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Toll Free: 1-866-4BEVLAW
File No. 39093.00058

October 22, 2024

Via Federal Express and Email

Smithfield Township
Attn: Julia Heilakka, Township Manager
1155 Red Fox Road
East Stroudsburg, PA 18301
julia@smithfieldtownship.com

RECEIVED ON

OCT 23 2024

SMITHFIELD TOWNSHIP
MONROE COUNTY, PA

Re: Wawa, Inc. - Application for Public Hearing

Dear Ms. Heilakka:

Our office represents Wawa, Inc. ("Wawa") with respect to its liquor licensing in Pennsylvania. On July 9, 2024, Attorney Ellen Freeman submitted a request on behalf of Wawa for Smithfield Township to schedule and hold a public hearing regarding the intermunicipal transfer of a restaurant liquor license from outside the municipality. A copy of that correspondence has been enclosed for your reference.

Per your email to Attorney Freeman on July 27, 2024, please find enclosed the Application for Public Hearing and a check in the amount of \$1,500.00 made payable to Smithfield Township to be used in connection with this hearing.

Please let us know as soon as possible when the hearing will be scheduled.

If you have any questions or require anything else, please contact our office.

Thank you,

A handwritten signature in blue ink that reads 'Abigail Machon'.

Abigail Machon, Paralegal
to Ellen Freeman, Esq.

enc.
cc: Ronold Karasek, Esq. (via email)



1155 Ref Fox Road | East Stroudsburg | Pennsylvania 18301
Ph: 570-223-5082 | Fax: 570-223-5086
Email: ken@smithfieldtownship.com | www.smithfieldtownship.com

Application for Public Hearing

Application is hereby made for action at a public hearing in conformity with requirements of the Smithfield Township Zoning Ordinance (#38) and any and all amendments thereto.

Action Requested:

Variance Special Exception Interpretation Challenge
 Change in Zoning District Curative Amendment Conditional Use
 Appeal of Zoning Officer's Decision Other: public hearing on intermunicipal transfer of liquor license pursuant to Section 461(b.3) of PA Liquor Code
Name of Applicant: Wawa, Inc. **Phone:** (412) 456-2001

Address: c/o Flaherty & O'Hara, PC, 317 E. Carson Street, Suite 333, Pittsburgh, PA 15219

Interest of Applicant: Lessee/Operator of Property

Location of Property: 237 Mosier Farm Drive, East Stroudsburg, PA 18301

Zoning District of Property: ED **Tax ID:** 16.8.2.1-1A **Existing Use:** 911-undeveloped

Details of Action Sought: Request for intermunicipal transfer of restaurant liquor license from outside the municipality

Reasons for Action Sought: Wawa intends to initially sell beer to customers, primarily to go.

In the future, Wawa may also sell wine and certain spirit-based cocktails to-go.

The applicant does hereby agree that all the material submitted with this application shall be made part of the records of Smithfield Township and shall not be returned to said applicant, and also certifies and states that to the best of their knowledge and belief, all data, statements and information submitted on or with this application are true and correct.

[Signature] 10/21/24
Signature of Applicant Date
Attorney for Applicant
Flaherty & O'Hara PC

Signature of Applicant Date


Commonwealth of PA
County of Montgomery
Sworn and subscribed to before me
on this 14 day of OCT, 2024

Commonwealth of Pennsylvania - Notary Seal
Kimberly Zera, Notary Public
Montgomery County
My commission expires May 5, 2026
Commission number 1185103
Member, Pennsylvania Association of Notaries

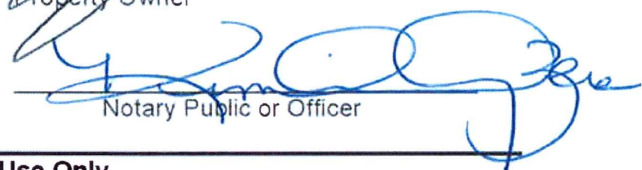
Certification of Ownership and Acknowledgment of Application

Commonwealth of Pennsylvania
County of ~~Montgomery~~ Montgomery
On this, the 14 of OCT, 2024, before me, the undersigned officer, personally appeared JAMES DEPETRIS, who being duly sworn according to law deposes and says HE (is)(are) the owner(s) of the property described in this application and that said application was made with HIS full knowledge and/or direction and does hereby agree with said application and to the submission of the same as provided by law.

N/A
Property Owner


Property Owner

My Commission Expires 05 MAY 2026


Notary Public or Officer

For Township Use Only

Date Application Received: _____ Fee Received \$ _____ Check # _____
Applicant Notification Date: _____ Publication Dates: _____ & _____
Hearing Date: _____ Review by Twp. Planning Commission: _____

Signed: _____
Township Zoning Officer Date



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Ellen M. Freeman, Esq.
Direct Dial: 412-535-5100
E-mail Address: ellen@flaherty-ohara.com

Toll Free: 1-866-4BEVLAW
File No. 39093.00058

July 9, 2024

Via Federal Express & Email

Smithfield Township
Attn: Julia Heilakka, Township Manager
1155 Red Fox Road
East Stroudsburg, PA 18301
julia@smithfieldtownship.com

RECEIVED ON

OCT 23 2024

SMITHFIELD TOWNSHIP
MONROE COUNTY, PA

Re: Request for a Public Hearing on the Intermunicipal Transfer of a Liquor License into the Smithfield Township, Monroe County, Pennsylvania

Dear Ms. Heilakka:

I represent and am writing on behalf of Wawa, Inc. ("Wawa") to request a resolution from Smithfield Township (the "Township") approving the intermunicipal transfer of a Pennsylvania "restaurant" or "R" liquor license from outside the municipality into the Township. Wawa is constructing a convenience store at 237 Mosier Farm Drive, East Stroudsburg, PA 18301. The convenience store will include a small dining area with a vast array of food options to dine-in or take to-go, as well as an offering of beer and wine which will be sold primarily to-go.

In order to sell beer and wine from its new store in the Township in accordance with its business plan, Wawa must secure a restaurant liquor license. There are no restaurant liquor licenses available to purchase within the Township. As a result, Wawa has entered into an agreement to purchase a liquor license that is currently located in Tobyhanna Township, Monroe County. Wawa plans to move the license into the Township with the approval of the Township Board of Supervisors, and subsequently the Pennsylvania Liquor Control Board ("PLCB").

Wawa hereby formally requests that the Township schedule a public hearing pursuant to the provisions of Section 461(b.3) of the Liquor Code. The public hearing will be for the purpose of allowing the residents of the Township to voice their recommendations and opinions on the proposed operations of a liquor license by Wawa at its proposed location. After the public hearing, the Township must approve or deny the requested transfer, by way of a resolution or ordinance. The public hearing and subsequent resolution or ordinance must occur within 45 days of receiving this request. If additional time is needed, the Township can elect to extend this time period by 60 days by notifying my office of its election to do so.

To date, the PLCB has approved liquor licenses at 29 other Wawa locations, all of which are currently selling beer both for consumption on premises in the dining area and "to go." Wine to go sales will commence at these stores in the near future.



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I've enclosed a proposed resolution which other municipalities have used in the past when considering a request for the intermunicipal transfer of a liquor license. The PLCB requires that a resolution approving an intermunicipal transfer include the following: (1) the name of the applicant (here, Wawa, Inc.); (2) the address to which the license is being transferred (here, 237 Mosier Farm Drive, East Stroudsburg, PA 18301); (3) the liquor license number (here, R-21053); (4) a statement that a public hearing was held on the requested resolution; (5) a statement that proper notice of the hearing was published and (6) the name of the current licensee (here, The Giant Company, LLC, Intersection of PA Route 940 and Long Pond Road, Pocono Summit, Pennsylvania).

Further, the Liquor Code requires that notice of the public hearing be published once each week for two successive weeks in a newspaper of general circulation in the municipality. See 47 P.S. §102. Notices must state the time and place of the hearing and the matter to be considered at the hearing (i.e. request by Wawa, Inc. for an intermunicipal transfer of a liquor license). Section 102 also provides that the first publication shall not be more than 30 days before the date of the hearing and the second publication shall not be less than seven (7) days before the date of the hearing.

At the time of the public hearing, my client and I will present complete information on the proposed operations of Wawa's store and answer any questions that the Township and/or its residents might have. However, if there are any preliminary questions that you feel would assist the Board of Supervisors in rendering a decision on Wawa's request, please do not hesitate to reach out to me. Wawa will reimburse the Township for all expenses related to the inter-municipal transfer hearing. Please send all invoices to my attention at ellen@flaherty-ohara.com.

Please email or call me as soon as possible when a hearing date is scheduled in order to be sure my client and I are available to travel to and attend the hearing.

Best regards,

A handwritten signature in black ink, appearing to read 'Ellen Freeman', is written over the typed name below.

ELLEN FREEMAN, ESQ.

Enc.

SMITHFIELD TOWNSHIP

RESOLUTION NO. 2024-__

A RESOLUTION OF SMITHFIELD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-21053 BY WAWA, INC. INTO SMITHFIELD TOWNSHIP, MONROE COUNTY

WHEREAS, Act 141 of 2000 (“the Act”) authorizes the Pennsylvania Liquor Control Board (“PLCB”) to approve, in certain instances, the transfer of restaurant and eating place liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant obtain from the receiving municipality a resolution or ordinance approving the inter-municipal transfer of the liquor license prior to the applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution or ordinance by the receiving municipality, at least one public hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding the applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Wawa, Inc. has requested the approval of the Smithfield Township Board of Supervisors for the proposed transfer of Pennsylvania Restaurant Liquor License No. R-21053 from The Giant Company, LLC, located at the Intersection of PA Route 940 and Long Pond Road, Pocono Summit, Pennsylvania to Wawa, Inc. to a restaurant facility to be located at 237 Mosier Farm Drive, East Stroudsburg, PA 18301 with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the Smithfield Township Board of Supervisors had held a properly advertised public hearing pursuant to the notice provisions of §102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED, that the Smithfield Township Board of Supervisors approves by adoption of this Resolution the proposed intermunicipal transfer of Pennsylvania Restaurant Liquor License No. R-21053 to Wawa, Inc.; and

BE IT FURTHER RESOLVED, that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

DULY ADOPTED this ____ day of _____, 2024, by the Smithfield Township Board of Supervisors.

ATTEST:

BY:

Chairman

Vice Chairman

Supervisor