

**Minutes**  
**Regular meeting of the City of Reading Planning Commission**  
**December 23, 2014 at 7:00 pm**

**Members present:**

Ermete J. Raffaelli, Chairman  
Michael E. Lauter, Secretary  
Wayne Jonas Bealer, Assistant Secretary  
William F. Cinfici

**Staff present:**

Andrew W. Miller, Planning Office  
Deborah A.S. Hoag, Department of Public Works

**Others present:**

Michael A. Sulpizio, RK&K Engineers LLP  
Ralph E. Johnson, Department of Public Works  
Amy L. Morriss, Department of Public Works  
Michael D. Hartman, DH Enterprises Inc.  
Miguel A. Herrera, Milan Consulting Group  
Rafael Abreu, Jet Set Restaurant LLC  
Carole Duran, Reading Eagle Company

Chairman Raffaelli called the December meeting to order, reminded presenters to sign the attendance sheet, and asked for acceptance of the agenda. Mr. Miller reported that the 'Homes at Riverside' presentation was withdrawn, and asked that reaffirmations of the 'Reading Overhead Door' and 'Iglesia Cristiana' plan approvals be considered. Mr. Lauter moved to accept the revised December 23rd agenda. Mr. Cinfici seconded. And the Commission voted unanimously to accept the December agenda.

**Subdivision and Land Development:**

Fritz Island WWTP Facilities Upgrade Project – final land development plan [0:01.12]

Mr. Sulpizio, making his first appearance since an August 26th presentation, reported that they've been working with the City staff toward a land development plan for recording, and coordinating the outstanding permits from the various agencies having oversight of wastewater treatment projects. Mr. Miller was satisfied with the progress made, characterizing it as at a point where they typically entertain approving actions on more-typical land development plans. He called it a 'special case', owing to the many other permits required. Ms. Hoag distributed her just-completed review to the Commission members, and echoed the challenge in coordinating the permitting between the multiple agencies. Mr. Sulpizio noted that all the required approvals, and their status, were listed on the plan cover. He said they've all been submitted, and have generated some initial feedback at least. Ms. Hoag said the stormwater matters presented a question on jurisdiction. Mr. Sulpizio identified the Pennsylvania Department of Environmental Protection (PADEP) as covering that management plan, from both the quantity and quality perspectives, the outfall structures, the waterway and wetland encroachments, and the floodplains, for which he'd requested a 'consistency letter' from the City. Ms. Hoag said that documentation was 'in the works'. Mr. Sulpizio mentioned the County's review, and said the United States Army Corps of Engineers (USACE) had verified the wetland limits. He acknowledged the contributions of NTM Engineering Inc. in preparing the stormwater design and documentation, including the on-site bio-retention and infiltration basins.

Asked about the 'ruins' identified throughout the plan, Mr. Sulpizio thought most were remnants from the former mining activity. Regarding the 'mitigation' of any redbelly turtles found, Mr. Sulpizio described it as a relocation outside the silt fence defining the work area, in addition to the creation of new habitat areas. Mr. Miller asked about the ordered arrangement of the tree plantings shown. Mr. Sulpizio explained that PADEP wanted a reforestation of that riverbank for stabilization purposes, and to make up for others in conflict with overhead electric lines. He said the plan approximates a quantity, and may be adjusted in its ultimate placement. Mr. Miller suggested it may take a couple additional months until the remaining permits are issued and the plan ready for recording. He recommended a conditional approval, suggesting it be based on the staff reviews and the other permits itemized in the plan notes. Ms. Hoag concurred.

Mr. Lauter moved to approve the final land development plan for the 'Fritz Island WWTP Facilities Upgrade Project', conditioned on revisions satisfying the latest reviews of the Planning Office and Public Works Department, and the receipt of the remaining permits and approvals itemized on the plan's cover sheet. Mr. Bealer seconded. And the Commission voted unanimously to conditionally approve the 'Fritz Island WWTP Facilities

Upgrade Project' final plan.

Resolution #41-2014

Jet Set Restaurant Parking Area – parking lot land development plan [0:13.13]

Mr. Hartman reported that, since his last presentation, he'd received 'highway-occupancy' permits for the main entrance at 116 South 9th Street and another spanning 124 and 126 South 9th Street that must be rebuilt. He said he had hoped to be ready for approval, before some last-minute complications. He mentioned that the scope of the plan was limited to the 116 South 9th, 118 South 9th and 109 Peach Street parcels, with other areas shown for context and to demonstrate the fulfillment of the zoning variance conditions. Mr. Miller explained that the scope of the Pennsylvania Department of Transportation (PennDOT) review increased the scope of plan and, now that it has, the Planning Commission must verify its accuracy. He recommended another extension of the review to address that, and some property ownership issues. Asked about the extent of lot consolidation, he said the annexation of the 116, 118 and 109 parcels was a clear condition of the Zoning Hearing Board, while the combination or annexation of the 124 and 126 was not. Mr. Hartman referred to PennDOT's requirement for an easement to address that shared ownership as a condition of the permit 'closeout'. He said the revised plan would show the annexation of the other three. Mr. Miller added that the other owner would also need to certify his ownership on the plan itself, by some kind of signing statement. Ms. Hoag questioned whether that parking was available to, or reserved exclusively to the Jet Set Restaurant. Mr. Miller alluded to the difficulty in calculating the amount and terms of the required off-street parking; what was counted, spaces owned versus leased, and permanent spaces versus those supplemented for special events. Mr. Hartman mentioned a letter from the Zoning Administrator further explaining those terms. Mr. Miller wondered why the owner of 124 South 9th Street was interested in keeping land being rendered unbuildable by the parking project and the ventilation equipment installed on the southern façade of the Restaurant. Mr. Raffaelli expressed doubt that the plan would fulfill the conditions of the Hearing Board's decision, let alone resolve the ownership issues. Mr. Miller noted that whatever the Hearing Board had formally permitted, they've tolerated the observed condition and operation in the years since. Mr. Hartman again referred to a letter permitting the arrangement, clarifying that the parking at 124 and 126 South 9th counts toward the required total. Mr. Miller asked if there were any zoning permits for off-street parking on those properties. Mr. Hartman wasn't certain, and offered to research it. Mr. Cinfici asked if the 124 parcel extended from South 9th through to Peach Street and, if so, about the structure fronting the latter's side. Mr. Hartman confirmed that it did run that length. Mr. Miller remarked on the fence that appears to separate the structure from the parking area. Mr. Raffaelli asked about the time limit on that access agreement. Mr. Abreu answered 'twenty years', through Mr. Herrera interpreting. Ms. Hoag noted a difference in the current orientation/angle of the parking stalls from that proposed on the plan. Mr. Hartman said the cars currently parked there belong to the landowner. Asked about the review time remaining, Mr. Miller explained that they'd reached another deadline, and offered a written request for another 90-day extension. Mr. Bealer noted the changing scope of the original plan, cautioning that it could be interpreted as a new application. Mr. Herrera expressed his confusion over an issue that he thought settled by a long-standing agreement between the owners. Mr. Miller explained that they need an easement or title, and referred to the direction given in several review letters. He acknowledged that the 'change in scope' was driven by PennDOT, but felt the resolution of the ownership issues to have been resisted by the applicant. He advised that they stop altering the property, especially the curb and traffic control devices, until the plan is approved.

Mr. Bealer moved to extend the review for an additional 90 days, as requested in a December 23rd letter from the applicant's engineer. Mr. Cinfici seconded. And the Commission voted unanimously to approve a 90-day extension of the Pennsylvania Municipalities Planning Code limit for the 'Jet Set Restaurant Parking Area' plan.

Resolution #42-2014

**Other business:**

§603.c.2 conditional use review-1537 Perkiomen Avenue (conversion) [0:43.04]

Mr. Miller read from the Zoning Office's report, issued the day before. It described the location and size of the property, its history of inspections, permits and housing fees paid. The Zoning Administrator had approved two units on June 20th, but denied the third. The applicant appealed that decision November 4th, seeking approval of a third unit on the first floor, at the rear of the structure, with 360 square feet in total floor area, of which 208 square feet is considered 'habitable'. There are two off-street parking spaces for the whole property. The Zoning Administrator recommended City Council's denial, based on the lacking evidence a legal third unit, the delinquent housing fees and 'quality-of-life' fines, and the deficient floor area. Mr. Miller recommended the same, based on the zoning report and the off-street parking available. A public hearing is scheduled for January 5, 2015.

Mr. Bealer moved to recommend that City Council deny the conditional use, limiting the property to a two-unit dwelling, based on the reasons listed in the Zoning Office's December 22nd report and the deficient off-street parking. Mr. Lauter seconded. And the Commission voted unanimously to forward a recommendation to City

Council to deny the requested third unit at 1537 Perkiomen Avenue.

Resolution #43-2014

§603.c.2 conditional use review-922A Franklin Street (conversion) [0:49.38]

Mr. Miller read again from the Zoning Office's report, which noted that the property uses '924 Franklin' as its mailing address. The building's commercial history – a storefront and warehouse, formerly used as a pet store and currently a grocery store – is better documented than its residential condition. The applicant is seeking recognition of three dwelling units, in addition to the commercial space, and has suggested his 108 Orange Street property, neighboring to the south, for development of the five required off-street parking spaces. The Zoning Administrator permitted one dwelling on November 5th, but denied the others based on the minimum square footage required by the Zoning Ordinance, and recommended City Council's denial on the same grounds and the lack of required permits, fees and inspections. Asked if some reconfiguration of the floor plan could accommodate a second qualifying unit, Mr. Miller said the report doesn't entertain a 'middle ground', and shouldn't. If there is no historical basis for the additional units, and deficiencies for even two have been identified, the Zoning Office must judge the application accordingly. He said he hadn't personally considered the floor plans for the practicality of such a renovation. There was some additional discussion regarding the commercial space, and the confusion of referring to 'units' in a mixed-use property. A public hearing is scheduled for January 5, 2015.

Mr. Lauter moved to recommend that City Council deny the conditional use, limiting the property to the one residential unit, based on the findings of the Zoning Office in its December 23rd report. Mr. Bealer seconded. And the Commission voted unanimously to forward a recommendation to City Council to deny the additional dwelling units at 922A Franklin Street.

Resolution #44-2014

§603.c.2 conditional use review-1141 North 9th Street (conversion) [0:58.40]

Mr. Miller read the Zoning Office's report, reciting the size, location, inspection and permitting history. The Zoning Administrator approved the application for two units on June 24th, and denied the third. The applicant appealed that decision on September 22nd, seeking an 'efficiency' in the rear of the second floor, yielding 306 total square feet, 135 of it classified as 'habitable'. Two off-street parking spaces are available, but counted toward the two qualifying units. Mr. Lauter wondered when the conversion occurred. Mr. Miller said there wasn't enough information to say definitively, nor by which owner. He said the Property Maintenance Division had long inspected what they observed, and without necessarily considering the zoning status. Mr. Lauter hesitated to take a firm position where it seemed an effort at compliance was made, especially if fees were collected on that basis. Mr. Miller said the 2007 'housing ordinance' didn't specify grandfathering provisions or an amnesty period, and subsequent amendments only clouded the issue. Mr. Bealer noted the small size of the third unit, and its lack of a compliant second egress. Mr. Miller said building-code compliance is a standard condition of any approvals, and reminded the Commission they weren't *required* to recommend anything. Mr. Cinfici realized that the purchase predates the 2010 prohibition on efficiency units. Mr. Miller criticized the Zoning Ordinance's classification by bedroom number, considering it a somewhat subjective interpretation of floor plan and, at times, in conflict with the International Code Council's own minimums for bedroom area. Mr. Lauter felt that the building codes are often difficult to apply in a jurisdiction of Reading's age and building characteristics. Ms. Hoag suggested the Ordinance's provisions for 'rooming houses' can allow dwelling units of even less size. Mr. Bealer noted that the property was always of a residential character, in contrast to the previous application. Mr. Lauter suggested a decision based on the record of inspections and payments as a 'three unit', while still concerned with the lack of emergency egress. A public hearing is scheduled for January 6, 2015.

Owing to the limited information and ambiguity in the background, Mr. Bealer moved to recommend that City Council base its decision on the history of housing fees paid, and the Zoning Ordinance's regulation of efficiencies at the time of the purchase. Mr. Cinfici seconded. And the Commission voted unanimously to forward that recommendation to City Council regarding 1141 North 9th Street.

Resolution #45-2014

§603.c.2 conditional use review-231 South 4th Street (conversion) [1:27.21]

Mr. Miller again read from the Zoning Office's report, giving the location, size and background. For a period in 'the 1990s', the building was declared vacant for a rehabilitation. The current owners purchased the property in 2005, and submitted the rental-housing documentation in 2008. The 'administrative hearing officer', charged with the review at the time, granted the three-unit status. The owners didn't secure the actual permit, and continued to pay fees based on a single dwelling. On October 19th, the Zoning Administrator authorized the single unit, and initiated the appeal for the second and third, including a request for relief from the required off-street parking. The Zoning Administrator supports a conditional-use approval, on the conditions of settling the applicable

fees for the years 2006 through 2010, and installation of a fourth electrical meter covering the common areas. Mr. Miller advised that the building and electrical codes may compel other upgrades. A public hearing is scheduled for January 6, 2015.

Mr. Lauter moved to recommend that City Council approve the conditional use, granting a three-unit dwelling, based on its history and the conditions identified in the Zoning Office's December 22nd report. Mr. Bealer seconded. And the Commission voted unanimously to forward a recommendation to City Council to approve a three-unit dwelling at 231 South 4th Street.

**Resolution #46-2014**

§513.a approval reaffirmation-Reading Overhead Door-Proposed Storage Building [1:35.28]

Mr. Miller recalled the Commission's approval at the September meeting, and the passing 90-day Planning Code deadline. He said they are still finalizing the plan revisions and its municipal improvements agreement, and understood part of the delay to be the timing of Muhlenberg Township's meetings and their signatures. He said he preferred the clarity of reaffirming votes to resolve any complications or doubts when plans are presented to the County for recording.

Mr. Bealer moved to reaffirm the final plan approval for the Reading Overhead Door storage building. Mr. Lauter seconded. And the Commission voted unanimously to reaffirm their September 23rd final plan approval, Resolution No. 27-2014, for the Overhead Door Co. of Reading.

**Resolution #47-2014**

§513.a approval reaffirmation-Iglesia Cristiana [1:38.41]

Mr. Miller requested another reaffirmation of the June 2013 approval. He said the church has since been in a 'capital campaign' mode, and that a recent email forwarded from their attorney gave the impression they're close to their goal. Mr. Bealer felt they should have acted to record the plan in a timely matter, whatever their own schedule. Mr. Miller agreed, recalling that a modified improvements agreement was offered, whereby they'd record the plan immediately and post the surety once they were ready to build. Ms. Hoag, alluding to the same email, said she hadn't been able to find any formal approval of the improvements estimate. Mr. Miller said that consent may not have appeared in writing. He recalled a big part of it being a long storm sewer run to a junction at South 9th Street. He said the signed, record plan sets are still on hold in his office.

Mr. Lauter moved to reaffirm the final plan approval for the Iglesia Cristiana expansion. Mr. Bealer seconded. And the Commission voted unanimously to a fourth reaffirmation of their June 2013 final plan approval, Resolution No. 19-2013, for Iglesia Cristiana.

**Resolution #48-2014**

review the draft November 25, 2014 meeting minutes [1:42.45]

Hearing no requested revisions, Mr. Cinfici moved to accept the November meeting minutes, as presented. Mr. Lauter seconded. And the Commission voted unanimously to accept the November 25th meeting minutes.

**Resolution #49-2014**

Mr. Lauter moved to adjourn the December meeting. And the Commission adjourned the December 23rd meeting, without objection. – 8:43p