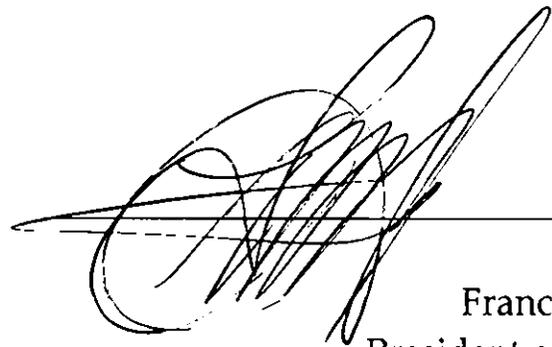


RESOLUTION NO. 08-2012

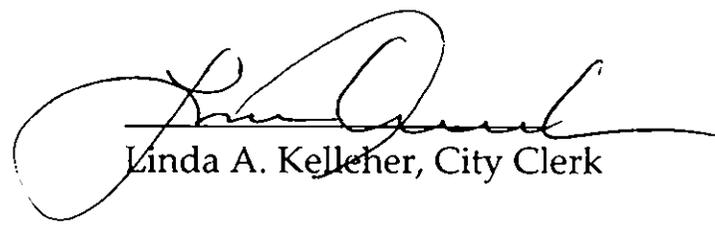
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

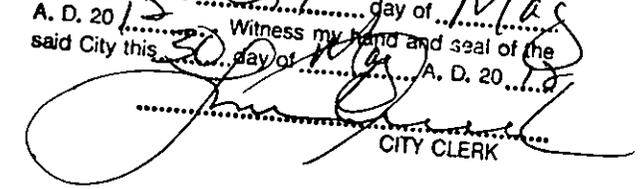
Denying the transfer of an inter-municipal liquor license to 1626
Perkiomen, owned by Soni Properties LLA, 2825 Soni Dr.
Norristown PA 19403, aka Shop Smart Buy Smarter. Inc. aka Frank
M Gussoni, as attached in the Decision.

Adopted by Council May 29, 2012


Francis Acosta
President of Council

Attest:


Linda A. Kelleher, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
..... passed by the Council of the City of
Reading, on the 29 day of May
A. D. 2012. Witness my hand and seal of the
said City this 30 day of May, A. D. 2012

CITY CLERK

Inter-municipal Transfer Public Hearing

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
FRANK M. GUSSONI	§	CITY COUNCIL
1626 PERKIOMEN AVE	§	

FINDINGS OF FACT AND DECISION

On Wednesday, May 9, 2012 the City of Reading City Council (Council) met to hear testimony for an inter-municipal liquor license transfer for Soni Properties LLA, 2825 Soni Dr. Norristown PA 19403, aka Shop Smart Buy Smarter. Inc. aka Frank M Gussoni at 1626 Perkiomen Avenue (Applicant)

Findings of Fact

1. The Council is established by the City of Reading Home Rule Charter. The Council is a board of seven (7) elected members.
2. The Applicant's letter was dated April 20, 2012. The letter was received by the City Clerk on April 24, 2012.
3. The Applicant was scheduled for a public hearing on May 9, 2012 at 5 pm at City Hall.
4. The Hearing was advertised, the property was posted and notifications were mailed to property owners living within a four (4) block radius of 1626 Perkiomen Avenue.
5. The applicant testified that he purchased the property five (5) years ago and that he plans to have a restaurant and four (4) retail stores within the building. He stated that while he has zoning for the stores, he will need to obtain a zoning permit for the restaurant.
6. The Applicant 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.

7. The Applicant stated that the restaurant will have 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 licenses over prior years, with no violations. He explained that the restaurant will be Ramp (Responsible Alcohol Management Program) Certified and he 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.

8. The Applicant stated that he plans to purchase the license currently possessed by the former owner of Tailgaters (formerly on the Pricetown Road) which is a full service license, not one that only allows the sale of beer, wine and malt beverages. He also stated that he will allow take out of beer and malt beverages only.

9. The Applicant 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.

10. The Applicant when questioned about parking for the building, 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. However, during the public comment period, a long term resident of the area reminded Council that when the building was a grocery store and an appliance store, there was a 32 space parking lot adjoining the building on the left side. The lot was sold by the former owner to the owner of the A+, which is located to the left of the building.

11. Reading Police Chief William 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 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.

12. Chief Heim stated that he could support the request if the owner would purchase one of the licenses currently in safe keeping with the LCB. He also noted the public safety and hazards caused by parking problems in this area. He stated that when the Acme was open, parking and double parking problems were quelled by the parking lot. He noted that the A+ is a posted lot and the owner will not allow non-customers to park there. He also noted that he believes the opening of this business will increase his calls for service.

13. 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."

14. Residents who attended the meeting expressed concern about the public safety issues caused by the lack of a parking lot.

15. Residents expressed concern about having an additional liquor license in this area as there are several bars located within two (2) blocks of this location.

16. Residents expressed concern with the amount of crime in this residential neighborhood and expressed the belief that the addition of the liquor license and take out sales will increase crime. Chief Heim concurred noting that this area has the highest crime rate in the City.

18. Residents expressed concern that the lack of an off-street parking lot will force delivery trucks to double-park when food, alcohol and supplies are delivered to the store and noted that Perkiomen Avenue has parking only on the opposite side of the street and Muhlenberg Street, located behind the store runs one-way east and only has parking on one side. They expressed the belief that the lack of adequate off-street and curbside parking will create public safety hazards for pedestrian and vehicular traffic.

Order and Agreed Resolution

The City of Reading City Council hereby denies the transfer of the inter-municipal liquor license to 1626 Perkiomen Avenue for the applicant, by Soni Properties LLA, 2825 Soni Dr. Norristown PA 19403, aka Shop Smart Buy Smarter. Inc. aka Frank M Gussoni, to protect the public health, safety and welfare of the neighborhood.