

WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
610-692-1930

Post Office Box 79
Westtown, PA 19395
FAX 610-692-9651

www.westtownpa.org

AGENDA Westtown Township Board of Supervisors Workshop

**Westtown Township Municipal Building
1039 Wilmington Pike, Westtown**

Monday, March 18, 2019

Executive Session at 5:30 pm

Public Session at 6:30 pm

- 1. Executive Session**
- 2. Liquor License Transfer, ordinance consideration**
- 3. Westtown Comprehensive Plan Update 2019**

MEMORANDUM

Westtown Township

DATE: March 12, 2019
TO: Rob Pingar, Township Manager
FROM: William Ethridge
Director P&Z
SUBJECT: Potential locations for alcoholic beverage licenses and/or consumption

Restaurants are the most likely location for initial sales and consumption:

The Township currently allows **restaurants** in the following zoning districts;

- C-2 Highway Commercial District by right or as an accessory use (drive-throughs require a SE)
- C-1 Neighborhood and Highway Commercial District by right (drive-throughs require a SE)
- POC (Planned Office Campus) by Conditional Use, ancillary to a principal use
- M-U Multi-Use District by right as a principal use, accessory use, or by SE in conjunction with an alcoholic beverage brewing of wine-making operation
- A/C Agricultural/Cluster Residential District allows malt production and tasting as an accessory use to agriculture (may want to consider adding wine-making to this section and regulations governing the sale and tasting of wine)

Current restaurant establishments in Westtown:

Westtown Village Shopping Center (1177 Wilmington Pike):

- Amish Market (already sells wine)**
- Pizza Peddler* **

Market Place Shopping Center (1502 West Chester Pike):

- Giant Food (in process)
- Dairy Queen
- Burger King
- Asuka* **
- Bagel Bistro

Independent Sites

- Dunkin Donuts (1594 West Chester Pike)

Food sales establishments are the next most likely location for alcoholic beverage sales but not consumption:

Current food sales establishments in Westtown:

- Galadeto's Seafood Market (Westtown Village Shopping Center)**
- Wawa (1501 West Chester Pike)* **
- Valley Market (629 S Chester Rd)* (Is <200' from Advent Lutheran Church so a license would not be permitted)
- Pete's Produce (1225 Street Rd)** (Is >1000' from Westtown School, but technically on its property)

Other locations where alcoholic beverage sales could potentially be made in Westtown:

- Deer Creek Malthouse (1629 Street Rd) Beer or malted beverages
- An agricultural operation that decides to grow grapes, hops, or other vegetables or grains associated with spirits

*-Denotes an establishment that staff believes may consider alcohol sales

** -Denotes there are no restrictive institutions within 200 feet

Analysis:

According to the draft ordinance, beer, wine, liquor, and other forms of alcohol could be sold and consumed at any restaurant with a proper license (R license).

Eating establishments like Wawa or Pete's Produce would only be able to sell brewed beverages like beer and malted beverages such as malt liquor, wine coolers, etc.

Note that the draft ordinance includes a question asking if another location has an alcoholic beverage license within 200'. If Giant or Asuka received a license, their proximity to each other would prohibit the other from receiving one, likewise for Pizza Peddler, Galadeto's, and Amish Market.

ORDINANCE 2019-__

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF WESTTOWN TOWNSHIP TO ADD NEW CHAPTER __, LIQUOR LICENSE TRANSFER.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that the Code of Westtown Township, as amended, be amended to add new Chapter __, Liquor License Transfer, as follows:

SECTION 1. The Code of Westtown Township is amended to add new Chapter __, "Liquor License Transfer," to read as follows:

§ __-1. Intent.

In accordance with Act 141 of 2000, which is codified in 47 P.S. § 4-461 of the Pennsylvania Liquor Code, the intermunicipal transfer of a liquor license into Westtown Township and issuance of a license for economic development pursuant to the Liquor Code must first be approved by the Board of Supervisors when the total number of existing restaurant liquor licenses and eating place retail dispenser licenses exceeds one license per 3,000 inhabitants. With the passage of the voter referendum in 2018 permitting the sale of liquor in the Township, the Board of Supervisors now desires to establish a procedure for the administration of applications for the intermunicipal transfer of a liquor license into the Township and issuance of a license for economic development. All requests or applications for intermunicipal transfer of a liquor license and issuance of a license for economic development pursuant to the Liquor Code shall comply with the provisions in this chapter.

§ __-2. Application for approval of license transfer.

Any person or entity seeking approval for the intermunicipal transfer of a liquor license or issuance of a license for economic development under the Liquor Code must first submit a written application to the Township. The application must provide the following information:

- A. The applicant's full name, address, telephone number, facsimile number and e-mail address;
- B. The name of the applicant's counsel and his or her address, telephone number, facsimile number and e-mail address;
- C. The business name and address of the establishment where the liquor license is proposed to be located within Westtown Township;
- D. The type of operation proposed: a restaurant (R license) serving malt and brewed beverages and other forms of alcohol, or an eating establishment (E license) serving only malt and brewed beverages;
- E. The name and address of the transferor licensee;

- F. The license number and LID number of the license which is proposed to be transferred into Westtown Township;
- G. Information about the following operating details:
 - (1) Amusement permit: Yes or no; if yes, type of entertainment.
 - (2) Extended hours food permit: Yes or no.
 - (3) Sunday sales permit: Yes or no.
 - (4) Days of operation.
 - (5) Hours of operation.
 - (6) Number of employees: total and on the greatest shift.
 - (7) Projected seating capacity:
 - (a) At bar.
 - (b) At tables/chairs.
 - (8) Characteristic of neighborhood (within 500 feet):
 - (a) Percent residential.
 - (b) Percent commercial.
 - (c) Percent rural.
 - (9) Restrictive institutions (within 200 feet): Yes or no.
 - (10) Other licenses (existing within 200 feet): Yes or no.
 - (11) Protesters: Yes or no.
 - (12) Supporters: Yes or no.
 - (13) Type of Menu:
 - (a) Breakfast, lunch and/or dinner.
 - (b) Meal price range.
- H. The names, addresses and telephone numbers of all parties who have or propose to have a financial interest or ownership in the business where the proposed liquor license will be located;
- I. A detailed description of the proposed establishment where the liquor license will be used;
- J. The owner of the property where the liquor license is proposed to be located;
- K. The names, addresses and telephone numbers of all property owners within 500 feet of the proposed license location;
- L. The names, addresses and telephone numbers of all schools, churches and establishments that have a liquor license which are within 500 feet of the proposed license location;
- M. A copy of the completed application submitted to the Pennsylvania Liquor Control Board for the transfer of a liquor license, including the applicant's criminal history and list of past Liquor Code violations; and
- N. The names and location of other businesses with liquor licenses in which the applicant has an ownership interest.

§ __-3. Application fees.

In order to reimburse the Township for the expenses incurred in the administration of the application and conduct of the hearing for the transfer of liquor licenses into the Township, the applicant must submit with the application a fee in the amount specified by resolution of the Board of Supervisors, which fee may be amended from time to time. All fees must accompany the application and are nonrefundable. In addition to the application fee, if the applicant requests

a stenographic record of the hearing, all costs for providing a stenographic record, including appearance fees, will be the responsibility of the applicant.

§ __-4. Advertisement and posting.

Upon receipt of a complete application and the filing fee, the Township will post the property identified as the location of the proposed liquor license in a conspicuous location to notify potentially interested citizens. The Township shall also publish a notice one time in a newspaper of general circulation in the Township at least seven days prior to the hearing. The notice that is posted and published in the newspaper shall include a summary description of the application and the date, time and place of the public hearing to be conducted by the Board of Supervisors.

§ __-5. Public hearing.

The Board of Supervisors will conduct a public hearing to consider the application. At the hearing, the Board of Supervisors shall receive comments and recommendations of interested individuals within the Township concerning the application for transfer of the liquor license. The hearing shall be transcribed.

§ __-6. Board of Supervisors action.

- A. In deciding whether the proposed transfer application would adversely affect the welfare, health, peace and morals of Westtown Township or its inhabitants, the Board of Supervisors may consider, in addition to the information in § __-2 above, any or all of the following:
- 1) A report and recommendation from the Township Manager and the Westtown-East Goshen Chief of Police;
 - 2) The population of Westtown Township, the number of students and the number of residents under the age of 21;
 - 3) The total number of existing liquor licenses in the Township and whether the total number of existing liquor licenses exceeds one license per 3,000 inhabitants of the Township (the quota established by the Liquor Control Board);
 - 4) The location of the closest existing licensed establishment (all types of licenses), school, church, or adult-oriented establishment (as defined in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended.);
 - 5) Concerns expressed by area residents, institutions, businesses and public interest organizations;
 - 6) Information about other businesses in which the applicant has some interest or ownership; and
 - 7) Any other issue or fact that may adversely affect the welfare, health, peace and morals of Westtown Township or its inhabitants.
- B. Within the time limits set forth in the Liquor Code, the Board of Supervisors shall vote to deny, approve, or approve with conditions the request for an intermunicipal transfer of liquor license into the Township. The decision of the Board of Supervisors shall be set forth in a written resolution. Any approval will be limited to the individual applicant, the proposed transfer location and the type of establishment proposed. Any proposed change

in ownership, location or type of establishment will require a new application and approval of the Board of Supervisors.

SECTION 2. If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION 4. This amendment shall take effect and be in full force and effect 5 days from and after the date of its final passage and adoption.

ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, this _____ day of _____, 2018.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Carol R. De Wolf, Chair

Scott E. Yaw, Vice Chair

Michael T. Di Domenico, Police Commissioner

Attest:

Robert R. Pingar, Secretary

RESOLUTION 2019-07

**A RESOLUTION BY THE WESTTOWN TOWNSHIP BOARD OF SUPERVISORS
TO AMEND THE WESTTOWN TOWNSHIP COMPREHENSIVE PLAN**

WHEREAS, Article III of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) authorizes municipalities to prepare and adopt municipal comprehensive plans; and

WHEREAS, the Westtown Township Board of Supervisors authorized the preparation of an amendment to the Westtown Township Comprehensive Plan; and

WHEREAS, the Amendment to the Westtown Comprehensive Plan was prepared by the Brandywine Conservancy and Thomas Comitta Associates, Inc, with input from the Comprehensive Plan Update Task Force, which was comprised of members of the Township Planning Commission and Township residents; and

WHEREAS, the Amendment to the Westtown Comprehensive Plan was thereafter presented to and recommended by the Westtown Township Planning Commission to the Board of Supervisors at a public meeting on June 6, 2018; and

WHEREAS, the Amendment to the Westtown Comprehensive Plan was forwarded to the Chester County Planning Commission, the West Chester Area School District, and adjoining municipalities for their review and comment; and

WHEREAS, the Westtown Township Board of Supervisors held a public hearing on the Amendment to the Westtown Comprehensive Plan on March 18, 2019, pursuant to public notice, as required by the Municipalities Planning Code; and

WHEREAS, the Westtown Township Board of Supervisors desires to amend the Westtown Comprehensive Plan in accordance with the provisions of the Municipalities Planning Code in the form attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The Westtown Township Board of Supervisors adopts this Amendment to the Westtown Comprehensive Plan entitled "Westtown Comprehensive Plan Update 2019," hereinafter referred to as "Amendment," in accordance with Article III of the Pennsylvania Municipalities Code.

SECTION 2. The Amendment revises the Township's Growth Management Plan (2001) and builds upon the Township's Open Space, Recreation and Environmental Resources Plan (2014). A true and correct copy of the Amendment is attached hereto as Exhibit "A" and incorporated herein by reference as though set forth fully herein, including all charts, tables, diagrams, appendices and textual matter contained therein.

SECTION 3. Nothing in this Resolution shall be construed to affect any suit or proceeding pending in any court, or any rights or liability incurred, or any permit issued or approval granted, or any cause or causes of action existing prior to the adoption of this Resolution.

SECTION 4. This Resolution shall become effective and be in force immediately.

ADOPTED as a Resolution this 18th day of March, 2019.

Westtown Township
Board of Supervisors

Scott E. Yaw, Chair

Michael T. Di Domenico, Vice-Chair

Carol R. De Wolf, Police Commissioner

ATTEST:

Robert R. Pingar, P.E.
Township Secretary