



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, April 17, 2024

6:15 PM

Council Chambers

Public Hearing - Liquor License Transfer

Roll Call

Present: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

PUBLIC HEARING – 6:15 PM

INTERMUNICIPAL LIQUOR LICENSE TRANSFER REQUEST

Allentown City Council will conduct a Public Hearing on Wednesday, April 17, 2024 at 6:15 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to receive public comment on the request for the Intermunicipal Transfer of Liquor License Number E-1180 from Haaks School House, LLC, 8418 Bake Oven Road, Germansville, PA 18053 to 950 Hamilton Street, Allentown, PA 18101 (City Center Hospitality Ten, LLC). The transfer applicant is City Center Hospitality Ten, LLC. There will be a resolution on the council meeting that follows the public hearing that will allow City Council to approve or disapprove the transfer.

Ms. Cynthia Mota stated the purpose of the Public Hearing is to receive public comment on the request for the Intermunicipal Transfer of Liquor License Number E-1180 from Haaks School House, LLC, 8418 Bake Oven Road, Germansville, PA 18053 to 950 Hamilton Street, Allentown, PA 18101 (City Center Hospitality Ten, LLC). The transfer applicant is City Center Hospitality Ten, LLC. There will be a resolution on the council meeting that follows the public hearing that will allow City Council to approve or disapprove the transfer. This Public Hearing was advertised in the Morning Call on March 31 and April 7 and the property was posted by Zoning and notices were sent out. The proof of publication and pictures of the posting are part of the agenda and the Clerk's file. The President describes the procedure for the Public Hearing: We are here to primarily to take public testimony. The Solicitor will provide a quick overview the transfer process, the petitioner will give a presentation; and afterwards consider council questions and take public comments.

Mr. Michael Hanlon stated that this is for the record, Councilperson Santo Napoli has just joined the meeting.

Attorney Charles Smith thanked President Mota and stated that the reason this is before Council tonight is because there is a request to transfer a

Liquor License from one municipality to another. It is from Germansville in Lehigh County to Allentown in Lehigh County. Under those circumstances, it is statutorily required under 47 P.S. Liquor § 4-461B3 as well as under the PA Code at 43 P.A. Codes Section 7.61. That the applicant requests approval from the receiving municipality which is us. Because the liquor license will be coming into Allentown. Under the Code, it is required that they conduct at least one Public Hearing as the receiving municipality to receive comments and recommendations from interested individuals. That is why they are here tonight. They have a duty to render a decision within 45 days of the application and then once a decision is made, they have an obligation as you stated to approve or disapprove it by resolutions so that they have an answer on record. He stated with that he would say that is the purpose they are here and the procedure that they are here and it is appropriate for Mr. Berger to proceed at this point.

Attorney David Berger thanked Solicitor Smith and stated good evening members of Council, his name is Dave Berger. He is an attorney at Norris McLaughlin and represents the applicants City Center Hospitality Ten, LLC. regarding the Intermunicipal Transfer of the Eaton Place Liquor License E-1180 to the applicants proposed premises at 950 Hamilton Street in Allentown. He has Jill Wheeler along with him. She is the vice president of Lehigh Valley and is part of City Center Ten. He stated that he is going to ultimately describe to the board the plan use and can offer her as being sworn in and providing proof that everything he is saying is true and correct tonight if that is something that Council would request. The purpose of the Hearing is to determine whether or not allowing a liquor license at the premises would adversely affect the health, safety, and welfare of the surrounding community. The proposed restaurant is located on the first floor of a mixed use building currently under construction on Hamilton Street between S. 10th Street and Fountain Street. There is adequate access to parking by way of both street parking surrounding the premises along with the nearby Linden Street and Walnut Street Parking Garages. He has provided everyone what is preliminary marked a drafted floor plan of the proposed premises. The proposed restaurant space itself is 1,500 square feet. That actually includes the kitchen as well. It is a very small area. It is sufficient to hold seating for approximately 34 patrons. The applicant is currently in negotiations with a number of operators. The plan is to open the space as a fast casual neighborhood ethnic spot. In addition to the seating of 34 patrons, there is also going to be an exterior takeout window which will provide for the takeout food sales. The applicant is also looking to open the business as an amenity for the people who live in the surrounding neighborhood and residences that live on the second, third, and fourth floors above the commercial space. As a fair comparison to this expected operation would be Amigos Mexican Grill. That is also there within the city, not that far away. The applicant also has a vested interest to

not put an operator in a space that is going to disturb the upstairs tenants as well as the surrounding community. The applicant will not be putting an operating in the space to try to operate a club or hangout spot because of the size and everything around it. This is purely a fast casual restaurant and they are just looking to have alcohol sales ultimately as a service and an additional amenity for anyone who is visiting the premises. While they haven't really decided or finalized with an operator yet, it is hard for him to provide actual hours of operations to everyone. However, with discussion with these operators, the proposed hours of operation will either be 7:00 AM to 11:00 PM, Monday through Sunday or 11:00 AM to 11:00 PM. Ultimately, the reason for that is figuring out whether or not they will be able to capitalize on the breakfast crowd. If they are not going to cater to the breakfast crowd, chances are the hours are going to be from 11:00 AM. If they are going to do breakfast, the operated will be open sometime around 7:00 AM. That being said, the Liquor Control Board doesn't allow alcohol sales during those same hours. He believes how it works is actually 7:00 AM they can start selling alcohol for takeout sales every day, except Sunday which sales cannot start until 9:00 AM. That being said alcohol sales are not will not be the primary thing at this establishment. He wouldn't expect a large amount of alcohol sales in the morning. What he wants to make clear to the board is that this is also not going to be an establishment that is open until 2:00 AM. The 11:00 PM hours are frankly hours that they might close earlier depending on how much foot traffic they are receiving. He would anticipate that the hours of operations would be no later than 11:00 PM or could be closing earlier. With regards to security on the premises, there are two cameras which secure and monitor the outside of the building, both the interior access to the residents as well as the commercial space. In addition to that, the applicant also has 24/7 security employees that are monitoring the premises as well as their other premises in the neighborhood and it is fair to say there will be a security guard passing by this operation at least a minimum of once every hour. That being said, the operator will have the ability to communicate with 24/7 security if there are any problems at the facility. With regards to employees and employee sales and services, because they are going to be a liquor license establishment, they will not be able to have any sales made by an employee under the age of 18. Anyone that is ringing up an alcohol sale will be at least 18 years of age and will have to be RAMP trained. It is short for Responsible Alcohol Management Program. It is a test that every owner and manager of the licensee needs to take it is something that has to do in person and it teaches them how to spot visibly intoxicated patrons. Tells everyone to ID everyone who looks 35 or younger and ultimately make sure a lot of the requirements of the liquor code is not violated by the applicant. That being said, it is kind of the general outline. He is certainly here to answer any questions that the board might have or any questions that the public might have. He stated that he can certainly assist.

Ms. Cynthia Mota asked if there were any questions.

Mr. Ed Zucal stated that this is a good idea. He has concerns about how much of this going to be takeout establishment because it is pretty much close to a residential neighborhood. It is going to be and knows that Attorney Berger didn't say it was mainly that, but what is the anticipation.

Attorney David Berger stated that he doesn't believe that they are anticipating that takeout alcohol sales are going to be even more of the majority of the sales. He would assume even in regards to takeout sales, what they can sell in takeout in any one transaction is limited. They can sell no more than a 12 pack in any one single transaction. So he would ultimately anticipate that they are marketing food. They are going to market an operator that is going to come in there and put a first class facility for food and this is not something where it is going to be marketed as a convenience store or something like that where they can come in and buy booze for takeout and primarily takeout. With regards to the to go window on the plan, his understanding is what they can see it is not much by way of accessing the to go window to enter the premises and grab beer to go. Ultimately, the beer to go may be stored in other areas, but it is not going to be easily assessible going through the takeout line. Ms. Cynthia Mota thanked Mr. Zucal and said go ahead Ms. Affa.

Ms. Candida Affa stated that you are not going to be able to drive thru for pickup.

Attorney David Berger stated that is correct.

Ms. Candida Affa stated that 11:00 is great. She stated that they had too many problems in that area with bars. It is nice to see something like this. It is closing at 11:00. Although when she was younger, she would say like 11:00. It is a nice spot and a nice place where people will be able to go and not have the problem bars that we have in the past in that area. She stated that she guesses it is amazing. It is only seating for 34.

Attorney David Berger stated correct and stated like he said it is not going to be a bar and hangout for people to sit down. They just want to be able to sell an alcoholic beverage if somebody wants to sit and have a drink with whatever food that they are eating at night. Certainly with 34 seats, it is not somewhere will it would be overly packed. They are going to encourage people sitting there for very long periods of time. The longer people sit, the less you earn from other people in the public.

Ms. Candida Affa asked if it is going to be any entertainment like karaoke

or a piano bar, a band or things like that because of the neighborhood here.

Attorney David Berger stated that he can't say yes or no because they are still trying to particular figure out the operator. What he would offer to the board is that looking in the plan, there is no way in that license space where you can fit a band. He would also have concerns with noise violations with regards to amplified music. He would be very surprised if they were able to fit a band or have that in there.

Ms. Candida Affa talked about karaoke.

Attorney David Berger stated that still with karaoke and looking with what this plan is and you have seating. With the Liquor Board, you have to have seating for 30 at all times. You can't move the seating out of the way or not have seating available to setup karaoke that would be a Liquor Control enforcement problems.

Ms. Candida Affa stated that is only a space this big. She knows because she had a small bar. The fact that you are closing at 11 and even if you had karaoke at happy hour at 5:00 to about 6:00. She doesn't think it would be a problem.

Attorney David Berger stated that ultimately post Covid the adage is true. Nothing good happens after 12. You are seeing a lot of bars and restaurants not really wanting to be opened past that time because nothing good comes from it.

Ms. Candida Affa stated that she agrees.

Mr. Daryl Hendricks stated that this is a great idea. The size of it being very limited. He stated that it would add to the area attractions. One thing they need downtown is more attractions for people to come to. He would also remind his colleagues that two blocks west of that was the Brass Rail which was much larger and that was open much later. He doesn't think that it will have a deterring effect at all on the community or loud music or anything like that. He thinks it can help enhance the quality of life in that area, especially for people living near by there. It seems to be a nice eclectic little quiet spot to go to.

Attorney David Berger stated that is what they are hoping for.

Mr. Daryl Hendricks stated thank you.

Ms. Cynthia Mota thanked Mr. Hendricks.

Ms. Ce Ce Gerlach stated two questions, you have mentioned across the street and asked what ethnic food are you looking for.

Attorney David Berger stated that they are trying to figure out the operator. They are based upon the operator that type of food will ultimately determine. Amigo's is currently a tenant of theirs so if you are asking if they are specifically compete with their tenant across street. He doesn't believe it is across the street. He thinks he used it as a comparison. Certainly they are not looking to opening compete with their existing tenants.

Ms. Ce Ce Gerlach stated that her second question and this might be for someone in the city. She asked if there are any issues being that this is right beside a Youth Development Center to have a bar there. She asked if they are good with that.

Attorney David Berger stated that the way it particularly works is there are under the Liquor Code, there are things like daycares if they are within 300 feet of the premises. They are able to file a protest if they are concerned with the Liquor License Transfer being that close to their area. Ultimately, the way it work is that they defer to the Liquor Control Board by going through a protest if they have an objection they have at the time of the license transfer.

Ms. Ce Ce Gerlach asked how do they get notified.

Attorney David Berger stated that they will see when the application is filed a big bright orange placard will be posted conspicuously on the premises. When that is posted, they will have 30 days. They are not legally allowed to post that in the window where it is not meant snap dab on the street where you can see it.

Ms. Cynthia Mota thanked Ms. Gerlach and asked if they had any concerns.

Attorney David Berger stated that he does not have any concerns. Ultimately, everyone is going to be RAMP trained. Please are going to be ID'd. They are certainly not looking to overserve anyone. Their employees are going to train people that are intoxicated. They are going to be told not to serve those people. He is certainly not concerned with that. He has been doing this for a long-time and haven't particularly run into any issues with any kinds of these operations. Having issues or causing problems with daycares or child centers.

Ms. Cynthia Mota stated that is good to know. She asked if there were any other questions from Council or any questions from the public.

Mr. Michael Hanlon stated just for the record, the property was posted, notifications went out to abutting property owners and they were advertisements in the newspaper.

Attorney Charles Smith recommended when Mr. Berger wraps up, that they invite members of the public who considers themselves interested to comment should they like to. He stated that he would ask for public comment once he wraps up.

Attorney David Berger stated that certainly he has no problem and he will take a seat, but will be here to respond to any question if any public comment or any questions from the public come up.

Ms. Candida Affa stated when you put that orange sticker on there, it allows the public to make comments to the Liquor Control Board. That is public comments right there.

Attorney David Berger stated correct. To be fair, the way it works is anyone can file a protest with the PLCB. Certainly what matter is the license establishments within 200 feet. The daycare centers within 300 feet, churches within 300 feet. They will certainly have the opportunity to file a protest if they want to.

Ms. Candida Affa stated that they will have the opportunity to protest.

Ms. Cynthia Mota asked if there were any comments from the public.

[15-6833](#)

R64 To be introduced this evening.

A RESOLUTION OF CITY OF ALLENTOWN, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE NUMBER E-1180 FROM HAAKS SCHOOL HOUSE, LLC, 8418 BAKE OVEN ROAD, GERMANSVILLE, PA 18053 TO CITY CENTER HOSPITALITY TEN, LLC, 950 HAMILTON STREET, ALLENTOWN, PA 18101

Attachments: [R64 Liquor License Transfer City Center Hospitality Ten, LLC](#)
[950 Hamilton Street - Liquor License Transfer Request \(Mailing List\)](#)
[City Center Hospitality Ten, LLC License Posting II](#)
[City Center Hospitality Ten, LLC License Posting I](#)
[Letter from Mike Hanlon regarding Liquor License Transfer Request - City Center Hospitality Ten, LLC](#)
[The Morning Call Ad 7608292](#)
[Resolution #30832](#)

Enactment No: 30832

ADJOURNED: 6:32 PM