

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Drive Cranford, N.J. 07016

BULLETIN 2145

May 8, 1974

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1. DIRECTOR'S STATEMENT - EX-PARTE OPINION - RE LAIRD & COMPANY
CLARIFICATION - BULLETIN 2139, ITEM 6.

STATEMENT FOR BULLETIN

RE: DIRECTOR'S OPINION - EX-PARTE - RE LAIRD & COMPANY
BULLETIN 2139, March, 1974, ITEM 6

My attention has been directed to the fact that the above ex-parte opinion has created a misconception in the minds of industry personnel at the manufacturing, distilling, importing and wholesale levels. It was never intended that the said opinion would in any way preclude an adversary proceeding to formally determine the question at issue.

Furthermore, it should be emphasized that it does not represent a fixed or prejudiced opinion on my part, but as the letter specifically noted, it was merely an ex-parte opinion, based upon facts presented to me in a verified petition. Should there be an adversary proceeding, my final determination will be based strictly on the facts then presented and the applicable law.

It never was, and is not now my intention to prejudge this or any other matter which results in an adversary proceeding before the Division of Alcoholic Beverage Control.

Joseph H. Lerner
Acting Director

Dated: April 4, 1974

2. SPECIAL PERMIT APPLICATION - OBJECTIONS TO-APPLICATION GRANTED OVER OBJECTIONS.

In the Matter of Objections to the)
 Application of the)
 Faculty-Student Cooperative)
 Association, Inc. of)
 Montclair State College)
 for a)
 Special Permit under N.J.S.A. 33:1-74)
 to sell and serve light wines and)
 beer in Premises situated College Campus,)
 Upper Montclair, N.J.)

CONCLUSIONS

 David W. Conrad, Esq., Attorney for Montclair State College
 Joseph D. Donato, Esq., Attorney for Township of Little Falls
 and Objectors

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

On October 25, 1973 the applicant, Faculty-Student Cooperative Association, Inc., of Montclair State College, made an application for a special permit authorizing it to sell alcoholic beverages for immediate on-premises consumption within the premises known as the Student Center at the Montclair State College, Upper Montclair, N.J.

Objections to the grant of the said application were filed by several objectors, including the Township of Little Falls, the Board of Education of Little Falls, Great Notch Association of Little Falls, and several residents of Little Falls; and a hearing was held thereon.

This hearing consumed an entire day and was contained in a transcript consisting of 208 pages of testimony. Ten witnesses testified, five in support of the application, and five opposing the same. In addition, other persons identified themselves in the hearing room, either as favoring or objecting to the issuance of the permit.

The objections will be considered and evaluated later in this report.

In its application, the applicant states the following: It has entered into an agreement, as amended, with the Montclair College whereby the said college has leased to it certain property situated on the College Campus, Upper Montclair, New Jersey. The agreement contains a provision permitting it to sell alcoholic beverages for on-premises consumption in the building designated as Student Center, subject however, to its obtaining the special permit from the Director, and complying with Federal requirements. If the permit is issued, it agrees to comply with the following conditions:

(1) That the permittee will not sell or serve any alcoholic beverages or allow, permit or suffer the consumption of any alcoholic beverages on the premises covered by this permit, between the hours of 2:00 a.m. and 12:30 p.m.

(2) It agrees to abide by and comply with the provisions of the Alcoholic Beverage Law and the Rules and Regulations of this Division.

(3) It agrees not to advertise directly or indirectly the availability of alcoholic beverages in any publication, circular, or similar media unless permission has first been submitted to, and approved by the Director of this Division.

(4) It agrees to file all reports required by the Director of the Division of Taxation, Beverage Tax Bureau, and confers upon the Director of this Division and of the Division of Taxation, their investigators and agents full and complete authority to examine all of its books and records.

(5) Finally it agrees that such permit will not be transferable.

(6) It further states that this special permit will include that part of the State Campus known as the "Rathskeller" which will be open for the service of light wines and beer seven days a week. Whiskey will be served for special functions only, as authorized by the Director of this Division, pursuant to the issuance of a special permit.

(7) The facility will be available only to members of the Montclair State College Community who must have proof of membership to the Club. This includes the registered students, faculty and staff.

(8) The operation of the Rathskeller will be under the direct supervision of the Food Service Director who is under the general supervision of the Student Center Director and the Student Center Policy Board.

(9) The fiscal control of the Rathskeller operation will be exercised by the Faculty-Student Cooperative Association, Inc.

I shall now consider the objections made with respect to the said application.

I

Objectors allege that the issuance of such special permit is not authorized under the applicable statute, since the statute contemplates the issuance of such special permits for one-day periods only. Furthermore, they argue that the advertisements with respect to the said application were faulty, and not in compliance with the regulations of this Division.

N.J.S.A. 33:1-74 sets forth, in pertinent part, the following:

"To provide for contingencies where it would be appropriate and consonant with the spirit of this chapter to issue a license but the contingency has not been expressly provided for, the Director of the Division may for special cause shown, subject to rules and regulations, issue temporary permits the fee for which shall be determined in each case by the Director of the Division and shall not be less than \$5.00 nor more than \$500.00, payable to the Director of the Division and to be accounted for by him as are license fees."

This provision of the statute must be read in connection with N.J.S.A. 33:1-42, which reads as follows:

"No sales of alcoholic beverages shall be made in any public buildings belonging to or under the control of the state or any political subdivision thereof except as to the national guard as hereinbefore provided, and except as permitted by the commissioner in specified cases and subject to rules and regulations."

Since this building is situated on State-owned property, the discretionary authority of the Director to issue a special permit for the sale of alcoholic beverages in these premises is clear. No specific time limit on the life of such permits is imposed by the statute and, in fact, since the maximum fee was set at \$500.00, it is apparent that it was contemplated that special permits may be issued for any period of time as the Director, in his discretion, may authorize. This permit, if granted, would be issued to expire on June 30, and any renewal thereof, upon re-application, would be issued for a one-year licensing period annually, from July 1 until June 30.

There is no requirement in the statute, or in the regulations for any advertising of an intention to apply for such permit.

Nevertheless, at the suggestion of a representative of this Division, a notice of the said application was advertised both in the Montclair Times, a newspaper published in Essex County, and in the Herald News, a newspaper circulated in Passaic County, wherein the Township of Little Falls is located.

The reason for advertising in a newspaper circulated in Passaic County was the fact that although the major part of the college is located in Essex County, the Student Center, while located on the campus of the Montclair State College, is actually geographically located in the Township of Little Falls, and the applicant desired to give a full opportunity to residents in Little Falls to appear and make their position known at the hearing herein.

II

A central objection to the issuance of the special permit is to the effect that the sale and service of alcoholic beverages on a college campus is wrong as a matter of principle; that such activity would act to the detriment of the education of the students; and that alcoholic beverages should not be made available when such alcoholic beverages are available and can be obtained off the premises.

Mrs. Elliott Brooks, a resident of Little Falls and President of the Great Notch Association, testified that part of Montclair State College is located within the Great Notch area of Little Falls. She felt that allowing students to drink on-campus would be detrimental to the education of the students. "...They will be spending their time drinking instead of applying their time to studying." She also maintained that if students wanted to drink, they should go to a tavern. She was convinced that, if students were permitted to drink, the privilege would be abused. Moreover, that granting the college permission to serve wine and beer would put an additional strain on the police and fire departments of Little Falls.

Reverend Frank Dennis, pastor of the United Methodist Church of Little Falls, objected to the issuance of this permit because:

"It seems singularly inappropriate that a college should purposely make available to its faculty and students a beverage whose first effect is to dull or anaesthetize one's highest critical faculties and sensitivities."

He could not understand why a college would "purposely" make alcoholic beverages available to its faculty and students. Such availability "...was sure to increase their consumption by both faculty and students...Rather, the health and welfare of the college community seems to me to be a compelling reason for denying such a license."

Little Falls Mayor James T. Capalbo testified that the Township Committee of Little Falls unanimously passed the resolution objecting to the issuance of this permit for reasons set forth in a Township Committee authorized statement received by the Director. He contended that, by granting this permit, the Director would, in effect, increase the number of licenses that served alcoholic beverages within the Township of Little Falls. He insisted that, although Montclair State College was not legally subject to zoning restrictions of Little Falls because it is a State property, it should, nevertheless, be subject to the zoning restrictions. He admitted that although five or six special permits were issued for affairs at the college at which alcoholic beverages were dispensed, no reports of any disturbances or any other problems to his knowledge, required police involvement.

Several witnesses testified on behalf of the applicant in support of the desirability of having alcoholic beverages, limited to wine and beer, dispensed at the Student Center.

Angelo Genova, president of the Student Body and a member of the Faculty-Student Cooperative Association, Inc. gave the following reasons in support of the issuance of this permit: The Rathskeller would "provide an arena or an area where different entities of the college community, [faculty, administrators and students] could see each other and enjoy each other's company."

He explained that the commuter students as well as the resident students would like to interact with each other:

"...because they are, in some ways, excluded, whereas resident students are restricted in a lot of ways to the campus while commuting students make use of the campus and then leave and one of the ways in which these two groups could facilitate interaction would be through such a facility as applied for."

He reasoned that this atmosphere would be not only socially and educationally desirable, but that it would provide a meaningful and beneficial service to the college community.

He noted that meaningful discussions do not often happen in faculty offices; that it may more likely occur in a social atmosphere such as would be provided in a rathskeller than in a formal atmosphere.

Maria L. Oliva, a student, who serves as Treasurer of the Student Government Association and Secretary of the Faculty-Student Cooperative, concurred with the testimony of the prior witness. She added that she felt that having a rathskeller on the premises would keep students from patronizing taverns in the community and keep them off the streets. Dormitory students would have a liquor-licensed facility immediately within walking distance, and off-campus students who live within walking distance of the college would

not have to use their motor vehicles to drive into the adjacent municipalities. This would, thus, result in reducing the drunken-driving potential.

Vincent B. Calabrese, Vice-President of Administration and Finance of Montclair State College and treasurer of the applicant, articulated his reasons in support of the grant of this application. He stated that a college is a community with unique needs and unique constituencies, and that it is the obligation of a college administrator to provide for the wants and legitimate needs of its constituents.

He pointed out that this college is a total community of 14,480, who attend college for various periods of time, over six and a half days and sixteen hours a day.

"Before the decision was made to have a rathskeller, there was considerable involvement with student groups long since gone the way of graduation. It was considered the opinion of both the students, the faculty and the administration that a rathskeller would be an addition to the campus which would improve communication and develop the social atmosphere that would be desirable if for no other reason than the expressed need of our constituency since they have legal constituents, they had a legal request and if it could be done in a proper manner, we felt we should meet those needs."

He noted that the Board of Trustees of the college subleased the Student Center to the applicant and that the applicant consists of alumnae, administrators, students and faculty, and they have full supervision over all expenditures to be made by the applicant. Any realized profit would be used for the benefit of college projects, and a possible reduction in student fees. Nevertheless, he explained its primary purpose is not to make money but to serve the best interests of the students.

"I know of no community of 14,480 people in this country or England, for example, who do not have a local pub or tavern. They serve more beer or liquor-- or wine, rather. They all have a local pub. It has been a center part of the American scene. It is a heritage from the British pub. It has been accepted as part of towns in this country. In the dry states in the south, there was also a pub somewhere if you went to look for it that serves and I remember looking for it. So this is, you know, an accepted thing in this particular society."

He emphasized that Montclair State College had "very few problems" on the campus with the students because the campus was a controlled community. "We can control our campus."

I find a close parallel between the issues herein and those considered in Re Edward Rehling v. South Orange and Student Government of Seton Hall University, Bulletin 2104, Item 1. That was an appeal from the action of the Board of Trustees of the Village of South Orange, which granted a club license to the respondent Student Government of Seton Hall University for premises in the student center located on the Village campus to be operated as a "pub". Although the instant application was made directly to the Director under the subject statute, and Seton Hall Student Government obtained a club license from the local issuing authority since it is a private institution, there is a mutuality and commonalty of interests and concerns of the students as they relate to the desirability of a liquor license or permit on the college campus.

In Rehling the Director set forth in considerable detail the views of both the proponents and objectors. The Director was particularly impressed with and favorably influenced by the opinions expressed by the following witnesses in support of the action of the local issuing authority, and which resulted in the affirmance by the Director of the grant of the said license.

Monsignor Thomas G. Fahy, president of Seton Hall University asserted that he was in favor of the issuance of the license because "...experience has shown that controlled drinking on the campus is preferable to off-campus drinking. Inasmuch as fraternal and service organizations are routinely granted licenses, college students should not be denied the same privilege."

He maintained that it would not be consonant on the one hand to expect the youths to act in a mature and responsible manner and, at the same time, question their ability to manage a "pub".

Reverend Edwin Sullivan, a sociologist with a doctorate in sociology, testified that he supports, both professionally and personally, the licensing of a "pub" because "It will provide a normal inter-action for young people."

Another witness, Arthur D. Klimowicz, a Seton Hall University alumnus, school librarian and the father of ten children, voiced his approval of the issuance of such license. He added that, while attending Columbia University for his master's degree, he observed that "the pub' at Columbia was operated quietly and efficiently."

Professor Peter G. Ahr, who teaches philosophy of religion and ethics at Seton Hall University, maintained in substance, that "Although the use of certain matters, including alcohol may be subject to abuse by some individuals, that is no reason for forbidding them in advance of demonstrated abuse."

The testimony of Adrian M. Foley, Jr., an alumnus of Seton Hall University and a prominent attorney of this State, was also cited by the Director, to the effect that this witness was in favor of the licensing of the "pub" because the documents submitted with the application disclosed that the experience of other educational institutions that permitted the sale of alcoholic beverages on-campus "was uniformly good."

After careful consideration of the arguments presented with respect to these objections, I find that these objections lack merit. I hasten to add, however, that it must be assumed that the rathskeller will be conducted in a lawful manner. A licensee is responsible for the conduct of its licensed premises in strict compliance with the Alcoholic Beverage Law and the rules and regulations of this Division.

Since this permit, if issued, will expire on June 30 and thereafter upon re-application, will be renewed annually, if the applicant conducts these premises in violation of the law and in a manner offensive to the public interest, the Director may consider these factors when the application for renewal is made. Re Four Corners Bar v. Newark, Bulletin 1152, Item 1.

The Division records disclose that two other State-owned colleges have been granted such special permits. No objections were filed by residents with respect thereto, nor has there been any reports of violations of the terms of the said permits or of the Alcoholic Beverage Act.

Furthermore, it should be noted, significantly, that no objections to the instant application was received from the governing body or residents of the Town of Montclair in which the campus of this college is principally located.

III

A critical issue raised by another objection relates to the alleged "inability" of the Police Department of Little Falls to cope with a situation which may result from a potential abuse of the privilege of selling and serving alcoholic beverages.

The evidence herein disclosed that the student body consists of approximately 14,000; that approximately 1,100 of them live on campus; and that the faculty and staff consist of another 1,200 and another 1,100 of them live off-campus in the vicinity of the campus.

Little Falls Police Chief John Suchorsky gave the following account: The security force of Montclair State College consists of thirty persons under the supervision of Mr. Keith Kauffman, which, in his opinion, would be inadequate to control any problems that might arise at the facility.

The Little Falls Police Department consists of twenty-one police officers, which serves the Township population of 12,000. He noted that about a year ago, at a public function a murder was committed on the campus. He acknowledged, however, that more than ninety percent of those attending that function were non-students, and that, in fact, none of the persons involved in that incident were students of the college.

The Township of Little Falls has a total of fifteen taverns. As far as he knows, no student from the college has ever gotten into trouble on account of drinking alcoholic beverages in the taverns located in Little Falls. He further acknowledged that it would be safer to drink on the campus than to drive to a local tavern for the purpose of purchasing and consuming alcoholic beverages.

He explained that the Student Center is geographically situated in Little Falls and it would be his responsibility to patrol that part of the campus. Consequently, his patrols cover the campus once or twice a day. He also pointed out that there were four roads leading to the student campus, only one of which leads to Little Falls.

Lieutenant Alexander G. Wityk amplified details with respect to the above-mentioned incident which resulted in a fatality. The roadways leading to the campus are adequate but, in his opinion, they are too narrow. Consequently, they have a potential for accidents.

He also acknowledged that it would be safer to permit drinking on the campus where students would not have to operate motor vehicles, than to operate motor vehicles into Little Falls in order to patronize local taverns.

Mayor Capalbo testified that the granting of this permit presents "potential dangers". He asserted that the granting of this permit would increase the number of available outlets which would require additional supervision by the police force of Little Falls.

He acknowledged that the Township of Little Falls had given four or five special permits during the past year for affairs at the college where alcoholic beverages were served and, to his knowledge, no disturbances or policing problems arose in those instances.

Keith R. Kauffman testified in behalf of the applicant, that he is the Director of Security and Safety at the college and has been employed in that capacity for the past two years. He is a graduate of the New Jersey State Police Academy and was a member of the New Jersey State Police for eight years. He served

as Director of Public Safety of the City of Camden, New Jersey and was Director of Security at RCA for three years prior to his present employment at Montclair State College.

He has a staff of thirty security personnel headed by a uniformed chief, all of whom have had adequate professional training as security officers. The general duties of the security force to the college is preventive, to deter crime, and to prevent incidents from arising on campus.

The campus has three entrances that are open daily and one entrance which is permanently closed. The entrance leading to Little Falls is usually closed at midnight and is open at 7:00 o'clock in the morning. The roadways have been approved by the State Bureau of Building and Construction and, in his opinion, are safe.

He further noted that there are few crimes against the person on campus; that any crimes that occur are usually crimes against property where students' automobiles are broken into, or a dormitory room might be broken into.

With respect to the campus itself, he maintained that it is a controlled environment.

"A student at a college has a lot at stake if he or she violates a college rule or regulation in that he or she could be dropped from the college. And so, therefore, that is a tool that I feel lends itself to a controlled environment at the college... And the controlled environment, as I see it, in the Rathskeller, would lend itself to that much more than a public event on campus where the general public is invited."

He was certain that there would be adequate manpower at all times to supervise the activities of this rathskeller, and that he would work closely as he has in the past, with the Police Departments of Montclair and Little Falls to assure adequate control.

He further explained that there is a well-defined procedure which has been outlined as follows: Any student or member of the faculty would be entitled to bring one guest. No student would be admitted into this rathskeller unless he presents a college identification card, which contains his photograph, social security number, date of birth, and stamp showing that he is enrolled for that current semester. This would be checked against a master roster of active students by one or more of a supplemental force of twenty-five or thirty students currently enrolled at the college. There is also a faculty list which will be on hand at the entrance to the rathskeller. The rathskeller has a seating capacity of two hundred forty persons, and, of course, no more than that number would be admitted to this facility at any one time.

Michael S. Loewenthal also testified with respect to the limitations imposed upon those persons patronizing this facility. He pointed out that, although the permit would authorize the operation of this facility to be conducted between 12:30 and 2:00 a.m., the present plan, subject to change, is to have this facility open from 4:00 p.m. to 1:00 a.m. Monday through Thursday, and 4:00 p.m. to 2:00 a.m. Friday and Saturday. It will be open on Sunday from 1:00 p.m. to 10:00 p.m.

Emphasizing the responsible composition of the Board of Trustees of the applicant, he stated that it is comprised of the following persons: President of the College, Business Manager of the College; Chairman of the Department of Business Education; President of the Student Government Association; Treasurer of the Student Government Association; President of the Alumnae Association; one student to be designated by the Student Government Association and one additional alumnae member to be designated by the Alumnae Association.

From my evaluation of the testimony herein presented, I am satisfied and find that there will be adequate security in the operation of this rathskeller, and that it will not present any additional policing problems for the Township of Little Falls.

The Director of Security has impressed me as a person of considerable experience and intelligence, and I am confident that with his force of thirty security personnel, supplemented by twenty-five or thirty student employees, he will be able to adequately and efficiently provide the security for the proper and lawful operation of this facility.

It seems apparent that a security force of thirty persons as supplemented by the student force under the supervision of a highly trained security director, charged with the responsibility of maintaining law and order in one liquor-licensed facility in a controlled atmosphere of a college campus would be a matter of less concern than that of the police force of twenty-one members which is charged with the responsibility of policing fifteen taverns in the Township of Little Falls and a population of 12,000.

It should be further pointed out that while the total population of Montclair State College is over 14,000, the students are not all present at the same time. Part of the student community attend day sessions, some attend night sessions; and not all students are on the campus at any one time. I, therefore, conclude and find that the objection raised with respect to the alleged problem of security is lacking in merit.

IV

One of the threshold objections raised by the Township of Little Falls was to the effect that the establishment of this

facility would violate the zoning laws of Little Falls although no such proof was offered to support this contention. However, as noted earlier in this report, Mayor Capalbo frankly acknowledged that the municipal zoning laws are not legally applicable to State property. This is, of course, the law. In Town of Bloomfield v. N.J. Highway Authority, 237, 244 (1955), it was held that there is no doubt whatever as to the power of the Legislature to immunize its public authorities from the provisions of local zoning and building restrictions. See Kaveny v. Montclair Bd. of Com'rs, 71 N.J. Super. 244, 248 (App. Div. 1962).

In any event this matter need not be reached in the consideration of the subject application because the grant of this application would in nowise permit the applicant to operate in contravention of any applicable zoning provisions. Re Lubliner v. Bd. of Alcoholic Bev. Con., Paterson, 33 N.J. 428 (1960).

V

The further argument was made that the residential area adjacent to the college would be "downgraded" by the grant of this permit because it would "potentially" generate a "greater amount of traffic." There has been no documentation or evidence in support of that contention.

A letter received by the Director after the hearing herein from Arthur J. Sullivan, Jr., City Counsel of the City of Clifton, asserts that the college is situated adjacent to one of Clifton's finest residential neighborhoods and that there would be a downgrading of its property values.

In response to that letter, the attorney for the applicant noted that the premises to be licensed are between one-quarter and one-half mile from any private residence. In addition, he observed that Clifton abuts the college property along Valley Road, which presently contains two licensed premises, directly across Valley Road from the campus. Both are highly popular restaurants with large seating capacities. Thus, whatever effect this facility may have on the neighborhood has already been absorbed by the residents. "The influence of a beer-and-wine permit for a 240-capacity rathskeller quite remote from these residences could not be very formidable."

In sum, I conclude that the grant of this special permit is fully authorized by the statute; does not present any serious security or policing problems for the Police Department of Little Falls; would not downgrade the adjoining residential areas; and would be compatible with the best interests of the public.

Finally, it should be emphasized, as noted above, that this permit, if granted, is for a limited period, i.e., until June 30, 1974, and may be renewed upon re-application for the next annual licensing period. The Director, of course, will

re-examine the application and will renew the same upon being satisfied that these premises are being operated in a law abiding manner, and in compliance with the provisions of the Alcoholic Beverage Law and the rules and regulations of this Division.

It is, therefore, recommended that the application for a special permit be granted to the applicant in accordance with the application filed therefor.

Conclusions

Written exceptions to the Hearer's report were filed on behalf of the Township of Little Falls and other objectors. A written answer to the said exceptions was filed on behalf of the applicant.

An exception challenges the right of the Director to issue this special permit on a fiscal year basis, since, by the terms of the applicable statute, the Director is authorized to issue only a temporary permit, and an aggregate of twenty-five such temporary permits in any one calendar year.

This exception misses the point. As was noted in the Hearer's report, the statutory authority for the issuance of a permit to public buildings to or under control of the State or any political sub-division thereof is solely vested in the Director. N.J.S.A. 33:1-42. Thus, this section of the Act must be read in conjunction with the provisions of N.J.S.A. 33:1-74, as set forth in the said Hearer's report.

The intent of the Law is crystal clear. The Director is vested with broad authority in the comprehensive administration of the Alcoholic Beverage Law, N.J.S.A. 33:1-39, and since the Alcoholic Beverage Law shall be liberally construed, N.J.S.A. 33:1-73, the grant of this application comes well within the authority of the Director.

The exceptions further argue that the granting of this special permit would establish another license in the Township of Little Falls and would "make a mockery of the Statute limiting the number of licenses of various descriptions based upon population." This contention lacks merit because we are concerned here with a license serving a community of 14,000 persons on State-owned property.

A further contention advanced in the exceptions notes that there is a difference between the issuance of a club license by a municipality "unquestionably permitted under the statute" and a special permit which is herein sought. Obviously a club license could not be issued to the applicant by the

municipality because the facility is State-owned. Therefore, the Legislature understood this limitation, and wisely authorized the issuance of a special permit of the nature applied for herein. to suitable applicants.

Another contention maintains that, notwithstanding the principle that municipal zoning laws are not legally applicable to State property, the approval of this application would be in direct conflict with the zoning restrictions of both Clifton and Little Falls. This matter was adequately considered and satisfactorily resolved in the Hearer's report. In this connection, it should be pointed out that the fact is that the Student Center already exists and is in operation. Thus, whether this application is granted or denied, that building is a lawful operating entity.

However, it should be pointed out, as noted in the answer to the exceptions, that the premises for which the permit is requested are located near the exact center of the one hundred-thirty acre College Campus, accessible by only three roads, and surrounded by dormitories, classroom buildings, libraries, and other college facilities. How the granting of this permit will have the slightest impact on the zoning pattern of the municipalities involved or on their property values passes my comprehension.

I have carefully analyzed and evaluated the other exceptions and find that they have been fully considered and resolved in the Hearer's report or are lacking in merit.

Thus, having carefully considered the entire record herein, I adopt the findings and conclusions set forth in the Hearer's report. Therefore, I shall grant the said application.

JOSEPH H. LERNER
ACTING DIRECTOR

Dated: March 21, 1974

3. STATE LICENSES - NEW APPLICATIONS FILED.

Parrott & Co.
215 Market Street
San Francisco, California
Application filed May 3, 1974
for wine wholesale license.

Matthew J. Antuzzi
t/a Antuzzi's Winery
RD Bridgeboro-Moorestown Road
Delran, New Jersey
Application filed May 3, 1974 for person-
to-person and place-to-place transfer of
Plenary Winery License V-1 from Hazel E.
Kluxen, Executrix of the Estate of Herman
A. Kluxen, t/a Herman A. Kluxen, 28 Fairview
Avenue, Madison, New Jersey.



Joseph H. Lerner
Acting Director