



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, April 21, 2021

6:45 PM

Council Chambers

Public Hearing

INTERMUNICIPAL LIQUOR LICENSE TRANSFER REQUEST

Allentown City Council will conduct a Public Hearing on Wednesday, April 21, 2021 at 6:45 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 R-4501 from 1328 Chestnut Street, Unit #3-B-107B (Emmaus) to 813 Saint John Street, Allentown, PA 18103. The meeting will be livestreamed. The link to the meeting can be found on the city website with the agenda and legislation at <https://www.allentownpa.gov>. Council will receive comments on the legislation prior to the meeting and will consider all comments from city residents. Comments can be registered using the ecomment provision on each agenda. These comments are public and will appear on the agenda and website. All comments must include your name and address, including your city, and they can also be emailed to Michael.Hanlon@AllentownPa.gov by 2:00 PM on the date of the meeting. Any comments received on the meeting day, after the 2:00 pm deadline, will be forwarded to the Mayor and Council as soon as practicable. In addition, if you would like to speak during the meeting, please send your name, address and telephone number to the email address above indicating what issue you would like to speak on or call the office at 610.437.7555 and do the same, and you will be called during the meeting.

Roll Call

Present: 6 - Cynthia Mota, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Excused: 1 - Candida Affa

Public Comment and Testimony

[15-4214](#)

R50

A RESOLUTION OF CITY OF ALLENTOWN, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE NUMBER R-4501 FROM 1328 CHESTNUT STREET, UNIT #3-B-107B (EMMAUS) TO 813 SAINT JOHN STREET LICENSE NO. R-4501 INTO CITY OF ALLENTOWN FROM EMMAUS.

Attachments: [R50 Liquor License Transfer Zandy's Holding LLC](#)
[Zandys Liquor License Labels](#)
[Letter from Mike Hanlon regarding Zandy's Holding LLC Intermunicipal Liquor Transfer Request Petition 6929162-proof](#)
[Resolution #30185](#)

Mr. Julio Guridy stated that they have several attachments for Councilmembers that should be in your notes. This should be as Mr. Hanlon said that the public should receive the public comments on the request of the Intermunicipal Transfer of Liquor License Number R-4501 from 1328 Chestnut Street, Unit #3-B-107B in Emmaus and it is going to 813 Saint John Street, Allentown, PA 18103. The Public Hearing was advertised in The Morning Call on April 18th and notices were sent to property owners on April 12th. The mailing list is part of the record as well and the Solicitor will have an overview of the process. We will have the presentation of the Petitioners and consider Council questions and take public comments. Council will obviously have an opportunity to ask any questions or the public will have the opportunity to make comments in regards to support or opposition of the proposal. He asked if Mr. Kloiber had anything to add.

Mr. Matthew Kloiber stated yes, President Guridy. Under the State Liquor Code, a transfer of a Liquor License into a municipality requires an application to the PA Liquor Control Board to be accompanied by a Resolution or Ordinance adopted by the receiving municipality approving the Transfer. The matter before City Council is a transfer of a liquor license from Emmaus to the City of Allentown which triggers this requirement for this public hearing under the Liquor Code. The city may approve or disapprove the Petitioner's request. The General Assembly established a starting proposition that licensed establishments are not ordinarily detrimental to the welfare, health, peace and morals of a neighborhood and its residents. The case law establishes the standards to deny a request. The standard is that the City of Allentown may deny approval where the liquor license would be harmful to the welfare, health, peace and morals to the city or its residents. Testimony conveying general fears and speculation about possible alcohol related problems, under age drinking, DWIs, increase traffic, parking issues, added demands at the Police Department are not sufficient reasons to deny the request. There must be testimony with specific details of a detriment of the community in order to deny the request. The approval and transfer by Council constitutes an adjudication that can be appealed to the Lehigh County Court of Common Pleas under the local agency law.

Mr. Julio Guridy asked if there were any questions from Attorney Kloiber.

He asked if they had the Petitioner, Attorney Berger.

Mr. David Berger stated that he is here representing the applicant, Zandys Holdings LLC regarding the Intermunicipal Request. Again, they are requesting to transfer this Liquor License from Emmaus into the property located at 1813 Saint John Street in Allentown, Pennsylvania. The property itself is located in the Limited Business Residential Zoning District, specifically on the corner of Saint John Street and Lehigh Street. Right now, it is currently operating Zandys Steak Shop and the plan is to have this Liquor License provide additional offerings of beer and wine sells with the currently existing restaurant for both online premise and off premise consumption. The applicant plans on selling common domestic and local draft beers as well as possibly in demand wine at the location. The wine will be for full premise consumption. If they would have to obtain a separate permit to sell anyone for off premises consumption. The reason for making this Intermunicipal Transfer Request is that while there are eight restaurant licenses and safe-keeping, none are qualified being available for sale. The issue that they are currently having is due to regulations and emergency orders instituted by the Governor as a result of the Covid-19 pandemic. There is no safe keeping period that is continuing or safe keeping fees that are required to be paid. What we are finding is any Liquor License Holders in the city or throughout the Commonwealth of Pennsylvania are holding on to their licenses because they really don't have a motivation to sell it at this time. Currently, the client anticipates that the interior reconfigure of the premises is not going to be necessary to support the offering of the additional alcohol. The property has additional square footage to support the requirements for the restaurant license. That being said any interior reconfiguration does become necessary or if the applicant decides to do so they will certainly pull any necessary permits and attain any governmental approvals associates with that reconfiguration. Currently, the hours of operations are six days a week, Tuesdays through Saturdays from 10:00 AM to 9:00 PM and Sunday from 12:00 Noon - 8:00 PM. There are no definite plans right now that will change these hours of operations. During these times, the applicant would be permitted to sale alcohol in accordance with Liquor Code and PLC regulations. In the event that hours do change, just so Council is aware, the Pennsylvania Liquor Code and the regulations would allow the property to be open to sell alcoholic beverages Monday through Saturday from 7:00 AM - 2:00 AM as well as 9:00 AM to 2:00 AM on Sundays. With regard to the sell of the alcohol, the alcohol could only be sold by employees that are 18 and older and both employees and managers must be RAMP Certified.(Responsible Alcohol Management Training) With regard to those guidelines, they provide training on making sure you don't sell alcohol to visibly intoxicated people or anyone under the age of 21. All alcohol purchasers will be ID'd and carded pursuant to those guidelines. He stated that certainly, he can

open the floor with any questions that Council may have. This is generally the presentation for this evening, but he will be able to answer any questions.

Mr. Julio Guridy thanked Attorney Berger and asked if there were any questions or comments from the dais.

Mr. Ed Zucal asked Mr. Berger if this is being transferred with the current owner or it is his understanding that it has been sold. Is that correct?

Mr. David Berger stated that the property is owned by a new owner, Mr. Makhoul (sp) and he is currently working with the current operators of the property that hopefully enters into some kind of arrangement to continue their operations. It is somewhat of a partnership let's say. Right now, that is kind of fluid situation.

Mr. Ed Zucal stated that it is possible that the food service may not continue once the actual license is in effect.

Mr. David Berger stated no, the food service will continue in some kind of way, shape or form because as part of the restaurant licenses, food must be made available for the sale of alcohol. There definitely will be good service continuing.

Mr. Ed Zucal stated thank you.

Mr. Julio Guridy asked if there was a percentage of how much food is served versus how much alcohol is served.

Mr. David Berger stated that it is a requirement or would he be able to tell him what that percentage will be.

Mr. Julio Guridy stated a requirement. Is there an LCB requirement for example.

Mr. David Berger stated no. There is no LCB requirement as to let's say you need to sell a minimum amount of food to be able to sell alcohol. Certainly, they are not looking to turn this into a bar that only sales alcohol. It is certainly going to be a restaurant first and alcohol sells second.

Mr. Daryl Hendricks stated that he would like to state that he grew up in the neighborhood and he knew the father who previously was the proprietor of this store. Now, it is two brothers. He knows them to be of the upmost character. He has known them his whole life and he has nothing but good about them. He does not believe they will be any problem in the restaurant

with the addition of alcohol for sale. He stated they are very reputable and of good character and he would recommend that this will be approved.

Mr. Julio Guridy asked if there were any further comments.

Enactment No: 30185

ADJOURNED: 6:55 PM