

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

WHEREAS, LUX 123, LLC t/a LUX, located at 34 South Valley Road, West Orange, New Jersey, 07052, is the holder of Plenary Retail Consumption License No. 0722-33-009-012; and

WHEREAS, an application has been filed by LUX 123, LLC t/a LUX, for renewal of its Plenary Retail Consumption License # 0722-33-009-012, for the period **July 1, 2022 through June 30, 2023**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, LUX 123, LLC t/a LUX, had obtained its License by person to person and place to place transfer from prior Licensee SUZYQUES LLC t/a Suzy Que's at the same location and the Licensed premises including an outdoor food and beverage service area at the rear of the location near to residential areas of the Township, and subject to the Special Condition pursuant to *N.J.S.A. 33:1-32* that no amplified outside music shall be permitted after 10:00 p.m., and the same Special Condition having been deemed necessary and appropriate by the ABC Board, and having been consented to by LUX 123, LLC t/a LUX at the time of transfer and in the succeeding License terms to date; and

WHEREAS, the Council in its capacity as the Township's ABC Board continues to have concern about creation of excess noise due to amplified music in or about the vicinity of the outdoor patio area where dining and alcoholic beverage service are available, and wishes to renew the License subject to the same Special Condition that there will be no amplified outside music after 10:00 p.m.; and

WHEREAS, by letter dated and sent via certified mail, registered return receipt to the Licensee on **May 20, 2022**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Conditions upon renewal for the **2022-2023** License Term and

offering a formal hearing in the event there was objection to same by the Licensee; and

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

NOW THEREFORE BE IT, AND IT HEREBY IS, RESOLVED, by the Township Council of the Township of West Orange, sitting as the West Orange Township ABC Board, that approval is hereby given for renewal of the Plenary Retail Consumption License No. 0722-33-009-012, held by LUX 123, LLC t/a LUX, located at 34 South Valley Road, West Orange, New Jersey 07052, for the License Term **July 1, 2022 to June 30, 2023**, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32*, that no amplified outside music shall be permitted after 10:00 p.m., there being no objection on the part of the Licensee to such Special Condition.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Condition as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange sitting and serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 28, 2022**.

**Susan McCartney, Council President
and ABC Board Chairman**

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

**Adopted: June 28, 2022
Effective: June 28, 2022**