

**Public Hearing**  
**Inter-municipal Liquor License Transfer**  
**1626 Perkiomen Avenue**  
**Penn Room**  
**Wednesday, May 9, 2012**  
**5 p.m.**

Mr. Acosta called the Public Hearing to order. He stated that the Act 141 of 2000 amends the Commonwealth's Liquor Code to require the receiving municipality to hold a public hearing to obtain input from the community about the impact the approval of the liquor license transfer would have on their neighborhood if the number of licenses in the municipality exceeds one license per 3,000 inhabitants as determined at the date of filing of the application. The City of Reading has 117 active licenses and 7 licenses in safekeeping with the LCB. City Council must make a decision to approve or deny the liquor license transfer within 45 days after the request to transfer is made.

**Attending:** City Councilors Acosta, Corcoran, Sterner, Reed, Goodman-Hinnershitz, Marmarou, City Clerk Kelleher, City Solicitor Younger, Police Chief Heim and approximately 20 citizens

Mr. Acosta stated that the agendas and all attachments were provided to Council, the applicant and his attorney.

**I. Testimony from Applicant** (No more than 5minutes)

**Owner:** Soni Properties LLA, 2825 Soni Dr. Norristown PA 19403, aka Shop Smart Buy Smarter. Inc. aka Frank M Gussoni

Mr. Acosta asked the applicant to make their presentation.

Attorney Ted Zeller stated that he represents Mr. Gussoni, owner of Shop Smart Buy Smarter. Mr. Zeller called Council's attention to the plans for the building which were placed on the tables on each side of the room.

Mr. Gussoni stated that the property is owned by Soni Properties and that he owns both corporations. He stated that he purchased the building five (5) years ago with the desire to open a super-store, which would be a smaller version of Wegmans and would sell groceries, household goods, cleaning supplies, etc. He stated that he obtained a zoning permit for four (4) retail stores; however he noted his need to obtain a zoning permit for the restaurant. He stated that the first of the four (4) stores will open in June.

Mr. Gussoni stated that the operational hours of the stores will be 6 am to 9 pm and the restaurant will operate 9 am to 9 pm. He stated that a light fare menu such as soup, salad and wraps is planned for the restaurant. He stated that he purchased a Point of Sale (POS) system with age verification swipe application which will eliminate the sale of alcohol to minors. He stated that this will not be a bar; no hard alcohol will be served, only wine, beer and malt beverages. He also stated that there will not be any live entertainment or juke boxes.

Mr. Gussoni, using the plan for the building as a guide, stated that the stores will be located on the left side of the building and the restaurant, with seating for 38 and a counter. He stated that entry to the restaurant will be at the front of the building and from the side into the market. He explained that the layout was based on the LCB regulations. He stated that the food prep area is located in the rear of the restaurant near the restrooms. He stated that he currently owns three (3) liquor licenses and has owned a total of 17 over prior years, with no violations. He explained that the restaurant will be Ramp (Responsible Alcohol Management Program) Certified and again stated that the restaurant will close no later than 9 pm each night. He stated that the POS system is the same used by Wegmans. He described his experience operating establishments with liquor licenses.

### **Council Cross Examination**

Mr. Corcoran inquired if the restaurant will allow alcohol take out. Mr. Gussoni stated that beer and malt beverages will be take out, in compliance with the LCB regulations.

Mr. Corcoran inquired if Mr. Gussoni is transferring a liquor license he currently owns into the restaurant. Mr. Gussoni stated that he plans to purchase the license currently owned by the former owner of Tailgaters (formerly on the Pricetown Road).

Mr. Marmarou noted that under LCB regulations liquor license holders are permitted to operate until 2 am. Mr. Gussoni stated that he plans to close at 9 pm nightly as he wants to avoid problems. He stated that he currently owns two (2) liquor licenses in Chester County and one license in Delaware County. He described the types of licenses he has previously owned.

Mr. Marmarou inquired about security at the property. Mr. Gussoni stated that he has installed cameras that tape constantly and he has installed panic buttons. He stated that he will not have live security on premise.

When questioned about parking for the building, Mr. Gussoni stated that the building never had a parking lot and that he did not expect parking to be an issue. He stated that he believes that parking in the neighborhood is not problematic.

Ms. Reed inquired if private parties are planned. Mr. Gussoni stated that he does not plan on

opening the building for private parties due to the small size of the building.

Ms. Goodman-Hinnershitz inquired if liquor service is being added to support the business's bottom line. Mr. Gussoni stated that liquor is being added as it is a need of the community.

Ms. Goodman-Hinnershitz inquired if Mr. Gussoni was aware of the lack of viable off-street parking when he purchased the building. Mr. Gussoni stated that he was unaware that the building did not have parking. Ms. Goodman-Hinnershitz explained that the attached parking lot was sold to the owner of the A+ store when the site was reconfigured.

### **Testimony from City Staff**

Chief Heim stated that he is concerned about adding additional liquor licenses. He stated that Reading currently has 117 licenses which exceeds the per capita number it should have. He noted that the large number of liquor licenses places a huge burden on his understaffed police department. He stated that when manning levels were in excess of 200, he had a bar check program that eliminated problems at bars at closing time.

Chief Heim stated that he does not object to a good business opening in Reading. He stated that he could support this business if the owner was purchasing one of the licenses currently in safe keeping. He also noted the parking problems in this area. He stated that when the Acme was open parking problems were quelled by the parking lot. He also noted that Acme allowed residents to rent spaces in the lot. He noted that when the Acme was open the majority of the homes in this neighborhood were single family dwellings; however, now the majority of the properties are multi family dwellings. He expressed concern that the lack of parking will cause an increase in double parking in this neighborhood. He also noted that the A+ is a posted lot and the owner will not allow non-customers to park there.

Chief Heim stated that a letter from the Zoning Administrator is attached to the packet. He summarized the letter, stating "When the required notice was posted, it was observed that the building was vacant. A zoning permit for a restaurant is required. The court order approving the zoning permit for retail stores in 2008 is abandoned because the building has been vacant since 2008."

Ms. Goodman-Hinnershitz asked the Chief about the parking problems he foresees. Chief Heim stated that he believes double parking will become a huge problem and he noted that although this is a neighborhood store, people are no longer willing to walk more than a block to get where they need to go. He stated that he believes the opening of this business will increase his calls for service.

### **Public Comment**

Mr. Acosta opened the floor for public comment.

Brian Burket, of the 1500 block of Perkiomen Ave, agreed that the neighborhood needs a grocery type facility but noted concern about the effect of adding alcohol to that venue. He also expressed concern that the facility does not have off-street parking. He questioned the addition of a liquor license as the facility is within two (2) blocks of an elementary school and a church that has a daycare. He expressed the belief that the majority of the sales will be take out. While he agreed with the need for a grocery type store he disagreed with the addition of alcohol as there are two (2) bars within a two (2) block radius.

Pastor Carol Kehler, of the 1500 block of Perkiomen Avenue, stated that she was originally excited about the addition of a grocery store in the neighborhood but was discouraged when she learned that a liquor license may be added. She stated that this is a high crime area and noted the recent daytime shooting within one block of this facility. She expressed the belief that the area does not need another venue with a liquor license. She also expressed the belief that the additional of alcohol to this site will increase neighborhood crime.

Noah Brooks, of the 1500 block of Perkiomen Avenue, expressed the belief that comparing this grocery store to Wegmans is a farce. He described the numerous bars within walking distance of this site and described the litter which is mostly beer bottles and cans which is caused by takeout service. He expressed the belief that the area does not need more venues that sell alcohol.

Clare Fruchter, of the 1500 block of Perkiomen avenue, agreed with the comments made by the prior speakers regarding the lack of parking, increased crime and litter caused by alcohol consumption and that the area already has too many facilities that serve alcohol. She stated that while she favors the addition of a grocery store, she disagreed with the addition of a liquor license to this site.

Joe Reilly, of Perkiomen Avenue, stated that prior to the reconfiguration of the A+ Store, this building had 29 off-street parking spaces. He stated that the previous owner sold the off-street parking area to the owner of the A+. He stated that the stores inability to meet potential parking needs along with the potential for increased trash and litter are the main detriments. He stated that Mr. Gussoni is a responsible property owner but questioned the addition of alcohol at this venue.

Ken Shaw of the 1700 block of Cotton Street, stated that he owns two (2) grocery stores in this vicinity, both with off-street parking and noted that some choose to ignore their ability to use the lot and choose to double park, He also expressed concern with the effect delivery trucks will have on the flow of traffic if they double park on Perkiomen Avenue, which is a two lane street and Muhlenberg Street which is a one lane street. He also described the crime he has experienced at his stores and his difficulty in making a living due to the high number of

similar stores in the area.

### **Applicants Rebuttal**

Mr. Zeller stated that the area is zoned Commercial Neighborhood (CN) and restaurants are a permitted use.

Mr. Gussoni stated that he performed many studies over the last 18 months, including traffic studies. He stated that he realizes that this is a congested area, but expressed his belief that the store will be a positive asset for the neighborhood. He described his success with other facilities in congested areas. He expressed the belief that what his suggested use is the best for the building. He stated that to date he has put \$700K into the building and that he is in it for the long haul. He stated that the mission of Shop Smart is to bring affordable merchandise to the area. He noted the high prices at the A+. He stated that he would abide by any conditions that Council places on the license.

Mr. Zeller stated that the governing body has the ability to place conditions on licenses.

Mr. Acosta asked Mr. Gussoni if he would abide by a 9 pm close time, if Council placed that condition on the license. Mr. Gussoni stated that he would abide by that condition with no exception.

Chief Heim inquired if Mr. Gussoni would also agree to a condition prohibiting the use of the building for private parties of any type. Mr. Gussoni stated that he would also abide by this condition. He added that the venue is too small for private parties. Chief Heim disagreed, noting that he has seen private parties in venues smaller than this building.

With no further comment or discussion, Mr. Acosta concluded the hearing at approximately 5:55 pm.

Mr. Acosta stated that City Council is required to approve or deny the application within 45 days of the hearing. He stated that the decision will be made by resolution at Council's regular business meeting on May 29<sup>th</sup>.

The hearing was adjourned.

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*