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*Salvatore D. Gambone - Real Estate*

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September 6, 2021

Justin M. Keller  
Borough Manager  
Borough of Pottstown  
Borough Hall, 100 East High Street  
Pottstown, PA 19464-9525

Re: Juan Carlos Fine Mexican Cuisine Restaurant  
235 East High Street, Pottstown, PA 19464  
Application for Economic Development Liquor License

Dear Mr. Keller:

My client, Juan Carlos Fine Mexican Cuisine, would like to apply for an Economic Development Liquor License for the premises situate 235 East High Street, Pottstown, Montgomery County, Pennsylvania 19464. Enclosed please find a letter given to them by you indicating that the location is presently located within a Designated Opportunity Zone or Enterprise Zone/Keystone, a Qualified Opportunity Zone or Enterprise Zone within the Borough of Pottstown, Pennsylvania. This should be a very positive factor for my client.

This Letter shall serve as Form 1 application and notice to Pottstown Borough pursuant to 47P.S. § 4-461(b.1) that my client applies for an Economic Development Liquor License as outlined in the preceding paragraph. The pertinent section of that law provides:

"(2) The proposed licensed premises must be located within either of the following:

(ii) A municipality in which the issuance of a restaurant or eating place retail dispenser license has been approved by the governing body of the municipality for the purpose of local economic development. Upon request for approval of an economic development license by the applicant, at least one public hearing shall be held by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the community/municipality concerning the applicant's intent to acquire an economic development liquor license from the Pennsylvania Liquor Control Board. The governing body shall, within forty-five days of a request for approval, render a decision by ordinance or resolution to approve or disapprove the applicant's request for an economic development license. If the Municipality finds that the issuance of the license would promote economic development, it may approve the request. A decision by the governing body of the municipality to deny the request may not be appealed to the court of common

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pleas in the county in which the municipality is located. A copy of the approval must be submitted with the license application. Failure by the governing body of the municipality to render a decision within forty-five days of the applicant's request for approval shall be deemed an approval of the application in terms as presented unless the governing body has notified the applicant in writing of their election for an extension of time not to exceed sixty days. Failure by the governing body of the municipality to render a decision within the extended time period shall be deemed an approval of the application in terms as presented." 47 P.S. § 4-461 (b.1)(2)(ii).

As specified above, any approval must be granted by either resolution or ordinance by the municipality within forty-five days of this request. If Pottstown Borough approves the license, that approval must be attached to the formal Pennsylvania Liquor Control Board application, which will then be forwarded to the Pennsylvania Liquor Control Board for a final approval subject to the rules and regulations of the Liquor Control Board.

Of course, my client will agree to reimburse the Borough of Pottstown for its advertising costs, transcript fees and any other reasonable out of pocket expenses in connection with the application.

For your convenience I have enclosed a draft Resolution approving the transfer and a copy of the statute.

If you have any further questions, please feel free to contact me. We would like a hearing as soon as possible. Thank you for your cooperation.

Very truly yours,



Salvatore D. Gambone

SDG/  
Enclosures



# Borough of Pottstown

Borough Hall, 100 East High Street  
Pottstown, Pennsylvania 19464-9525  
(610) 970-6500

March 3, 2020

RE: Juan Carlos Fine Mexican Cuisine

To Whom it May Concern:

Please accept this letter as confirmation that the Juan Carlos Fine Mexican Cuisine Restaurant located at 235 East High Street, Pottstown, Montgomery County, Pennsylvania, is in fact located within a Designated Opportunity Zone, also known as a Keystone Opportunity Zone, a Qualified Opportunity Zone or Enterprise Zone within the Borough of Pottstown, Pennsylvania.

I have enclosed a census tract map for your reference.

Please feel free to contact my office with any further concerns you may have on this matter.

Sincerely,

Justin M. Keller  
Borough Manager

JMK:vt  
Enclosure

cc: Jeanne Stratis-Garza

# Subchapter K. ECONOMIC DEVELOPMENT LICENSES

JAL  
6-10-279  
7/18/10

Sec.

- 3.101. Economic development licenses.
- 3.102. Approval for economic development license.
- 3.103. Filing criteria for provisional economic development license.
- 3.104. Municipal standing before the Board.
- 3.105. Quarterly filing of applications and application hearings.
- 3.106. Criteria for issuance of a permanent economic development license.
- 3.107. Failure to meet the minimum requirement.
- 3.108. Subsequent transfers.

### Source

The provisions of this Subchapter K adopted November 12, 2004, effective November 13, 2004, 34 Pa.B. 6139, unless otherwise noted.

### § 3.101. Economic development licenses.

(a) *Issuance of license.* The Board may issue restaurant and eating place retail dispenser licenses without regard to county quota restrictions for the purpose of economic development in a municipality for premises situated within any of the following:

- (1) A KOZ established under the authority of the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (73 P. S. § § 820.101—820.1309).
- (2) An EZ, as designated by the Department of Community and Economic Development in accordance with the Neighborhood Assistance Act (62 P. S. § § 2081—2089).
- (3) A municipality that has approved the issuance of a restaurant or eating place retail dispenser license for the purpose of local economic development.

(b) *Definitions.* The following words and terms, when used in this subchapter, have the following meanings:

*EZ*—Enterprise zone.

*KOZ*—Keystone opportunity zone.

**§ 3.102. Approval for economic development license.**

(a) An applicant shall request written certification from the KOZ local coordinator or EZ administrator that the proposed licensed premises is situated in a zone or an area designated for economic development.

(b) An applicant shall request approval from the municipality for a KOZ, EZ or local economic development license.

(1) The municipality will hold at least one public hearing on the applicant's request for an economic development license.

(2) The municipality shall, within 45 days of a request for approval, render a decision by ordinance or resolution to approve or disapprove the applicant's request for an economic development license.

(3) If the municipality finds that the issuance of the license would promote economic development, it may approve the request. The municipality shall refuse the request if it finds that the approval of the request would adversely affect the welfare, health, peace and morals of the municipality or its residents.

(4) If the receiving municipality denies the applicant's request for approval of an economic development license, the applicant may appeal the decision of the municipality to the court of common pleas in the county in which the proposed licensed premises is located.

**§ 3.103. Filing criteria for provisional economic development license.**

A license application may be filed with the Board for premises situated within a KOZ, an EZ or a municipality that has approved the issuance of a license for the purpose of local economic development, provided that the applicant submits the following with its application:

(1) The required initial application surcharge fee as determined by county class, the appropriate license fee and application-processing fee.

(2) Written certification from the KOZ local coordinator or EZ administrator or from the municipality that the proposed licensed premises is situated in a zone or an area designated for economic development.

(3) Municipal approval in the form of an ordinance or resolution, including the applicant's name and exact address, approving the issuance of an economic development license.

**§ 3.104. Municipal standing before the Board.**

(a) The receiving municipality may file a protest against the issuance of a license for economic development into its municipality and the municipality shall have standing in a hearing to present testimony in support of or against the issuance of a license.

(b) If the Board receives a protest from the receiving municipality, the Board may in its discretion refuse an application for an economic development license.

(c) A protest must be filed within 30 days of the filing of the application.

**§ 3.105. Quarterly filing of applications and application hearings.**

Resolution 2016-

BOROUGH OF MORRISVILLE  
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
MORRISVILLE, BUCKS COUNTY, PENNSYLVANIA, APPROVING THE APPLICATION  
FOR AN ECONOMIC DEVELOPMENT LIQUOR LICENSE  
AT THE PREMISES KNOWN AS 107 EAST TRENTON AVENUE,  
MORRISVILLE, BUCKS COUNTY, PENNSYLVANIA.

WHEREAS, Café Antonio, Inc., t/a Café Antonio Pizzeria and Restaurant (the "Applicant") has applied to the Borough of Morrisville pursuant to Section 461(b.1) of the Liquor Code, 47 P.S. §4-461(b.1) for approval by the Council of the Borough of Morrisville of a request for an Economic Development Liquor License, proposed to be issued by the Pennsylvania Liquor Control Board for the premises located at 107 East Trenton Avenue, Morrisville, Pennsylvania 19067.

WHEREAS, the Borough has determined that the issuance of the license will permit economic development and that it will not adversely affect the welfare, health, peace and morals of the Borough of Morrisville or its residents; and

WHEREAS, the proposed location of the license is in an area designated for economic development, as required under 40 Pa. Code Section 3.102(a);

WHEREAS, the Borough Council held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code on \*\*DATE\*\* to receive comments and recommendations regarding the grant of this Economic Development License; and

WHEREAS, the Borough Council has concluded that issuance of the requested Liquor License will promote economic development in the Borough of Morrisville:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Morrisville, after considering the Applicant's request for the grant of an Economic Development Liquor License to the Applicant by the Pennsylvania Liquor Control Board, Council approves the application of the Applicant for the grant of an Economic Development Liquor License subject to the following conditions:

1. The approval hereby granted shall be personal to the Applicant and specific to the Applicant's premises, and shall not be transferable or assignable in either respect without the prior written consent of the Borough as Well as compliance with the requirements of the Pennsylvania Liquor Control Board.

2. Applicant shall otherwise comply with all relevant Ordinances, Rules, Laws or

Regulations, including, but not limited to, the applicable Rules of the Pennsylvania Liquor Control Board and the Zoning Laws of the Borough of Morrisville.

BE IT, AND THE SAME IS HEREBY RESOLVED, this        day of  
, 2015.

BOROUGH OF MORRISVILLE

Attest;