Minutes
Regular meeting of the City of Reading Planning Commission
January 27, 2015 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:

Daniel H. Laudenslayer, Tarson LLC
Miguel A. Herrera, Milan Consulting Group
Leopoldo Sanchez, Super Natural Produce
Kelvin Sanchez, Super Natural Produce
Delmin Then, Super Natural Produce
Jason P. Shaner, Impact Engineering Group Inc.
Patrick J. Dolan, Dolan Construction Inc.
Michelle A. Katzenmoyer, Environmental Advisory Council
Cathy Curran-Myers, Environmental Advisory Council

Chairman Raffaelli called the January meeting to order, and asked for acceptance of the agenda. Mr. Miller requested an additional review of a comprehensive planning issue for the Joint Municipal Authority of Wyomissing Valley. Mr. Lauter moved to accept the revised January 27th agenda. Mr. Bealer seconded. And the Commission voted unanimously to accept the January agenda.

Subdivision and Land Development:

Super Natural Produce – final land development plan [0:01.28]

Mr. Laudenslayer acknowledged receipt of the Planning Office review, noting some redundancy between the 'preliminary' and 'final' plan requirements. He explained that he'd only been involved since the end of December, in order to survey the site. His said the plan's first sheet represents the existing conditions as he found them December 29th, noting what appeared to be a recent repaving of the front parking area. He described the plan as an existing nonconforming use given a variance to continue as another; from a restaurant to a grocery store. He said the conditions require landscaped buffers, which will reduce the impervious coverage from 97 percent to 83.8 percent. He said the existing parking layout didn't meet the minimum aisle widths, and will be reconfigured to maximize the available spaces and include an 'accessible' share. He considered white pines to be oversized and interfere with overhead electric lines, preferring holly for the screening effect. He suggested slats could be added to the chain-link fence to further screen the residential properties to the west. He briefly described the site lighting, and an expected reuse of the existing free-standing sign. The business hours are limited to 9pm. Mr. Miller sought clarification of what had been already added, triggering the enforcement action and need for a land development plan. Mr. Laudenslayer described an open 'porch' area to be enclosed, and a freezer added. Mr. Miller explained the need for an existing conditions plan that represents the parcel prior to the unauthorized construction, suggesting aerial photography/mapping may be of some assistance. Asked about the main entrance vestibule, Mr. Laudenslayer said a foyer had been renovated, but in the same outward dimensions as it had existed. Asked to estimate the elevation difference between the parking lot and the homes neighboring to the west, Mr. Laudenslayer thought it at or near the level of their second floors, considering the design of the landscaping screening to protect against light intrusion. Mr. Miller thought it an obvious improvement from that long existing with the restaurant/pub. Mr. Laudenslayer calculated the required off-street parking at 22 spaces, and designed 24, including a van-accessible space. He designated the driveway connecting the front and rear parking areas as a loading zone, that there'd be no such activity on the street. Ms. Hoag questioned the dimensional minimum for a van-accessible space. Mr. Laudenslayer discussed the tree varieties proposed vis-à-vis some cautions regarding Norway maples and Ash species noted in the review letter. Mr. Miller advised they verify they have the current approved-species list. He recognized the characteristics that justify those choices for urban sites, but noted the current concerns. Ms. Hoag wondered if they had been selected with regard to their stormwater benefits. Mr. Laudenslayer said not, because of an overall reduction in the existing impervious cover. He clarified that the limit-of-disturbance is about 3136 square

feet, rather than the 30,296 specified on the plan. It represents the amount of impervious cover being removed for the landscaped areas. He said no Conservation District permitting is required. He intended to complete the zoning information on a revised plan, and wondered about the required 800 scale location map. Mr. Miller cited the Ordinance, suggesting he seek a waiver if deeming a different scale more appropriate for clarity and context. Addressing a sewage planning comment, Mr. Laudenslayer gave a range, depending on the methodology used in its calculation. Ms. Hoag suggested contacting the Water Authority for records on the prior consumption, which might obviate the need for additional documentation. Regarding some building-code-related comments, Mr. Miller clarified that the building is considered to be in violation, and subject to 'stop-work' orders. Ms. Hoag summarized some additional concerns included in a yet-to-be-published Public Works review. She noted that two of the proposed parking spaces appear to encroach on the Pike Street right-of-way, and questioned the condition of the curb, sidewalk and driveway aprons. She mentioned the retaining wall adjacent to the alley, wondering if it were adequate for the intended vehicular loading. She suggested better defining the routes from the parking areas to the building entrances, especially for the handicapped- accessibility considerations. Mr. Laudenslayer clarified that a second public entrance is planned, on the south side of the building. Mr. Raffaelli questioned the construction of the freezer on the west side, wondering if was a free-standing unit or built within the building. Mr. Laudenslayer thought it was outside, and assembled from separate insulated panels. He said they were attempting to screen it from view. Asked about the time since the addition was constructed, Mr. Herrera, interpreting for the owner, said it was approximately a year old. Ms. Hoag asked that the loading area be better designated. Mr. Lauter posed some questions about the site lighting. He sensed there was some significant work left to be done on the plan, and asked for the staff recommendation. Mr. Miller agreed, and advised the plan be tabled for the necessary corrections and pending receipt of the County Planning Commission's review. Mr. Laudenslayer interjected that he'd received his copy, and that it didn't say much that hadn't already been covered in the City review. Addressing a comment regarding the sewer lateral, he guessed it was a four-inch cast iron line, based on the observed clean-out-vent structure. Mr. Miller clarified that those labels may be based on the best available information and, if none is available and no alteration is proposed, noted accordingly. Asked if any food preparation was anticipated, and its possible ramifications for the building codes and sewage planning, Mr. Herrera said not. He explained that the addition had been built over an area already paved, and that permits were issued by the building inspectors for its fence. He said they were only advised that its enclosure required zoning approval. Asked if there was any record or construction detail of the footer/foundation design, he said not, describing it as pole building-type design. He said they are currently permitted to operate in the original part of building. Mr. Raffaelli stressed the need for building permits, and expressed concern for the liability the City may be assuming in approving a structure supported by a foundation that was never seen or otherwise verified. He suggested the City be provided a 'hold harmless' agreement for any new work permitted, and that some exploratory excavation may be necessary. He said the issues identified must be resolved before the Commission's action. Mr. Miller noted the challenges in reviewing a land development plan retroactively. He said the plan must recreate the details of the site condition prior to the current occupancy, to the extent possible.

Mr. Bealer moved to table the final plan. Mr. Cinfici seconded. And the Commission voted unanimously to table the final plan for 'Super Natural Produce'.

Pendora Park Olivet Boys & Girls Club – preliminary land development plan [0:56.16]

Mr. Shaner hoped to be in a position for preliminary approval, and suggested the Commission grant it on the condition of the required corrections. Mr. Miller advised the Commission to withhold its action. Mr. Bealer recognized some recurrent issues from the previous presentations, and questioned the applicant's resistance to disclosing the easements and restrictions. He stressed that the requirement is a protection for the developer more so than the landowner (City). Mr. Shaner said an updated letter is expected shortly, from the attorney, and can be referenced. Mr. Miller said the details of any such restrictions must be shown on the plan, whatever may be covered in a letter. Mr. Bealer explained that the developer/tenant will be liable under the law and, if violating or impeding the terms of a restriction, will be responsible to restore or reimburse the City for the loss. He said he didn't understand the dispute over the matter, generally a routine consideration in other applications, and their need to involve an attorney. Mr. Dolan felt the attorney's letter misrepresented what he understood to be no more than a matter of an illegible deed, and apologized for its tone. He said the Olivet Club intends to cooperate, and asked that the City supplement the effort with any other known information. Mr. Miller said that, if the effort is made and nothing revealed, the matter can be settled with simple notes on the plan. He requested that any future legal communications be directed to the City's Law Department, rather than the Planning Office. Mr. Bealer added that the Planning Commission's approval is final, and typically without further review by the governing body as in the case of most Pennsylvania municipalities. Mr. Cinfici questioned the extent of the Planning Commission's approval; whether strictly that information shown on the plan itself, or considered to include its supporting documents. Mr. Raffaelli recalled other local proposals where deed restrictions foiled proposed developments, even

when steps were taken to repeal them at court. Mr. Miller hoped they understood that the impression taken was of something being hidden. Mr. Dolan agreed, adding that he understood the offense of the letter. Mr. Miller acknowledged the difficulty in deciphering the handwriting in the older deeds. He recommended the Commission table the plan, and act to accept the offer of a 60-day extension, which he said amounts to a 31-day extension based on the March 24th end date referenced.

Mr. Lauter moved to table the preliminary plan, and extend the review period by the 31 days offered in a January 26th letter from the attorney. Mr. Cinfici seconded. And the Commission voted unanimously to table and extend the Olivet Club's 'Pendora Park' preliminary plan to a new deadline of March 24th.

Resolution #1-2015

Homes at Riverside – final land development plan [1:12.11]

Mr. Miller reported that, earlier that day, the applicant had signaled their intent to defer their presentation to the following month.

Mr. Bealer moved to table the final plan. Mr. Lauter seconded. And the Commission voted unanimously to table the 'Homes at Riverside' final plan.

Other business:

§303.a.4 proposal-Sewage Treatment Plant – Influent Screen Replacement (Joint Municipal Authority of Wyomissing Valley) [1:13.38]

Mr. Miller said the Authority had generally been diligent in informing the Planning Office of its intentions and seeking an interpretation on the scope of 'development' vis-à-vis local review requirements. He described the project, as he understood it: an equipment upgrade in its 'headworks', the only building alterations being the penetrations where the equipment exits one building and enters another. He said it reverses parts of that process for efficiency, with additional odor-mitigation measures, and deferred to Ms. Hoag for some additional explanation. He said it will not increase the Plant's design or permitted capacity, and didn't consider it 'land development'. He said such proposals can be covered as a comprehensive planning review, and that the City's Plan encourages investment in new treatment technologies. He recalled some earlier proposals from the Authority for context in the classification of their reviews. Mr. Raffaelli said they've been good neighbors and run a professional operation. Mr. Miller added that they'd likely need to document the local review in their applications to other permitting agencies.

Mr. Bealer moved to acknowledge the opportunity given to review the upgrades and modifications to the Wyomissing Valley Authority's treatment plant at 701 Old Wyomissing Road, and affirm its consistency with the City's Comprehensive Plan policies. Mr. Lauter seconded. And the Commission voted unanimously its consent to the Joint Municipal Authority's influent screen replacement project.

Resolution #2-2015

§609.c review-'alternative energy' ordinance (amending the Zoning Ordinance's Parts 8 and 10) [1:19.54]

Mr. Miller introduced the representatives from the City's Environmental Advisory Council – its chair, Ms. Curran-Myers, and Ms. Katzenmoyer – to better explain the intent. Ms. Curran-Myers recalled the comments forwarded from the Commission's May 2014 review, and since incorporated into the draft, along with other feedback from the County Planning Commission, the building inspectors and historic preservation office. Mr. Miller clarified that the current draft had not been so reviewed, but should be. Ms. Katzenmoyer expected the bill's introduction at City Council's February 23rd meeting. Ms. Curran-Myers said it provides for, promotes and regulates alternative-energy systems, and takes care to ensure consistency with related references in the existing Zoning Ordinance and elsewhere. The members made several references to specific sections, suggesting edits for consistency and to cover possible scenarios not considered. Some considered the political statements in the bill's preamble section to be unnecessary to the strength of the legislation itself. The specific standards and acts referenced, and possibly more-general language, was considered in the context of potential conflicts. Cautions about potential conflicts with the Historical Architectural Review Board (HARB) were discussed. Mr. Miller said he'd hoped to see the County Planning Commission's comments before formulating a recommendation.

§609.c review-'riparian buffer overlay' ordinance (amending the Zoning Ordinance's Part 8 and Map) [2:07.00]

Ms. Curran-Myers explained that the amendment would establish 15- to 35-foot riparian buffers along waterways. Mr. Cinfici sought better clarification on the applicability to underground conduits. Mr. Miller said the biggest issue was the lack of an accompanying map defining the overlay. Ms. Hoag said she had communicated with the City's mapping office regarding certain areas. Mr. Miller thought it most important to the landowners, who may be regulated, and must be prepared before any adoption for a full assessment of its impact. Including the 'steep

slope' ordinance, yet to be reviewed, he hesitated in recommending anything that would require landowners to prepare specialized topographic studies just to determine its reach. He alluded to the underlying, primary zoning regulations further complicating the issue, and thought it the City's responsibility to define the boundaries. He cautioned against 'de facto' prohibitions on otherwise legal uses that, in other experiences, had been the basis of their invalidation. Ms. Curran-Myers thought the landowners should know, and didn't want that mapping burden on City, citing the regulation of wetlands. Mr. Miller mentioned the challenges and surprises associated with delineating wetlands. He felt the City should identify where its rules apply, especially when amending the zoning map. Ms. Curran-Myers showed that such studies are required as a part of development applications. Ms. Hoag recognized that certain classifications of development aren't subject to the Planning Commission's review, or the totality of the Subdivision and Land Development Ordinance (SLDO). Ms. Katzenmoyer wondered how it compared with other overlay districts. Mr. Miller said they were all clearly mapped. Considering the floodplains to be the closest example, he referred to the maps that form the basis of the regulations, but with defined revision procedures based upon more-local and more-exacting measurements. He resisted what would require full topographic surveys for small projects, and referred to other existing tools that protect environmentally-vulnerable features, notably the Preservation (P) zoning districts that already cover the major waterways and the steeper slopes. He recalled the recent and on-going reactions to the revised flood-rate maps, where properties previously unaffected were suddenly restricted, and thought it preferable to a draw a boundary, even at the risk of missing something, for the clarity it affords the landowner/developer. Asked if his request was for something 'more user friendly', he added that it would also be easier to administer. Mr. Cinfici agreed with the need for the map, but noted that channels and slopes can change over time. He asked about the hydrologic standard used to define and measure waterways, and at what stage. Mr. Bealer questioned the effect on intermittent streams. Ms. Curran-Myers alluded to Commonwealth definitions based on water-shaped channels and evidence of aquatic life. Mr. Miller said those determinations are likely to involve formal studies. Mr. Bealer questioned using the same buffer distances for water bodies of different sizes. Mr. Cinfici mentioned the man-made channeling of portions of natural streams and their sometimes changing courses. Ms. Curran-Myers said the regulation would apply to the topography at the time of the application. Recognizing the exemptions included for the Riverfront Redevelopment Overlay (RR) district, Mr. Miller suggested they consider provisions for a potential riverfront project on a smaller scale. He felt cities like Reading must allow for that type of revitalization, even as it may require some trade-offs between the ecological preservation and urban renewal goals. He expected that larger proposals would come with a political will that overrides certain local regulation 'in its way', and suggested easing the standards in a way that makes it more likely a developer would attempt to work within the regulations. A few examples of successful urban waterfront development were mentioned. Ms. Curran-Myers sensed the concern was for the Schuylkill River frontage, more that the other waterways, and suggested resolving it on that basis. Mr. Miller agreed, and thought the area covered by the RR district the most likely place for such an initiative, primarily for topographic reasons. He expected the bill's passage would immediately make a number of City properties 'nonconforming', and complicate even basic repairs and alterations thereon. He cautioned against the use of subjective terms (*e.g.* reasonable, feasible, *et cetera*), for the challenges it presents to administrators, and the terms 'development' and 'redevelopment', for the potential conflict with its use and definition elsewhere. He thought the terms 'special exception' to be incorrectly used in places the text implies 'variance', and wondered who would be responsible for the review and approval of the 'maintenance plans' referenced. Ms. Hoag suggested they consider edits to the draft and resubmit the changes. Mr. Miller concurred, if for no other reason than the difficulty in formulating a concise recommendation based on the lengthy discussion. Ms. Katzenmoyer said the dates advertised for introduction and adoption considered the possibility of further review.

<u>§609.c review-'steep slope overlay' ordinance (amending the Zoning Ordinance's Part 8 and Map)</u> [2:58.53]

Ms. Curran-Myers described its intent to guide development on slopes of different categories, and mitigate the adverse impacts. Mr. Miller said many of his concerns with the 'riparian buffer' amendment apply to the 'steep slope' amendment, primarily the missing context of a mapped boundary. Mr. Cinfici advised better definitions on some of the terminology, and clarification of their usage in context. Mr. Miller noted that restrictions on on-lot sewage disposal systems, where applied to areas not served by the sanitary sewer system, could effect a prohibition on any occupied structures. He wondered if the City had the authority to restrict the placement of utility-transmission lines, and noted a discrepancy in the way tree sizes are defined. Ms. Curran-Myers thanked the Commission for their attention, and intended to submit revised versions of the three proposed amendments for subsequent reviews.

<u>review the draft December 23, 2014 meeting minutes</u> [3:06.17]

Mr. Bealer suggested a few grammatical edits. Mr. Lauter moved to accept the December meeting minutes, with the corrections. Mr. Cinfici seconded. And the Commission voted unanimously to accept the

December 23rd meeting minutes, as corrected.

Resolution #3-2015

Mr. Miller mentioned the draft of the 2014 annual report coming in February, and asked that the members make any necessary updates to their personal information. He reported that the 'Fritz Island WWTP Facilities Upgrade Project', conditionally approved at the December 23rd meeting, has since been directed to a zoning appeal of the floodplain issues, a step he considered 'out of sequence' and a reversal of a previous Zoning Office position. Mr. Bealer asked about recently-installed stop signs at the intersection of McKnight and West Windsor Streets. Mr. Miller said he was personally refused an answer, and told to refer the inquiry directly to the Public Works Department. Mr. Bealer intended to, doubting that the Pennsylvania Department of Transportation (PennDOT) would have approved the installation given its position between the next signalized intersections in each direction. Mr. Raffaelli asked about the excavations – from the DoubleTree Hotel project and the Reading Hospital's '7th Avenue' project in West Reading – accumulating at the 'Riverfront Commerce Center' (1 Berkshire Place). He asked about the present condition of the yet-to-be developed third parcel in the 'Buttonwood Gateway' project (490 Tulpehocken Street).

Mr. Lauter moved to adjourn the January meeting. Mr. Bealer seconded. And the Commission adjourned the January 27th meeting. – 10:19p