attorney, Robert C. Williams, Esq., the Municipal Clerk's Office and the West Orange Police Department, and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records.

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on June 13, 2017.

Joe Krakoviak, Council President
and ABC Board Chairman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: June 13, 2017

Approved as to form on the basis of the facts provided: