

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 264 ~

RESOLUTION APPROVING THE RENEWALS OF PLENARY RETAIL CONSUMPTION LICENSES (POCKET – INACTIVE) FOR THE 2025-2026 LICENSE YEAR

WHEREAS, the Division of A.B.C is taken the position that the authority over the renewal of inactive licenses now falls squarely on municipalities as P.L. 2023, c.290 removed the requirement that inactive license holders no longer need to apply to the Division of A.B.C. for relief under N.J.S.A. 33:1-12.39; and

WHEREAS, the Division of A.B.C has further taken the position that after August 1, 2024 a retail consumption license that has not been “actively used” for two consecutive years, which cannot be renewed, shall expire, unless the municipality, in the exercise of its discretion, renews the license for an additional year; and

WHEREAS, the Division of A.B.C. issued Advisory Notice AN-2025-01 regarding the implementation of the recent liquor license reform P.L. 2023, c.290 of inactive licenses; and

WHEREAS, Advisory Notice AN-2025-01 addresses the definition of “active use” in the context of P.L. 2023, c.290 and has taken the position that a municipality on a case-by-case basis, may consider and balance certain factors that demonstrate whether a licensee has taken significant steps to activate the license.

WHEREAS, municipalities must review each individual inactive license file prior to issuing a resolution renewing the license for the 2025-2026 license term; and

WHEREAS, the new law requires the Director of A.B.C to produce a quartile list of inactive plenary retail consumption licenses on the effective date of the Act that must be used by the license holder, transferred by the license holder in a private sale to a transferee who will actively use the license or permit the municipality with an inactive license to transfer the license to a contiguous municipality as part of an economic redevelopment plan or revitalization area; and

WHEREAS, renewal applications and required fees for the license year 2025-2026 for Plenary Retail Consumption License below have been filed with the municipality.

FAMILY ASSETS INACTIVE October 18, 2017 1615-33-002-003	HAVANA NIGHTS TAPAS & BAR LLC INACTIVE April 7, 2021 1615-33-028-008
LAKE FRONT LIQUORS LLC POCKET December 19, 2018 1615-33-013-010	PFA REALTY LLC POCKET October 6, 2021 1615-33-020-009
NEW VINELAND CORPORATION POCKET July 17, 2024 1615-33-003-007	CHIDO LLC POCKET May 1, 2024 1615-33-010-006

Instructions to activate, site, or transfer:

1. Pocket Licenses must submit a 12-page ABC Transfer application with detailed sketch of proposed site in triplicate with a Police Investigation Request Form to the Township Clerk and receive satisfactory recommendations from the Health, Fire, Building, Zoning and Police Departments prior to siting/ transferring the license.
2. Prior to activating the license, inspections of premises must be made and satisfactory recommendations must be received by the Fire, Health, Building, Zoning and Police Departments.

3. Prior to activating the license, Licensee must submit applicable 12 page application pages 1, 2, and 11 of the 12-page ABC application to the Township Clerk with date of activation.
4. Health Department Retail Food Establishment license must be acquired with detailed floor plans and satisfactory recommendation received in the Health Office prior to activating.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and hold these license certificates until such time these licenses are either activated, sited, or transferred.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk