

Borough of Gettysburg

Public Hearing and Special Meeting Agenda

April 9, 2018 - 6:30 p.m.

The purpose of this special meeting is to conduct a public hearing in order for the Borough Council of the Borough of Gettysburg to receive comments and recommendations of interested individuals residing within the Borough of Gettysburg concerning the request of the Applicant, Linda Atiyeh, or her assigns, for the intermunicipal transfer of a Restaurant Liquor License (License No. R-15970; LID 63491) from premises located in the Borough of Bonneauville at 55 East Hanover Street for proposed use by the Applicant at premises located in the Borough of Gettysburg at 3 Chambersburg Street and for the purpose of the Borough Council rendering a decision to either approve or disapprove the Applicant's request for an intermunicipal transfer of the liquor license.

Call to Order – President Naugle

Items of Business before the Borough Council:

Request for Intermunicipal Transfer of a Restaurant Liquor License (License No. R-15970; LID 63491) from premises located at 55 East Hanover Street in the Borough of Bonneauville to premises located at 3 Chambersburg Street in the Borough of Gettysburg.

Public Hearing:

1. Introduction and presentation relative to the intermunicipal transfer of a restaurant liquor license request of the Applicant, Linda Atiyeh, or her assigns - Matthew B. Andersen, Esquire, of Norris McLaughlin & Marcus, P.A., Attorney representing the Applicant.

2. Opportunity for interested individuals residing within the Borough of Gettysburg to provide comments and recommendations to the Borough Council concerning the intent of the Applicant, Linda Atiyeh, or her assigns, to transfer the Restaurant Liquor License into the Borough of Gettysburg for use at premises located at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania.

3. Adjourn Public Hearing.

Special Meeting:

1. Opportunity for Public Comment.

2. A motion of the Borough Council to adopt a resolution for the purpose of rendering a decision to either approve or disapprove the Applicant's request for an intermunicipal transfer of Restaurant Liquor License (License No. R-15970; LID 63491) from premises located in the Borough of Bonneauville to premises located at 3 Chambersburg Street in the Borough of Gettysburg.

3. Adjourn Special Meeting.

RESOLUTION NO. 040918

A RESOLUTION OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, APPROVING THE INTERMUNICIPAL TRANSFER OF A RESTAURANT LIQUOR LICENSE (LICENSE NO. R-15970; 63491) OWNED BY ZIPPERS, INC., TRADING AS ZIPPERS BAR & GRILL AT 55 EAST HANOVER STREET IN THE BOROUGH OF BONNEAUVILLE, ADAMS COUNTY, PENNSYLVANIA, PURSUANT TO THE REQUEST OF THE APPLICANT, LINDA ATIYEH, OR HER ASSIGNS, FOR THE TRANSFER OF THE RESTAURANT LIQUOR LICENSE INTO THE BOROUGH OF GETTYSBURG FOR THE PROPOSED USE BY THE APPLICANT AT PREMISES LOCATED AT 3 CHAMBERSBURG STREET, GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA.

WHEREAS, by letter dated February 26, 2018, Linda Atiyeh, or her assigns, (hereinafter referred to collectively as the "Applicant") has made a request of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania (hereinafter referred to as the "Borough Council"), for approval of an intermunicipal transfer of a Restaurant Liquor License (License No. R-15970; LID 63491) owned by Zippers, Inc., trading as Zippers Bar & Grill, for use at its premises located at 55 East Hanover Street in the Borough of Bonneauville, Adams County, Pennsylvania, for the transfer into the Borough of Gettysburg of the said Restaurant Liquor License for proposed use at premises, owned or leased by the Applicant, located at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania; and

WHEREAS, the Applicant proposes to use said Restaurant Liquor License (License No. R-15970; LID 63491) in connection with the operation of a restaurant, which operation will include on-premises alcohol sales and take-out beer and wine sales as permitted by the Pennsylvania Liquor Code, to be operated by the Applicant in the Borough of Gettysburg at premises, owned or leased by the Applicant, located at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania; and

WHEREAS, subsection (b.3) of section 461 of the Pennsylvania Liquor Code (47 P.S. §4-461(b.3)) requires that an intermunicipal transfer of a liquor license, under certain conditions, must first be approved by the governing body of the receiving municipality; and

WHEREAS, subsection (b.3) of section 461 of the Pennsylvania Liquor Code (47 P.S. § 4-461(b.3)) requires that at least one (1) public hearing shall be held by the governing body of the receiving municipality for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning an applicant's intent to transfer a liquor license into that municipality; and

WHEREAS, subsection (b.3) of section 461 of the Pennsylvania Liquor Code (47 P.S. § 4-461(b.3)) requires that the governing body of the receiving municipality shall, within forty-five (45) days of a request for approval, render a decision by ordinance or resolution to either approve or disapprove an applicant's request for an intermunicipal transfer of a liquor license; and

WHEREAS, pursuant to the authority granted in section 461 of the Pennsylvania Liquor Code (47 P.S. § 4-461) and consistent with the requirements of the regulations set forth in 40 Pa. Code § 7.61, the Borough Council has, following the provision of public notice thereof, conducted a public hearing on April 9, 2018 for the purpose of receiving comments and recommendations of interested individuals residing within the Borough of Gettysburg concerning the intent of the Applicant to transfer a Restaurant Liquor License (License No. R-15970; LID 63491) for proposed use within the Borough of Gettysburg at premises located at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania.

WHEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, does hereby adopt the following:

1. Pursuant to section 461 of the Pennsylvania Liquor Code (47 P.S. § 4-461), the Applicant seeks approval of an intermunicipal transfer of a Restaurant Liquor License (License No. R-15970; LID 63491) owned by Zippers, Inc., trading as Zippers Bar & Grill, for use at its premises located in the Borough of Bonneauville at 55 East Hanover Street, Gettysburg, Adams County, Pennsylvania 17325, to Linda Atiyeh, or her assigns, for proposed use within the Borough of Gettysburg at premises located at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania 17325, which covers the store fronts of 1-7 Chambersburg Street, Gettysburg, Adams County, Pennsylvania.
2. The premises located within the Borough of Gettysburg at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania, at which the Applicant proposes to make a restaurant and on-premises alcohol sales and take-out beer and wine sales use as permitted by the Pennsylvania Liquor Code, is zoned and located within the OT Old Town District of the Borough of Gettysburg. The Applicant's proposed restaurant use is permitted by right in the OT Old Town District of the Borough of Gettysburg.
3. The Applicant, in connection with the proposed restaurant and on-premises alcohol sales and take-out beer and wine sales use at the premises located in the Borough of Gettysburg at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania, shall comply with all local ordinances of the Borough of Gettysburg including, without limitation the Gettysburg Borough Zoning Ordinance and all building and construction codes.
4. In consideration of the information provided by or on behalf of the Applicant and in consideration of the comments and recommendations, if any, from interested individuals residing within the Borough of Gettysburg received at the public hearing held on April 9, 2018, the Borough Council hereby finds that the proposed intermunicipal transfer of the Restaurant Liquor License (License No. R-15970; LID 63491) for proposed use at

premises, owned or leased by the Applicant, located in the Borough of Gettysburg at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania, will not adversely affect the welfare, health, peace and morals of the Borough of Gettysburg or its residents.

5. Pursuant to 40 Pa. Code § 7.61(b)(4), the Borough Council does hereby approve the request of the Applicant for the intermunicipal transfer of Restaurant Liquor License (License No. R-15970; LID 63491) owned and used by Zippers, Inc., trading as Zippers Bar & Grill, at premises located at 55 East Hanover Street in the Borough of Bonneauville, Adams County, Pennsylvania, to premises in the Borough of Gettysburg, owned or leased by the Applicant, located at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania, in connection with the proposed restaurant and on-premises alcohol sales and take-out beer and wine sales use, as permitted by the Pennsylvania Liquor Code, to be made by the Applicant at the aforesaid premises located in the Borough of Gettysburg.

6. A true and correct copy of this resolution, as adopted by the Borough Council, shall be submitted to the Pennsylvania Liquor Control Board (hereinafter referred to as the "LCB") by the Applicant as part of the application for transfer to the LCB evidencing the approval of the Borough Council of the requested intermunicipal transfer of the Restaurant Liquor License (License No. R-15970; LID 63491) owned by Zippers, Inc., trading as Zippers Bar & Grill, at premises in the Borough of Bonneauville located at 55 East Hanover Street, Gettysburg, Adams County, Pennsylvania, to premises in the Borough of Gettysburg located at 3 Chambersburg Street, Gettysburg, Adams County, Pennsylvania.

7. This resolution shall take effect upon its adoption by the Borough Council.

THIS RESOLUTION DULY ADOPTED according to law on this 9th day of April, 2018 at a duly advertised special meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH OF GETTYSBURG

By: _____
Susan C. Naugle
President of Borough Council

Attest:

Sara L. Stull, Secretary

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Resolution No. 040918 adopted by the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, at a duly advertised public hearing and special meeting held on April 9, 2018.

Borough of Gettysburg

By: _____
Sara L. Stull
Borough Secretary

(SEAL)

A motion to adopt a resolution approving the request of the Applicant, Linda Aiveh, or her assigns, for the intermunicipal transfer of a Restaurant Liquor License (License No. R-15970; LID 63491) from premises located at 55 East Hanover Street in the Borough of Bonneauville for the proposed use by the Applicant at premises located at 3 Chambersburg Street in the Borough of Gettysburg.