

RESOLUTION NO. 022221

A RESOLUTION OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, APPROVING THE INTERMUNICIPAL TRANSFER OF A RESTAURANT LIQUOR LICENSE (LICENSE NO. R-18873; LID 38048) PREVIOUSLY ISSUED TO PARK HOTEL, INC., LICENSEE, FOR USE AT PREMISES LOCATED AT 8 CENTER SQUARE IN THE BOROUGH OF NEW OXFORD, ADAMS COUNTY, PENNSYLVANIA, PURSUANT TO THE REQUEST OF THE APPLICANT, SIGN OF THE BUCK, LLC, FOR THE TRANSFER OF THE RESTAURANT LIQUOR LICENSE TO THE BOROUGH OF GETTYSBURG FOR ITS PROPOSED RESTAURANT USE BY THE APPLICANT AT PREMISES LOCATED ON THE FIRST FLOOR OF THE JAMES GETTYS HOTEL BUILDING AT 27 CHAMBERSBURG STREET, GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA.

WHEREAS, the Applicant, Sign of the Buck, LLC (hereinafter referred to as the "Applicant"), has made a request to 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-18873; LID 38048) previously issued to the Park Hotel, Inc., Licensee, for use at its premises located at 8 Center Square in the Borough of New Oxford, Adams County, Pennsylvania, for the transfer to the Borough of Gettysburg of the said Restaurant Liquor License for its proposed restaurant use at premises located on the first floor of the James Gettys Hotel building at 27 Chambersburg Street, Gettysburg, Adams County, Pennsylvania; and

WHEREAS, the Applicant proposes to use said Restaurant Liquor License (License No. R-18873; LID 38048) in connection with the operation of a restaurant at premises located in the Borough of Gettysburg on the first floor of the James Gettys Hotel building at 27 Chambersburg Street, Gettysburg, Adams County, Pennsylvania. The Applicant proposes that the restaurant operation will include on-premises alcohol sales as permitted by the Pennsylvania Liquor Code; 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 municipal 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 municipal governing body of the receiving municipality for the purpose of receiving comments and

recommendations of interested individuals residing within the receiving 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 municipal governing body of the receiving municipality shall 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 February 22, 2021 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-18873; LID 38048) for proposed use in the Borough of Gettysburg at the aforesaid premises located at 27 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-18873; LID 38048), previously issued to the Park Hotel, Inc., Licensee, for its use at premises located at 8 Center Square in the Borough of New Oxford, Adams County, Pennsylvania 17350, for proposed use by the Applicant in the Borough of Gettysburg at premises located on the first floor of the James Gettys Hotel building at 27 Chambersburg Street, Gettysburg, Adams County, Pennsylvania 17325.
2. The premises located in the Borough of Gettysburg on the first floor of the James Gettys Hotel building at 27 Chambersburg Street, Gettysburg, Adams County, Pennsylvania, at which location the Applicant proposes to make a restaurant and on-premises alcohol 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 use at the aforesaid identified premises located in the Borough of 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 applicable 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 February 22, 2021, the Borough Council hereby finds that the proposed intermunicipal transfer of the Restaurant Liquor License (License No. R-18873; LID 33048) for proposed use by the Applicant in the Borough of Gettysburg at the aforesaid premises located at 27 Chambersburg Street, Gettysburg, Adams County, Pennsylvania, will not adversely affect the health, safety and welfare 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-18873; LID 38048), previously issued to the Park Hotel, Inc., Licensee, for use at premises located at 8 Center Square in the Borough of New Oxford, Adams County, Pennsylvania, to premises in the Borough of Gettysburg located on the first floor of the James Gettys Hotel building at 27 Chambersburg Street, Gettysburg, Adams County, Pennsylvania, in connection with the proposed restaurant and on-premises alcohol 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-18873; LID 38048), previously issued to the Park Hotel, Inc., for use at premises in the Borough of New Oxford located at 8 Center Square, New Oxford, Adams County, Pennsylvania, to premises in the Borough of Gettysburg located on the first floor of the James Gettys Hotel building at 27 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 22nd day of February, 2021 at a duly advertised special meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH OF GETTYSBURG

By: _____

Jacob W. Schindel

President of Borough Council

Attest:



Sara L. Stull, Secretary