

**Minutes**  
**Regular meeting of the City of Reading Planning Commission**  
**May 24, 2016 at 7:04 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:**

Robert E. Korp, Barry Isett & Associates Inc.  
Kimberly J. Murphy, Berks Nature  
Sev Y. Sorensen, Brentwood Industries Inc.  
Daniel P. Kelly, Reading Eagle Company

Chairman Raffaelli called the May meeting to order and asked for acceptance of the agenda. Mr. Miller reported that the scheduled presentation of the '1100 Rockland Street Student Housing' would wait until the June meeting, and that he expected someone from Brentwood Industries to present additional information on the 'temporary fabric shelter' briefly discussed at the March 22nd meeting. Mr. Lauter moved to accept the May 24th agenda, as modified. Mr. Cinfici seconded. And the Commission voted unanimously to accept the May agenda.

**Subdivision and Land Development:**

Nature Place at Angelica Creek Park – preliminary land development plan [0:01.42]

Mr. Korp thought that the differences in the plan from the March 22nd presentation might not be obvious, characterizing them as 'refinements' made in response to the staff comments. He briefly described the scope of the project, the utility and drainage details added, the erosion-control permitting May 6th, the Pennsylvania Fish and Boat Commission's approval April 29th and the turtle-protection fencing installed since, the building-plan approval May 2nd, the Fire Marshal's approval May 13th and the design of the fire-department connection since extended to the edge of St. Bernardine Street, the Reading Area Water Authority's correspondence April 26th and an approval pending an escrow agreement, and an extension of the December 2015 zoning approval through December 2016. In response to some additional staff comments provided earlier this day, he mentioned the Street right-of-way information shown, clarified the location of a fire hydrant 'to remain', and intended to coordinate with Alvernia University regarding their designs on the Street improvements. He said documentation would be provided to the Zoning Hearing Board in pursuit of a special exception, explaining that the base-flood elevation would not be increased by one foot and, though the building will encroach on the floodplain from the 'horizontal' perspective, its finished-floor elevation would still be four feet above it. He said the rain garden is so placed because it is a 'low point' of the site, and accounts for some of the displaced volume. He measured the building intrusion at 39 feet by 8-to-16 feet as the floodplain boundary crosses it diagonally, adding that the deck itself extends another 15 feet further while maintaining the same four-foot (cantilevered) vertical clearance. Asked about the need for another zoning hearing and the extension of the permit, Mr. Korp showed a letter provided by the Zoning Office. Asked if that hearing was scheduled, he said not, still having to prepare some additional documentation. As the timing implications were briefly discussed, he posited that the Zoning Ordinance (Part 18) intends that floodplain relief should be the last approval sought. Mr. Bealer disputed that reasoning on the basis of the potential revisions to the plan that may follow. Mr. Korp said they'd either be able to satisfy the terms, or wouldn't. Mr. Bealer explained the permitting sequence, and the scheduling of the review boards' meetings with that sequence in mind. Mr. Korp referred to the prior zoning approval, and the subsequent revelation of the floodplain boundary by the field survey in the context of the approved Letter of Map Revision (LOMR). He said if they can't satisfy the terms of Part 18, it will completely change the plan. Mr. Bealer explained that would mean starting over, with a new application. Mr. Miller thought the possibility reason enough not to preempt that process with a preliminary approval and its legal implications. He wondered why the matter wasn't addressed at the first zoning hearing. Mr. Korp said it wasn't an issue until the additional survey work revealed it. Mr. Miller recalled that the deck, at least, was already a known intrusion. Mr. Korp said he didn't have that level of topographic detail at the time of that hearing. Conversation followed regarding the study and effective date of the LOMR, what was known at the time of the (November 2014) zoning hearing, and the possible confusion between the LOMR and the most recent Federal Emergency

Management Agency (FEMA) map update. Asked again about the expected timing of another hearing, Mr. Korp referred to some additional documentation to be sought from FEMA. Ms. Murphy asked if that had to be resolved before returning for the Planning Commission's final approval. Mr. Miller answered that it was required before a preliminary approval, and questioned the legal basis for considering the floodplain permitting to follow every other. Ms. Murphy and Mr. Korp each indicated that they weren't aware of the issue until receiving the Planning Office review. Ms. Hoag asked about the location of the building's foundation structures. Mr. Korp thought they might be set back enough to be clear of the floodplain zone. Ms. Hoag then referred to the amount of grading activity, and the rain garden, still within that zone. Mr. Korp said that they would have to demonstrate that the 'horizontal' encroachment wasn't an issue. He said he was still trying to understand the process and again requested a preliminary plan approval. Mr. Miller clarified that a preliminary approval carries a certain legal meaning and expectation. Ms. Murphy said she was 'pleading' for the Commission's understanding and assistance. Mr. Bealer understood the frustration, having met obstacles in a recent attempt to open his own business, but deferred to the authority of FEMA as reason enough to postpone action, as the Commission had previously while the Pennsylvania Department of Conservation and Natural Resources issue was resolved. He compared the City's practices with those of some other municipal planning agencies, where applicants are pressured to yield their timing rights (under the Pennsylvania Municipalities Planning Code) in advance. He said this was a time to 'step back' and reassess the circumstances. Mr. Korp said they'd responded to the initial comments, and would similarly to the latest, repeating that they weren't previously aware of the need for a special exception. Mr. Raffaelli urged them to seek clarification from the staff where uncertainties exist, and wondered about the position of the Zoning Office. He said the Commission supports the project, while recalling even simpler projects being similarly complicated. Ms. Murphy said she sits on her own local planning agency (Jefferson Township), and wasn't seeking any special treatment. She said they tried to do everything asked, thought they had, and were especially frustrated because she considered the City a partner in the effort. Mr. Miller described the arrangement as something of 'a conflict of interest', where the City's ownership of the land and role in the lease complicated its responsibilities under the ordinances. As far as the floodplain issue, and the line revised since the original zoning appeal, he recalled that the map revision was supposed to benefit the project. Ms. Hoag said it did move the line in the right direction, but not enough to clear their preferred siting of the building. Mr. Korp mentioned the complications in the survey, vis-à-vis the vertical reference datum, and suggested a possibility of further study resolving the matter, or at least showing less of an encroachment. Asked how quickly he thought the additional study and documentation might be prepared, he thought that depended on their ability to get the LOMR data from FEMA. He hoped that, as a more-recent project, he might see a quicker turn-around, and without requiring a complete Hydrologic Engineering Center River Analysis System (HEC-RAS) study. Ms. Hoag recalled that the City funded the LOMR effort, illustrating again the 'partnership' and 'conflict' issues. Asked if they'd considered moving the building location, Mr. Korp said they'd discussed it, but hoped to avoid doing so, given the effort already put into the architectural design. Mr. Bealer questioned the building-code review preceding the land-development review. Mr. Korp noted that they hadn't yet issued any permits.

Turning to the land-development issues, Mr. Miller acknowledged that they only received his review earlier that day, but that there seemed to be a lot of repetition from the February review. He said that the information sought must in some way be applied to the plan itself, rather than in response letters or in references to other documents. Mr. Korp suggested 'appending' the entire architectural plan to the land development set. Mr. Miller said that wasn't necessary, preferring the specific answers be given in notes, where appropriate. He said some of his questions and comments had implications beyond the building code review, such as the interface between buildings considered separate versus *one* building with an addition, and the utility services. Asked if a sewage planning module would be necessary, Ms. Murphy said that the septic system had already been deemed 'appropriately sized'. Mr. Raffaelli asked for a recommended action. Mr. Miller said he could not advise a preliminary approval but, with the engineer's understanding about the review letter, suggested he review the next revisions for the final plan requirements and, in the meantime, make whatever inquiries and requests necessary to expedite the zoning decision. He said another time extension is necessary. Ms. Hoag mentioned having already attempted to get some of the zoning answers. Mr. Korp called the Zoning Ordinance's Part 18 'daunting', and said other municipalities don't consider construction in that zone a 'big deal'. Mr. Miller wasn't sure that was necessarily a correct interpretation, referring to the difference between municipal procedures and federal regulatory obligations. Mr. Bealer remarked that, in many other municipalities, the planning agency's decisions are only recommendations to the governing body, whereas they are final decisions in the City's case. Mr. Korp thought the suggested path forward 'very reasonable'. Reminded of the pending curb and sidewalk waivers requested, Mr. Miller recalled the Commission's apparent support at the March 22nd meeting, but advised that action wait until and be combined with the approving action. Mr. Cinfici appreciated the relatively quick resolution of the legal challenge regarding the Park's 'conversion', discussed at length at the March meeting. Ms. Murphy said she pursued it daily, and even filed a Right-to-Know request.

Mr. Bealer moved to table the ‘Nature Place at Angelica Creek Park’ preliminary plan. Mr. Lauter seconded. Mr. Miller checked that his suggested path was acceptable and that the developer was willing to email another extension request the following day. They indicated their agreement. And the Commission voted unanimously to table Berks Nature’s plan for Angelica Park. Mr. Miller recalled that the placement of the new construction was designed with the ‘perch’ over the Creek and wetland areas in mind. Ms. Hoag asked that the building footer locations be shown on the plan. Ms. Murphy noted that the cantilevered extension was originally designed as a greater span, but ‘value engineered’ to save on the steel costs.

Temporary Fabric Storage Shelter (Brentwood Industries Inc.) – sketch land development plan [1:07.00]

Mr. Miller circulated a drawing provided by SSM Group, prepared for the purpose of zoning permitting and showing the proposed location. Mr. Sorensen said the area involved is currently an asphalt surface already serving as a storage area. The company needs a ‘sunscreen’ for a polyethylene-based stormwater detention product ultimately intended for an underground installation. He recognized that what they consider ‘temporary’, may be viewed differently by the City. He alluded to their ability to add 60,000 square feet to the existing building – the 2004 ‘KVP Falcon’ plan provided for a *40,000-square-foot* second phase – but first wanting to verify the product demand warrants such an expansion. He hoped they’d know and dismantle the temporary structure ‘in the next year or two’. Mr. Miller referred to a plan note giving a range of six months to three years. Mr. Sorensen thought that a reasonable minimum and maximum. He said the use is exclusively for storage, no utility connections are necessary, and no assembly, manufacturing activity or occupancy whatsoever are intended. He mentioned the detail of the concrete anchors being provided in an email. Mr. Miller recalled the brief discussion at the March 22nd meeting. Ms. Hoag recalled the points then needing clarification. Asked about the zoning permitting, Mr. Sorensen thought that SSM Group had determined there were no issues and directed their attention to the Planning Commission. Mr. Miller wondered if that meant there were no issues requiring an appeal, or whether a permit wasn’t being required at all. Mr. Sorensen wasn’t sure and said there was no permit in hand. Mr. Cinfici asked if wind loading and lightning strikes were considered. Mr. Sorensen said there were other high points on the site, such as the recently-installed silos. Ms. Hoag described the site as recessed, when compared with the surrounding grade. Mr. Bealer noted the twelve parking spaces being displaced. He indicated his own consent to a planning waiver, while noting another uncertainty in the zoning permitting. Mr. Miller said that, in previous instances where the Planning Commission had determined to waive their review, in whole or in part, they had moved ahead. He said he’d still want some final version of the site plan for the file, and hoped it really was a trial run toward a more-permanent expansion. He thought the questions posed at the March 22nd meeting had been sufficiently addressed, and asked how the product has performed for Brentwood to date, recalling its use on some past land development designs. Mr. Sorensen said they were ‘still experimenting’, but expecting some data on the existing installations by May 31st. Mr. Miller supported a waiver, for a final version of the site plan, and hoped the zoning permit would state the allowed time frame in addition to any other appropriate conditions. He mentioned the Zoning Ordinance’s provisions for permitting ‘temporary uses’.

Mr. Lauter moved to waive the full land development requirements, in exchange for an updated site plan accurately representing and describing the project. Mr. Cinfici seconded. And the Commission voted unanimously to waive further review of the ‘Temporary Fabric Storage Shelter’ at 825 Morgantown Road.

**Resolution #18-2016**

**Other business:**

§603.c.2 conditional use review-800 North 5th Street (conversion) [1:26.16]

Mr. Miller said it was another late notice, and he hadn’t yet reviewed the application thoroughly. He thought it sounded similar in circumstances to the conditional-use matter reviewed at the April 26th meeting, and referred to some issues of interpretation. Mr. Bealer referred to the parking matters, and the relatively minor differences between the commercial and residential needs. He recognized that the property would become ‘more conforming’ by the change. Mr. Raffaelli wondered why a simple reversion of a commercial space to a residential use had to be reviewed by the Planning Commission. Mr. Miller described the different ways of reading different sections of the Zoning Ordinance, from the definition of ‘conversion’ to another clause allowing changes to properties toward conformity. He added that not all commercial uses are equal in their parking needs. Mr. Lauter mentioned another consideration in the potential changes to North 5th Street being studied by the Pennsylvania Department of Transportation (PennDOT). He said an analysis of the intersections may indicate the removal of on-street parking, near the corners, in order to provide for better sight lines. He said he saw the applicant a day earlier, who wasn’t aware of the study. He said Douglass, Oley and Woodward Streets were the only intersections in the corridor, between Robeson and Laurel Streets, not signalized. He said Douglass and Oley have a history of accidents, including fatalities, and that the City is supporting the installation of signals. He understood that such

studies don't always indicate what the local officials wish they would. In his opinion, the signals are necessary, not only as a safety measure, but to preserve that on-street parking otherwise lost for sight triangles, counting 14 spaces within two blocks. He said he had no objections to the application, adding that the applicant has purchased other properties and seemed sensitive to the priorities of the historic district. He noted that the former owner and dentist didn't provide his tenants any off-street parking in the garage and driveway at the rear of the property, whereas the new owner's plan seems to accommodate a couple spaces. Mr. Miller thought the biggest difference between residential and commercial demand is in the time of day. Mr. Lauter noted the nearby playgrounds drawing additional crossings of North 5th Street, and the travel speeds, as additional reasons to advocate for the traffic signals. Mr. Miller thought that, as a recommendation to City Council, it would be appropriate to include any relevant concerns beyond those within the parcel bounds. Mr. Kelly mentioned having attended a recent City Council committee meeting, where the Public Works Director acknowledged that the signals, if installed, would save some of the on-street parking. Mr. Lauter noted that most of the neighboring properties had been similarly divided into apartments, surviving from an era of single-family occupancy with horse-drawn buggies and trolley cars as the dominant transportation modes. Mr. Miller mentioned the political pressure sometimes brought to bear on the technical studies, recalling the 'warrants' at South 5th and Bingaman Streets. Mr. Lauter noted that the information was forwarded to the Historic Preservation Office in consideration of the other work proposed for the building itself. Mr. Cinfici appreciated the background of the 5th Street situation, and thought the sight-line concern a 'comprehensive planning' issue for the City at large. Ms. Hoag said the consultant studying the situation has considered the already-limited parking.

Mr. Lauter moved to recommend City Council's approval of the commercial-to-residential change, and offer the Planning Commission's support of the on-going traffic studies and potential improvements. Mr. Bealer seconded. And the Commission voted unanimously to recommend that City Council approve the proposed conversion of 800 North 5th Street.

#### Resolution #19-2016

#### §207 election-2016 Planning Commission office holders [1:45.18]

Mr. Raffaelli called for the recommendations of the nominating 'committee'. Mr. Bealer named himself as the candidate for chairman, Ermete Raffaelli as the vice chairman, with Michael Lauter and William Cinfici continuing as secretary and assistant secretary respectively. Mr. Raffaelli thanked his colleagues, but declined the vice chairmanship. Mr. Bealer wondered what the bylaws required. Mr. Miller noted the practical need for a chairman, and a vice chairman able to substitute in the chairman's absence. He said the secretary and assistant secretary positions have been somewhat 'ceremonial', as the Planning Office staff prepares the meeting minutes and other documentation. He said someone needs to conduct the business. Mr. Raffaelli described changes required in the renewals of board appointments, such as background and financial checks made available as public records, as a factor in his decision. He thought those lamenting the lack volunteers and board vacancies might consider that as an explanation. Mr. Bealer revised his proposed slate:

- Chairman - Wayne Jonas Bealer
- Vice Chairman - William F. Cinfici
- Secretary - Michael E. Lauter

Mr. Bealer moved to nominate and elect the slate of officers discussed. Mr. Lauter seconded. And the Commission voted unanimously to elect its 2016 officers.

#### Resolution #20-2016

Mr. Miller voiced his concurrence regarding the increasing qualifications for volunteer organizations generally, alluding to a recent experience of his own. He said that, while those making the rules may have noble intentions, the effect is an increasing difficulty in finding people, already giving of their personal time, to consent to the intrusion.

Mr. Bealer reported that, because of an anticipated scheduling conflict in the coming year, William Cinfici has agreed to assume his position as the Planning Commission's representative on the Blighted Property Review Committee. He said their next meeting is scheduled for June 16th, but without scheduled hearings, instead focusing on alternatives to the 'land banking' concept. He said he'd look into the procedural matters of its membership, and invited his replacement to attend as a guest in the meantime.

#### review the draft April 26, 2016 meeting minutes [2:01.26]

Mr. Cinfici moved to accept the April 26th minutes, as presented. Mr. Lauter seconded. And the Commission voted unanimously to accept the April meeting minutes.

#### Resolution #21-2016

Mr. Miller mentioned three plans sets, for record, available for the Commission's endorsement. He expected that two of them may still require further revision.

Mr. Lauter moved to adjourn the May meeting. Mr. Cinfici seconded. And the Commission adjourned the May 24th meeting. - 9:08p