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Concord Township Council
c/o Township Manager
43 Thornton Road
Glen Mills, PA 19342

Re: Request for Denial of Intermunicipal Liquor License Transfer – Giant Food Stores, LLC

Proposed Location: The Shoppes at Concord, Route 202 / Wilmington Pike & Ridge Road, Glen Mills, PA

Dear Members of Township Council:

I write to respectfully request that Concord Township deny the proposed intermunicipal transfer of a restaurant liquor license requested by Giant Food Stores, LLC (“Giant”), and to urge Council to do so in a manner consistent with the Township’s zoning framework, its prior findings regarding supermarket-based alcohol sales, and its authority to exercise local discretion where liquor licenses are already plentiful.

I. Nature of Giant’s Request

Giant has represented that it is constructing a new grocery store at the Shoppes at Concord and seeks Township approval for an intermunicipal transfer of a restaurant liquor license pursuant to Section 461(b.3) of the Pennsylvania Liquor Code. Giant has indicated that the purpose of the transfer is to permit the sale of beer, wine, and ready-to-drink alcoholic beverages, primarily for off-premises consumption.

Giant has further acknowledged that Township approval by formal resolution is a necessary prerequisite to consideration of the transfer by the Pennsylvania Liquor Control Board.

II. Incomplete Municipal Record and Unfinalized Site Approval

Section 461(b.3) of the Pennsylvania Liquor Code requires municipal approval prior to Board consideration of an intermunicipal transfer. In exercising that authority, the Township must evaluate the proposed licensed premises as they will actually operate, including their finalized physical configuration, circulation patterns, ingress and egress, internal layout, service areas, and relationship to surrounding properties.

At present, final plans for the proposed Giant facility have not been received or approved by the Township Planning Commission. As a result, the operational characteristics of the licensed premises — including finalized site design, access configuration, parking layout, internal circulation, and the manner in which alcohol service will function within the building — are not fixed.

Without approved and finalized plans, the Township cannot meaningfully assess the licensed premises in their ultimate configuration or evaluate their impact on traffic, safety, zoning compliance, and community welfare. Municipal approval at this stage would therefore rest on assumptions regarding future design elements and operational conditions that remain subject to change.

The Township is not required to grant approval based on incomplete or evolving site plans. Where the record does not yet permit a non-speculative assessment of the licensed premises in their final approved form, denial constitutes a reasonable and evidence-based exercise of municipal discretion under the Liquor Code and the Local Agency Law.

III. Transportation, Access, and Operational Readiness

The proposed liquor license transfer is also premature in light of unresolved transportation, access, and operational safety issues associated with the development as a whole.

As documented in a written submission dated February 14, 2026, to the Pennsylvania Department of Transportation concerning Highway Occupancy Permit (HOP) EPS 375666 for the Concord Shoppes site at Route 202 and Ridge Road, significant operational and safety concerns remain unresolved. That submission, which was copied to Concord Township, identified deficiencies and uncertainties in the proposed access configuration, traffic modeling assumptions, and corridor impacts.

Among the issues identified:

- The adequacy of the proposed 200-foot northbound left-turn storage lane and whether queue spillback will occur under conservative peak-hour assumptions;
- The risk of southbound Route 202 queue extension to Ridge Road, which presents corridor-level safety implications;
- Structural inconsistencies between the concept plan and Synchro modeling inputs, including turn lane coding, node placement, and link distances;
- The use of modeling assumptions that may artificially reduce reported delay and queue lengths;
- Potential weaving movements from Glen Eagle Square across northbound Route 202 into the proposed left-turn lane; and
- Behavioral assumptions regarding traffic distribution between Route 202 and Ridge Road that remain unverified and unenforceable.

These issues remain under active review by PennDOT and have not been conclusively resolved or approved. The HOP process directly affects the final geometry, access configuration, and operational characteristics of the development site.

The introduction of a restaurant liquor license — particularly one facilitating off-premises alcohol sales — is reasonably expected to increase short-duration vehicle trips, peak-hour parking turnover, and internal circulation activity. Alcohol-related retail activity typically generates higher trip frequency and shorter dwell times than conventional grocery shopping, further intensifying ingress and egress activity.

Until final HOP approval is granted and access geometry is definitively established, the Township cannot meaningfully evaluate the full transportation and safety impacts associated with the proposed licensed premises. Approval of a liquor license transfer under these circumstances would rest on unresolved access conditions and evolving traffic assumptions.

The Township is not required to approve a license transfer where material aspects of site access and corridor integration remain unsettled. Where transportation impacts remain subject to pending state review and potential modification, denial of the proposed transfer constitutes a reasonable and evidence-based exercise of municipal discretion.

IV. Zoning Constraints in the C-2 Planned Business and Commercial District

The site is located in the C-2 Planned Business and Commercial District. While a supermarket is a permitted principal use, retail liquor sales are not identified as a permitted accessory use.

Accessory uses must be customarily incidental and subordinate to the principal use. Where alcohol sales function as a distinct revenue-generating operation and are oriented primarily toward off-premises consumption under a restaurant liquor license, they exceed what can reasonably be characterized as accessory and instead constitute a separate commercial use.

Approval would therefore authorize a use not expressly permitted as either a principal or accessory use in the C-2 District.

V. Liquor License Saturation and Existing Supermarket Alcohol Distribution

Concord Township already exceeds the benchmark of one liquor license per 3,000 residents. Using 2020 Census data and current population estimates, Concord Township has approximately 4.72 liquor licenses per 3,000 residents.

Because Concord Township exceeds this statutory threshold, additional licenses may enter the Township only by intermunicipal transfer, and municipal approval functions as a deliberate gatekeeping mechanism under the Pennsylvania Liquor Code.

Beyond population-based ratios, Concord Township already experiences a concentration of alcohol availability in practice, particularly through supermarket-based liquor operations. Multiple supermarkets within the Township currently operate under restaurant liquor licenses and sell alcohol to the public, including:

- ACME Markets, 101 Byers Drive, Glen Mills, PA
- Whole Foods Market, 475 Wilmington West Chester Pike, Glen Mills, PA
- Wegmans Food Markets, 100 Applied Bank Boulevard, Glen Mills, PA

These establishments collectively function as de facto alcohol distribution points, significantly increasing alcohol availability beyond what population ratios alone capture.

Furthermore, both Whole Foods Market and Wegmans Food Market have a license where they initially operated a pub or restaurant, similar to what Giant is proposing with their license. Both supermarket operators have chosen to close their pubs. This simple fact demonstrates that the pub-model in Concord Township is unsustainable. Giant knows this and is trying to backdoor a liquor license that will be used primarily for take out sales rather than in a restaurant or pub setting.

Approval of an additional intermunicipal transfer would further increase liquor license concentration within the Township and compound existing conditions that Township Council has previously determined do not serve a demonstrated public need.

VI. Incremental Benefits to Concord Township

In evaluating whether the proposed intermunicipal liquor license transfer would provide any meaningful benefit to Concord Township, it is appropriate to consider the incremental fiscal impacts associated with the proposal.

With respect to employment-related revenue, Concord Township's only payroll-based local tax is the Local Services Tax (LST). The LST is a flat tax of up to \$52 per year per employee, regardless of wage level, hours worked, or position. The tax is capped by statute and does not increase with higher compensation, expanded operations, or increased alcohol sales activity.

As a result, even under optimistic assumptions regarding staffing levels, the maximum additional revenue to the Township attributable to new employment is modest and fixed. The LST does not meaningfully offset or correlate to the operational, land-use, or public-safety impacts associated with expanded alcohol availability.

The proposed liquor license transfer would also not result in an increase in real estate assessment or property tax revenue. The underlying property will be assessed based on its approved commercial use, and the addition of a restaurant liquor license or ancillary alcohol service does not increase the assessed value of the building or land for property tax purposes.

Moreover, Concord Township does not levy an Earned Income Tax and does not receive a direct share of liquor sales revenue generated under a restaurant liquor license.

Taken together, the fiscal benefits to the Township associated with the proposed transfer are limited and fixed, while the zoning, operational, and cumulative-impact considerations discussed elsewhere in this letter are structural and ongoing. The absence of meaningful incremental municipal benefit further supports denial of the proposed transfer.

VII. Prior Township Findings Regarding Supermarket Liquor Operations

In Resolution No. 47-2023, Township Council denied a request by Wegmans Food Markets, Inc. to expand supermarket liquor operations within the Township. In doing so, Council identified several key considerations, including:

- The absence of demonstrated public need for additional liquor availability within the Township;
- The revenue-driven nature of the proposal rather than a bona fide restaurant expansion;
- The lack of a sufficient nexus to traditional restaurant use; and
- The absence of a clear, articulated benefit to Township residents.

Those findings were grounded in the Township's evaluation of existing liquor concentration, cumulative impacts, and community welfare considerations.

Granting Giant's request would introduce an additional liquor license and new point of alcohol distribution within the Township. The operational characteristics of the proposed license — particularly the sale of alcohol for off-premises consumption within a supermarket setting — are materially similar to those previously evaluated by Council.

Approval of the present transfer would therefore represent a departure from prior Township determinations made on substantially similar facts and would further intensify the very conditions Council previously found did not serve a demonstrated public need.

VIII. Conclusion

VIII.A. Legal Sufficiency of the Record

The Township's consideration of this matter is supported by a complete and documented administrative record, including unresolved site approval status, transportation submissions entered into the PennDOT HOP record, zoning-based evidence, quantified liquor-license saturation data, and objective fiscal information demonstrating the absence of meaningful incremental municipal benefit.

These materials are specific, contemporaneous, and record-based, and they address recognized municipal considerations including public safety, land-use compliance, operational readiness, and community welfare. Taken together, they constitute substantial evidence supporting Township action under the Local Agency Law.

To the extent an applicant may contend that denial would be inconsistent with *Weis Markets, Inc. v. Lancaster Township*, No. 54 C.D. 2020 (Pa. Cmwlth. Jan. 13, 2021), that reliance is misplaced. In *Weis*, the Commonwealth Court reversed a denial where the municipality relied solely on generalized concerns unsupported by any evidentiary record. The circumstances here are materially different. The record available to the Township is not speculative and does not rest on unsupported opinion; rather, it reflects documented, external, and unresolved conditions directly relevant to the proposed use. Accordingly,

denial of the proposed intermunicipal transfer based on the record before the Township would be supported by substantial evidence, rational, and consistent with Pennsylvania law.

VIII.B. Request for Denial

For all of the reasons set forth above, I respectfully request that Concord Township deny the proposed intermunicipal transfer of a restaurant liquor license to Giant Food Stores, LLC and memorialize that decision by formal resolution.

Such action would represent a lawful and reasonable exercise of the Township's authority, consistent with its zoning framework, prior findings, and responsibility to protect public safety and community welfare.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kevin W Voit". The signature is written in a cursive, slightly slanted style.

Kevin Voit