

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF CERTAIN PERMITS )	SR 2021-05
FOR THE 2021 SUMMER CONCERT SERIES )	SPECIAL RULING AUTHORIZING
IN WOODBRIDGE TOWNSHIP )	CERTAIN PERMITS
_____ )	FOR 2021 SUMMER CONCERT SERIES

BY THE DIRECTOR:

This matter involves a request by Woodbridge Township (“Woodbridge”) for the second consecutive year to relax the restriction in N.J.S.A 33:1-74 that limits a designated premises at which a temporary permit may be sited to no more than 25 permits in any one calendar year. *See* SR 2020-12 (2020). Once again, due to the extraordinary circumstances created by the ongoing State of Emergency, the Director will exercise his broad authority under the Alcoholic Beverage Control Act (“ABC Act”) to permit qualified permittees to sell and dispense alcoholic beverages at the Woodbridge summer concert series this year, as described below.

**I. Background.**

On March 9, 2020, by way of Executive Order No. 103 (2020), Governor Philip Murphy declared a Public Health Emergency and State of Emergency to protect the residents of New Jersey from the health hazard posed by the novel coronavirus 19 (“COVID-19”). Subsequent orders were issued to prevent community spread of COVID-19 through social mitigation strategies. On June 9, 2020, by way of Executive Order No. 152 (2020), Governor Murphy allowed outdoor gatherings with appropriate social distancing and capacity restrictions while maintaining the Public Health Emergency. Governor Murphy has since lifted these restrictions, and on June 4, 2021, by way of

Executive Order No. 244 (2021), the Public Health Emergency was terminated. As of this date, the State of Emergency remains in effect.

When alcoholic beverages are to be sold at outdoor gatherings, a plenary retail consumption licensee may apply for a catering permit from the Division of Alcoholic Beverage Control (“Division”), authorizing it to conduct this activity off its licensed premises. Alternatively, a non-profit organization may apply for a social affair permit to sell and serve alcohol at a social event. N.J.A.C. 13:2-5.1. Under normal circumstances, the Division issues these permits only on consecutive dates, typically three days or less; non-consecutive dates require additional permits (the Division’s online licensing and permitting system, POSSE, only allows for consecutive dates). Moreover, pursuant to N.J.S.A. 33:1-74, no more than 25 permits may be issued for the same designated premises in a calendar year. This statutory restriction cannot be waived.

In the past, Woodbridge held its annual Mayor’s Summer Concert Series in public parks across the municipality for five nights a week from the end of June to the beginning of September, and licensees obtained permits from the Division to sell alcoholic beverages at these concerts. Last year, due to social distancing and capacity restrictions resulting from the COVID-19 pandemic, Woodbridge requested relaxation of the 25-permit restriction so it could host its concert series (with alcohol service) at one centralized location, a large open field behind a municipal building at 2 George Frederick Plaza. By Special Ruling, the Director authorized a remedy whereby the 2020 concert series was viewed for regulatory purposes as a single event, enabling each participating licensee to apply for and receive a single permit to sell, dispense and serve alcoholic beverages from a fenced-in area on the field on non-consecutive dates. *See* SR 2020-12 (2020). This accommodation was granted because the original proposed locations for the concerts were not large enough to accommodate social distancing requirements, and the Division’s usual concern

that a particular location should not appear to be permanently licensed did not appear to be at issue at that time due to the extraordinary circumstances of a global pandemic.

This year, the annual Mayor's Summer Concert Series will be held on the lawn at Woodbridge High School from June 21 to September 5, 2021. On behalf of Woodbridge, Mayor John E. McCormac is again requesting relaxation of the 25-permit restriction so that alcohol may be served from a fenced-in area on the lawn. The 2021 summer concert series was planned (and contracts were signed) during the COVID-19 pandemic, before the Governor lifted the social distancing requirements and terminated the Public Health Emergency. These unique circumstances, as well as principles of fairness and equity, justify a new Special Ruling authorizing the same remedy under the same terms and conditions as SR 2020-12 (2020). The Division emphasizes that this is extraordinary relief, and that any future request for relaxation of this type will be considered under the circumstances that exist at that time.

As described below, a plenary retail consumption licensee seeking authorization to sell, dispense and serve alcoholic beverages at the 2021 summer concert series must submit a catering permit application, and a non-profit organization seeking the same authorization must submit a social affair permit application. If the application meets the Division's permit requirements, the Division will issue the permit. The total fee for these one-time special permits will be \$150.00 for the entire 2021 concert series (or \$100.00 for a social affair permit filed by a religious, civic, educational or veterans organization), in accordance with N.J.S.A. 33:1-74 and N.J.A.C. 13:2-5.1(b) and -5.5.

## **II. Application Requirements and Review Procedure.**

Applicants may apply for the permission described herein by completing an application for a catering permit (plenary retail consumption licensees) or social affair permit (non-profit

organizations), which they should supplement by listing each of the non-consecutive dates they will operate during the 2021 summer concert series. These applications require applicants to provide a detailed sketch of the designated premises and the security plan for the sale and service of alcoholic beverages. Once they complete the application, applicants should submit it to Woodbridge for review and endorsement by the municipal clerk and the chief of police. Applicants should then scan and e-mail the completed permit application package with endorsements to the Permit Section of the Division for review and approval. The Permit Section will create a job number in the Division's online licensing and permitting system, POSSE, enabling applicants to access the job number on their POSSE account and pay the \$150.00 (or \$100.00) permit fee electronically. Once the fee is paid and the Division is satisfied the applicant is qualified and will sell, dispense and serve the alcoholic beverages in a responsible manner that protects the public health, safety and welfare, the permit certificate will be e-mailed to the applicant. The permit will be effective only on the dates listed in the application and will automatically expire after the last date set forth in the permit.

### **III. Conditions.**

This Special Ruling is limited to the 2021 summer concert series in Woodbridge. Each permittee must maintain exclusive control of the designated premises during its hours of operation, and only one permittee may operate on any one date. Permittees must operate in accordance with all applicable Executive Orders issued by the Governor; all regulations promulgated by the Division; and all local ordinances, site plan requirements and permit conditions imposed by the Division or by Woodbridge. A permittee may be subject to disciplinary action, such as revocation or suspension of its license or permit, should it be found to be in violation of any of the foregoing requirements.

The relief granted herein is based on the representations made by Woodbridge. Should any facts or circumstances differ from these representations, the Division reserves its right to revoke the permit or take any other appropriate action against the licensee.



JAMES B. GRAZIANO  
DIRECTOR

Dated: June 21, 2021  
APW/RL