

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 2378

December 2, 1980

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ITEM

1. APPELLATE DECISIONS - GEORGE'S BAR & GRILL, INC. v. LAKEWOOD.
2. APPELLATE DECISIONS - JOSEPH SCOGNAMIGLIO and TEDDY C. LABARCA, INC. v. HAZLET.
3. STATE LICENSES - NEW APPLICATION FILED.



The quantum and quality of the proofs and testimony objecting to the transfer are competent and clearly support the reasonableness of the discretion exercised by the Township Committee in denying appellant's application. In such circumstances my function is the affirm. Margate Civic Association v. Board of Commissioners of the City of Margate, 132 NJ Super. 58 (App. Div. 1975).

Therefore, I reject the appellant's Exceptions, and I shall affirm the action of the Township Committee.

Having carefully considered the entire record herein, including the transcripts of the testimony, the exhibits, the written summations of the parties, the Initial Decision and the written Exceptions filed thereto by the appellant, I concur in the findings and recommendations of the Administrative Law Judge and adopt them as my conclusions herein.

Accordingly, it is, on this 14th day of February, 1980

ORDERED that the action of the Township Committee of the Township of Lakewood be and the same is hereby affirmed, and the appeal be and is hereby dismissed.

Joseph H. Lerner  
Director

Appendix - Initial Decision Below

IN THE MATTER OF:

GEORGE'S BAR AND GRILL )  
 OF LAKEWOOD, INC., A NEW JERSEY )  
 CORPORATION, T/A GEORGE'S )  
 BAR AND GRILL, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 TOWNSHIP COMMITTEE OF THE )  
 TOWNSHIP OF LAKEWOOD, )  
 Respondent. )

INITIAL DECISION

OAL DKT. # ABC 2812-79  
AGENCY DKT. # 4388

APPEARANCES:

Richard K. Sacks, Esq., of Sharkey and Sacks, Esqs., on behalf of Appellant  
John Briscoe, Esq., on behalf of the Respondent  
Anthony T. Bruno, Esq., on behalf of the Objector, Leisure Village Association  
David S. Piltzer, Esq., of Piltzer and Piltzer, Esqs., on behalf of the  
Objector, Charles and Patricia Bonsangue

WITNESSES:

Testifying on behalf of the respondent were Richard Kohl, Zoning Officer  
and one of the Building Inspectors for Lakewood Township, and William  
C. Ruby, a member of the Leisure Village Community. The Objector,  
Charles Bonsangue, testified on his own behalf. Witnesses that were  
called by the applicant were:

- Father Gerald J. Brower
- Henry G. Spelman
- Raymond Gleason
- Daniel Hogan
- Glendora Jacovino
- Alexander Jacobino
- John Lamb
- Charles McGuire
- Charles A. Reed
- Muriel Miller

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WITNESSES: (continued)

Jacqueline Philippe  
 Elizabeth Pursach  
 Frieda Puckhaber  
 Cecilia Pafaff  
 Dominic Russo  
 William Beck  
 Joseph Alber  
 Gizella Doyle  
 Jack Krupnick

EXHIBITS:

Joint exhibits received on behalf of the parties were:

- J-1 Application for George's Bar and Grill Transfer (A-1)  
 J-2 Affidavit of Publication (A-2)  
 J-3 Letter dated February 26, 1979 from William C. Poole,  
 Chief of Police (A-3)  
 J-4 Letter dated February 27, 1979 from William Frank, Jr.,  
 Construction Official (A-4)  
 J-5 Site Plan Map (A-5)  
 J-6 Lakewood Planning Board Resolution (A-6)  
 J-7 Revised Floor Plan (A-7)  
 J-8 Color picture of proposed building (A-8)  
 J-9 Zoning Map (A-9)  
 J-10 Voting District Map (A-10)  
 J-11 Leisure Village Telephone Survey dated 2/14/79 - 2/18/79 (A-11)  
 J-12 Petition of business people within the general locals of  
 George's Bar and Grill (AB-12)  
 J-13 Resolution of the Board of Trustees, Leisure Village (O-1)  
 J-14 Resolution of the Board of Trustees of Leisure Village  
 Association (O-2)  
 J-15 Copy of Newspaper Clipping re The Glen Arthur Inn (O-3)  
 J-16a- Six miscellaneous letters regarding transfer (B-1)  
 16f  
 J-17 Three-page petition presented by Miss Thomas from the  
 business people in town with reference to transfer, July 12, 1979  
 J-18a- Package of 22 letters with reference to George's Bar and Grill  
 18v  
 J-19 Resolution of the Township of Lakewood denying transfer  
 J-20 Eleven-page summation on behalf of George's Bar and Grill  
 J-21 Five-page memorandum on behalf of Leisure Village (submitted  
 by Mr. Bruno)  
 J-22a- Joint exhibit consisting of the hearings held before the  
 22d Lakewood Committee on this matter on April 18, 1979,  
 J-22A, May 14, 1979, J-22B, May 30, 1979, J-22C and  
 July 12, 1979, J-22D  
 J-22e True copy excerpts of the minutes of the Township Committee  
 of the Township of Lakewood held on June 28, 1979 certified  
 by Gizella M. Doyle, Township Clerk

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Received on behalf of the appellant were the following:

- A-1 An original newspaper, dated May 1979 edition
- A-2 A photocopy of the results of the 1978 general elections, certified by the deputy township clerk
- A-3 A photocopy of the 1976 general elections, certified copy by the deputy township clerk

Received on behalf of respondent was a petition from Leisure Village residents comprising 121 pages. Two exhibits were admitted into evidence on behalf of the objectors: Director Lerner's Decision, dated September 7, 1979, concerning the Bonsangue application (0-1) and Director Lerner's Decision, dated December 20, 1978, concerning the initial application of George's Bar and Grill, Inc. (0-2).

BEFORE THE HONORABLE J. ROGER PERSICHILLI, A.L.J.:

The matter sub judice concerns the appeal of George's Bar and Grill, Inc., a New Jersey corporation, from the denial of its application for a place-to-place transfer of its Retail Consumption License, license number 1514-33-014-001 (C-10), by the Township Committee of the Township of Lakewood by resolution adopted on July 12, 1979.

Notice of Appeal and a Petition of Appeal, dated July 24, 1979, were duly served, a copy of which was received by the Division of Alcoholic Beverage Control, Department of Law and Public Safety on July 27, 1979. An Answer, dated July 30, 1979, was filed on behalf of the Township Committee of the Township of Lakewood on July 31, 1979. The objector, Bonsangue, filed an Answer dated August 10, 1979, and the matter was transmitted to the Office of Administrative Law for determination, as a contested case, pursuant to N.J.S.A. 52:14F-1 et seq. Hearings were conducted on September 28, 1979 in Toms River and on October 29 and 30, 1979 in Lakewood, New Jersey. Post hearing summations and memoranda were received and the hearing record was closed on November 28, 1979.

The Township Committee of the Township of Lakewood denied appellant's application for a place-to-place transfer from premises known as La Fiesta del Bohio Bar and Grill of Lakewood at the northwest corner of Clifton Avenue and Main Street, Lakewood to Block 1160, Lots 41-13, 41-14 and 41-15, located on Route 70 diagonally across the entrance to a retirement community known as the Original Leisure Village.

The resolution denying the application, inter alia, finds:

" 5. The license of the applicant at its present location contains special conditions previously imposed after hearing by the Township Committee restricting said license and prohibiting no more than 20 bar stools at said premises, prohibiting table services at said premises and prohibiting live entertainment at said premises which restrictions were imposed by the Township Committee to relieve a serious police problem and general nuisance situation in and about the present location of George's Bar and Grill of Lakewood, Inc.

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" 6. That according to the applicant's testimony, the new establishment will be a 200-250 seat restaurant providing dinner music, bar and catering service, and offering the use of the facilities for private parties.

7. That representatives of the Board of Trustees of Leisure Village Association representing the 3,825 residents of the Original Leisure Village located approximately across the street from the proposed new location of the aforesaid premises, circulated a petition in opposition to said transfer which was signed by approximately 2,400 residents of the Association.

8. That the public sentiment of residents in the general locale of the proposed new location for said establishment is in opposition to the transfer application due to a lack of need for another liquor establishment, and the availability of other restaurant establishments with liquor licenses in the immediate area.

9. That although evidence was introduced by the applicant attacking the credibility of the aforesaid petition, the applicant failed to show that a public need presently exists for another restaurant with a liquor license in the proposed location of the new premises.

10. That the Township Committee strongly objects to various racial slurs, comments, and innuendos directed at the applicant and the proposed establishment by certain objectors and hereby finds such allegations and comments are not evidential.

11. That the granting of the aforesaid application would be contrary to the public interest as represented by the witnesses at the aforesaid hearing, the evidence presented, petitions and objections received and lack of evidence of a real need for same. "

Appellant contends that the action of the respondent in denying its application was "arbitrary, capricious, and an unreasonable exercise of the discretion vested in the Governing Body." Appellant further contends that said denial "was a result of bias and prejudice and was not based upon any competent evidence."

Respondent's answer denies the allegations and affirmatively states that "public sentiment was overwhelmingly opposed to the transfer." Respondent also states the area was adequately served and "there was no need established for the transfer." Objector's answer states that the denial was a "reasonable exercise of the Committee's discretionary authority."

A similar transfer application by the appellant for the same site was also denied by the Township Committee in December 1977. The decision was appealed and affirmed by Director Lerner on December 20, 1978 (see O-2 in evidence). This decision was, at the time of hearing, on appeal. During this time period, by decision dated September 7, 1979, Director Lerner approved the plenary retail distribution license application of Charles and Patricia Bonsangue for a location at 1000 Route 70, Lakewood, New Jersey (see O-1 in evidence). The appellant described this site as "approximately across the street" from its site.

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In view of the fact that the application sub judice constitutes the second application by the appellant for the same site, the question raised is whether the application is barred by the principle of res judicata. This doctrine was addressed by the State Supreme Court in the case of Lubliner v. Board of Alcoholic Beverage Control of Paterson, 33 N.J. 428 (1960). The essence of this issue is simply that the doctrine is applicable in situations in which "no altered circumstances or policies" are present. Appellant states that res judicata is not applicable herein for the following reasons:

(1) The current application proposes a restaurant facility which would serve alcoholic beverages and would have as an adjunct business, a package store facility. The prior application stressed the service of alcoholic beverages more than food.

(2) The physical layout of the floor plan reflects a greatly reduced bar area with an expanded restaurant area.

(3) The prior application was heard by three Committeemen as compared to four members in the current application.

(4) Such a determination is one of policy rather than judicial decision.

Although not specifically noted by the appellant, it is apparent that the approval of the Bonsangue Retail Distribution License during this interim period must be regarded as a noteworthy "altered circumstance." Thus, while the parties and site remain the same, there exists several changes--most notably, the approval of the Bonsangue transfer. Therefore, the doctrine of res judicata should not constitute a bar to the present application.

The issue that is presented in this appeal is whether Township Committee abused its discretion in denying appellant's transfer application. It is well settled that the general grant or denial of such a license application rests in the sound discretion of the local licensing authority in the first instance. In order to prevail in the instant appeal, the appellant must show unreasonable action on the part of the local authority, constituting a clear abuse of their discretion. Rajah Liquors v. Division of Alcoholic Beverage Control, 33 N.J. Super 598 (App. Div. 1955); Fanwood v. Rocco, 33 N.J. 404 (1960); and, Lyons Farm's Tavern v. Municipal Board of Alcoholic Beverage Control of Newark, 55 N.J. 292 (1970). Thus, while the ABC regulations provide that the burden of going forward rests upon the respondent, the appellant carries the burden of persuasion.

The hearings before the Township Committee were protracted and produced an extensive record, as evidenced by more than 400 pages of transcript on four hearing dates from April 18, 1979 to July 12, 1979 (Exhibits J-22a through J-22d).

The objector, Mr. Charles Bonsangue, testified to the traffic problems that would be created by the approval of the transfer application. He also testified to his personal canvassing and survey of shoppers and Leisure Village residents which revealed an overwhelming opposition to a retail consumption license. Apparently, these persons were not opposed to a retail distribution license since the only objector to the Bonsangue application was George's Bar and Grill, Inc.

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Mr. Bonsangue's testimony is of limited applicability and weight. He is not a traffic expert and his pecuniary and proprietary interests are self evident.

Of the applicant's subpoenaed witnesses, very few voiced an unqualified favorable opinion in support of the transfer. Some of the reasons advanced in opposition to the transfer were:

- (1) traffic congestion;
- (2) the proposed site is too close to the entrance gate to Original Leisure Village;
- (3) a bar, tavern, grill, restaurant, liquor license which permits the sale of drinks (any one or combination of same) is not wanted or needed in this area;
- (4) a retail consumption license might have an adverse impact upon real estate values; and,
- (5) a general fear of the social ills that are sometimes attendant to places which dispense alcoholic beverages by the drink.

Mr. Sacks, appellant's counsel, argues that the testimony adduced through the subpoenaed witnesses reflects the misinformation and lack of accurate information circulated in order to secure signatures. Of the 3,825 Original Leisure Village residents, more than 2400 persons opposed the transfer (see R-1). Thus, counsel concludes, that the petition is not a reflection of public sentiment but is, in reality, "a misstatement of sentiment." I do not concur.

There is little doubt that the petition was circulated by a variety of persons and personalities, and the testimony would suggest that the manner of securing signatures varied from highly objective to a lesser standard of objectivity. Appellant's counsel strongly emphasized the restaurant side of the application and he attempted to show that many persons opposed the application because of the mistaken impression that the applicant would establish and operate a bar and grill or a tavern at this location. Indeed, some of the subpoenaed witnesses testified to this effect. However, they were in the minority and appeared to be casting ballots in favor of a restaurant rather than against a bar or tavern. The appellant, through its subpoenaed witnesses, attempted to show a change of mind in some witnesses and/or that many persons who signed the petition either misdirected their objection or signed without reason or upon rumors and half-truths. The question is one of weight. While the Bonsangue objection may not be totally without self-interest, it must be considered, in its limiting context. The petition signers are not biased and/or financially affected by the outcome. Appellant introduced the voting records of the Township of Lakewood, presumably to show that one member of the committee who voted against the transfer enjoyed the electoral support of a large number of Original Leisure Village residents.

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One can only rhetorically speculate if the appellant is suggesting something sinister or questioning whether a committee member's vote which reflects public sentiment is improper.

In final analysis, the Township Committee properly considered the sentiment of more than 60 per cent of the residents of Original Leisure Village. The opposition is overwhelming, in sheer numbers alone. Regardless of how the proposed establishment is characterized (bar vs. restaurant), the residents oppose the transfer of a liquor license. The Township Committee would have been derelict in their responsibilities had they failed to consider the public outcry.

The testimony of Richard Kohl, Township Zoning Officer, indicated that there were not many suitable sites for the use proposed by the appellant. Jack Krupnick, a real estate broker, testifying on behalf of the appellant, indicated that he was only aware of two available sites for the proposed use. At the April 18, 1979 hearing before Township Committee, Mr. Krupnick testified that there are twenty-four consumption licenses, ten distribution licenses and six club licenses in the Township. There are several more in neighboring Brick Town which is not far removed from the appellant's location. Thus, the question of need, deemed important by the Township Committee, has not been demonstrated by appellant. The area appears to be adequately served, and even more so, today, since the Bonsangue package store was approved on September 7, 1979.

The appellant's proposed restaurant-bar is both expansive and attractive as Exhibits J-7 and J-8 indicate. Nevertheless, public sentiment was found to be opposed to the transfer. Additionally, need for another liquor establishment was not established or found to be present. Township Committee therefore concluded, on the record before it, that approval of the application would be contrary to the public interest. The record sub judice supports this determination.

The written opinion of Director Lerner, dated December 20, 1978, denying the first application by the appellant, for the same license and site and involving the same parties, cannot be ignored. While technical distinctions between the applications exists - sufficient to make the doctrine of res judicata inapplicable - the lack of any substantial, or even significant, change to the facts, should, therefore, afford greater weight to the Director's decision which found:

\*\*\*\*The Committee determined that there was no need for a liquor vending establishment near Leisure Village and, from their viewpoint and that of the officials of the Board of Trustees of Leisure Village, a bar, tavern or restaurant serving liquor at the proposed site is unnecessary, and not in the public interest.

"The Committee has understood its full responsibility and has acted circumspectly and in the reasonable exercise of its discretion in denying the transfer.\*\*\*"

Based upon my observations of the demeanor and testimony of the witnesses presented at the hearing, the documents received in evidence, the arguments of counsel and their post-hearing submissions, I FIND:

1. The appellant, George's Bar and Grill, Inc., a corporation of the State of New Jersey, sought a person-to-person transfer of a Plenary Retail Consumption License, No. 1514-33-014-001 (#C-10) from the northwest corner of Clifton Avenue and Main Street to Block 1160, Lots 41-13, 41-14 and 41-15, Lakewood, New Jersey.

2. On July 12, 1979, the respondent, Township Committee of the Township of Lakewood, denied the application for a place-to-place transfer by appropriate resolution.

3. Said denial was founded upon the public sentiment of residents in the general locale and upon the absence of public need for another liquor establishment in the immediate area. Approval was therefore found to be contrary to the public interest.

4. The actions of Township Committee was supported by the hearing record before it and by the record of this appeal.

5. The reapplication sub judice is based upon similar facts as the initial application involving the same license for the same site and therefore, in the absence of change in circumstances or other affirmative appellant proofs, the Director's decision of December 20, 1978 is entitled to substantial weight and consideration.

6. The appellant has failed to establish that the Township Committee abused their discretion or acted in an arbitrary, capricious, unreasonable, biased or prejudicial manner.

7. The denial of the Committee was a reasonable exercise of its discretion and was based upon the preponderance of competent evidence before it.

The decision as to whether or not a license will be transferred to a particular locality rests, in the first instance, within the sound discretion of the local issuing authority. Where there is an honest difference of opinion in the exercise of discretion for or against the transfer of a liquor license, the action of the issuing authority in approving the transfer should not be disturbed.

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The Director's function on appeal is not to substitute his personal opinion for that of the issuing authority, but merely to determine whether reasonable cause exists for its opinion; and if so, to affirm irrespective of his personal view. The well-settled principle governing the Division's function on appeal from the action of the local issuing authority is expressed in Paul v. Brass Rail Liquors, 31 N.J. Super. 211, 214 (App. Div. 1964), wherein it was held:

"The issuance, renewal and transfer of a liquor license rests in the sound discretion of the issuing authority and its action will not be judicially disturbed in the absence of a clear abuse of discretion. Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946); Biscamp v. Twp. Council of the Twp. of Teaneck, 5 N.J. Super. 172 (App. Div. 1949)."

Furthermore, in Fanwood v. Rocco, 33 N.J. 404 (1960) the Court recognized that the municipal governing body may reasonably honor local sentiment by declining to license taverns and package stores in designated areas within the "municipality" and that where

"... widespread local sentiment favors keeping the area free of taverns and package stores...it matters little that this sentiment may have resulted in part from moral precepts and in part from the general objections...of the councilmen. The fact is that the sentiment does exist and in honoring it the governing body did not act at all unreasonably. The interests of effective liquor control are best advanced where the municipal licensing program displays fair regard not only for the convenience of residents who purchase alcoholic beverages but also for the sentiments of residents who are unsympathetic or hostile to their sale." (at p. 415)

Thus, the law is clear. The appellant has failed to meet its burden. Appellant's general allegation in this appeal are unsupported by specific factual instances or proofs of bias, prejudice, or otherwise arbitrary, capricious or unreasonable action by the Lakewood Township Committee. Thus, I CONCLUDE that the decision of the local issuing authority was based upon a preponderance of substantial and believable evidence. I find no credible evidence to support a contrary conclusion. The appellant has not sustained the burden of establishing that the action of the Township Committee was erroneous and should be reversed, pursuant to N.J.A.C. 13:2-17.6.

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Accordingly, it is hereby ORDERED that the denial by the Township Committee of Lakewood Township of the application for a place-to-place transfer of Plenary Retail Consumption License No. 1514-33-014-001 (#C-10) from the northwest corner of Clifton Avenue and Main Street to Block 1160, Lots 41-13, 41-14 and 41-15, Lakewood, New Jersey, BE AFFIRMED.

This recommended decision may be affirmed, modified or rejected by the head of agency, Joseph H. Lerner, Director of the Division of Alcoholic Beverages Control, who by law is empowered to make a final decision in this matter. However, if the head of the agency 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 with Joseph H. Lerner, Director of the Division of Alcoholic Beverages Control, my Initial Decision in this matter and the record in these proceedings.

2. APPELLATE DECISIONS - JOSEPH SCOGNAMIGLIO and TEDDY C. LABARCA, INC. v. HAZLET.

#4394

Joseph Scognamiglio and Teddy  
C. Labarca, Inc.,  
t/a Sergeant Peppers,

Appellant,

vs.

Mayor and Township Committee of the  
Township of Hazlet,

Respondent.

CONCLUSIONS

AND

ORDER

-----  
Albert M. Ash, Esq., Attorney for Appellant.  
Wilentz, Goldman, & Spitzer, Esqs., by Francis X. Journick, Esq.,  
Attorneys for Respondent.

Initial Decision Below

Hon. R. Jackson Dwyer, Administrative Law Judge

DATED: January 18, 1980 - Received: January 22, 1980

BY THE DIRECTOR:

This is an appeal from the action of the Township Committee of the Township of Hazlet which by failure of sufficient affirmative votes on August 7, 1979, denied appellants' application to renew their license for the 1979-80 license term.

Upon appeal filed in this Division, the Director, by Order to Show Cause dated August 16, 1979, extended the subject license for the 1979-80 license term pending determination of the appeal.

At the scheduled hearing date in the Office of Administrative Law, the parties indicated on the record that they have amicably resolved the matter in dispute. The respondent consented to an Order reversing its action. The appellants acknowledged that such action would not preclude the respondent from instituting any disciplinary proceedings or taking action at subsequent renewal applications predicated upon actions of the appellants during the preceding license term or thereafter.

Lastly, it was acknowledged that there is an outstanding Conclusion and Order of the Director, dated October 29, 1979, suspending appellant's license for ninety-six (96) days, the effective dates of which have been deferred until the licensee is resumed to operations on a substantial fulltime basis.

Accordingly, it is, on this 19th day of February, 1980,

ORDERED that the action of the Township Committee of the Township of Hazlet be and is hereby reversed, and the Township Committee be and is hereby directed to renew appellants' license in accordance with the application filed therefor; and it is further

ORDERED that my Order of August 16, 1979 extending the subject license pending determination of the appeal be and is hereby vacated; and it is further

ORDERED that the within action is without prejudice to the Township Committee as to subsequent actions it may take predicated upon the appellants' activities during the 1978-79 license term; and it is further

ORDERED that the action herein is subject to the reimposition of the ninety-six days license suspension when the licensees resume operation under the said license on a substantial full-time basis.

JOSEPH H. LERNER  
DIRECTOR



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 the Director of the Division of Alcoholic Beverage Control 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 with the Director of the Division of Alcoholic Beverage Control, Joseph H. Lerner, my Initial Decision in this matter and the record in these proceedings.

FRANCIS X. JOURNICK, ESQUIRE  
900 ROUTE 9, P. O. Box 10  
Woodbridge, N. J. 07095

STATE OF NEW JERSEY  
DIVISION OF ALCOHOLIC BEVERAGE  
CONTROL  
DOCKET NO. A.B.C. 4254-79

IN RE: JOSEPH SCOGNAMIGLIO  
and TEDDY LABARCA, INC.,  
t/a SERGEANT PEPPERS

vs.

ORDER

MAYOR AND TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF HAZLET

This matter having been opened to the Court, Administrative Law Judge Jackson Dwyer, presiding, on November 21, 1979, in the presence of Albert M. Ash, Esq., attorney for Appellants, and Francis X. Journick, Esq., attorney for the Mayor and Township Committee of the Township of Hazlet, Monmouth County, New Jersey, and it being stipulated of record by counsel for the parties that the Mayor and Township Committee of the Township of Hazlet would consent to an Order directing the renewal of the subject license effective for the year July 1, 1979 without prejudice to its position to later, if the facts and circumstances so warrant it, to take such other disciplinary measures as it may choose in its discretion;

