

TOWNSHIP OF MOORESTOWN

RESOLUTION NO. 180-2014

**A RESOLUTION OF THE TOWNSHIP OF MOORESTOWN
AWARDING ONE (1) PLENARY RETAIL CONSUMPTION
LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGE TO
MOORESTOWN BEVERAGE I, LLC**

Whereas, Title 33 of the New Jersey Statutes, authorizes a municipality to issue a plenary retail consumption of liquor license where a municipal ordinance has created plenary retail consumption liquor licenses; and

Whereas, in accordance with Moorestown Ordinance No. 1-2012 (Amended by Ordinance 26-2012), the Township has established certain plenary retail consumption licenses and the requirements for such application; and

Whereas, by referendum, the citizens of the Township of Moorestown approved the issuance of plenary retail consumption liquor licenses to full service restaurants located on the same lot and block as an indoor shopping mall, and in accordance with the restrictions in Ordinance 1-2012; and

Whereas, as a result of a court challenge captioned as East Gate EGS TIC V, LLC, et al. vs. Township Council of the Township of Moorestown, et al., Docket No.: BUR-L-1176-12, the Township subsequently amended Ordinance 1-2012 to allow the sale of plenary retail consumption liquor licenses to entities that will operate full service restaurants south of State Highway Route 38 to the Mt. Laurel and Maple Shade borders; and

Whereas, on August 6, 2014, the Municipal Clerk received proposals/applications in connection with the sale of one (1) plenary retail consumption license; and

Whereas, Moorestown Beverage I, LLC (hereinafter the "Applicant") submitted one (1) proposal/application, along with the appropriate application fees and good faith payments, for one (1) (in-pocket) plenary retail consumption license to be ultimately sited at premises located at 400 Route 38, Moorestown, New Jersey; and

Whereas, the application form has been reviewed by the Township Council; and

Whereas, Township Council has determined that the submitted application form is complete in all respects, the license fee and the filing fees have been paid; and

Whereas, the Township Council has determined that the Applicant is qualified to be licensed according to all standards and conditions established by Title 33 of the New Jersey Statutes, the regulations promulgated thereunder, as well as, Chapter 46 of the Moorestown Township Code; and

Whereas, the Applicant has disclosed and the Township is currently reviewing the source of all funds used in the purchase of the licenses and the licensed business and all additional financing obtained in connection with the licensed business; and

Whereas, the applicant has agreed to be thoroughly investigated in accordance with the disclosure policy of the Division and Alcoholic Beverage Control and Chapter 46 of the Moorestown Township Code; and

Whereas, notice of the intent to award a new license and notice of this application was published by the Applicant twice at least one week apart; and

Whereas, there was no written objection received to the one (1) application; and

Whereas, the Township Council has determined that it is in the best interest of the community that such license be awarded, subject to the terms, conditions and restrictions of Chapter 46 of the Moorestown Township Code.

Now, Therefore, Be It Resolved that on this 8th day of September, 2014, in open public session, following a public hearing, the Moorestown Township Council does hereby approve the award of one (1) Plenary Retail Consumption License to Moorestown Beverage I, LLC subject to the terms, conditions and restrictions of Chapter 46 of the Moorestown Township Code.

VOTE:

JORDAN
CHIACCHIO
NEWCOMER
GARWOOD
NAPOLITANO

Certified to be a true and correct copy of a Resolution adopted by the Moorestown Township Council at a meeting held on September 8, 2014

Patricia L. Hunt, RMC
Township Clerk