

LIQUOR CONTROL BOARD FOR HARFORD COUNTY, MARYLAND
16 North Main Street, Bel Air, MD 21014

MEETING MINUTES
October 27, 2021

This meeting took place at Bel Air Town Hall, 39 N. Hickory Avenue, Bel Air, MD 21014.

CALL MEETING TO ORDER

Meeting was called to order by Chair Tilley. In attendance were Vice Chair Majewski and Commissioners Merchant, Welch, and Burdette along with Board Counsel Amy K. Finneran and Judith Powell.

PERSONS SCHEDULED TO APPEAR BEFORE THE BOARD

1) Forest Hill Wine & Liquor, L.L.C., T/A Forest Hill Wine & Liquor (PROTEST HEARING)

Kunal M. Shah, Member, Forest Hill Wine & Liquor, L.L.C., T/A Forest Hill Wine & Liquor, 1 L Newport Drive, Forest Hill, appeared along with their attorney, David Mister, in connection with an Application for Tentative Approval of a new Class A1-BWL-Off Sale Only License.

Mr. Shah, as the sole member of the L.L.C., holds 100% of the interest and will serve as the Responsible Operator.

Since this Application is for Tentative Approval, there are some outstanding items that would be required prior to the Final Approval Hearing.

- Building Permit number (if required for renovations to the space)
- Maryland Sales & Use Tax License
- Worker's Compensation Insurance Certificate
- Fire Marshal Approval
- Certificate of Occupancy

Additionally, the Board Office received notice of protest via email from the following persons: Jay Gernand & Megan Hunter, Back Flip, Inc., T/A Rocks Liquors; Peter LaClair, Liquor Stop, Inc., T/A Liquor Stop, Hitesh K. Patel, Greenbrier Wine & Spirits, L.L.C.; Larry Dean, Blue Moon Investments, Inc., T/A Bel Air Liquors; Carlo Fortunato, Cara, Inc. T/A Enotria Restaurant & Grill; Jitenkumar Patel, Beverage Barn, Inc., T/A Beverage Barn. Protestants are represented by their attorneys, Linda Carter and David Carter.

Linda Carter and David Carter presented a preliminary motion and "Written Protest as to Satisfaction of Notice Requirement under MD. Code Ann., Alc. Bev. § 22-1505". Motion to convene to Executive Session was made by Commissioner Merchant and seconded by Commissioner Burdette to discuss this matter with legal counsel; the vote was unanimous.

Motion was made by Commissioner Burdette and seconded by Commissioner Merchant to return to open session; the vote was unanimous. The Commissioners voted in Executive Session to deny the Written Protest as to Satisfaction of Notice and would proceed with the hearing.

Testimony was heard and evidence presented on behalf of the Applicant by:

- Charley Sung, Esquire, property management business owner, Associate Member Howard County Alcoholic Beverages Hearing Board
- Kunal (Kenny) Shah, Managing Member, Forest Hill Wine & Liquor, L.L.C.
- Allen J. Fair, BCH Realty

- Gerald R. Patnode, Jr. D.Ed., Professor of Marketing, Graham School of Business, York, College of Pennsylvania
- Cindy Dotson, applicant's insurance agent
- William Edward Watson, owner, graphic design business, Havre de Grace Ethics Commission member, Havre de Grace Arts Collective member, past chairman Havre de Grace Tourism Advisory Board and current Board member, Harford County Cultural Arts Advisory Board (1980s and 1990s) and Harford County Tourism Council
- Larry Marshall, commercial real estate broker
- Mike Scheuerman, President, Scheuerman Enterprises, Inc. t/a Friendship Wine & Liquor
- Robert Yurth, owner, R&R Contracting

Testimony was heard and evidence presented on behalf of the Protestants by:

- Jay Gernand, President, Back Flip, Inc. t/a Rocks Liquors
- Charles Larry Dean, President, Blue Moon Investments, Inc. t/a Bel Air Liquors

Motion was made by Commissioner Welch and seconded by Commissioner Burdette to move into Executive Session to meet with counsel regarding tentative approval of the application. Motion was made by Commissioner Merchant and seconded by Commissioner Burdette to return to open session.

Findings of Fact & Decision

The Board considered the testimony and evidence from both the applicant and its witnesses and those opposed to the license. The Board reviewed the list of factors to be considered when deciding whether to approve a new license, and after analysis of each factor, the Board determined the following:

1. the public need and desire for the license;

The Board felt that the continuing growth in the area and the convenience of the location supported the public need and desire for this license. The Board referenced new home development in the area and took into consideration the current population as well as the future development of homes.

2. the number and location of existing license holders and
3. the potential effect on existing license holders of the license for which application is made;

The Board felt that the evidence presented regarding the number of existing licenses within a 5 mile radius was relevant and persuasive. Only one liquor store would be directly impacted as the license is 1.8 miles down the street from that existing establishment. The Board also considered that there hasn't been a license that has been granted in the proposed area for quite some time. The Board felt that with the growth of the community and the stores in the proposed area that it was necessary to grant the license.

4. the potential commonality or uniqueness of the services and products to be offered by the business of the applicant.

The unique point of sale system described by the applicant was noted by the Board as a factor that they considered in support of approving the license.

5. the impact of the license for which application is made on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience;

The Board noted the convenience factor of the proposed establishment being on the right side of the described traffic pattern and felt that factor would increase safety in the community. The Board noted other areas in the immediate vicinity that are not safe to cross based on traffic and location of businesses. Regarding crime and parking, the Board noted the proposed area is probably the lowest crime area in the county so they did not believe there would be a negative impact on the community in that regard.

Based on the above findings, motion was made by Vice Chair Majewski and seconded by Commissioner Welch to grant Tentative Approval of the application contingent upon receipt of a building permit, confirmation of workers comp insurance, certificate of occupancy, a valid Maryland Sales and Use Tax certificate, and approval from the Fire Marshal and Harford County Health Department; the vote was unanimous.

ADJOURNMENT

There being no further business, motion was made and duly seconded to adjourn the meeting; the vote was unanimous.

Minutes from the Harford County Liquor Control Board Meeting on October 27, 2021, have been reviewed and approved by the following:

Walter A. Tilley III, Chair

James E. Welch, Commissioner

Paul J. Majewski, II, Vice Chair

Frederic L. Merchant, Commissioner

Susan Burdette, Commissioner