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Attorneys for Plaintiff Senator Loretta Weinberg**

SENATOR LORETTA WEINBERG,

Plaintiff,

vs.

**TOWNSHIP OF TEANECK and ISSA A.
ABBASI, TOWNSHIP CLERK,
TEANECK SPEEDWAY LLC and
545 CEDAR LN, LLC,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

DOCKET NO. BER-L-

Civil Action

**COMPLAINT IN LIEU OF
PREROGATIVE WRITS**

Plaintiff, Senator Loretta Weinberg (“Sen. Weinberg”), by way of Complaint in this action in lieu of prerogative writ against Defendants Township of Teaneck (“Teaneck”), Issa A. Abbasi, in her capacity as Municipal Clerk of the Township of Teaneck (“Municipal Clerk”), Teaneck Speedway LLC and 545 Cedar LN, LLC, states:

PARTIES

1. Plaintiff Senator Loretta Weinberg is the Majority Leader of the New Jersey Senate with a District Office located at 545 Cedar Lane, Teaneck, New Jersey (the “Premises”).

2. Defendant the Township of Teaneck, with offices at 818 Teaneck Road, Teaneck, New Jersey, is a municipal corporation duly constituted under the laws of the State of New Jersey.

3. Defendant Issa A. Abbasi, is the Municipal Clerk of the Township of Teaneck. In this capacity, Abbasi is responsible for the issuing of business licenses in the Township.

4. Upon information and belief, Defendant Teaneck Speedway LLC (“Teaneck Speedway”) is a New Jersey limited liability company and a tenant of the Premises.

5. Defendant 545 Cedar LN, LLC is the landlord for the Premises for both Plaintiff and Defendant Teaneck Speedway LLC.

FACTUAL ALLEGATIONS

6. In connection with its tenancy, Defendant Teaneck Speedway was issued by the Township of Teaneck an Amusement or Recreation Business License, Certificate No. 821, on October 25, 2018.

7. Certificate No. 821 states that “this license is granted upon the express condition of a forfeiture in case the licensee, his agent or servant shall violate any law or ordinance regulative of the business....”

8. Teaneck Speedway proposes to operate a business providing slot car racing tracks and other amusement activities.

9. Teaneck Speedway proposes to operate its business in the basement of the Premises.

10. “Article I: Poolrooms, Dance Halls, Tennis Courts, etc.” of Chapter 5 of the Township ordinances state as follows:

No person, ... **unless duly licensed in accordance with the provisions of this article**, shall have, keep, own or maintain within the Township any ... places where amusement or recreation of the public is carried on as a business.

Section 5-1 Licenses Required.

11. Section 5-14 Buildings to be open to public view, states as follows:

Whenever any business licensed under this article is carried on indoors, **the place of business shall at all times have the entire interior of such room or place in which the business is conducted, open to full view from the public street.** Such view shall not be obstructed by the use of nontransparent glass or of a shade, blind, shutter, screen, merchandise or any other article placed within or without the building in which such room is located.

12. Teaneck Speedway proposes to operate its business indoors.

13. The basement of the Premises is not open to public view.

14. The entire place of Teaneck Speedway's business is not open to full view from a public view.

FIRST COUNT

15. Plaintiff repeats and realleges each of the foregoing paragraphs as if set forth at length herein.

16. Since Teaneck Speedway proposes to operate its amusement or recreation business in the basement of the Premises without that business having the entire room or place open to full view from the public street, such operation would be in violation of Section 5-14 of Chapter 5, Article I, of Township Ordinances.

17. Because Teaneck Speedway proposes to operate its business in a location inconsistent with Section 5-14 of Township ordinances, Teaneck and the Municipal Clerk should not have issued a business license to Teaneck Speedway or should have advised Teaneck Speedway that its proposed location was not consistent with one or more applicable ordinance provisions.

18. When the explicit "open to public view" provision was pointed out to the Township Attorney and how the proposed business operations would be in violation of Section 5-14, the Township Attorney stated that a video screen inside the entrance of the building would satisfy the "open to public view" provisions of the ordinance.

19. A video screen inside the Premises cannot satisfy the clear language of Section 5-14 requiring that “the entire interior of such room or place in which the business is conducted, open to full view from the public street,” as one would have to enter the Premises in order to view the video screen and the video screen would not provide a full view of the entire Premises.

20. Plaintiff will suffer irreparable harm if injunctive relief is not granted.

21. Plaintiff has a likelihood of success to merits in this action because the Township Ordinances have clearly been violated.

22. The equity favors Plaintiff.

WHEREFORE, Senator Weinberg demands judgment against Defendants Township of Teaneck, Issa A. Abbasi, Township Clerk, and Teaneck Speedway LLC as follows:

A. Declaring Certificate No. 821 issued to Teaneck Speedway LLC null and void.

B. Declaring Certificate No. 821 issued to Teaneck Speedway to be in violation of the Township’s Ordinance.

C. Compelling the Township of Teaneck and the Municipal Clerk to enforce Section 514 of the Township Ordinances.

D. For Damages, interest, costs of suit and attorney fees; and

E. Such other relief as the Court may seem equitable and just.

CULLEN AND DYKMAN LLP
Attorneys for Plaintiff

Dated: November 28, 2018

By: 

Anthony S. Bocchi

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Anthony S. Bocchi, Esquire, is hereby designated as trial counsel.

CERTIFICATION

I certify that the matter in controversy is not the subject of any other action pending in any Court, or of pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated. Further, the undersigned is not aware of the name of any other party who should be joined in this action.

I further certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).



Anthony S. Bocchi

Dated: November 28, 2018