

NOTICE OF PUBLIC HEARING

BOROUGH OF WEST CHESTER
CHESTER COUNTY, PA

PROPOSED NEW ECONOMIC DEVELOPMENT RESTAURANT LIQUOR LICENSE

NOTICE IS HEREBY GIVEN that the Council of the Borough of West Chester, Chester County, Pennsylvania, will conduct a public hearing on Tuesday June 14, 2022 at 6:30 PM in the Council public meeting room at Borough Hall, 401 E. Gay Street, West Chester, Pennsylvania to consider the application of White Cow LLC. The Applicant is requesting Borough Council approval of an economic development restaurant liquor license proposed to be used at a new restaurant to be located at 16 East Gay Street, Borough of West Chester. Borough Council approval is required prior to submission of an economic development license application to the Pennsylvania Liquor Control Board. All interested individuals and businesses are invited to attend and present comments, recommendations, and testimony at the hearing. Persons with disabilities should contact the Borough at 610-692-7574 if they need an accommodation to attend or participate in the hearing.

THE LAW OFFICE OF
WILLIAM J. SHEHWEN III, ESQUIRE
123 EAST GAY STREET
WEST CHESTER, PENNSYLVANIA 19380

e-mail:
bill@barristerbill.com

TELEPHONE:(610)430-0607
FACSIMILE: (610) 430-0715

May 3, 2022

Mr. Sean Metrick, Mgr.
West Chester Borough
Municipal Building
401 East Gay Street
West Chester, PA 19380

VIA EMAIL and HAND DELIVERY
smetrick@west-chester.com

Re: **Application for Approval of an Economic Development Liquor License**
Applicant: **White Cow, LLC**
Premises: **16 East Gay Street, West Chester, PA 19380**

Dear Mr. Metrick:

Please find enclosed a completed Application for Approval of an Economic Development License, per § 69-2 of the Code of the Borough of West Chester. Also find enclosed a check (#1979) in the amount of One Thousand Dollars (\$1,000.00) representing the filing fee for same.

Kindly accept this Application and notify this office as to the scheduled Council hearing date on this matter, once same has been determined by the Borough.

Please advise if questions, comments or concerns remain. As always, your assistance and guidance is greatly appreciated.

Respectfully,

William Shehwen

By: _____
WILLIAM J. SHEHWEN III, ESQUIRE

encl.

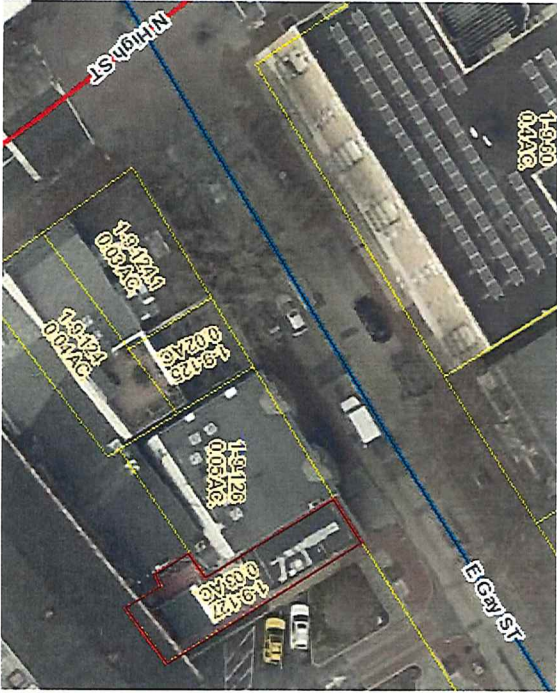
cc: White Cow, LLC (VIA EMAIL)
Thomas F. Oeste, Esquire (VIA EMAIL - toeste@buckleyllp.com)

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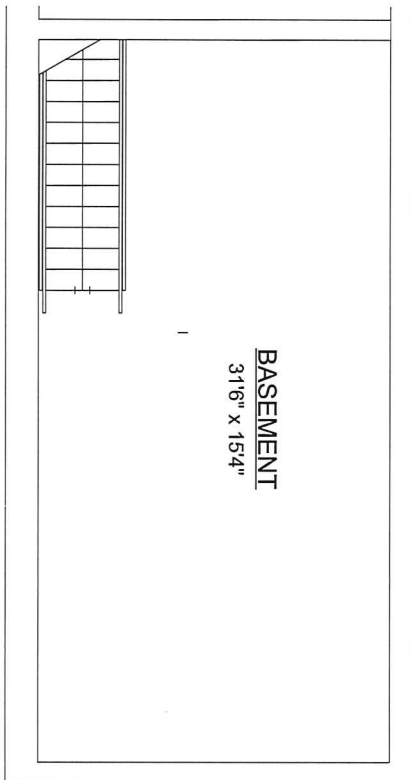
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✓ #1979

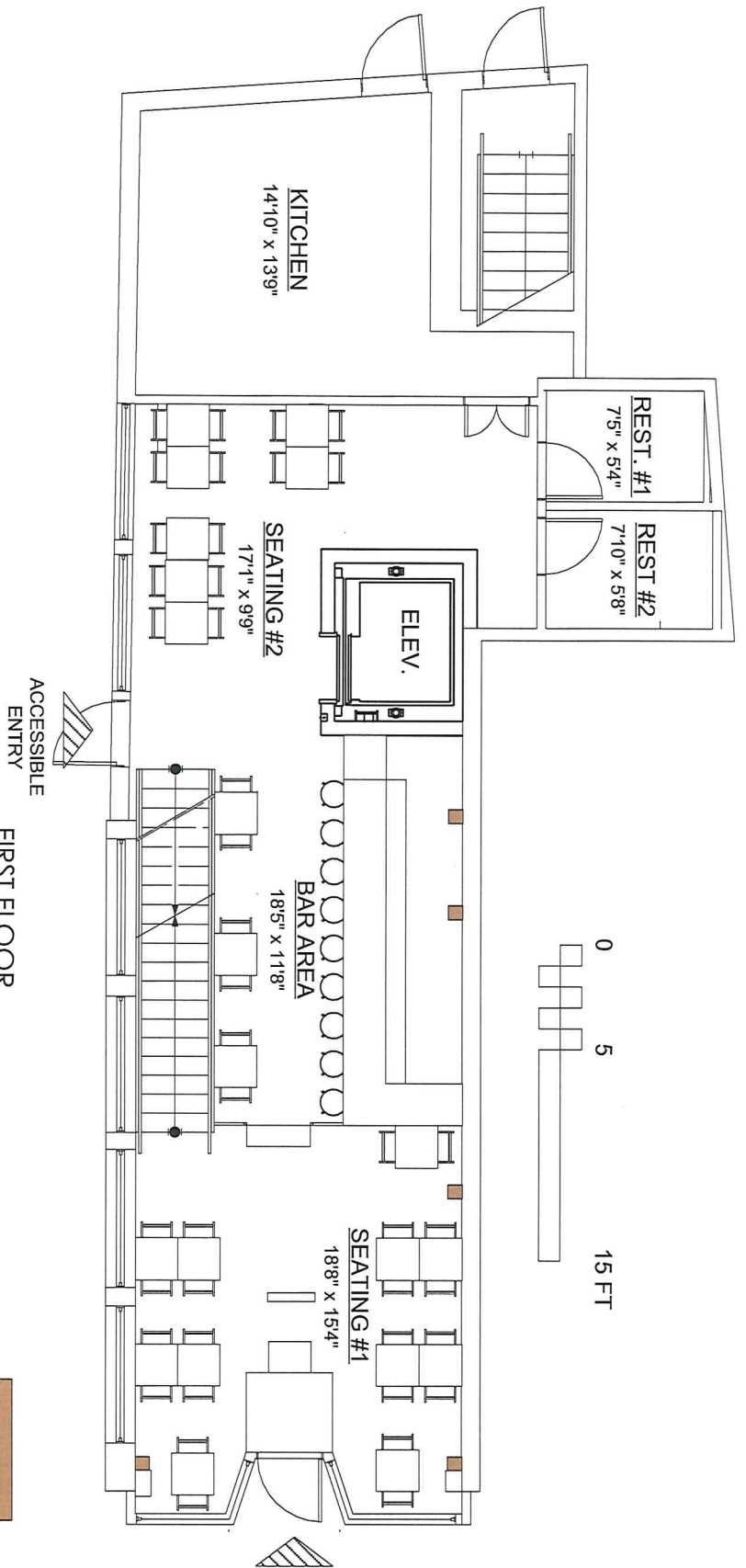
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BASEMENT



FIRST FLOOR



SK-1

SCHEMATIC PLANS WHITE COW CAFE

16 E GAY STREET, WEST CHESTER PA

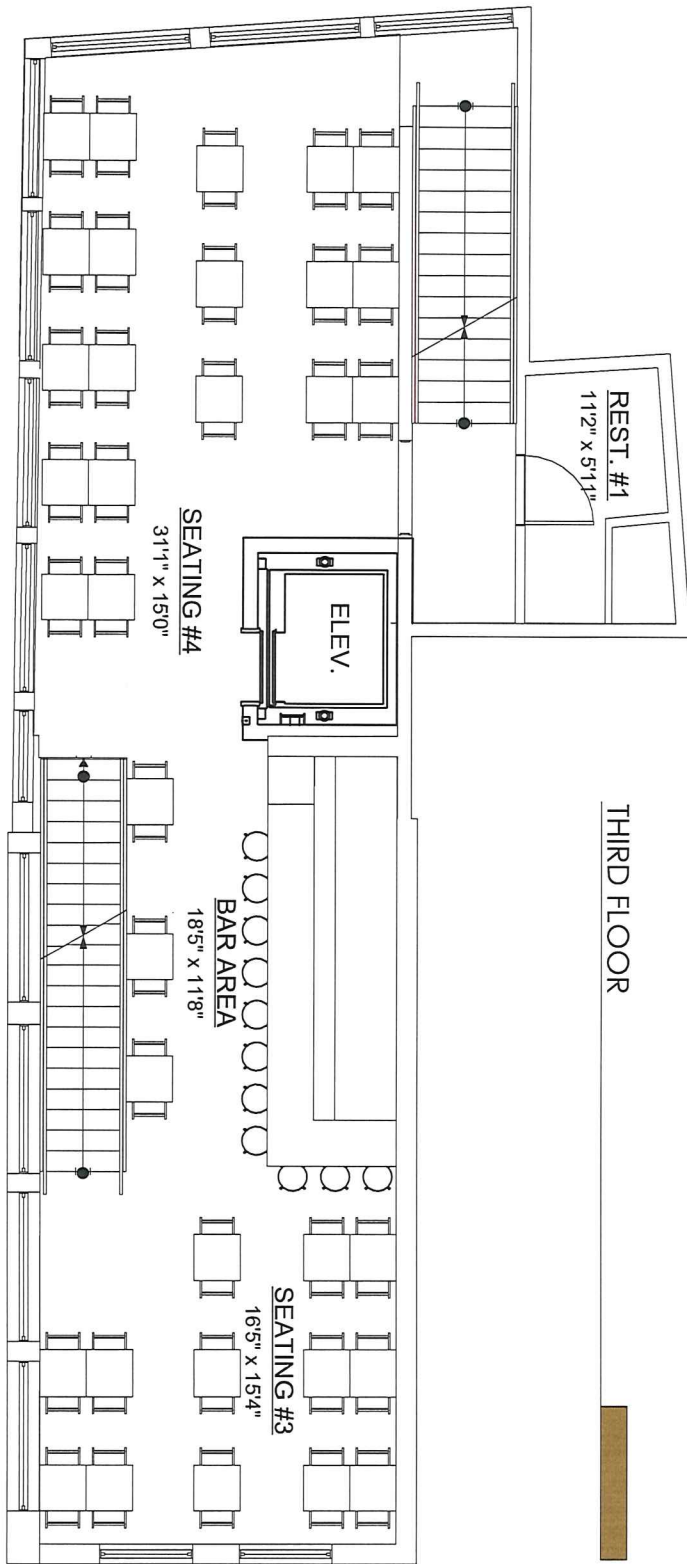
OCT -08-21

GREG RADFORD

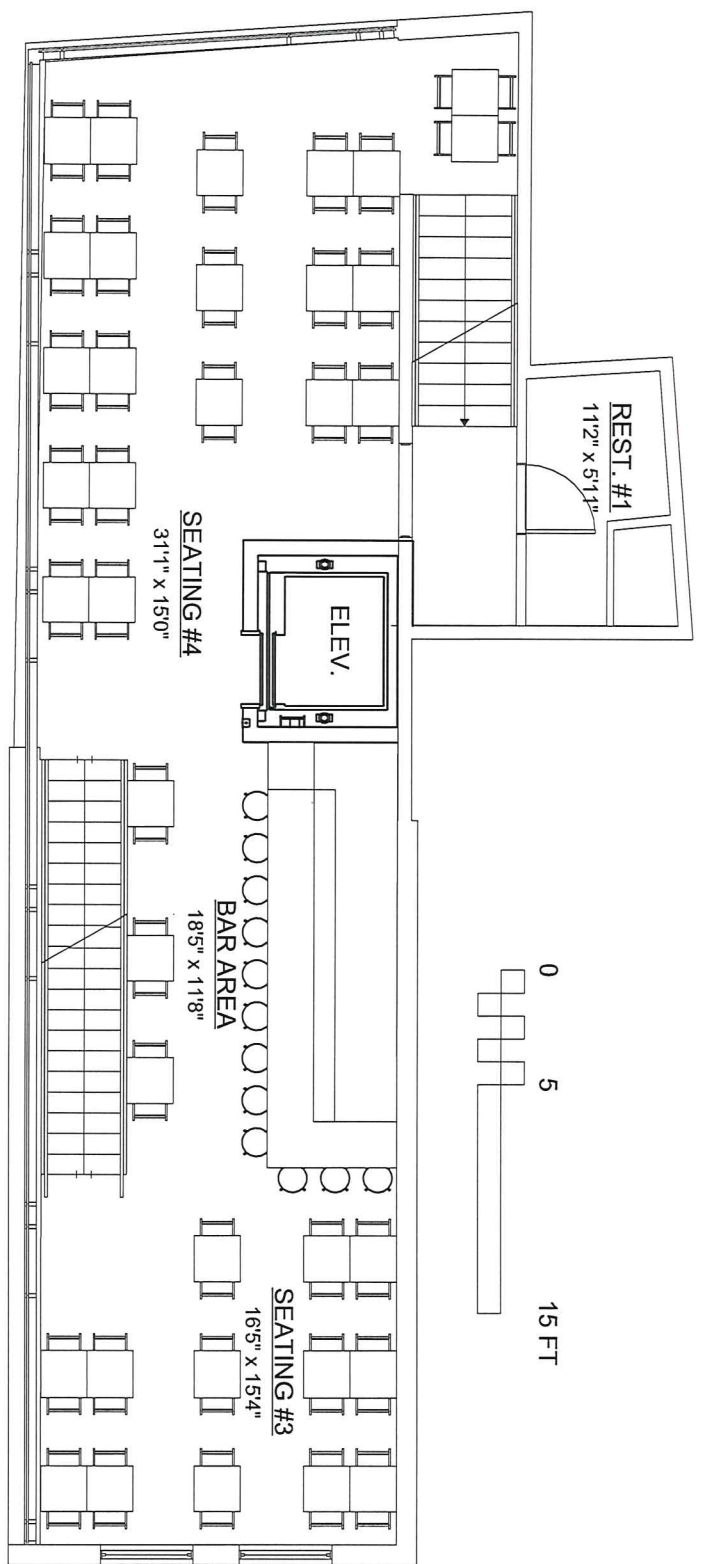
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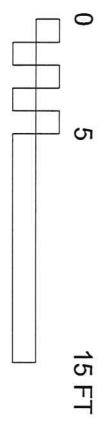
GARCH.NET 610 505 7267



SECOND FLOOR



THIRD FLOOR



SK-2
OCT -08-21

SCHEMATIC PLANS WHITE COW CAFE
16 E GAY STREET, WEST CHESTER PA



CHARCUTERIE & CHEESE

6.75 for one | 18.5 for three

Jamon Serrano

Dry-cured Spanish ham

Speck

Dry-cured Italian ham

Sobrasada

Semi-soft chorizo, garlic, paprika

Fuet

Dry-cured pork sausage

SALADS

Beet 12

Baby arugula, goat cheese, candied walnuts, balsamic reduction

Nicoise 19

Ahi Tuna, haricot verts, tomatoes, oak leaf lettuce, olives, egg, anchovies, red wine vinaigrette

TAPAS

Pulpo 11

Beluga lentils, salsa verde

Short Rib 16

Truffle polenta

Jamon & Manchego Croquetas 6.5

Garlic aioli

Chorizo with Sweet & Sour Figs 8.5

Balsamic Reduction

Albondigas 8.5

Spiced meatballs in jamon-tomato sauce

Confit Duck Montadito 13.5

Fig, sherry reduction, whipped ricotta

Fried Brussels Sprouts 8.5

Whole grain mustard aioli

Mahon Reserva

Cow's milk aged 4 months, mild & nutty

Valdeon

Cow & goat's milk blue, tangy & spicy

Drunken Goat

Semi-soft goat's milk soaked in red wine

Delice de Bourgogne

Triple cream cow's milk, rich & buttery

Caesar 9

Shaved parmesan, anchovies, croutons, Caesar dressing

Lyonnaise 10

Frisee, lardons, poached egg, warm vinaigrette

Crispy Calamari 10.5

Pimento Aioli

Patatas Bravas 7.5

Salsa brava, garlic aioli

Whipped Goat Cheese 8.5

Truffle honey, sea salt

Marinated Olives 5

Garlic, citrus, chili

Parisian Gnocchi 8.5

Manchego cream, sage

Crispy Chicken Thigh 8.5

Roasted Serrano Aioli

Trout a la Plancha 14.5

Salsa verde

APPLICATION FOR APPROVAL OF AN
ECONOMIC DEVELOPMENT LIQUOR LICENSE (RESTAURANT LIQUOR)
APPLICANT : WHITE COW, LLC

A. *The applicant's full name, address, telephone number, facsimile number and e-mail address;* **White Cow, LLC, 16 East Gay Street, West Chester, PA 19380;**

B. *The name of the applicant's counsel and his or her address, telephone number, facsimile number and e-mail address;* **WILLIAM J. SHEHWEN III, ESQ., 123 E. GAY STREET, WEST CHESTER, PA 19380, T) 610.430.0607, F) 610.430.0715, BILL@BARRISTERBILL.COM**

C. *The business name and address of the establishment where the liquor license is proposed to be located within the Borough of West Chester;* **WHITE COW, LLC, 16 EAST GAY STREET, WEST CHESTER, PA 19380**

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;* **Applicant intends to apply for an EDR License (Economic Development, Restaurant Liquor License). Seeks approval to file said application in the form of a resolution.**

E. *The name and address of the transferor licensee;* **n/a**

F. *The license number and LID number of the license which is proposed to be transferred into the Borough;* **n/a**

G. *Information about the following operating details:*

(1) *Amusement permit: Yes or no; if yes, type of entertainment.* **Yes. Possible light entertainment/music acoustical in nature, via PA system.**

(2) *Extended hours food permit: Yes or no.* **NO.**

(3) *Sunday sales permit: Yes or no.* **YES.**

(4) *Days of operation.* **Sunday - Saturday**

(5) *Hours of operation.* **Breakfast, Lunch and Dinner (intended). 8AM – 12PM (Generally)**

(6) *Projected seating capacity:* **210-240**

(a) *At bar.* **30-35;** (b) *At tables/chairs.* **180- 205**

(7) *Characteristic of neighborhood (within 500 feet): (a) Percent residential. < 10%; (b) Percent commercial. >90%; (c) Percent rural.* **0**

(8) *Restrictive institutions (within 200 feet): Yes or no.* **NO**

(9) *Other licenses (existing within 200 feet): Yes or no.* **YES**

(10) *Protesters: Yes or no.* **NO**

(11) *Supporters: Yes or no.* **YES**

(12) *Type of Menu: “Farm-to-Table”;* **Upscale Casual, Healthy Tapas**

(a) *Breakfast, lunch and/or dinner.* **Breakfast, Lunch & Dinner.**

(b) *Meal price range.* **\$10-\$25.00 (approx.)**

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;* **White Cow, LLC, 16 East Gay Street, West Chester, PA 19380, 610.430.0607, bill@barristerbill.com**

I. *A detailed description of the proposed establishment where the liquor license will be used, including hours of operation and number of employees;* **3-5 employees; Breakfast, Lunch & Dinner, farm to table, upscale casual and healthy tapas. (Much like Terrain Café in Glen Mills) Sunday-Saturday 8-10. See Menu.**

J. *The owners of the property where the liquor license is proposed to be located;* **Maggie & Maggie, LLC, 16 West Gay Street, West Chester, PA 19380.**

K. *The names, addresses and telephone numbers of all property owners within 500 feet of the proposed license location;* **n/a**

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;* **No Schools or Churches (to our knowledge). On this block: Side Bar, Teca, Opa Opa; One block West: Iron Hill & Kildare’s; One block East: Avalon, Social, IPasta/Café Zola, Roots; One block South: none; One block North: none**

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/a (need Borough Approval before we can submit the LCB application.)**

N. *The names and location of other businesses with liquor licenses in which the applicant has an ownership interest.* **NONE.**



ADVISORY NOTICE NO. 20 (Revised)

ECONOMIC DEVELOPMENT LICENSES MAY 17, 2017

TO: All Retail Licensees and Municipalities

Note: This notice is issued to replace in its entirety previous Advisory Notice No. 20 dated October 14, 2015.

In 2000, the General Assembly first amended the Liquor Code to allow the Board to issue a restaurant or eating place retail dispenser license for the purpose of economic development, even if the existing number of restaurant and eating place retail dispenser licenses in a county exceeds 1 license per 3,000 inhabitants. This law was amended pursuant to Act 39 of 2016, which decreased the food and non-alcoholic beverage sales requirement from at least 70% to at least 50% of the combined gross sales of food and alcoholic beverages for economic development licenses. 47 P.S. § 4-461(b.1), (b.2).

The purpose of this Advisory Notice is to answer questions frequently asked regarding economic development licenses.

1. What is an economic development license?

An economic development license is a restaurant (“EDR”) or eating place retail dispenser license (“EDE”) which may be issued, even if the number of existing restaurant and eating place retail dispenser licenses in that county exceeds the ratio of 1 license per 3,000 inhabitants. The purpose of the economic development license is to promote economic development.

2. What are the criteria for applying for an economic development license?

Initially, a license will only be issued when an applicant has demonstrated that it has exhausted reasonable means of acquiring a license in the county. The Board has set forth what evidence an applicant must prove in order to establish that it has “exhausted reasonable means.” 40 Pa. Code 3.105.

In order to establish it has “exhausted reasonable means,” an applicant must provide evidence that it:

- Contacted existing license holders and inquired as to the availability for the license to be purchased.
 - In class 1 through 4 counties, an applicant must contact a minimum of 50% of the existing licenses in the county.
 - In class 5 through 8 counties, an applicant must contact a minimum of 75% of the existing licenses in the county.
 - An applicant need only contact that license type for which an applicant seeks to purchase. For example, in a class 1 county an applicant for an EDR license would be required to contact 50% or more of the existing restaurant license holders. However, if the applicant was seeking an EDE license, the applicant would only have to contact 50% of the existing eating place malt beverage license holders.

- Attempted to purchase licenses held in safekeeping at the time the application was filed, including the offered and requested amounts.
- Provide an explanation as to why it is not economically feasible for the applicant's business to buy a license on the open market. The explanation must include the following factors:
 - The applicant's capital and financial resources.
 - The applicant's projected revenue and expenses for its business, as well as actual revenue and expenses if the business is currently in operation.
 - Other factors the applicant considered when deciding that obtaining a liquor license in the marketplace was not economically feasible.
- Provide a written estimation of the expected economic benefits to the municipality.

Additionally, economic development licenses may only be issued to premises that are located in an Enterprise Zone as designated by the Department of Community and Economic Development, a Keystone Opportunity Zone as established under the authority of the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, or in a municipality where the municipality has voted to grant the issuance of such a license for the purpose of economic development. There is a surcharge of \$50,000 for an economic development license if the proposed premises is located in a county of the first through fourth class. There is a surcharge of \$25,000 for an economic development license if the proposed premises is located in a county of the fifth through eighth class.

3. Are there any additional restrictions imposed on economic development licenses?

Yes. The Board is limited to issuing no more than two economic development licenses in each county of the first through fourth class each calendar year. The Board is limited to issuing no more than one economic development license in each county of the fifth through eighth class each calendar year. In addition, economic development licenses are not transferable. This means that it is impermissible to attempt to transfer the license to either a new location or a new owner. However, it would be permissible for a new owner to buy the corporation currently holding an economic development license; the new owners would need to notify the Board of this change via the PLCB's online regulatory system, [PLCB+](#).

Additionally, economic development licensees may only be renewed or validated if the holder can show that its sales of food and non-alcoholic beverages are equal to 50% or more of its sales of food and alcoholic beverages, during the preceding year.

4. Since an applicant has not sold any alcohol when it initially applies for an economic development license, how does it establish the necessary ratio for acquiring an economic development license?

When an application is approved, the applicant will receive a provisional license good for 120 days. Prior to the expiration of the 120 days, the applicant must submit another application to the Board indicating that for a period of 90 consecutive days since the granting of the provisional license, its sales of food and non-alcoholic beverages were equal to 50% or more of its sales of food and alcoholic beverages. At that point, the Board will issue a permanent license good for the remainder of the licensing term.

5. How are applications for economic development licenses processed, i.e., what if multiple applications are filed within the same county?

The Bureau of Licensing will accept applications for economic development licenses on a quarterly basis. For example, applications filed from January 1 to March 31 will be considered together and if there are insufficient licenses for all of the qualified applications, the Board will decide from among the qualified applicants who will be given the license. If any licenses remain after the applications received in the first quarter have been processed, then the Board will consider applications received during the second quarter, i.e., April 1 to June 30, and so on. Upon the end of the calendar year, the cycle begins again.

6. What happens to the application surcharge of \$25,000 or \$50,000 if the application is refused?

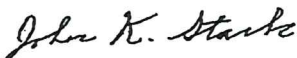
If an application for an economic development license is refused prior to the Board's issuance of a provisional 120-day license, then the application surcharge, minus a \$700 processing fee, is refunded to the applicant. An example of why an applicant would not get a provisional license could be that more applicants applied for a license than there were licenses to be given. If the application is refused after the issuance of the provisional license, then no portion of the application surcharge is refunded. An example of this would be if the applicant failed to establish that for a period of 90 consecutive days, its sales of food and nonalcoholic beverages are equal to 50% or more of its sales of food and alcoholic beverages. Please note that the manner in which the application surcharge is handled is set forth by the legislature through statute.

7. Does a municipality have any standing to challenge the issuance of an economic development license?

Yes. Sections 404 and 432 of the Liquor Code, 47 P.S. §§ 4-404 and 4-432, allow a municipality to protest the issuance of any economic development license regardless of the number of licenses already located in the municipality. The Board is authorized to refuse an economic development license application if the receiving municipality files a protest to that application. In addition, section 464 of the Liquor Code, 47 P.S. § 4-464, grants a municipality standing to take an appeal of any decision involving an economic development license application.

Further, if the number of existing retail licenses in the municipality is equal to or exceeds 1 license per 3,000 inhabitants, then the applicant must receive municipal approval prior to submitting its application with the Board. For additional information on the procedure for acquiring municipal approval, please see Advisory Notice No. 19.

BY ORDER OF:
PENNSYLVANIA LIQUOR CONTROL BOARD



JOHN K. STARK
Secretary to the Board