

Minutes
Regular meeting of the City of Reading Planning Commission
August 25, 2015 at 7:00 pm

Members present:

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

Staff present:

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

Others present:

Bradford R. Grauel, OTM LLC
Nilson Assis, Emmanuel Institute of Leadership
Gregg A. Bogia, Bogia Engineering Inc.
Michelle A. Katzenmoyer, Environmental Advisory Council
Cathy Curran-Myers, Environmental Advisory Council
Carole Duran, Reading Eagle Company

Chairman Raffaelli called the August meeting to order, reminded presenters to sign the attendance sheet, and asked for acceptance of the agenda. Mr. Lauter moved to accept the August 25th agenda. Mr. Cinfici seconded. And the Commission voted unanimously to accept the August agenda, as presented.

Subdivision and Land Development:

Parking Lot Expansion Emmanuel's House Property – parking lot land development plan [0:00.43]

Mr. Grauel acknowledged receipt of the Planning Office review, and claimed to have already revised the plan accordingly. He distributed a written response to the members of the Commission. He described the proposal as an expansion of an existing but unfinished parking lot at 1224 Carbon Street, required under the terms of a zoning hearing and decision regarding the use and occupancy of the building at 1216 Carbon Street. He understood the Berks County Conservation District intended to approve the erosion and sedimentation controls, but had yet to receive that letter. He said he'd just received the Public Works Department's review late that day. He said he could answer any questions the Commission had, and hoped for a conditional approval, citing the time remaining in the 'construction season' and its bearing on the occupancy permitting of the building. Mr. Miller clarified that the Commission would have to withhold its approval, considering some of the last-minute information and lack of the Conservation District's formal approval. He suggested it might not necessarily add any time, if they can work toward a record form of the plan for the September meeting. He asked about annexing the two parcels. Mr. Grauel said they could, if required, explaining that they currently exist as two separate parcels on a single deed. He said combining them wasn't a condition made by the Zoning Hearing Board. Asked about what looked like a rain barrel receiving a downspout at the northern corner of the building, Mr. Grauel said it wouldn't remain in the final site condition. He said the opportunities for stormwater infiltration were limited, but proposed two areas of pervious paving and improvements to the adjacent alley. A discussion of alley 'ownership' and maintenance responsibility followed. Mr. Miller described most alleys as enduring as a prescriptive easement, albeit with exceptions, whether or not described within the descriptions of their adjacent parcels. He doubted the City would have any objection to the proposed grading and paving, as long as they weren't blocking its access, but advised that they consult the other affected neighbors in advance. He asked about a stormwater management feature labeled a 'riverjack bubbler'. Mr. Grauel said it serves to drain the underlying base of the paving, alleviating the damage associated with freeze-thaw cycles and overflows. He said they're designed to handle the 2- to 10-year events, but not the higher volumes. Mr. Miller cautioned that maintenance is often neglected on pervious paving installations, effecting a 'diminishing return'. Mr. Grauel agreed, but noted the small project area and thought it a marginal improvement. He mentioned the proposed landscaping as contributing to that mitigation. Asked about the design (cross section) of the alley paving, he said he used the typical public street detail, not understanding its classification. Ms. Hoag considered the potential for resulting stormwater impacts to the neighboring properties. Mr. Grauel described the alley as so flat as will necessitate on-site field adjustments by the paving contractor. He said they will ensure proper drainage during construction. Asked if the existing rain barrel might prove beneficial, he said it occupies an area proposed for landscaping. Mr. Cinfici questioned the use of porous paving in parking areas but not travel lanes. Mr. Grauel reasoned there to be more compaction and wear associated with the movement of on-street vehicles. Asked about

the requested stormwater-planning waiver, Ms. Hoag said the size of the project qualifies it for a waiver from a stormwater drainage plan, though it still had to satisfy the terms of the Stormwater Management Ordinance concerning groundwater recharge, water quality and streambank erosion. Mr. Grauel hoped that would not require soil testing. Ms. Hoag suggested a narrative with some calculations quantifying the impact. Mr. Miller noted that the landscaping proposed includes several shade trees. Mr. Grauel described the local soils – urban ‘made’ land – as unsuitable for infiltration-centered designs. Turning to the lighting plan, he said that someone else had designed that part, and noted three wall-mounted and shielded fixtures. Mr. Miller said the photometric calculations show a compliant design, and expected the evergreen landscaping along the northern boundary to effect a further reduction in any ‘trespass’. Mr. Grauel thought the same plan was a part of the zoning hearing presentation. Asked for his recommendation, Mr. Miller advised tabling the plan, pending the Conservation District’s review and verification of the revisions made. He acknowledged the relatively minor scope of the development, hoping it might be resolved by the September meeting.

Mr. Bealer moved to table the final Emmanuel's House parking plan. Mr. Lauter seconded. And the Commission voted unanimously to table the plan for the ‘Parking Lot Expansion Emmanuel's House Property’.

Hydrojet, Inc. – revision-to-record land development plan [0:31.18]

Mr. Bogia briefly recalled the presentation at the July meeting, and said the approximately 19,000-square-foot addition will include another 12 off-street parking spaces. He said he’d since been working though the City’s staff to revise the plan, and had just received the Public Works Department’s comments earlier that day. Asked about the zoning permit, he said he’d yet to receive one, and had understood the Zoning Administrator intended to issue one based on their phone conversation the day before. Mr. Miller said that was one of his few remaining issues, all but satisfied with the other revisions already made. Ms. Hoag said she had some concerns with the stormwater planning, including a ‘bioretention’ area and its details. Mr. Bogia intended to address those comments. He noted the site’s ‘brownfield’ classification and the existing stormwater infrastructure. Asked for his recommendation, Mr. Miller restated the need for a zoning permit.

Mr. Lauter moved to table the ‘Hydrojet, Inc.’ plan. Mr. Cinfici seconded. And the Commission voted unanimously to table Hydrojet’s revision plan.

Other business:

§609.c review-‘alternative energy’ ordinance (amending the Zoning Ordinance’s Parts 8, 10 and 22) [0:41.01]

Mr. Bealer complimented the improvements in the text since the Commission’s January review. He made some other observations regarding the outline format of the ‘Part 8’ additions. Ms. Katzenmoyer explained that they were attempting to make the amendment fit within the structure of the existing Zoning Ordinance. Mr. Bealer questioned the reliance of certain sections on other City regulations where they may want to reference state and federal statutes. Ms. Curran-Myers agreed, but recalled being advised to keep those references from becoming too specific. Mr. Bealer countered that parts concerning monetary penalties may require that clarification. He wondered about the ‘certain parking installations’ exempted from the building-coverage standards. Ms. Curran-Myers described it in reference to another section already in the Ordinance. Mr. Bealer thought the standard of ‘abandonment’ and the removal time allowed might be excessive. Ms. Curran-Myers noted the need to designate an absolute date, and the recommendations of enforcement officials. She noted that in some circumstances it will be difficult to determine the generation capacity and that there are reasons for occasionally idling the equipment. Ms. Katzenmoyer added that they were attempting to match a standard found elsewhere in the Ordinance. Mr. Miller suggested there may be other mechanisms available through the property-maintenance codes, and is preferable to have conflicts between codes rather than within them. Mr. Lauter felt that, if nothing in the existing Ordinance addressed it, the amendment should, at a minimum, apply the abandonment and removal standards to installations ‘in place at the time’ of adoption, whereas the draft otherwise exempts them from its terms. Mr. Cinfici also complimented the latest edits and noted the deletion of the ‘wood-fired’ systems. Ms. Curran-Myers explained that they came to the conclusion that the size and buffer requirements would be difficult to meet on any property in the City. She said the United States Environmental Protection Agency is revising its own regulations in response to data showing an inordinate amount of particulate output from such systems. Mr. Cinfici characterized most of his critique as style and grammatical issues, and noted a few examples. He asked if the prescribed maintenance of photovoltaic systems included the cleaning of their panels. Ms. Curran-Myers assumed that would be covered by a manufacturer’s specifications. Mr. Miller asked about the participation and review by the building-code and historic-preservation interests. Ms. Curran-Myers mentioned a ‘OneStopShop’ meeting, early on in the effort. Mr. Miller suggested that the mechanical inspector, at least, have an opportunity to review the latest draft, and wondered if the references to the building code intend that ‘the more restrictive apply’ if and where conflicts are found. Mr. Lauter thought that covered in the language of the introductory statements. Mr. Miller noted that such findings

statements aren't generally made a part of the ordinance text. Ms. Curran-Myers hoped to avoid such conflicts, but acknowledged that the terms of the amendment should prevail. Mr. Miller considered the reverse scenario, where the Zoning Administrator permits a system only to then be found unworkable by the building codes. Asked if the height limitations were checked against the existing limits, Ms. Curran-Myers confirmed they were. Mr. Miller wondered by what criteria the Historic Preservation Office would judge the 'appropriateness' of such systems. Ms. Curran-Myers said only that they had expressed a preference to rely on their usual process. Mr. Miller noted the sections addressing noise and height limitations, and the challenges in defining and measuring each. He suggested further consideration of the venue where appeals would be taken and interpretations made and suggested some additional edits. Ms. Hoag noted that the County Planners had recommended addressing advertising and signage that may appear on the regulated systems. Ms. Curran-Myers felt the signage regulations already in effect were adequate. Mr. Raffaelli, recalling some past projects, wondered if the usage of water itself, where used as a coolant, should be addressed as an 'alternative energy'. Ms. Curran-Myers said they hadn't considered it that way or included it in the draft. Mr. Lauter considered whether the references to the historic districts should include the less-regulated 'conservation districts'.

Mr. Bealer moved to recommend City Council's enactment of the 'alternative energy' ordinance, upon consideration of the Commission's comments on the drafts presented for its review. Mr. Cinfici seconded. And the Commission voted unanimously to recommend City Council's adoption of the draft ordinance.

Resolution #43-2015

§609.c review-'riparian buffer overlay' ordinance (amending Zoning Ordinance's Parts 8, 22 and Map) [1:33.58]

Mr. Bealer requested a few formatting and punctuation edits. Mr. Miller noted that the allowance for recreational trails, as written, didn't seem to allow for those running parallel to a watercourse. Mr. Bealer considered the minimum qualifications necessary for making the 'determinations' required by the amendment. Mr. Cinfici requested some further clarification in the definitions. He considered the tendency of watercourses to change in course and dimension over time, and asked about its effect on the overlay map. Ms. Curran-Myers affirmed that the regulation applied as the condition is found at the time of the application, giving that as a reason to forego the mapping of an overlay boundary.

Mr. Bealer moved to recommend City Council's enactment of the 'riparian buffer overlay' ordinance, upon consideration of the Commission's comments on the drafts presented for its review. Mr. Lauter seconded. And the Commission voted unanimously to recommend City Council's adoption of the draft ordinance.

Resolution #44-2015

§609.c review-'steep slope overlay' ordinance (amending the Zoning Ordinance's Parts 8, 22 and Map) [1:43.03]

Mr. Bealer suggested some grammatical edits and clarifications. He wondered if the complexity of the ordinance would be deemed too burdensome and in some cases be ignored. Ms. Curran-Myers said a land development plan would disclose the regulated slopes. Mr. Miller countered that would only be for those projects subject to the 'land development' classification and procedures. Mr. Bealer referred to another steep-slope ordinance that he'd found to include a mapped-overlay boundary. Ms. Curran-Myers produced a map to accompany the proposed amendment, recalling the discussion and recommendations at the January meeting. Mr. Miller thought it curious that a map was developed for the slope ordinance but not the riparian ordinance. At the suggestion that the difference was a watercourse's tendency to change over time, Mr. Cinfici noted that slopes too can change. Ms. Curran-Myers said that's why the design engineering is required. Mr. Miller asked, if outside the newly-mapped boundary, if applicants would still have to demonstrate their parcel's compliance. He thought the same consideration was due the riparian ordinance. Ms. Curran-Myers clarified that the slope map is a part of the forthcoming comprehensive plan update. Mr. Miller asked if it would be adopted as an amendment to the zoning map, as they were calling it an 'overlay district'. Ms. Curran-Myers confirmed that is what they propose, adding that the definition within the riparian ordinance's text precludes the need for a map. Mr. Miller said such studies can be practically difficult from a landowner's perspective, and felt the definition of a watercourse too broad. Mr. Cinfici considered the application to even mild slopes, which may not even be recognized, and observed that much of the City is an altered, constructed topography. He wondered how those affected by the amendment would be notified and educated. Mr. Miller cautioned that everything regulated by the proposed ordinances assumes the context of 'land development', though many small projects do not meet that threshold and standard of design. He assumed the slope map was modeled on natural grades and not corrected for the man-made elevation changes. He explained that the terms of the ordinance could require land development-type consultation and studies for everything including decks, patios and swimming pools. He recognized the slopes already developed, and the City's 'preservation' zoning covering most of the rest. Ms. Curran-Myers hoped the amendment would stop the further development and deterioration of those classified slopes. Mr. Miller referred to other standards in the land-use ordinances mitigating the intensity of development, like maximum building cover, and observed the extent of

residential properties to be affected. He thought the permitting of smaller, ‘backyard’ improvements to those properties should be simplified. Mr. Lauter suggested granting waivers for those situations. Mr. Miller thought that the proposed rules would only confuse the classification of ‘land development’ and the required permitting. Ms. Hoag suggested limiting its scope, whether by exempting residential zoning districts, residential uses or smaller lot sizes. Mr. Miller posited a scenario of a small project on a large lot, requiring a survey of the whole in order to demonstrate the classifications and share of regulated slopes. Ms. Curran-Myers offered to consider the concerns and potential revisions. She said it wasn’t the Environmental Advisory Council’s intent to prevent small projects, only to mitigate their impact. Mr. Lauter recalled some projects where those impacts were realized, and by ‘downstream’ neighbors. Mr. Miller recalled the ease with which the zoning regulations have been set aside for favored projects and developers. Ms. Curran-Myers agreed to reassess the language from the perspective of the land-development context. Ms. Hoag remembered a situation where the zoning district itself was re-zoned for a certain project. Mr. Miller cautioned that these amendments wouldn’t be any stronger or more protected from variance, and doubted its equal application. He observed the City’s topography as being dominated by the features identified in the proposed regulations, and suggested they shouldn’t absolutely forbid its development. Mr. Cinfici thought some of the regulations could be made advisory, rather than mandatory. Ms. Curran-Myers referred to suggestions and ‘encouragement’ in the language of the riparian ordinance. Mr. Bealer suggested some additional corrections and clarifications of possible conflicting language. He considered the expected qualifications of the staff to be charged with its implementation and enforcement, suggesting the language direct the consultation of qualified professionals. Mr. Miller suggested designating those positions in the opening statements, if at all, noting that the Zoning Administrator’s role is implied simply by it being a zoning ordinance. Mr. Bealer noted the validity and severability clause, while not found in the other two proposed amendments. Mr. Miller said that language appears in the prefacing statements of the legislative format, and should, as the text of the amendment itself must be made to fit the existing Zoning Ordinance, which already includes such disclaimers. He thought that consideration might apply to some other statements as well, and advised that the Law Department be given a proofreading opportunity. Mr. Raffaelli thought the required planting ‘within three days’ of construction too short in some cases. Mr. Miller referred to other regulations concerning the required stabilization of excavated areas. Ms. Curran-Myers thought their terms to have been based on those requirements and consistent. Mr. Bealer concluded with some formatting suggestions. Ms. Curran-Myers thanked the Commission for its attention, intending to revise the proposed amendment.

§303.a.1 review-Paris Companies Healthcare Linen Services – transportation enhancement project [2:27.07]

Mr. Raffaelli considered the sites under consideration, suspecting some competition between their owners. Asked if they were seeking the Commission’s position in writing, Mr. Miller thought it that simple, though confused about how the grant program applied to on-site improvements. He didn’t recognize any inconsistency with the Comprehensive Plan, either way. He said their policy statement would not confer any approval of the land development, which he expected to be submitted in the near future.

Mr. Lauter moved to affirm that the Paris Companies’ ‘transportation enhancement project’ is consistent with the City’s Comprehensive Plan, authorizing staff to prepare a communication supporting the concept. Mr. Cinfici seconded. And the Commission voted unanimously to determine the Paris Companies’ transportation features consistent with the Comprehensive Plan.

Resolution #45-2015

review the draft July 28, 2015 meeting minutes [2:33.01]

Mr. Bealer requested a few grammatical corrections. Mr. Miller offered a change of his own, based on some further research. Mr. Lauter moved to accept the July minutes, as edited. Mr. Cinfici seconded. And the Commission voted unanimously to accept the revised July 28th meeting minutes.

Resolution #46-2015

Mr. Bealer gave a brief update of the Blighted Property Review Committee’s recent activity.

Mr. Bealer moved to adjourn the August meeting. Mr. Lauter seconded. And the Commission adjourned the August 25th meeting. – 9:41p