



Pocopson Township

Pocopson, Pennsylvania 19366

Township Office Phone (610) 793-2151

FAX (610) 793-1944

Pocopson Township Board of Supervisors

Public Hearing- PA Liquor Control Board (PLCB)

Inter-municipal License E-1080 Transfer to ZFG, Inc., d/b/a Lenape Pizza

Monday, May 23, 2011, 7:00 P.M.

Call to Order

Board Chair Stephen R. Conary called the public hearing to order at 7:00 P.M. Attending were Board Vice Chair Georgia F. Brutscher and Supervisor Laressa J. McNemar, P.E. Also present were Township Solicitor Amanda Sundquist, Administrative Secretary Susan Simone, Owner of Lenape Pizza/Applicant Yefim Faktor, and Attorney for the Applicant Holly Setzler, and Township residents as recognized during the proceedings.

Proceeding

A Court Reporter was present to record the proceeding. Pocopson Township Solicitor Amanda Sundquist stated the purpose of the public hearing is for the Board of Supervisors to receive testimony from the Applicant and public comments on a proposed inter-municipal liquor license transfer as titled above. Sundquist entered into the record the following exhibits: B-1 letter dated April 4, 2011 from David Malman, Esquire, regarding the Applicant's agreement to purchase a liquor license from an establishment in the Borough of Kennett Square; B-2 letter dated April 7, 2011 from Ross A. Unruh, Esquire, Township Solicitor, acknowledging receipt of the request and exercising the sixty (60) day extension of the time period to render a decision; B-3 Proof of Publication of legal advertising of the public hearing in the May 6 and May 12 editions of the *Daily Local News*. Yefim Faktor, owner of Lenape Pizza, provided testimony regarding the provisions Lenape Pizza will take to comply with the requirements of the Pennsylvania Liquor Control Board, the Pocopson Township Ordinances, and the Building Code, in order to sell malt beverages on the premises. A question and answer session ensued as set forth in the transcript. Questions from the Supervisors were related to the Applicant obtaining confirmation from Delaware County Regional Water Quality Control Authority that the average daily sewage flow for additional seats in the Pizza shop can be accommodated. Supervisors also noted the absence of a parking lot schematic and a building permit application for remodeling the premises to accommodate additional seating.

Public Comment

Sundquist opened the proceeding for public comments which included and were not limited to such topics as the potential for an increase in traffic flow in and around the commercial facility, number of parking spaces, parking along roadways, law enforcement issues such as sale of malted beverages to minors, and the issue of an adequate business plan submitted by the Applicant. A redacted copy of the Agreement to Purchase Inter-municipal License E-1080 was entered into the record. Sundquist called for the close of Public Comment.

Discussion ensued regarding the following:

1. Stipulate hours of operation as part of the Township resolution.
2. Bifurcate those issues that are required for the Applicant to move forward with the filing before the PLCB from those issues that require resolution in accordance with Township ordinances and building code.
3. Applicant's submission to the Township of building and zoning permit applications for review for the purpose of issuing a Certificate of Occupancy.

Conary moved, McNemar seconded, to close the public hearing at 8:20 P.M., motion unanimously approved.

Township Solicitor Sundquist stated the Board agrees to a date certain to return a written resolution and written decision on the inter-municipal transfer. The decision will be included on the agenda for the June 13, 2011 regularly scheduled meeting of the Board. With the public hearing concluded the Township Solicitor was released.

Susan Simone, Administrative Secretary

Stephen R. Conary, Chair