

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
NEWARK INTERNATIONAL PLAZA  
U.S. ROUTES 1-9 (SOUTHBOUND) NEWARK, N.J. 07114

BULLETIN 2423

February 18, 1982

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BULLETIN 2423

February 18, 1982

1. APPELLATE DECISIONS - STONEHENGE GARDENS, INC. v. PHILLIPSBURG.  
#4460

OAL DKT. NO. ABC 1961-80

STONEHENGE GARDENS, INC., :  
Appellant, : On Appeal  
v. : CONCLUSIONS AND  
TOWN COUNCIL OF THE TOWN :  
OF PHILLIPSBURG, : ORDER  
Respondent. :  
----- :

Morrow & Benbrook, Esqs., by Donald W. Morrow, Esq., Attorneys for Appellant.  
Thomas J. Kelly, Jr., Esq. and Robert E. Frederick, Esq., Attorneys for Respondent.

Initial Decision Below

Hon. Sybil R. Moses, Administrative Law Judge

Dated: July 10, 1980

Received: July 11, 1980

BY THE DIRECTOR:

No exceptions to the Initial Decision were filed by the parties pursuant to N.J.A.C. 13:2-17.14.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, and the Initial Decision, I concur in the findings and recommendations contained in the said Initial Decision and adopt them as my conclusions herein.

I agree with the Administrative Law Judge that, in accordance with the ruling in Mitchell \*, the issue as to whether or not there had been a valid withdrawal of the consent to transfer by the transferor, and its affect upon the subject transfer application is one that must be resolved "in a court of competent jurisdiction".

The Administrative Law Judge states that "this Court finds that it is not beyond the discretion of the Town Council to limit the number of licenses in the town and to limit the area in which they are used". The statement is made out of context, and is irrelevant to the issues presented herein.

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\* The correct citation for this case is Mitchell et al. v. Paterson, et al.,  
Bulletin 1380, Item 3.

This matter does not involve the grant or renewal of a liquor license; it involves the application for a place-to-place transfer of an existing license. Thus, the matter of limiting the number of licenses is not the issue. The facts in the instant matter differ from that in Tp. Committee of Lakewood Tp. v. Brandt, 38 N.J. Super 462 (App. Div. 1956), where the Committee wanted to reduce the number of licenses by refusing to approve the transfer of an outstanding license, where such transfer was fully warranted on the basis of public convenience and interests. The Court held there that an owner of a liquor license or privilege acquires through its investment therein an interest which is entitled to protection in connection with the transfer.

However, in the matter sub judice, it was quite appropriate for the Council, in the reasonable exercise of its discretion, to deny the subject application for a place-to-place transfer to an area already more than adequately serviced by liquor-licensed facilities. The Council did not intend to "limit the area"; it merely determined that there was no public need or necessity for an additional license at the proposed transfer site.

The Council was, of course, also influenced by the many problems presently existing in this area related to the operations of the existing facilities, such as vandalism, excessive noise, and litter, the cross-over problem of Pennsylvania youths who patronize the taverns in this municipality, all of which it felt would be compounded by the introduction of this license to the area.

Furthermore, the local sentiment, particularly of those residents residing in close proximity to the proposed transfer site was an important ingredient in the Council's determination to deny the said transfer. See 29 Rutgers Law Review 558 (1976); Lyons Farms Tavern v. Newark, 55 N. J. 292 (1970).

Accordingly, it is, on this 12th day of August, 1980,

ORDERED that the action of the respondent, Town Council of the Town of Phillipsburg, be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed.

Joseph H. Lerner  
Director

<p><u>IN RE:</u>  <b>STONEHENGE GARDENS, INC.</b>  v.  <b>MAYOR AND TOWN COUNCIL OF  THE TOWN OF PHILLIPSBURG</b></p>	<p>) <u>INITIAL DECISION</u>  ) <b>O.A.L. DKT. NO. ABC 1961-80</b>  ) <b>APPEAL NO. 4460</b></p>
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**APPEARANCES:**

**DONALD W. MORROW, Esq.**  
**MORROW & BENBROOK, ESQS.**  
Attorney for Appellant, **STONEHENGE GARDENS, INC.**

**THOMAS J. KELLY, JR., Esq.,**  
and **ROBERT E. FREDERICK, Esq.**  
Attorneys for Respondent, **MAYOR AND COUNCIL OF THE  
TOWN OF PHILLIPSBURG**

**BEFORE THE HONORABLE SYBIL R. MOSES, A.L.J.:**

This matter comes before the Court as the result of an appeal from the action of the Mayor and Town Council of the Town of Phillipsburg, which, by resolution dated February 26, 1980, denied Appellant's application for a person-to-person and place-to-place transfer of Plenary Retail Consumption License No. 2119-33-014-002, heretofore issued to Alexander Nyiri, Executor of the Estate of Ida Nyiri Faulkner. Appellant filed said appeal on March 4, 1980, contending that the action of the Town Council was erroneous in that the Council failed to state any grounds on which it could legitimately reject the application for transfer, in that the actions of the Council were arbitrary and capricious because the application was denied due to problems created by other licensed

premises, in that the Council imposed its own interpretation of the 200 foot rule, in that the proposed location of the license is in an area already zoned for commercial use and in that the Council is improperly punishing Appellant for an already existing parking problem. The Council, in its answer, denied the allegations of the appeal and contended that the granting of the transfer in question would be inimical to the best interest of the citizens of the Town of Phillipsburg, and the denial was within the sound discretion of the Council. The Council contends there is more than sufficient and competent evidence in the record to support its resolution denying the person-to-person and place-to-place transfer and asked that said denial be affirmed by this Court.

A de novo hearing was held on Friday, May 9, 1980 at the Office of Administrative Law, 185 Washington Street, Newark, New Jersey. Appearances are noted above. Pre and post hearing legal memoranda were filed by both Counsel. The record closed on June 13, 1980.

Before testimony commenced, the attorney for the Town of Phillipsburg moved to dismiss the appeal, alleging the present license holder had withdrawn his consent to the transfer, and that without a valid consent a transfer cannot be consummated. See N.J.S.A. 33:1-26 and N.J.A.C. 13:2-7.3. Appellant urged that a withdrawal of a filed consent has no effect. See Mitchell v. Board of Alcoholic Beverage Control, City of Paterson, ABC Bulletin No. 1380. This Court denied Respondent's motion to dismiss the appeal and determined it would not address the question of whether or not there had been a valid withdrawal of consent to transfer and its subsequent effect on an application to permit a transfer. The issues of enforcing the terms of the contract or permitting withdrawal from the contract are for the Superior Court to decide.

The Town of Phillipsburg presented 10 witnesses. Michele Viscomi, the Municipal Clerk of Phillipsburg, identified six letters (R-1, A through F) that she had received which showed that these people had responded to the newspaper notice of the Council's hearing of the application. She also identified a petition presented to the Town Council at its February meeting (R-2, in evidence). Ms. Viscomi testified that, on February 26, 1980, the Council adopted the following resolution disapproving the person-to-person and place-to-place transfer of the license.

**A RESOLUTION DISAPPROVING THE PERSON TO  
PERSON AND PLACE TO PLACE TRANSFER OF  
PLENARY RETAIL CONSUMPTION LICENSE NO.  
2119-33-014-002**

WHEREAS, Stonehenge Gardens, Inc. has made application to transfer the plenary retail consumption license of North End Cafe, 22-24 North Main Street to a new location referred to as 445 South Main Street, Phillipsburg, New Jersey, and

WHEREAS, a public hearing was held on the application at the request of numerous objectors on February 13, 1980, and the Town Council of the Town of Phillipsburg made the following factual findings:

1. That the area in which it is proposed to transfer the license to is one which on South Main Street contains both commercial and residential uses, but the area to the rear of 445 South Main Street is substantially a residential neighborhood.
2. That the applicant has failed to show a public need or benefit for the proposed transfer, especially as to location, inasmuch as there are currently ten licensed premises within six hundred feet or less of the proposed location, to wit:

<u>Trading Name</u>	<u>Address</u>	<u>Approximate Distance</u>
The Schaefer House	435 So. Main St.	170'
Jersey House	469 So. Main St.	200'
Union Hotel	102 Sitgreaves St.	250'
The Stateliner	142 Sitgreaves St.	300'
Family Liquors, Inc.	96-100 Sitgreaves St.	300'
Stockton House	179 Mercer St.	400'
K-Cee Club, Inc.	459 So. Main St.	600'
Coronet Bar and Grill	62-66 Sitgreaves St.	600'
Roma House	382-84 So. Main St.	600'
Tron's Villa Marie	371-73 So. Main St.	600'

3. That objectors present at the meeting indicated to the Council that there is presently a problem of excessive noise, litter, and property damage in the area due to the close proximity of the numerous licensed premises currently operating in the neighborhood.

4. That the proximity of the proposed location to an elementary school, while meeting the technical requirements of the "200 foot rule" is in fact directly across the street from the school and within 60 feet of the school property by lineal measurement.
5. That officials of the Parish have expressed objection to the license transfer due to increased congestion in the area and parking problems.
6. That the applicant through physical modification to the building has been able to meet the technical requirements for parking contained in the Town Zoning Ordinance but provides for only a minimal number of spaces in an area which already is experiencing parking difficulties.
7. That the Town of Phillipsburg currently has 54 licenses existing within the municipality which has a current estimated population of slightly under 18,000.

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the application of Stonehenge Gardens, Inc. 445 South Main Street, Phillipsburg, New Jersey, to transfer plenary retail consumption license number 2219-33-014-002 is hereby DENIED.

Ms. Viscomi testified that there are 10 liquor licenses within 600 feet of the place where Appellant proposes to use this license and more than 50 liquor licenses in the Town of Phillipsburg. There is a school directly across the street from the proposed site, as well as the Church of St. Philip and St. James. In her opinion traffic is heavy in this area as it is the main street of Phillipsburg. She also testified the town has problems with parking in this area and with teenagers who come across the river from Pennsylvania to drink in bars in the immediate area.

Cross-examination revealed that the parking which Stonehenge offered more than met local requirements. The petition presented to the Council was not certified.

Sandra L. Bedo, a resident of Phillipsburg, who lives directly behind the proposed Stonehenge Gardens, Inc., objected to the transfer because the one block area is already oversaturated with liquor serving establishments. This causes debris, fights and vandalism due to the people who drink in the bars. These people urinate in public, fight and use foul language. This language is generally four letter sexual words, which are quite graphic and in loud tones. Ms. Bedo testified that the bars on South Main Street have patrons whose activities interfere with her family's sleep, especially in the summer when the windows are open.

Cross-examination revealed that the bars in question have been there for years and that not all have trouble from patrons. Ms. Bedo maintained that she personally has heard the language which she described and seen the fights. She believes there is a higher rate of vandalism in this area than anywhere else in town.

Other residents of the area testified in a similar fashion to Ms. Bedo. They were:

Donald Bedo  
Marie A. Frinzi  
Jean Attinello  
Elizabeth M. Spieles  
Gustave G. Bartha  
Dr. George A. Frounfelker

The Mayor of Phillipsburg, James A. Bianchi, testified that the Town has difficulty with the bars in the immediate area of Stonehenge Gardens, Inc. It has tried to check the problems with foot patrolmen. However, there are more problems in that area than in any other area of town. He conceded there is litter and debris in the high school area and on Roseberry Street, both of which are some distance from South Main Street.

John C. Cornish, Esq., who represents Alex Nyiri, Executor of the Estate of Ida Nyiri Faulkner, testified about the contract entered into by his client with the Jiorles, the owners of Stonehenge Gardens, Inc. He detailed the conditions of the contract, asserted that the conditions had not been met, and that on March 26, on behalf of his clients, he declared the contract null and void. He testified that he is going to litigate this matter in Superior Court. At the conclusion of his testimony a motion to dismiss the instant appeal based on lack of consent to the transfer was renewed. The Court DENIED it for the reasons outlined above.

The Appellant presented two citizens, Raymond W. Stem and Lindy Durazzi. Mr. Stem lives two and one half miles from Stonehenge, on Roseberry Street in Phillipsburg. He was on the Town Council from 1972 to 1974. In his opinion some of the bars in the area of Stonehenge are "hot spots" in town, but it is not the location of the taverns which causes the problems; rather, it is the management. In his opinion the

appropriate thing would be for the Town to take disciplinary action through its Board of Alcoholic Beverage Control. Mr. Stem also testified there is litter and debris in his area of town, and this is not unique to the South Main Street area.

Mr. Durazzi testified that he has lived in the area of Stonehenge since 1941 and agreed that some of the bars do create trouble. But, in his opinion, most establishments did not cause trouble.

Mrs. Marion Ahart testified that she is a member of the Citizens Advisory Board for Downtown Redevelopment and Beautification of the Town of Phillipsburg. Speaking personally, she feels that the proposed supper club which Mr. Jiorle intends to open, if he gets the license for Stonehenge, would be good for town redevelopment. She does not consider a supper club a tavern.

James J. Jiorle testified on his own behalf. He described the immediate area around Stonehenge, 445 South Main Street, as an area which consists of businesses and taverns. There is a bar already existing across the street from the aforementioned school. At the present time he runs a teenage disco on Friday and Saturday nights in his establishment. He also caters wedding and banquets and the parties bring in their own liquor. He testified that the condition of the property was very run down when he bought it. He owes \$203,000 on the building, of which \$75,000 to \$80,000 was spent fixing it up. He has 30 parking places, which meet the requirements of the Zoning Ordinance.

Mr. Jiorle conceded that problems exist at the Jersey House, as well as at other bars in the area. He did not agree that there is heavy traffic on South Main Street, except when school lets out, between 3:30 and 4:00. He pointed out to the Court that, although there are residences behind his establishment, there is also one or more miles of industrial piping in the area. Mr. Jiorle testified there is no other place in the Town of Phillipsburg where adults can go out for dinner and music at a supper club. He presented two certified petitions in favor of the transfer of the license, with signatures of people who live in all areas of the Town.

All the witnesses who testified were honest and trustworthy citizens of the Town of Phillipsburg. No one disputed the good character or good faith of Mr. Jiorle. He is a businessman trying to make a go of his investment.

The following items were marked into evidence or for identification by the Respondent, the Mayor and Council of the Town of Phillipsburg:

- R-1 In evidence - A through F - letters against the transfer
- R-2 In evidence - Petition against transfer
- R-3 In evidence - Application for transfer of license
- R-4 In evidence - Resolution denying transfer
- R-5 In evidence - Tax map
- R-6 In evidence - Blow up of area involved
- R-7 In evidence - A through E - photos of area
- R-8 In evidence - Plan of Stonehenge
- R-9 In evidence - Letter of Mr. Cornish in re contract revocation,  
April 21, 1980
- R-10 In evidence - A, B, & C, further correspondence re revocation
- R-11 In evidence - Contract
- R-12 In evidence - Letter of Jiorles
- R-13 In evidence - A, B & C, correspondence with Pastor of Church  
of St. Philip and St. James

The following items were marked into evidence or for identification by the Appellant, Stonehenge Gardens, Inc.

- A-1 In evidence - letter in support of transfer
- A-2 Photos - A through F
  - In evidence - A For identification - D
  - In evidence - B For identification - E
  - In evidence - C
  - In evidence - F
- A-3 In evidence - Zoning map
- A-4 In evidence - letter of Rev. Corona
- A-5 In evidence - Petition in favor of transfer
- A-6 In evidence - Petition in favor of transfer

After having observed the witnesses and after having considered the entire record, including the testimony and exhibits submitted in evidence, and after reading the transcript, and after considering the excellent briefs and responses filed by both

attorneys, and after considering the legal arguments contained therein, the Court makes the following findings of fact:

1. The Appellant, Stonehenge Gardens, Inc., owns a building at 445 South Main Street, Phillipsburg, New Jersey.
2. Alexander Nyiri, Executor of the Estate of Ida Nyiri Faulkner, is the owner of Plenary Retail Consumption License No. 2119-33-014-002.
3. On February 26, 1980 the Town Council of the City of Phillipsburg denied the application of Mr. Jiorle, owner of Stonehenge, for a person-to-person and place-to-place transfer of the above mentioned license to 445 South Main Street, Phillipsburg, New Jersey.
4. A public hearing was held on the application on February 13, 1980, and members of the public appeared to testify against the proposed transfer.
5. The Town Council made certain factual findings, of which the Court adopts the following as fact:
  - A. The area to which the license is to be transferred, South Main Street, contains commercial and residential uses, and the area to the rear of 445 South Main Street is substantially a residential neighborhood.
  - B. There are currently 10 licensed premises within 600 feet of the proposed location.
  - C. There is presently a problem in the area of Stonehenge Gardens, Inc. of excessive noise,

litter, and vandalism due to the close proximity of the numerous licensed premises which cater to youths coming across the river from Pennsylvania.

- D. There is a school and a church across the street from the proposed location.
  - E. The Town of Phillipsburg currently has 54 licenses existing in the municipality, and a population of less than 18,000 people.
6. All technical requirements of the local ordinances have been met by the instant application.
  7. The Court takes judicial notice of the fact that the minimum drinking age in New Jersey is 19, while the minimum drinking age in Pennsylvania, which is right across the Delaware River from Phillipsburg, is 21.
  8. There is some community sentiment against the transfer of this license to 445 South Main Street, mainly from persons who live in that immediate area.
  9. There is some community sentiment in favor of the transfer of this license to 445 South Main Street, from persons who reside generally in Phillipsburg.
  10. Mr. Jiorle is a person of good character.
  11. No public need or benefit has been demonstrated for a supper club in the Town of Phillipsburg.

The decision as to whether or not a license should be transferred to a particular locality rests with the sound discretion of the municipal issuing authority in the first instance. See Paul v. Brass Rail Liquors, 31 N.J. Super. 211 (App. Div. 1954); Biscamp v. Teaneck, 5 N.J. Super. 172 (App. Div. 1949); Hudson-Bergen Package Stores Association v. North Bergen, Bulletin 1981, Item 1. The burden of establishing that the Council acted erroneously and thus should be reversed rests entirely upon the Appellant, pursuant to N.J.A.C. 13:2-17.6. See Hickey v. Division of Alcoholic Beverage Control, 31 N.J. Super. 114 (App. Div. 1954).

There is no inherent or automatic right to the transfer of an alcoholic beverage license. In the absence of abuse of discretion in acting upon a license issuance or transfer, the action of the authority should not be disturbed by this Court or by the Director of the Division. See Hudson-Bergen County Retail Liquor Stores Association v. Hoboken, 135 N.J. Law 502 (E & A 1947). The action of the Town Council may not be reversed in the absence of manifest mistake or other abuse of discretion. Florence Methodist Church v. Florence Township, 38 N.J. Super. 85 (App. Div. 1965). Each municipal issuing authority has wide discretion in the transfer of liquor licenses. Michida Corp v. Jackson, Bulletin 2250, Item 4. Action based upon such discretion will not be disturbed in the absence of clear abuse, Blanck v. Magnolia, 38 N.J. 383 (1962). See Fanwood v. Rocco, 33 N.J. 404 (1960), which specifically states that the Director of the Division of Alcoholic Beverage Control, after a de novo hearing, abides by a municipal grant or denial of an application for a transfer so long as its exercise of judgment and discretion was reasonable. 33 N.J. at 414, 415. It is clear that the scope of review which this judge must apply one where the state will interfere in the exercise of the local board's discretion only when there has been an abuse of discretion, manifest mistake or clearly unreasonable action. See Rajah Liquors v. Division of Alcoholic Beverage Control, 33 N.J. Super. 598 (App. Div. 1955). In accord, Margate Civic Association v. Board of Commissioners, Margate, 132 N.J. Super. 58 (App. Div. 1975).

The ultimate question in the instant case is whether this Town Council abused its discretion or made a manifest mistake when it determined not to grant the transfer, and relied on the sentiments of persons living in the immediate area of the site of the transfer. This Court accepts the proposition that the Council can consider public sentiment and that such opinion can be an adequate and reasonable basis upon which to rest its decision. See Lyons Farm Tavern v. Municipal Board of Alcoholic Beverage Control, City of Newark, 55 N.J. 292 (1970).

In the instant matter the elective representatives of the citizens of the Town of Phillipsburg considered and gave credence to the objections, voiced in writing and in person, of residents of the area to which Mr. Jiorle desires to transfer the license. The fact that there are persons who are in favor of said transfer of the license, and that public sentiment may be deemed divided on the issue, cannot give rise to a conclusion by this Court that there has been a clear abuse of discretion by the Mayor and Town Council of this municipality. When there is an honest difference of opinion in regard to the exercise of discretion for or against the transfer of a liquor license, this Court should affirm the action of the issuing authority and not disturb their determination of what is in the best interest of the local municipality. Cf. Paul v. Brass Rail Liquors, 31 N.J. Super., at 215 (App. Div. 1954). This Judge will not play a numbers game in regard to the petitions introduced into evidence, but will defer to the decision of the Town Council when it weighed the sentiments of the community. If counsel for Appellant is correct, and there is a strong community sentiment in favor of the instant application and a feeling that granting the transfer would be beneficial to the development of that area, the citizens of Phillipsburg have other remedies.

This decision should not be read to say that Mr. Jiorle has not acted in good faith, is not a man of good character or has not met the zoning and other requirements mandated by the local ordinances. It is to say that the elected representatives of the people of the Town of Phillipsburg have not abused their discretion by basing the denial of the application for a transfer upon objections of local residents and upon the existence of problems in the area. Said evidence is competent and credible evidence. Although the Town Council may seem harsh when it refuses to transfer the instant license because of already existing problems in the area where Mr. Jiorle proposes to use the license, this Court finds that it is not beyond the discretion of the Town Council to limit the number of licenses in the Town and to limit the area in which they are used. This Court cannot and

will not substitute its judgment for that of the local Council when there is reasonable support for its decision in the record before the Court.

This Court **CONCLUDES** that the Appellant has not sustained his burden that the denial of the application for a place-to-place and person-to-person transfer was arbitrary, unreasonable or an abusive exercise of the Council's discretion. The Court therefore **CONCLUDES** that the Respondent, Town Council of the Town of Phillipsburg, acted in a circumspect and reasonable exercise of its discretionary authority when it refused to grant the person-to-person and place-to-place transfer to the Appellant herein.

Accordingly, it is hereby **ORDERED** that the denial by the Town Council of the Town of Phillipsburg of the application of a person-to-person and place-to-place transfer of Plenary Retail Consumption License No. 2119-33-014-002, belonging to Alexander Nyiri, Executor for the Estate of Ida Nyiri Faulkner, to Stonehenge Gardens, Inc., 445 South Main Street, Phillipsburg, New Jersey be **AFFIRMED**.

This recommended decision may be affirmed, modified or rejected by the **DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, JOSEPH H. LERNER**, who by law is empowered to make a final decision in this matter. However, if Joseph H. Lerner does not so act in forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

I HEREBY FILE my Initial Decision with **JOSEPH H. LERNER** for consideration.

2. COURT DECISIONS - STONEHENGE GARDENS, INC. v. PHILLIPSBURG and DIRECTOR DIVISION OF ALCOHOLIC BEVERAGE CONTROL, STATE OF NEW JERSEY.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
A-131-80T4

STONEHENGE GARDENS, INC.,

Appellant,

v.

MAYOR AND TOWN COUNCIL OF  
PHILLIPSBURG, a municipal  
corporation of the State of New Jersey,  
and DIRECTOR, DIVISION OF ALCOHOLIC  
BEVERAGE CONTROL, STATE OF NEW JERSEY,

Respondents.

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Submitted September 15, 1981 - Decided September 25, 1981

Before Judges Michels and J. H. Coleman

On appeal from the Division of Alcoholic Beverage Control

Michael J. Perrucci, attorney for appellant

Herr & Fisher, attorneys for respondents Mayor and Town Council of Phillipsburg (John H. Pursel, of counsel and on the brief).

James R. Zazzali, Attorney General of New Jersey, submitted a statement in lieu of brief on behalf of respondent Division of Alcoholic Beverage Control (John J. Degnan, former Attorney General, and Erminie L. Conley, Assistant Attorney General, of counsel; Kenneth I. Nowak, Deputy Attorney General, on the statement).

PER CURIAM

(Appeal from the Director's decision in Re: Stonehenge Gardens, Inc. v. Phillipsburg, Bulletin 2423, Item 1. Director affirmed. Opinion not approved for publication by the Court Committee on Opinions).

## 3. STATE LICENSES - NEW APPLICATIONS FILED.

**Rosato Enterprises Inc.**

235 White Horse Pike

Hammonton, New Jersey

Application filed January 28, 1982  
for wine wholesale license.**Country Beverages Inc.**

20 Thompson Place

Sayreville, New Jersey

Application filed January 6, 1982  
for person-to-person and place-  
to-place transfer of a state  
beverage distributor's license from  
Clinton R. Chalkley, 1016 Clinton Avenue,  
South Plainfield, New Jersey**Firtel Imports, Inc.**

169 Route 206

Flanders, New Jersey

Application filed February 8, 1982 for  
plenary wholesale license and to maintain  
a warehouse at 201 Bay Avenue, Elizabeth, New Jersey**Charles H. Bensel**

t/a Family Beer and Soda Dist.

41 S. Clementon Road

Berlin, New Jersey

Application filed February 8, 1982 for  
person-to-person transfer of a state  
beverage distributor's license from  
G. Wanda Erickson & Ivy L. Bird.**Madeline Riccardo Ericson**

t/a Family Beer and Soda Dist.

41 S. Clementon Road

Berlin, New Jersey

Application filed February 8, 1982 for  
person-to-person transfer of a state  
beverage distributor's license from  
Charles H. Bensel, when transfer is  
approved from G. Wanda Erickson & Ivy L. Bird.**Adesso Imports and Dist., Inc.**

82 Westervelt Avenue

North Haledon, New Jersey

Application filed February 11, 1982  
for wine wholesale license.DENNIS P. O'KEEFE  
ACTING DIRECTOR