

# **Town of West New York Hudson County, New Jersey**

## **Alcoholic Beverage Control Board**

Minutes of Regular Meeting  
(Regular Session)  
May 24, 2012

Joan Palazzo  
Julio C. Garcia  
Osvaldo Garcia  
Board of Alcoholic Beverage Control

**Alcoholic Beverage Control Board**

**May 24, 2012**  
***Regular Meeting***

**Reference is made to the official transcript of the May 24, 2012 which is incorporated into these minutes by specific reference thereto; if there is any inconsistency between the official transcript and these minutes, the official transcript is deemed to be controlling.**

Meeting starts 7:05 PM

Pledge to the flag

Open Public Meetings Act Notice

Roll Call:

Present

Member Palazzo

Member Garcia

Member Garcia

There is a quorum and the meeting continued

Also in attendance:

Board Attorney Frank R. Gioia, Esq., Sgt. Michael Clement, Board Secretary Milena Castaneda, and Board Prosecutor Marlene Caride

Chairwoman Palazzo made the following announcement regarding the **OPEN PUBLIC MEETING ACT**

This regular meeting of the ABC Board of the Town of West New York held Thursday, May 24, 2012 at 7 PM and it is publicly announced and directed that this announcement be placed in the minutes of this meeting that the notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given and published in the Jersey Journal, and Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk. Copies are available to the public in accordance with the Law.

1. Correspondence: Discussed by Board Attorney:

- C-7 Letter from Administrative Law Judge placing appeal of West New York Ordinance involving hours or operation in Controlled Waterfront Development District filed by Lusso Pizza Bar & Grill on an “inactive” list pending resolution of same issues by Superior Court Judge Peter Bariso
- C-8 Letter from State Division of Taxation advising that El Marinero Restaurant license was seized by State for non-payment of taxes by the placement of a tax lien on May 9, 2012; the Board Attorney and Sgt. Clement advised the Members that this matter had been cleared up and taxes paid by the Licensee on the same day that the notice was delivered to them
- C-9 Letter from State advising that Lien against El Marinero Restaurant was released
- C-10 Letter from John O’Donnell, Esq., representing Grandview I and II objecting to renewal of Son Cubano License; Board Attorney advised that a hearing would have to be scheduled to hear the objections before any action could be taken to renew the license
- C-11 Letter from John O’Donnell, Esq., representing Grandview I and II objecting to renewal of Lusso Pizza Bar & Grill License; Board Attorney advised that a hearing would have to be scheduled to hear the objections before any action could be taken to renew the license
- C-12 Letter from Trustee in Bankruptcy for Guillermo Renteria, Principal of ENROBERT CORP. advising that there will be a hearing on May 21, 2012 before the Bankruptcy Judge to obtain permission to transfer the ENROBERT liquor license as part of the Renteria bankruptcy; the Board Attorney advised the Board that the hearing had been held and that Renteria agreed to the transfer of the liquor license as part of his bankruptcy and that the Board could expect the Trustee to file an Extension of License application and then a 2012-2103 Renewal application with the Board.

## BOARD ACTION

The Board adjourned to review proposed Minutes

The Board returned and the meeting continued.

1. Motion to Adopt Minutes of Board Meeting of March 22, 2012

Motion to adopt by Chairwoman Palazzo;

Seconded by Member O. Garcia

All in favor; resolution adopted

2. Motion to Adopt Minutes of Special Meeting of April 19, 2012

Motion to adopt by Chairwoman Palazzo

Seconded by Member O. Garcia

All in favor. Resolution Adopted

WHEREAS certain charges were filed against Ohm Satyam, Inc. by the West New York Police Department; and

WHEREAS, the charges were disposed of on February 23, 2012 by entry and acceptance of a guilty plea to the charge of having an undisclosed interest in the license and any other charges being dismissed by the ABC Prosecutor; and

WHEREAS, pursuant to recommendations of the ABC Prosecutor agreed to by the Licensee who was represented by Counsel, a period of license suspension of fifteen (15) days commencing on the date that the license was sited and restored to active status was imposed; and

WHEREAS, the Board desires to memorialize the resolution adopted on February 23, 2012 by adoption of this Resolution

BE IT RESOLVED by the West New York Board of Alcoholic Beverage Control adoption of a motion to accept the entry of a guilty plea to the charge of having an undisclosed interest in the license and the dismissal any other open charges with a fifteen day suspension as described above which motion was adopted on February 23, 2012 is hereby ratified and relates back to the date of adoption of the aforementioned motion and be it further Resolved that in the event that the Licensee transfers the license the suspension shall be imposed when the license is restored to active status and operations resumed; the Board Secretary is directed to deliver a certified copy of this Resolution to the Licensee and other interested parties.

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

Ayes: Palazzo and J. Garcia; O. Garcia did not vote because he was not present at the February 23, 2012 Meeting

Resolution adopted

- 4 R-2 Resolution Memorializing Board Action Taken on February 23, 2012 Concerning Charges  
Filed Against Enrobert Corp.

**R – 2/5/24/12**

**Ratification and Memorialization of Disposition of Charges filed against  
Enrobert Bar, Inc.  
License Number 0912-33-066-007**

WHEREAS, certain charges were filed against Enrobert Bar, Inc. by the West New York Police Department; and

the Board Secretary is directed to deliver a certified copy of this Resolution to the Licensee and other interested parties.

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

Ayes: Palazzo and J. Garcia; O. Garcia did not vote because he was not present at the February 23, 2012 Meeting

Resolution adopted

1. R-3 Resolution memorializing Approval of Social Affair Permit issued by Board Secretary to Holy Redeemer Church on May 12, 2012

**R-3**

**RESOLUTION  
RATIFICATION OF AUTHORIZATION OF BOARD SECRETARY TO ENDORSE  
APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR  
(HERMANDAD DE SAN MARTIN DE PORRES, MAY 12, 2012)**

**WHEREAS**, an application for Special Permit for Social Affair has been filed by HERMANDAD DE SAN MARTIN DE PORRES within the jurisdiction of the West New York Board of Alcoholic Beverage Control; and

**WHEREAS**, the submitted application form is complete in all respects; and

**WHEREAS**, the State of New Jersey Division of Alcoholic Beverage Control requires the aforementioned signatures prior to processing any request for a Special Permit for Social Affair;

**WHEREAS**, on April 23, 2012 the Director of the West New York Police Department signed and certified that the West New York Police Department has no objection to the granting of a Special Permit to the above applicant;

**NOW, THEREFORE BE IT RESOLVED** on May 24, 2012 at a regular meeting of the West New York Board of Alcoholic Beverage Control that said Board does hereby authorized the Board Secretary to endorse the Application for Special Permit for Social Affair

**Resolution  
R – 5/5/24/12**

**Ratification and Memorialization of Amendment to Resolution Requiring  
Removal of Original Front Door Entrance – Lusso Pizzeria Bar & Grill  
License Number –0912-33-069**

**Address: 40-1 Riverwalk Place, West New York, NJ 07093**

WHEREAS, the Board desires to memorialize a motion which was adopted on March 23, 2012 pertaining to the original front door of Lusso Pizzeria Bar & Grill by adoption of this Resolution BE IT RESOLVED by the West New York Board of Alcoholic Beverage Control that adoption of a certain motion which amended a prior resolution of the Board providing for the removal of the original front door Lusso Pizzeria Bar & Grill and which motion was approved at the March 23, 2012 Meeting is hereby ratified and relates back to said meeting date upon the following terms and conditions, to wit:

In lieu of removal of the original front door, all hardware which would permit the original front door to be used for purposes of ingress and egress is to be removed and no hardware shall be installed in the future which would permit it to be used for such purposes; and, it is further resolved that in the event such were to occur, it would be considered a direct violation of this Resolution and appropriate action will be taken by the Board;

The Board Secretary is directed to deliver a certified copy of this Resolution to the Licensee and other interested parties.

Motion to adopt by Chairwoman Palazzo

Seconded by Member O. Garcia

All in favor. Resolution Adopted

8.R-6 Resolution memorializing Board approval of Lusso Pizza Bar & Grill Expansion of Premises Place to Place application as adopted on March 23, 2012

**R – 6/5/24/12**

**Approval of Place- to- Place Transfer (Extension of Premises Application)  
Lusso Pizzeria Bar & Grill  
Address: 40-1 Riverwalk Place, West New York, NJ 07093**

The outdoor dining area is to close at 11 PM; no outdoor music shall be permitted; indoor music shall not be audible in the outdoor dining area; Grandview I and II and the Licensee each reserve any and all rights they may have pursuant to existing Law and including Municipal Ordinance 25-11 which is currently the subject of litigation; and

The Board has acted to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto; the Board Secretary is directed to deliver a certified copy of this Resolution to the Licensee and other interested parties.

Motion to adopt by Chairwoman Palazzo

Seconded by Member O. Garcia

All in favor; Resolution adopted

9. R-7 Resolution memorializing Board Approval of Disposition of Charges filed against DGNY, Inc., t/a Son Cubano as adopted on April 19, 2012

**R-7**

**R – 7/5/24/12**

**Ratification and Memorialization of Disposition of Charges filed against**

**DGNY, Inc. t/a Son Cubano, License Number 0912-33-084-006**

**Address: 40-4 Rivewalk Place, West New York, NJ 07093**

WHEREAS certain charges were filed against DGNY, Inc. by the West New York Police Department and there were active Department investigations regarding other potential charges on April 19, 2012; and

WHEREAS, all such charges were disposed of on April 19, 2012 by way of merger upon entry and acceptance of two non vult pleas to Charge 2 of the Complaint pertaining to September 9, 2011 and Charge 2 of the Complaint pertaining to October 2, 2011; and

WHEREAS, pursuant to recommendations of the ABC Department which were passed to the

The adoption of a motion to accept the entry of two non vult pleas and the merger of any, and all, outstanding charges that had been, or could have been, filed as of April 19, 2012 into said non vult pleas with a penalty of a fifteen (15) day period of license suspension, with five (5) days to be served commencing Monday, May 21, 2012 and the remaining ten (10) days being suspended on condition that no other violation be sustained within a one year period commencing April 19, 2012, which motion was adopted on April 19, 2012, is hereby ratified and memorialized and the effective date of this Resolution relates back to the adoption of the motion;

The Board Secretary is directed to deliver a certified copy of this Resolution to the Licensee and other interested parties.

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in favor; Resolution adopted

10. R-8 Resolution providing that signatures of Board Members Palazzo and J. Garcia are sufficient to sign Board Minutes of October 26, 2011 and December 15, 2011 which Minutes were formally adopted on January 5, 2012 because of inability to obtain original signature of former Board Member Rosendo Jimenez

**R-8**

**Resolution  
R – 8/5/24/12**

**Board Member Signature on Official Members**

WHEREAS the Board approved certain minutes for the Meeting of October 26, 2011 and December 15, 2011 on the following date; And,

WHEREAS, then Board Member Rosendo Jimenez voted to accept the minutes at that meeting; and

WHEREAS, then Board Member Jimenez has been unavailable since that time to execute the Official Minutes; and

WHEREAS, Board Members J. Garcia and J. Palazzo have executed the Official Minutes; and

WHEREAS, Rosendo Jimenez was not reappointed to the position of ABC Board Member and has not, to date, responded to requests from the Board Secretary to sign the Official Minutes

**R-9**

**RESOLUTION**

**RE: MEETING DATES FOR 2012-2013 TERM**

Be it resolved as follows:

The following dates are the dates for the Regular Meeting of the West New York Board of Alcoholic Beverage Control for the 2012-2013 term.

July 26, 2012  
August 23, 2012  
September 27, 2012  
October 25, 2012  
November 22, 2012  
December 27, 2012  
January 24, 2013  
February 28, 2013  
March 28, 2013  
April 25, 2013  
May 23, 2013  
June 27, 2013

Be it Further Resolved that all meetings shall be held in Public School No. 4, 6300 Palisade Avenue, West New York, New Jersey.

Be it Further Resolved that all meetings shall start at 7:00 p.m.

Be it Further Resolved that the Board Secretary shall cause a Notice of the Hearing Dates to be published in the Bergen Record and the Jersey Journal and a copy of said Notice is to

All in favor; Resolution adopted

13. Motion to schedule Special Hearing regarding objections to renewal of Son Cubano license to June 14, 2012 at 6 PM

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in favor; Resolution adopted

14. Motion to Schedule Special Hearing regarding objections to renewal of Lusso Pizza Bar & Grill license to June 21, 2012 at 6 PM

Motion to adopt by Chairwoman Palazzo

Seconded by Vice-Chairman J. Garcia

All in favor; Resolution adopted

**Public portion -**

No member(s) of the Public present

Motion to adjourn made by Member Palazzo; seconded by Member Garcia and all voted in favor

Meeting adjourned at 7:50 pm

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Joan Palazzo, Chairwoman

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Julio Garcia, Vice Chairman

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Oswaldo Garcia, Member