

Minutes
Regular meeting of the City of Reading Planning Commission
November 24, 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
Amy W. Johnson, Historic Preservation Office

Others present:

Thomas B. Ludgate, Ludgate Engineering Corporation
Dee Anderson, Hutchinson Realty Development LLC
Dale E. Waugh, Hutchinson Realty Development LLC
Rebecca E. Lilly, Hutchinson Realty Development LLC
Adam Mukerji, Reading Redevelopment Authority
Christopher F. DiAnna, Berks County Committeeman
Kenneth V. Farrall, CMC Engineering
Thomas J. Schlegel, Fitzpatrick Lentz & Bubba PC
Edward J. DiMarcantonio, Axis Realty Partners LLC
Danielle M. Motze, Reading Bike Hub
Jason Orth, Reading Bike Hub
Jim Dellavalle Jr., Dellavalle Designs LLC
Stephen F. DeLucas, Reading Eagle Company

Chairman Raffaelli called the November meeting to order, reminded presenters to sign the attendance sheet, and asked for acceptance of the agenda. Mr. Lauter moved to accept the November 24th agenda, as presented. Mr. Bealer seconded. And the Commission voted unanimously to accept the November agenda.

Subdivision and Land Development:

S. 6th Street Family Dollar – final land development plan [0:01.00]

Mr. Ludgate characterized the drawing as ‘very similar’ to that presented at the October meetings, and the architectural design as ‘essentially unchanged’. He mentioned having since received the Berks County Conservation District’s approval of the erosion and sedimentation controls and the Historical Architectural Review Board’s (HARB) certificate of appropriateness. He invited the Commission’s questions. Ms. Hoag said there were a few details to be worked out, specifying the stormwater report, some labeling discrepancies, elevations around the loading zone and accessible ramp designs. Mr. Ludgate acknowledged those review comments and their need to make some revisions. Ms. Hoag mentioned receipt of the Pennsylvania Department of Environmental Protection’s sewage module exemption. Asked about the relocation of a fire hydrant, Mr. Ludgate indicated the Fire Marshal’s satisfaction with the proposed position, still needing some documentation of that consent. Ms. Hoag characterized her remaining issues as minor and noted ‘substantial progress’. Mr. Lauter understood there to be some remaining questions regarding the HARB’s position. Mr. Miller noted several conditions yet to be satisfied. Asked about those specific items, he passed the HARB’s resolution to the chairman. Mr. Raffaelli proceeded to read aloud the October 20th resolution (their no. 71-15), from beginning to end, itemizing the several modifications required to satisfy its terms. Mr. Lauter asked whether those conditions had been addressed. Mr. Ludgate said they’d resubmitted to HARB, unaware of any further correspondence. Ms. Anderson said the current plan reflects the HARB’s determination. Asked how it was shown, Mr. Miller said many of those items would not necessarily be shown in a typical land development document. Mr. Lauter questioned what specifically the Commission was being asked to approve and the legal implications of their approval. Mr. Miller said he wasn’t prepared to answer that or to provide a specific recommendation on action, alluding to the many issues in his own reviews, being repeated month after month, and other communications and determinations made without his input. Mr. Raffaelli thought many of the HARB’s recommendations had merit, while others, like signage, simply indicated a preference. Mr. Lauter felt those decisions were reserved to the HARB, and expected that whatever they’d determined would be reflected in the design documents and built accordingly. He advised that everything be made to match, to avoid any misunderstandings in the construction phase. He recognized the complication inherent in the several entities

reviewing the plan, but hesitated in granting a final approval. Mr. Ludgate considered the ways he could revise the plan to detail the HARB approval. Mr. Miller suggested the architectural renderings be added to the land development plan set. Mr. Ludgate agreed. Mr. Mukerji related the proceedings of the HARB meeting, where he understood they were very supportive of the project and encouraged it to move forward, with its executive committee assigned to approve the 'minor remaining issues'. He said the developer was concerned by the 19 months elapsed since the project's conception, the complication of Dollar Tree Inc.'s acquisition of Family Dollar Stores Inc., and some items that cannot be changed due to the corporate policies, like signage. Mr. Lauter rephrased his question, asking if the executive committee had approved the present elevation and façade details. Ms. Anderson said they were bound by the HARB's certificate and had provided the current rendering. Mr. Miller clarified that the HARB's conditions have yet to be verified. Asked if the drawings themselves had been modified to reflect the HARB's conditions, Mr. Ludgate said yes. Mr. Miller said not and, until corrected, there was no point in adding them to the plan set. Mr. Cinfici wondered if they should be anticipating another formal communication from the HARB's executive committee, rather than the second-hand accounts. Ms. Anderson said the certificate of appropriateness is final, not expecting anything further unless changes are presented, and distinguished between the land development concerns and the HARB's. Mr. Ludgate suggested that some items would only be satisfied at the time of construction, while others could be reflected in a revised plan. Ms. Hoag recognized at least two items in the HARB's resolution as related to land development plan issues, and was still seeking additional detail based on her own review. Ms. Anderson said they'd consulted the City Arborist and HARB regarding the landscaping and still needed to specify the paver style. Mr. Raffaelli noted that not all of the HARB's resolution is 'dictatorial', reading language like 'to consider' versus 'shall'. He noted the preference for an individually-lettered sign. Mr. Mukerji said 'corporate' wasn't allowing that change, and characterized the rest as 'punch-list items'. Mr. Raffaelli took the position that the Commission should take a broader view of all aspects of land development, rather than focusing too closely on the absolute requirements of the subdivision ordinance. Ms. Hoag announced that she'd contacted the HARB's staff representative, who'd be joining the meeting to provide some clarification.

Asked for his recommendation, Mr. Miller complained that responses to many of the issues he raised continued to be promised 'later' and reminded the Commission that they were being asked for a final approval. He noted that his third written review still cites a number of deficiencies identified in the first, and the only feedback is that it won't be any problem to remedy, only always in the future tense. Mr. Raffaelli welcomed the Historic Preservation Specialist. Mr. Lauter asked about the certificate of appropriateness, its conditions, and the latest review of the executive committee, specifically whether they'd reviewed and approved the most-recent changes. Ms. Johnson said their November 10th review, of those responses received, revealed items yet to be satisfied on a revision to the elevation drawings, identifying the window specifications for the South 6th Street façade as an example and offering to review the entire list. Mr. Lauter said he wanted to make certain the revisions were being made in accord with the HARB's direction. Ms. Johnson said some outstanding items remained that they'd yet to formally document, including a return on the parapet roof, to which the developer had previously answered as 'economically infeasible'. She mentioned other, more-minor things like paint and stain colors, a dumpster enclosure, and some building and electrical details, all requested in writing by the executive committee. Ms. Anderson said they had not yet prepared the full architectural plan, concerned that they too would have to be revised, and instead referenced the pages they expected those details would appear on. Ms. Johnson mentioned additional façade details, including the projection of the pilasters, and some questions not yet answered. Mr. Lauter wondered if it was appropriate to grant an approval, and if so, on what specific conditions that would satisfactorily cover all the contingencies, and whether it was even a fair question of the staff. Ms. Johnson said the HARB was satisfied with the building footprint, but other items remained. Mr. Lauter hesitated in accepting the several 'will do' responses, given that some of those answers later become refusals on the basis of cost. Asked if the HARB intended another formal resolution, Ms. Johnson said that would require another appearance before the full Board. Mr. Lauter questioned the Commission's recourse if and when the remaining conditions are not met, following a conditional approval. Ms. Hoag guessed that the plan couldn't be recorded. Mr. Miller noted that it would then be entirely on the staff to either continue fighting for it or 'roll over'. He reminded it wasn't only the historic-preservation issues but also the several other review documents not addressed, month after month. Mr. Ludgate said he thought they'd fully addressed it. Mr. Miller noted that they start every presentation saying 'no problem' with regard to reviews that continue to raise the same issues. Mr. Ludgate posited that some of the issues identified may not be applicable – such as ownership certifications – by the time of the plan's recording. Mr. Miller said that such a position must be explained rather than simply passed over, and wondered what other items might not apply. He asked again about natural gas service. Mr. Ludgate said he still hadn't any confirmation. Mr. Miller insisted that, as a final plan, the accurate depiction of underground utilities was essential. Mr. Ludgate offered to continue to work through the staff, resisting the implication that their communications were ever ignored. Mr. Miller related his regular experiences of 'foot dragging' following plan approvals that, in his opinion, are often granted too early and with too many conditions attached. Mr. Bealer noted that the gas service was shown on the first draft of the

concurrent 'Lancaster Ave.' plan. Msrs. Raffaelli and Mukerji agreed that the utilities are a required minimum of any land development plan.

Mr. DiAnna, a Berks County Committeeman of the 1st Ward, criticized the architecture as 'no different' from any other Family Dollar stores and lamented a 'forgotten' historic district that was previously taken more seriously. He claimed there was no notification, even to the district's City Councilman, and only one black-and-white sign posted a day before the zoning hearing, too late for him arrange an appearance. Mr. Lauter insisted that the design was different than most of the brand's other stores. Mr. DiAnna requested time to present a petition, already presented to City Council the day before. Mr. Miller explained that the project is all-but approved, and in a final-plan phase, working out the technical details. He said he took seriously his own obligation to notify the public and would be receptive to any suggestions on improving it. He noted his own residence in the area and believed the zoning posting had been made consistent with the Municipalities Planning Code requirement. Mr. DiAnna disagreed. Mr. Miller intended further research. Mr. DiAnna noted that City Council had not approved the plan. Mr. Miller explained that a separate review and action of City Council is not required by the ordained procedure. Chairman Raffaelli called for an action, and any preferred caveats. *[discussion of this petition continues below]*

Mr. Bealer moved to table the 'S. 6th Street Family Dollar' plan, because of the missing features and information reflecting the input and approvals of the other reviewing departments and agencies. Mr. Lauter seconded. And the Commission voted 3 to 1, tabling the Family Dollar final plan, Mr. Raffaelli casting the dissent.

LGN: Lancaster Ave. Family Dollar – final land development plan [0:56.36]

Moving on to the second Family Dollar plan, Mr. Ludgate said that, since the last presentation, the Berks County Conservation District had issued its approval of the erosion and sedimentation controls, but that they were still waiting on the Pennsylvania Department of Transportation (PennDOT). Asked if they'd received any feedback, he said not, estimating they'd made the formal application at least four weeks prior. Ms. Hoag recalled it appearing in the on-line portal on November 2nd. She said she hadn't received any correspondence either, and that the Public Works Department has recently decided to share its own reviews with PennDOT for any project where a highway-occupancy permit was required. Asked about the state of the plan's review, Mr. Miller said it was comparable to the last, though without the historic district issues. Ms. Hoag mentioned outstanding issues with the positions of the storm sewer and gas mains, and a need for more curb ramp detail. Mr. Raffaelli sought architectural elevations. Mr. Ludgate didn't have any, but expected it would look more like the standard model. Regarding the landscaping plan, Mr. Bealer alluded to the quantity on the Carroll Street side. Mr. Miller noted the trees added to the Lancaster Avenue frontage, following the direction of the City Arborist.

Mr. Bealer moved to table the 'LGN: Lancaster Ave. Family Dollar' plan, based on the required highway-occupancy permit and the other issues identified in the staff reviews. Mr. Lauter seconded. And the Commission voted 3 to 1, tabling the Family Dollar final plan, Mr. Raffaelli again casting the dissent.

RDG Warren Street Cell Site (Verizon Wireless) – final land development plan [1:05.53]

Mr. Farrall mentioned the presentation at the October meeting, and acknowledged the latest review from the Planning Office and one from the Public Works Department. Mr. Miller displayed his review, in order to illustrate its brevity. Mr. Farrall recalled the issue of potential interference with the nearby traffic signals, and presented the 'non-interference analysis', previously covered as part of the zoning hearing, a letter describing the operating bandwidths and a finding of 'no potential' for interference. He added that if it were discovered to be an issue, Verizon Wireless's own policy is to mitigate as quickly as possible. He said he hoped to discuss the documentation with whomever would handle such complaints for the City, but was having trouble determining who that is. Ms. Hoag mentioned trying to determine that herself, though, in any case, unable to find anyone within the Public Works Department aware of such an instance. Mr. Farrall repeated that such an occurrence would be resolved by Verizon Wireless. Responding to another issue raised at the October meeting, he said the landscaping required of their 2014 tower project, at 601 Spring Street, was installed as planned, and distributed pictures showing it. He said the project wouldn't have received its certificate of occupancy without it. Mr. Miller assumed that planting had only happened a day earlier, when he saw a pick-up truck in its driveway with a couple balled-and-burlapped trees while passing through the area. Mr. Farrall said they'd only stopped to take the pictures, on their way to another landscaping project. He insisted it had been installed earlier but had been removed, possibly by vandals. Mr. Bealer mentioned that, following the grading for the entrance driveway, they'd never seeded the disturbance, leading to some erosion. Mr. Farrall hadn't noticed that and thought the Commission's inquiry concerned the landscaping at the driveway's intersection with Spring Street, claiming it was an enforcement issue. Mr. Lauter recalled an intent for landscaping to line the driveway from the street line back to the fenced enclosure, and on either side. Mr. Farrall displayed a part of that plan, showing two planting beds on either side of the entrance. Mr. Miller said he'd check again, to make sure it matched the plan, and said the stabilization of the earthwork was another matter. He said improving the aesthetics of the larger site was somewhat complicated by

Verizon Wireless being a lessee. Mr. Farrall intended to look into it further. Back to the current proposal, he addressed the comments in the Public Works Department's review, received that afternoon, seeking additional stormwater calculations in support of the requested exemption. Mr. Miller characterized the outstanding issues as minor and recommended an approval based on the usual conditions. Mr. Cinfici appreciated the further study of the interference questions, which had been brought to his attention by an elected official.

Mr. Lauter moved to approve the 'RDG Warren Street Cell Site' final plan, based on the satisfaction of the latest Planning Office and Public Works Department reviews. Mr. Bealer seconded. And the Commission voted 3 to 1, approving the final plan for a telecommunications tower at 364 Blair Avenue, Mr. Raffaelli again casting the dissent.

Resolution #56-2015

Other business:

§303.a.1 review-Reading Bicycle Pump Track (Reading Bike Hub) [1:24.58]

Ms. Motze, substituting for the unavailable executive director Brian Kelly, updated the Commission on a project first presented at the July 28th meeting. She shared a draft lease between the ReDesign Reading Community Development Corporation – the entity backing the Reading Bike Hub – and the Reading Redevelopment Authority. She said they've initiated the earthwork-permitting process with the Berks County Conservation District, which she expected to last through January, through the assistance of Ludgate Engineering Corporation. She said they've made arrangements with the neighboring Excellent Restaurant, at 922 Penn Street, to provide the water needs for the 'community garden'. She said they wouldn't be blocking entry or access to the site, and were planning a handicapped-accessible pedestrian path between Penn and Cherry Streets. She said the community garden would be managed by Destination Paradise LLC, and were pursuing funding and partnerships with the 10th and Penn Elementary school and Catholic Health Initiatives. She said the pump track won't involve any age restrictions, though signage will indicate the intended skill levels for each feature. Mr. Dellavalle presented a sample of that signage, with a progression based on a standard symbology. Ms. Motze said the signage will include posted hours and the Bike Hub will cover the daily monitoring and maintenance, including trash and recycling provisions. Mr. Dellavalle said the stormwater will be directed away from the adjacent buildings, and generally toward Cherry Street. A silt sock will protect the delivered fill, and if they're allowed to access the subsurface, rain gardens will handle a 2-year event. Asked if they intended to remove the existing asphalt paving, he said they preferred to, though that step wasn't part of the original scope of work. He said the grading will direct surface flows toward the centrally-placed basins/rain gardens, the surrounding areas would be planted in grass, and the accessible trail surfaced in stone dust. The remaining space would be available for events and non-participating visitors. He referred to an environmental engineer assisting in the stormwater design, and expected that construction of the pump track would begin immediately following the delivery of the material, rather than being stockpiled for any extended period. He estimated three days in construction for the smaller feature, and a week to a week-and-half for the larger, in part because of the rain gardens. A 'dry well' is also being designed, depending on the subsurface conditions and extent of its demolition, to handle any overflows from the rain gardens. Trees and other landscaping are intended. He noted the surfacing options used on other pump track installations, preferring dirt himself, for the lessened risk of injury. Mr. Mukerji asked about their liability insurance. Mr. Dellavalle said the terms and coverage will depend on the classification of use; if deemed 'passive recreation', it could be covered under City's existing policy, but if 'active recreation' would require something supplemental. Mr. Mukerji pointed out that it wouldn't have anything to do with the City, as it's the Redevelopment Authority's land, and its policy only covers vacant land and buildings. Ms. Motze said she wasn't prepared with that answer, deferring to their executive director. Mr. Mukerji noted the draft lease requires the Bike Hub to carry insurance. He reminded the group that the Redevelopment Authority continues to actively market the property for a more-permanent use, whatever the Bike Hub's investment. Ms. Motze understood, and mentioned an expected grant from the Greater Reading Young Professionals. Mr. Miller advised that those contingencies be settled before the execution of the lease, and verified by the Redevelopment Authority's solicitor. Ms. Motze noted the long vacancy of the site and the benefit of an interim use. Mr. Mukerji noted that the location is two blocks from the soon-to-open DoubleTree Hotel, expecting it to precipitate demand in the area. Ms. Motze hoped the temporary installation would serve as a model and inspiration for a more-permanent future project. Asked about the expected volume of fill required, Mr. Dellavalle estimated 128 yards for the smaller feature and 225 yards for the larger, preferring a clay-heavy mix. Other topsoil imports for the landscaping and garden needs will be calculated and arranged separately. Mr. Miller recalled a mention, at the July meeting, of a mining or landfill source, wondering if and how that would be screened. Mr. Dellavalle said they would seek samples of the material prior to delivery. Mr. Mukerji recommended they take it from the Redevelopment Authority's 50-acre 'Riverfront Commerce Center'. Ms. Hoag noted the mix specifications on one of the plan sheets. Mr. Miller asked about the provisions for the demolition of the project upon the end of the lease, and any

formal plans or surety guaranteeing it. Mr. Dellavalle referred to their 'pop-up method', already used at the Domino Sugar refinery factory redevelopment project in the Williamsburg section of Brooklyn. He said it must periodically move throughout a ten-block area to accommodate the activities of the developer (Two Trees Management Co. LLC). He said that track is surfaced in asphalt, and they'll likely be responsible for its removal within the next three years. Ms. Motze clarified that motorized vehicles would be forbidden. When Mr. Dellavalle raised the issue of stormwater calculations, Ms. Hoag said she'd just received some of those details, intending to review them. Regarding the eventual removal, she recalled a past monster-truck event held at the Sovereign Center, where the removal of the delivered dirt became a bigger mess than anticipated. She said it's the 'post-construction' controls that become a concern for the City. Mr. Dellavalle said the removal arrangements would be covered in the lease agreement. Ms. Hoag mentioned the possibility of illegal dumping and other undesirable activity, and asked about the specific monitoring practices and need for additional lighting. Ms. Motze noted that such activity is currently a problem. She said she'd seek information on their lighting needs and, though some is planned, they're not proposing fencing to an extent that would secure the site afterhours. She said rules and hours would be 'posted'. Mr. Cinfici advised they screen the fill for contaminants, in addition to its structural characteristics, and asked about the use of the existing fence. Mr. Dellavalle recommended fencing the site securely as, in his experience and opinion, it prevents vandalism and provides a safer setting for children given the busy adjacent streets. Ms. Motze said the decision was based on a preference for pedestrian convenience and the adjacent playground (at the southeast corner of Orange and Cherry Streets). Mr. Dellavalle predicted additional, internal fencing separating the pump track from the other areas of the park. He said skateboarders may use the track and, from his observation, dogs, joggers, scooters and rollerbladers might too, in what may prove a crowded condition. He added that all bicycles are capable of using the track, rather than requiring a special design. Mr. Orth mentioned that the fencing design may change the underwriter's assessment, distinguishing 'private' from 'public' facilities. He mentioned having made prior arrangements for material from the H&K Group's Birdsboro Quarry, though that particular contract had expired. Mr. Dellavalle said the track itself would be ten feet in width, providing for ambulance access. Mr. Lauter, referring to the reliance on grants for the construction and startup, expressed the concern for the project's on-going operation and maintenance. Ms. Motze said they'd continue to *pursue* funding. Mr. Lauter advised that be covered in the lease. He said he had his concerns, but otherwise personally supported the concept. Mr. Orth explained that the Bike Hub is often visited by kids needing parts and supplies they can't afford, and saw an opportunity to barter their needs in exchange for their assistance in maintaining the pump track. Mr. Dellavalle noted the similar experience and arrangement at the Philly Pumptrack at Parkside Evans Playground in Philadelphia.

Mr. Miller repeated his earlier position that he wasn't considering the project as a formal 'land development', though several land development-type issues were present and yet to be resolved.

S. 6th Street Family Dollar – final land development plan [2:27.31]

At the invitation of the Chair, Mr. DiAnna distributed the petition he'd mentioned earlier in the meeting, regarding ineffective notification to the neighborhood about the 'S. 6th Street Family Dollar' project, negative aspects of its operation in a low-income area, traffic and parking congestion, a lack of communication to the Ward's elected leadership, a lack of research on the existing small business, the risk of increasing crime and other nuisances. He claimed the signatures included those of several local business owners. He said he understood the project was underway for some time, but knew no more than the rumors of a zoning appeal and issues with the loading area. He claimed to have evidence he wasn't presently prepared to discuss, and would next present his case to the Zoning Office. Mr. Mukerji thought that the City Clerk had provided him the documentation and proof of the required posting. Mr. DiAnna said not, and had seen only one sign on the fence surrounding the property, giving notice of a zoning hearing later that day. He said he lives about 15 feet from the site and is very observant. Ms. Hoag claimed to have a photograph of the notice dated August 4th. Mr. DiAnna countered that it wasn't big enough, and only appeared on the same day as the hearing. Mr. Raffaelli mentioned the protocol for public notifications. Mr. Miller said he hadn't personally seen the evidence, and cautioned the Commission members about speculating. He advised that, if the presenter has evidence he's not yet prepared to disclose, the Commission might refrain from engaging in the hearsay. Mr. Bealer noted that zoning cannot legally base its rules and decisions on account of 'competition'. He added that a traffic study had been performed as part of the planning for the project. Mr. DiAnna asked how far the excavation would go below the existing grade, warning of subsurface caverns. Mr. Bealer said they'd be filling in, for an at-grade foundation. Mr. Mukerji agreed, adding that a former community leader had brought that risk to his attention a couple years earlier, prompting his import of fill and securing the site with fencing. He related the Reading Redevelopment Authority's constant challenges with the site, from repairing the breached fencing to clearing the illegal dumping. Mr. DiAnna conveyed his respect for the differing opinion, but preferred to be 'on record' opposing the project. He indicated his own patronizing of 'dollar' retail stores, but opposed this location. Asked what he thought would prove a better use, he mentioned working with a think tank toward a proposed 'aquaponics' business, which have had success in the abandoned buildings of some larger metropolitan areas. He

estimated 30 to 50 jobs on a site of that size, with other benefits to the community. Mr. Mukerji said he'd been pursuing something similar, and understood the best infrastructure to be an old factory building. Mr. DiAnna understood the advanced state of the application, but restated his concern for the neighborhood impacts.

§513.a approval reaffirmation-Aramark Parking Lot [2:45.22]

Mr. Bealer moved to reaffirm the July final plan approval for the Aramark Parking Lot. Mr. Cinfici seconded. And the Commission voted unanimously to reaffirm their July 28th plan approval, Resolution No. 33-2015, for the 'Aramark Parking Lot' parking lot land development plan.

Resolution #57-2015

review the draft October 27, 2015 meeting minutes [2:46.05]

Mssrs. Bealer and Cinfici each identified a few grammatical errors.

Mr. Cinfici moved to accept the October minutes, as corrected. Mr. Lauter seconded. And the Commission voted unanimously to accept the October 27th meeting minutes.

Resolution #58-2015

Mr. Miller distributed minutes from the November 4th special meeting, which were provided to him just prior to this meeting. The members agreed to review them for a later action.

Ms. Hoag mentioned an 'extension' of the Pennsylvania Department of Transportation (PennDOT) review and permitting of the 'Jet Set Restaurant Parking Area' project, apparently related to the required improvements agreement and surety.

Mr. Lauter moved to adjourn the November meeting. Mr. Cinfici seconded. And the Commission adjourned the November 24th meeting. - 9:55p