

1 SCRANTON CITY COUNCIL

2 PUBLIC HEARING

3  
4 IN RE: FILE OF THE COUNCIL NO. 66, 2016 APPROVING  
5 THE TRANSFER OF A RESTAURANT LIQUOR LICENSE CURRENTLY  
6 OWNED BY BROOKSIDE EATERY AND PUB, LLC LICENSE NO.  
7 R-17472 TO DUNNE MANNING STORES, LLC FOR USE AT 300  
8 MEADOW AVENUE, SCRANTON, LACKAWANNA COUNTY,  
9 PENNSYLVANIA AS REQUIRED BY THE PENNSYLVANIA LIQUOR  
10 CONTROL BOARD.

11  
12  
13 HELD:

14  
15 Thursday, December 8, 2016

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17 LOCATION:

18 Council Chambers  
19 Scranton City Hall  
20 340 North Washington Avenue  
21 Scranton, Pennsylvania

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CITY OF SCRANTON COUNCIL:

JOSEPH WECHSLER, PRESIDENT

PATRICK ROGAN, VICE-PRESIDENT

WAYNE EVANS

WILLIAM GAUGHAN

TIM PERRY

LORI REED, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

AMIL MINORA, SOLICITOR

1 MR. WECHSLER: I'd like to call this  
2 public hearing to order. Roll call, please?

3 MS. CARRERA: Mr. Perry.

4 MR. PERRY: Here.

5 MS. CARRERA: Mr. Rogan.

6 MR. ROGAN: Here.

7 MS. CARRERA: Mr. Evans.

8 MR. EVANS: Here.

9 MS. CARRERA: Mr. Gaughan.

10 MR. GAUGHAN: Here.

11 MS. CARRERA: Mr. Wechsler.

12 MR. WECHSLER: Here.

13 MS. REED: The purpose of said  
14 public hearing is to hear testimony and  
15 discuss the following:

16 FILE OF THE COUNCIL NO. 66, 2016  
17 APPROVING THE TRANSFER OF A RESTAURANT  
18 LIQUOR LICENSE CURRENTLY OWNED BY BROOKSIDE  
19 EATERY AND PUB, LLC LICENSE NO. R-17472 TO  
20 DUNNE MANNING STORES, LLC FOR USE AT 300  
21 MEADOW AVENUE, SCRANTON, LACKAWANNA COUNTY,  
22 PENNSYLVANIA AS REQUIRED BY THE PENNSYLVANIA  
23 LIQUOR CONTROL BOARD.

24 MR. ANDERSON: My name is Matt  
25 Anderson, my address is 4377 Astor Drive,

1 Allentown, Pennsylvania.

2 MR. WECHSLER: Thank you.

3 MR. ANDERSON: May it please this  
4 Honorable Council, my name is Matthew  
5 Anderson, as I stated. I'm an attorney  
6 representing Dunne Manning, LLC. We would  
7 like to transfer a liquor license number  
8 R-17472 from Brookside Eatery and Pub, LLC.,  
9 in Thornhurst, Pennsylvania, to a service  
10 station at 300 Meadow Avenue, Scranton,  
11 Pennsylvania.

12 I have some pictures of the location  
13 if you guys would like. Who should I give  
14 it to?

15 MR. WECHSLER: You can bring it up  
16 here and I'll pass them along.

17 MR. ANDERSON: There's separate  
18 ones. Exhibit A is an overnight shot.  
19 Exhibit B is a shot from Meadow Avenue. It  
20 should be -- I have a copy for everyone if  
21 you pass them around. Exhibit B is shot  
22 from Meadow Avenue, and Exhibit C would be  
23 shot from River Street.

24 MR. WECHSLER: Yes, just a few  
25 questions now. We are transferring this

1 license, but what other process do you have  
2 to go through before this will become  
3 operational?

4 MR. ANDERS: There is plenty of  
5 processes. The first, obviously, would be  
6 zoning approval from the county -- or from  
7 the city. After that, first and foremost  
8 inner municipal transfer is required by the  
9 Liquor Control Board to move it -- any  
10 license between municipalities. After that,  
11 we would go through a zoning process if not  
12 permitted by the Zoning Code. And after  
13 that, we would go for a transfer application  
14 with the Liquor Control Board. At that  
15 point, they would check out the location,  
16 investigate all of the owners and then  
17 approve the transfer if they see fit, or  
18 they could deny it at the same time.

19 MR. WECHSLER: Is the transfer  
20 contingent upon zoning approval then?

21 MR. ANDERSON: No. Well, that  
22 location couldn't operate as what we want it  
23 to if the zoning board didn't approve it, so  
24 they would -- not necessarily require zoning  
25 approval, but they would like to see that

1 obviously.

2 MR. EVANS: Is are any changes to  
3 the business or will just remain a  
4 convenient store? It is for more of a beer  
5 license?

6 MR. ANDERSON: Yeah, this is a --  
7 under Act 39 when the governor signed the  
8 Bill it was allowing -- previously they  
9 didn't allow service stations to have a  
10 liquor license. Now, under the new Act, te  
11 service stations can serve beer -- or not  
12 serve, but sell beer and wine to go, so it  
13 would be the exact same business, the only  
14 difference would be they would be adding the  
15 ability to sell beer and wine.

16 MR. PERRY: I know some licenses  
17 require a certain amount of seating, if  
18 you could --

19 MR. WECHSLER: Excuse me, Mr. Perry.  
20 Could I have some silence in the -- (bangs  
21 gavel.) Thank you. If you have a  
22 conversation, could you please take it  
23 outside? You disserving us here. Thank  
24 you.

25 MR. PERRY: Like I was saying, I

1 know some licenses require a certain amount  
2 of seating to validate that type of license  
3 to serve or sell alcohol, does this type of  
4 license require a minimum amount of seats in  
5 the building?

6 MR. ANDERSON: Yes. These licenses  
7 to get approval from the Liquor Control  
8 Board at the point they were transferred  
9 they would look into whether it the 30 seat  
10 seating requirement as required by the  
11 Liquor Code.

12 MR. PERRY: So does this location  
13 currently have it or is that something they  
14 were looking to put in after the fact?  
15 Obviously, not after the fact, but something  
16 that would be contingent to the license?

17 MR. ANDERSON: Yeah, prior to  
18 transfer they would design plans and do a  
19 fit out. They would add 30 seats to the  
20 existing locations. Currently, it's simply  
21 a service station with a Subway in there.  
22 They would refit the store to include not  
23 only the coolers to sell the beer and wine,  
24 but also they have the seating requirements  
25 to fit the 30 required seats.

1 MR. PERRY: Thank you.

2 MR. ROGAN: Just a comment, I'd like  
3 to wish your client well. Obviously, we  
4 don't have any opposition from any neighbors  
5 based on there really are no neighbors by  
6 the interstate, so I would like to wish you  
7 well. Personally, I have a feeling we are  
8 going to be seeing a lot of more of these  
9 coming in front of us in the next few years.

10 MR. ANDERSON: We have a lot  
11 already.

12 MR. ROGAN: For myself and those  
13 moving forward, the big concern to me is how  
14 the neighbors feel about having a six-pack  
15 store when they are in the neighborhoods.  
16 Now, this situation it's not, so it actually  
17 works out very well, but when they are in  
18 neighborhoods that's something we will have  
19 to look at, but definitely you have my  
20 support.

21 MR. ANDERSON: And the same type as  
22 retail establishment there will be posting  
23 requirements from the Liquor Control Board  
24 so they will- the neighbor will be notified  
25 and they will see the big orange placards



1 and they will have plenty of opportunity  
2 other than this to also protest the license  
3 if they would like.

4 This area, as you all know, I'm  
5 sure, is a neighborhood commercially zoned  
6 district. It is bordered by River Street,  
7 Meadow Avenue, Interstate 81 and there's a  
8 hotel in the backside of the building. It's  
9 currently a service station, as I said.  
10 They plan on, as I said, refitting the store  
11 to make it Liquor Code complaint, if  
12 approved, and at the same time everything  
13 operational will be under the Liquor Code.  
14 They will be doing takeout sales only, we  
15 expect the sales to be no more than 25  
16 percent of the current -- of their business  
17 at the time. They will still be primarily a  
18 gas station and it will be a Subway there  
19 and the other food options.

20 As the governor said when he passed  
21 this law, these stores have the ability to  
22 do -- or more strictly for convenience for  
23 the consumer. Whether that's eased at  
24 getting the alcohol or not at the beer  
25 distributor, this is essentially the reason

1           that the governor allowed this to happen and  
2           our client would be appreciative of the  
3           ability to operate his business this way and  
4           we respectfully request your -- or  
5           respectfully, I'm sorry, I lost my words, we  
6           respectfully request this.

7                     MR. GAUGHAN: Thank you.

8                     MR. ANDERSON: Do you have any other  
9           questions for me? I kind of covered  
10          everything in your questioning that I had to  
11          say.

12                    MR. WECHSLER: No, not at this time,  
13          but thank you for coming is there any else  
14          would like to address the hearing? Anything  
15          else from council? Hearing is adjourned.

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes of testimony taken by me at the hearing of the above-captioned matter and that the foregoing is a true and correct transcript of the same to the best of my ability.

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CATHENE S. NARDOZZI, RPR  
OFFICIAL COURT REPORTER