



COMMITTEE of the WHOLE

Evidentiary Hearing

SUMMARY

Public Hearing

Conditional Use Application

2040 Centre Ave Banquet Hall

Wednesday, April 27, 2022

5 pm

COUNCIL MEMBERS PRESENT:

J. Cepeda-Freytiz, C. Daubert in person and W. Butler and M. Ventura virtually

OTHERS PRESENT:

M. Gombar, Esq. L. Kelleher, S Calluori and Jerome Skrincosky

Ms. Cepeda-Freytiz called the hearing to order at approximately 5:07 pm. She stated that the purpose of this hearing is to conduct the public hearing under the City Zoning Ordinance on the Conditional Use application to convert 2040 Centre Avenue to a banquet hall. She asked Mr. Gombar to conduct the hearing.

Mr. Gombar stated that a quorum of Council is present as noted above. He explained that Council sits as a quasi-judicial body to consider this application. He stated that in place of a stenographer, this session is being recorded. He stated that the agenda packet contains all the entered exhibits showing the advertisement, the notice posted, the mailings to required properties, the application with the site plan, the City and County Planning recommendations, the Planning Commission minutes, etc. A copy of the agenda packet was provided to Joan London, Esq. representing the applicant, Kathy Saldana. There were no objections to the entry of the agenda packet as an exhibit.

Ms. London entered the Applicant's exhibits.

There were no objections to the entry of the exhibits.

Ms. Saldana was assisted by a translator from Global Translation Services.

Ms. Kelleher administered the oath to Ms. Saldana.

I. Testimony from Applicant

Ms. London stated that the former bank building at 2040 Centre Avenue is adjacent to First Energy Stadium. She stated that the last page of her exhibits is the last page of the application containing Mr. Patel's signature showing that he, as the building owner, consents to this application for a banquet hall. When the application was accepted by Zoning the owner's signature was not included. The building is being leased pursuant to a written Lease Agreement by Ms. Saldana and her husband who reside in New York.

Ms. London led Ms. Saldana through a series of questions resulting in the following testimony. Ms. Saldana stated that she plans to use the building for private parties, weddings and events by reservation on Fridays, Saturdays and Sundays and that she has leased the building for a five (5) year period. Facility prep and maintenance will occur during the days that are not reserved for events. The events will be held from 6 pm to 12 am or 7 pm to 1 am; no event will last longer than 1 am. Events held on Sundays must conclude by 10 pm. She noted that those reserving the building for an event will have access to the building two (2) hours prior to the event start time for set up and one (1) hour after the end time to allow for break down. Originally she planned for 13 round tables; however that was scaled back to 11 tables of 8. Corrected drawings were not provided. She stated that the maximum number of guests is 88.

Ms. Saldana stated that the banquet hall will have a liquor license issued by the PA LCB.

Ms. Saldana stated that there will be no on-site food preparation. Food must be prepared off site and brought in. The building will have space for food set-up. Events will be staffed by six (6) employees, two (2) of which will be food specialists/cleaning and three (3) will be certified security guards. The security guards will ensure that the event operates properly. She stated that she owns three (3) banquet halls in New York and uses this same staffing model. Applicant exhibit 3 contains photos of one of her existing businesses in New York and a rendering of her plan for this site. The New York businesses are properly licensed in all required ways. The employees will be obtained through on a contractual basis with a local business.

Ms. Saldana stated that she is aware of the need to provide additional parking spaces for the banquet hall use. She stated that the parcel has 12 on-site, off-street parking spaces and she is seeking additional spaces through properties that neighbor the former bank building.

Ms. London stated that City Council is considering the Conditional Use application. In addition, she asked Council to also consider an adaptive reuse for the building in a commercial district and a variance for the parking requirements, noting her belief that Council can consider the variance as a Conditional Use is essentially the same as a Special Exception Use considered by the Zoning Hearing Board. She asked Council to also alter the requirement to provide an agreement for additional spaces within 300 feet or less from the former bank building. She expressed the belief that Council can consider the variance for parking modifications without hardship requirements.

Ms. London stated that under adaptive reuse for buildings in commercial districts parking requirements can also be set aside. She again noted that as Council is sitting to hear this

Conditional Use application, which mirrors the Special Exception process heard by the Zoning Hearing Board, they can consider this parking modification without the need for a variance with hardship requirements.

Ms. Saldana stated that the footprint, dimensions and appearance of the building will not change, other than cosmetic improvements. She expressed the belief that, as this building is not in a residential area, it will not have a negative impact on the neighborhood, which attracted her to this building. She expressed the belief that the impact on the area will be positive.

Ms. Saldana noted her willingness to work with the Stadium Commission to come to terms of agreement for use of the adjacent parking area with appx. 23 parking spaces owned by the City. She stated that she is also considering valet parking that will be monitored by the security guards utilizing other off-street parking areas in the vicinity.

Mr. Daubert questioned the event hours. Ms. Saldana stated that the events are expected to take 10 hours – 2 hours of set-up time, 5 hours for the actual event and 1 hour to break down – a total of 10 hours. Off hours will be used for cleaning etc.

Ms. Cepeda-Freytiz inquired about the time the building has been vacant. Ms. Saldana stated that she only knows that Mr. Patel purchased the building three (3) years ago. She stated that she has operated her New York banquet hall businesses since 2016.

After some technical difficulties with the sound system were resolved, Mr. Daubert inquired about how the resolution of the parking difficulties between the banquet hall's use and the needs of First Energy Stadium during baseball season and ensuring that banquet hall guests are not using the parking used by First Energy Stadium. Ms. Saldana stated that there will be a work plan and the terms of that plan for parking will be defined in the contract with clients to reserve the banquet hall. The security guards will ensure the guests comply with the terms in the contract. She stated that the guests of the banquet hall will need to have stickers showing that they are guests of the facility.

Mr. Daubert questioned how realistic monitoring the parking of 88 guests will be and he expressed the belief that monitoring the parking during baseball events will be more than challenging. Ms. London stated that Ms. Saldana will work with Stadium Commission Chair Jim Schlegel to define a parking plan when he returns from vacation. She noted that Ms. Saldana plans to use valet parking for guests who utilize parking off the banquet hall site.

Ms. Cepeda-Freytiz questioned why Ms. Saldana selected Reading for her new banquet hall location. Ms. Saldana stated that her sister has lived here for 20 years and she sees good potential to operate a successful business here in this easily accessible location.

Ms. Cepeda-Freytiz inquired when Ms. Saldana began leasing this space and what her monetary investment is to date. Ms. Saldana stated that her lease started seven (7) months ago and that she has invested \$70K to date for the lease, legal expenses, permit fees, property taxes, etc.

Mr. Gombar inquired if the facility is set up to allow multiple parties to operate at the same time. Ms. Saldana said only one event at a time can occur.

Mr. Gombar inquired about the number of off-site parking spaces that will be provided. Ms. Saldana stated that the number is dependent on the number of spaces agreed upon.

Mr. Gombar inquired what type of PA LCB license will be obtained, retail, BYOB, etc. Ms. Saldana stated that she will apply for a BYOB license. Alcoholic beverages can be provided by the caterer or the person who reserves the facility and that they will not be sold on site.

Mr. Daubert questioned if the employees will be certified by the PA LCB. Ms. Saldana stated that they will have the required certifications.

Mr. Butler questioned the number of employees and security personnel that will be assigned to an event. Ms. Saldana stated that there will be three (3) security guards and one supervisor to oversee the internal operations.

Ms. London called Miguel Herrera to testify. Ms. Kelleher administered the oath to Mr. Herrera.

Ms. London led Mr. Herrera through a series of questions resulting in the following testimony.

Mr. Herrera stated that he has owned Milan Consulting Group for the last 10 years and he has been providing design drawings and renderings for individuals for approximately 20 years. Ms. London inquired if he has testified as an expert before the Zoning Hearing Board or this board. Mr. Herrera stated that he has appeared and made many presentations.

Ms. London asked Council to recognize Mr. Herrera as an expert, giving him status to provide opinions on the drawings and renderings under consideration. Mr. Gombar stated that Council will take that under advisement.

Mr. Herrera stated that he is familiar with 2040 Center Avenue and that he prepared some of the drawings and renderings and some were prepared by another company or person. Ms. London directed everyone to Applicant's exhibits 3 and 4 prepared by Mr. Herrera and he walked Council through the plan for the building. He stated that he recommended reducing the number of tables from 13 to 11 to avoid the need to comply with building code requirements for 16 additional people and reduce the parking needs.

Mr. Herrera expressed the belief that this area is well-suited for this type of use.

Mr. Daubert inquired about the area that houses the seating. Mr. Herrera explained the dimensions of the interior space where the seating is.

Ms. Cepeda-Freytiz inquired about the maximum occupancy this space, apart from the seating provided. Mr. Herrera stated that the occupancy rate is based on tables and chairs. The maximum number will be determined by the Fire Marshal and the Building Chief, noting their desire to

operate at maximum capacity to avoid various code requirement that will come into play. He noted that limiting the space to 88 guests should not require additional code requirements. He explained that the occupant load is defined using the use of the space and the square footage of the space.

Ms. London called Dan Laudenslayer to the podium. Ms. Kelleher administered the oath to Mr. Laudenslayer.

Ms. London led Mr. Laudenslayer through a series of questions resulting in the following testimony.

Mr. Laudenslayer stated that he has been a professional land surveyor since 1986 and that he regularly reviews plans and designs. Ms. London asked that Mr. Laudenslayer be recognized as an expert witness who can offer opinions. Mr. Gombar stated that Council will take that under advisement.

Mr. Laudenslayer stated that he is familiar with the property. Applicant exhibit 4 shows the site plan of the interior and exterior of the building. He stated that parking requirements for banquet hall use are not defined in the Zoning Ordinance and that the requirements for a restaurant are used instead – one space for every 4 guests, plus one for each employee and an additional handicapped space. He stated that the exterior shows on-site parking for 11 vehicles and a neighboring off-site parking lot owned by the City for an additional 23 spaces. He expressed the belief that there are sufficient parking space across Centre Avenue that could be secured. He expressed the belief that appx. 30 spaces will be required for a banquet hall use. He added that there are also options for public transportation.

Mr. Laudenslayer expressed the belief that the additional parking needs of a banquet hall will not cause additional congestion, as these needs are a drop in the bucket compared to the vast needs of First Energy Stadium. He expressed the belief that the use fits in nicely with no residential impact.

Mr. Gombar inquired if the existing parking was the parking lot used for the bank. Mr. Laudenslayer stated that he was unsure as he did not prepare this plan but he expressed the belief that the spaces behind the building were most likely used by the bank.

Mr. Gombar inquired if there is room to expand the number of spaces. Mr. Laudenslayer stated that may be possible and that that issue will be covered during the land development review, noting the need to provide additional space for refuse and a loading zone.

Mr. Laudenslayer provided an aerial photo of the site entered as Applicant's exhibit 5 and displayed at the podium and via zoom. He pointed to the bank property sitting to the north of First Energy Stadium. He noted that the 23 parking spaces are on the Stadium property. He expressed the belief that the parking issue with the Stadium can be worked out.

II. Testimony from City Staff

Ms. Kelleher administered the oath to Jerome Skrincosky.

Jerome Skrincosky, AICP, stated that he provides planning and zoning services for the City. He noted the inclusion of the staff report and the Planning Commission recommendation in the agenda packet and noted the need to enter those as exhibits as well. Mr. Gombar marked the exhibits as 5 and 6. There were no objections to the entry of those exhibits.

Mr. Skrincosky addressed Attorney London's prior statements and disagreed stating that adaptive reuse of the building cannot be used as adaptive reuse is not permitted in the MC zoning district and he read the definition of adaptive reuse noting the need to convert a non-residential building for residential or mixed residential/commercial uses. He also expressed the belief that in no way does the Zoning Ordinance or the MPC empower or authorize City Council to waive the parking requirements contained in the Zoning Ordinance. He stated that adaptive reuse is permitted only by Special Exception under certain circumstances.

Mr. Gombar noted that if Council approves this conditional use application, that is not the end of the road for the applicant. The applicant will still possibly need to go to the Zoning Hearing Board for any parking waivers and then to the Planning Commission for land development issues, etc.

III. Public Comment (No More than 3 minutes per speaker)

Ducky Turner, of North 14th Street, to testify in opposition was not present.

Ms. Kelleher administered the oath to **Rick DeNunzio, North 14th Street, representing the Stadium Commission and City**. Mr. DeNunzio stated that the Commission operates as a liaison between First Energy Stadium and the City to make sure the facility is properly managed and maintained and to respond to any issues that may negatively impact the operation of the Stadium. He reminded Council that the City, County and State are investing \$16.5M in stadium improvements to meet the stadium upgrade requirements demanded by the MLB. These improvements will also enable the year round use of the stadium. The Commission is concerned about the lack parking at the proposed banquet hall, noting that the side lot with 23 spaces is City-owned property that the Stadium intends to designate this area for drop off and pick up for the Stadium with the improvement project.

Mr. DeNunzio stated that the Fire Department requires use of this area for emergency apparatus and parking in this area is restricted when fireworks displays occur. The Stadium and Commission are not interested in entering into parking arrangements with the banquet hall, as the Stadium needs for parking already exceed that readily available.

Mr. Gombar inquired if any other party wished to provide comment. No one came forward and the public comment period was closed.

Mr. DeNunzio presented a lengthy letter from Scott Hunsicker, General Manager of the Reading Fightin Phils. The letter was not read into the record by Mr. DeNunzio but summarized as expressing the Fightin Phils opposition to the conditional use application. Mr. Gombar stated that the exhibit will be offered into the record as Stadium exhibit 1, noting the objection from the applicant's attorney and Council will take the matter under advisement.

Ms. Cepeda-Freytiz inquired if the Commission and the Phils are unwilling to enter into a parking arrangement with the banquet hall. Mr. De Nunzio replied in the affirmative. She next inquired about how this use will negatively impact the Stadium. Mr. DeNunzio stated that while an agreement for off-site parking can be obtained, enforcing those agreements is challenging. He noted that parking at for baseball games is already challenging due to a multitude of reasons. Adding a banquet hall will increase the challenges.

Mr. Daubert asked for more detail on the parking restriction when fireworks are scheduled. Mr. DeNunzio stated that ingress and egress to the rear lot moves through the City-owned lot. Parking in this area is restricted when fireworks are planned, which is depicted by the documents with the Stadium exhibit. The picture was displayed. Mr. Laudenslayer pointed to the rear lot with the bank building and the grassy lot where the fireworks displays begin. This space is owned by the City and controlled by the Stadium.

Ms. Cepeda-Freytiz inquired what type of business would be compatible with the Stadium for the subject property. Mr. DeNunzio stated that any use that would not have hours that compete and conflict with the use of the stadium.

In response to a question from Ms. London, Mr. DeNunzio noted that the hours of the bank did not conflict with the operational hours of the Stadium. She questioned how a business at this location could not compete with the Phils. Mr. De Nunzio expressed the belief that a business would not conflict if it did not require additional off-site parking.

Ms. London noted that any business that is not a Monday-Friday 8 am to 3 pm operation could compete with a use at this building. Mr. DeNunzio agreed that that situation could occur if some arrangement was not agreed to by all parties.

Ms. London inquired about the length of the fireworks displays and if vehicles would be restricted from moving on and off the site during that time. Mr. DeNunzio stated that the displays go on for 30-45 minutes and he stated that parking may be restricted entirely when fireworks are scheduled. The schedule shows games when fireworks are planned.

Ms. Cepeda-Freytiz inquired what time the fireworks usually occur. Mr. DeNunzio stated on average around 9:30-10:30 pm.

IV. Closing Statement

Ms. London expressed the belief that the banquet hall use would be appropriate for this vacant building, operated by someone experienced in this type of business. She noted that this is an industrial/commercial area where there will be no conflicts with residential properties. She expressed the belief that the Stadium cannot issue veto powers over the use of adjacent properties. She asked Council not to consider the testimony from the Stadium Commission. She expressed the belief that the requirements for the banquet hall have been achieved, apart from rectifying the need for off-site parking which is not impossible. She stated that discussions with Mr. Schlegel who is Chair of the Commission will occur. She noted the Planning Commission recommendation to approve the application and she suggested that Council follow that recommendation.

There was no further testimony.

Mr. Gombar stated that the evidentiary record for the public hearing was closed and announced that a decision will occur at the regular Council meeting on May 9th or May 23rd.

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