



515 West Hamilton Street
Suite 502
Allentown, PA 18101
T: 610-391-1800
F: 610-391-1805

Theodore J. Zeller III, Esquire
E-mail: tzeller@norris-law.com
Direct Dial: 484-765-2220
Direct Fax: 484-765-2312

May 4, 2020

VIA E-MAIL (Rvidoni@bethlehem-pa.gov) – ORIGINAL TO FOLLOW

City Clerk's Office
City of Bethlehem
10 East Church Street
Bethlehem, PA 18018

ATTENTION: Robert G. Vidoni, Esquire, City Clerk

RE: Request Intermunicipal Liquor License Transfer
My Client: Wilbur Restaurant, LLC
Site Location: 202 Wyandotte Street, Bethlehem, PA 18015

Dear Attorney Vidoni:

Please consider this correspondence as my client's request for an intermunicipal transfer of liquor license into the City of Bethlehem at the above location, pursuant to 47 P.S. § 4-461(b.3). Under this statute, please note that a public hearing (duly advertised) must be held by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the municipality relative to my client's application. In addition, the City Council must render a decision within 45 days of the request. In my experience before your Honorable Council, the hearings have been conducted at a legislative forum to ascertain whether moving the license into the City at a particular location would adversely affect the welfare, health, peace and morals of the municipality. Typically, the hearings have not been specially listed at their own times, but have been specially listed agenda items of regular City business. Further, the hearings have been conducted as the first order of business.

The proposed site is located at 202 Wyandotte Street, Bethlehem, and I welcome the City Council to review zoning records in this regard. This project also has been the subject of review and approval by the Bethlehem Revitalization and Improvement Zone Authority. This project includes a fine dining restaurant at the Historic Wilbur Mansion and this application involves obtaining a restaurant liquor license for the Mansion. In addition, should you have any questions, concerns, or would like a summary of my client's proposal (which we intend to present at the hearing with plans), please do not hesitate to contact me. Lastly, attached is a copy of the proposed Resolution approving the transfer.



BRIDGEWATER, NJ | NEW YORK, NY | ALLENTOWN, PA

WWW.NORRISMCLAUGHLIN.COM

Norris McLaughlin, P.A.

City Clerk's Office
City of Bethlehem
ATTENTION: Robert G. Vidoni, Esquire, City Clerk
May 4, 2020
Page 2

We are also providing a check in the amount of \$200.00 representing the City's required fees for this intermunicipal liquor license transfer request.

Please advise me when my client's request is scheduled to be heard by Bethlehem City Council. Once we have that information, we will prepare the appropriate notice to the neighboring property owners, and will forward additional information regarding our client's proposal.

Thank you for your time and consideration.

Respectfully,

/s/ Theodore J. Zeller III

THEODORE J. ZELLER III

TJZ:rds

Enclosures

cc: William Leeson, Esquire, City Solicitor (via e-mail c/o cbartera@bethlehem-pa.gov)

RESOLUTION NO. 2020-__

WHEREAS, Section 461 of the Pennsylvania Liquor Code (47 P.S. 4-461, hereinafter "Code") authorizes, among other things, the Pennsylvania Liquor Control Board (hereinafter "PLCB") to approve the transfer of liquor licenses across municipal boundaries within the same county and under certain conditions to issue restaurant and eating place retail dispenser licenses without regard to quota restrictions for the purpose of economic development; and

WHEREAS, subsection (b.3) of Section 461 requires that an intermunicipal transfer or issuance of a new license for economic development must, under certain conditions, first be approved by the governing body of the receiving municipality; and

WHEREAS, that subsection also requires that a receiving municipality issue a resolution approving or disapproving the intermunicipal transfer or issuance of a new liquor license prior to submission of an application for such transfer to the PLCB; and

WHEREAS, that subsection mandates that, prior to adoption of such a resolution, at least one hearing be held for the purpose of receiving comments and recommendations from interested individuals residing within the receiving municipality concerning the intent to transfer the license into the municipality or the issuance of an economic development license; and

WHEREAS, Wilbur Restaurant, LLC leases property located at 202 Wyandotte Street, Bethlehem, Northampton County, PA and intends to operate a full-service fine dining restaurant at such location; and

WHEREAS, on _____, 2020, and pursuant to Section 461, the Applicant's request was received for approval by City Council, City of Bethlehem, Northampton County (hereinafter "Council") of a proposed intermunicipal transfer of Retail Restaurant Liquor License No. R-18906 from Sagra Bistro, LLC, formerly licensed at 620 Main Street, Hellertown, Northampton County, Pennsylvania.

WHEREAS, on _____, 2020, and in accordance with Section 461 (b .3) Council held a properly advertised public hearing on the proposed liquor license transfer; and

WHEREAS, the purpose of this Resolution is to comply with Code Section 461 (b.3).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bethlehem, Northampton County, Pennsylvania as follows:

1. Applicant seeks approval of an intermunicipal transfer of Retail Restaurant Liquor License No. R-18906 from Sagra Bistro, LLC, formerly licensed at 620 Main Street, Hellertown, Northampton County, Pennsylvania to 202 Wyandotte Street, Bethlehem, Northampton County, Pennsylvania.

2. Applicant proposes to, and will, operate a full-service fine dining restaurant at the aforescribed location.

3. The Applicant's proposal is a permitted use at this location.

4. The Applicant's proposed full-service fine dining restaurant is in a Commercial District.

5. There is no evidence that the proposed, intermunicipal transfer will adversely affect the welfare, health, peace and morals of this City or the residents hereof.

6. Council hereby approves the Applicant's request for an intermunicipal transfer of Pennsylvania Liquor License No. R-18906 pursuant to Code Section 461 (b.3).

7. The transfer of the Liquor License contemplated hereby is subject to final approval by the PLCB.

Sponsored by: _____

ADOPTED by Council this _____ day of _____, 2020.

ATTEST:

/s/ Robert G. Vidoni, Esquire
City Clerk