

*MINUTES*  
**EXETER TOWNSHIP BOARD OF SUPERVISORS**  
**PUBLIC HEARING-LIQUOR LICENSE TRANSFER HEARING/**  
**PANDA HEAVEN INC T/A NEW CHINA PENN**  
**JULY 8, 2013**

The Exeter Township Board of Supervisors held a Public Hearing for the Panda Heaven, Inc. t/a New China Penn Liquor License Transfer, pursuant to the Pennsylvania Liquor Code, 47 PS Section 4-46I (b.3) on Monday, July 8, 2013, at the Township Hall, 4975 DeMoss Road, Reading, Berks County, Pennsylvania. Donald R. Wilson, Chairman called the Meeting to order at 7:00 P.M., with the following in attendance:

***SUPERVISORS***

Donald R. Wilson, Chairman  
 Gary E. Lloyd, Vice Chairman  
 Dona L. Starr  
 Kenneth A. Smith  
 Jeff Bukowski

***OTHERS IN ATTENDANCE***

Eva M. Waldman, Business/Personnel Administrator  
 John J. Mahoney, Esquire, Solicitor

**JOHN J. MAHONEY** asked if a representative of the applicant was in attendance. John DiGiamberardino, Esquire, 845 N. Park Road, Wyomissing PA 19610, announced his appearance on behalf of the applicant. Mr. Mahoney noted a letter dated May 30, 2013 was received by the Township requesting the approval of a liquor license transfer. In accordance with the liquor code, a copy of the Public Hearing Notice will be made part of the record for this hearing. Mr. Mahoney stated this hearing is an evidentiary hearing and need not be transcribed as a zoning hearing.

**JOHN DIGIAMBERARDINO**, Liquor License Attorney for Panda Heaven, Inc. t/a New China Penn. stated the applicant is Panda Heaven, Inc. but they have operated a business in Exeter Township for close to 30 years. The business name is China Penn. They have entered into an agreement of sale for the liquor license from Noll's Keystone House, Inc. The owner of Panda Heaven, Inc. is Shu Lin and he is present this evening. Mr. Shu Lin is also one of the principals of Mikura Dinner Inc. which has a Japanese restaurant with a liquor license operating in Wyomissing. The proposal is to add alcohol sales to the existing business. The applicant does contemplate the construction of a small bar within the restaurant to accommodate patrons of the business not actually for a separate stream of income. The applicant does anticipate any effects on the health, safety, welfare or morals of the community. All of the existing staff and perhaps one new person should accommodate any issues that may arise from this additional service. The staff will be trained in accordance with Liquor Control Board regulations. Upon the hopeful approval of the Board of Supervisors, they will be submitting the application to the Liquor Control Board with approval by October, 2013.

**JOHN J. MAHONEY** noted the application received by the Township answered numerous questions regarding this transfer. The application indicated the proposed transfer to be October 31, 2013. Question 4 on the application requested information regarding the premises where the license would be transferred. Mr. Mahoney read the answer as follows: "1250 square feet Chinese restaurant. Kitchen area is approximately 500 sq. ft., storage is approximately 200 sq. ft, with the balance being used for service and patron use. The property is located in a shopping center, parking is supplied by the shopping center and is presently adequate. The present seating is approximately 60 seats. The construction of a small bar will add 6 seats although some existing seating may be eliminated to accommodate the bar. The hours of operation are

presently 11:00 am to 10:00 pm. The applicant has no immediate plans to extend the hours.” Mr. Mahoney asked the applicant if this information is correct? Mr. DiGiamberardino noted the person seated next to him is Cindy Lin. She manages the restaurant and is the main contact for the applicant. Mr. DiGiamberardino stated Ms. Lin had provided all of the information on the application and could be sworn in for this testimony if the Board desired. Mr. Mahoney asked Ms. Lin if she swore to tell the truth to which Ms. Lin replied “Yes”. Mr. Mahoney asked, is everything the lawyer has said to this point true? Ms. Lin replied “Yes”. Mr. Mahoney also asked if the information he just summarized is true? Ms. Lin replied “Yes”. Mr. Mahoney also stated the application indicates the gross sales would be 85% food and 15% alcoholic. The bar would be approximately 7 ft. x 14 ft. Mr. Mahoney asked if this information was also accurate. Ms. Lin answered “Yes”.

**KENNETH SMITH** noted he is familiar with the current restaurant. The information provided on the application seems consistent with what he has seen there.

Mr. Mahoney asked what exactly the applicant will need to go forward. Mr. DiGiamberardino noted he will need a resolution. Mr. DiGiamberardino noted on the public notice it indicated that Noll’s Restaurant was in Bethel Township when in fact it is in Tulpehocken Township. He just wanted to make sure the correct information would be in the resolution.

**MOTION** by Mr. Smith, seconded by Mrs. Starr, to adopt Resolution #2013-11 to approve the transfer of Tulpehocken Township Liquor License #R-15767 to Panda Heaven, Inc. t/a New China Penn in Exeter Township. Motion carried unanimously.

Mr. Wilson declared the Public Hearing adjourned. The Public Hearing was adjourned at 7:09 P.M.

*Evan M. Wald*  
Asst. Secretary

609645