

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2021-23

**A RESOLUTION APPROVING THE REQUEST OF
TOP-STAR, INC. TO TRANSFER LIQUOR LICENSE.**

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, Top-Star, Inc. (hereinafter, "Applicant"), owns or is leasing property located at 216 Nazareth Pike, Nazareth, Lower Nazareth Township, Northampton County, PA 18064; and

WHEREAS, on June 30, 2021, and pursuant to Section 461, the Applicant filed a request for approval by the Lower Nazareth Township Board of Supervisors (hereinafter, "Board of Supervisors") of a proposed intermunicipal transfer of Restaurant Liquor License No. R-21303 (the "Liquor License"); and

WHEREAS, on August 11, 2021, and in accordance with Section 461(b.3) the Board of Supervisors held a 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 Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania as follows:

1. Applicant seeks approval of an intermunicipal transfer of Restaurant Liquor License No. R-21303 from 4209 Lehigh Drive, Cherryville, Lehigh Township, Northampton County, PA 18035 to Applicant for the property located at 216 Nazareth Pike, Nazareth, Lower Nazareth Township, Northampton County, PA 18064 (the "Property") pursuant to Code Section 461.

2. Applicant proposes to, and will, utilize the Liquor License to operate just a portion of its facility as a beer and wine garden and eatery at the Property (the "Proposed Use").

3. The Applicant will comply with all other local ordinances including, without limitation, zoning and building codes.

4. The Applicant's Proposed Use will be located in the General Commercial ("GC") zoning district.

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

6. The Board of Supervisors hereby approve the Applicant's request for an intermunicipal transfer of Pennsylvania Liquor License No. R-21303 pursuant to Code Section 461(b.3).

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

ADOPTED, this 11th day of August, 2021, by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, in lawful session duly assembled.

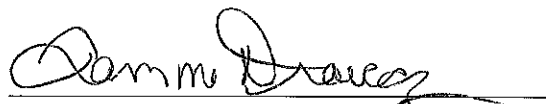
TOWNSHIP OF LOWER NAZARETH

ATTEST:


TAMMI DRAVECZ, Secretary

BY: 
JAMES PENNINGTON, Chairman

I HEREBY CERTIFY that this is a true copy of Resolution adopted by the Board of Supervisors of Lower Nazareth Township on August 11, 2021.


TAMMI DRAVECZ, Secretary