

Minutes
Regular meeting of the City of Reading Planning Commission
April 10, 2007 at 7:00 pm

Members present:

Ermete Raffaelli, Chairman
Michael Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
Edmund Palka

Staff present:

Andrew W. Miller, Planning Office
Michelle R. Mayfield, Department of Law
Charles M. Jones, Department of Public Works
R. Leon Churchill, Managing Director

Others present:

Robert M. Behling, RiverPlace Development Corporation
Jermaine D. Edwards, RiverPlace Development Corporation
Lawrence E. Lloyd, Berks County Conservancy
Larry S. Turoscy, Lehigh Engineering Associates, Inc.
Gregg A. Bogia, Bogia Engineering Inc.
Jeffery C. Euclide, Entech Engineering, Inc.
Christopher J. Fell, Interstate Resources, Inc. (d.b.a. United Corrstack, LLC)
David F. Stauffer, United Corrstack, LLC
Timothy J. Krall, Spotts Stevens & McCoy, Inc.
Carl J. Kanaskie, Jr., McKissick Associates PC
Roger D. Lehmann, All County and Associates, Inc.
Don P. Naughton, DMO Enterprises

Chairman Raffaelli called the April meeting to order, and asked for acceptance of the agenda. Mr. Palka moved to accept the agenda. Mr. Bealer seconded. And the Commission voted unanimously to approve the April agenda.

Subdivision and Land Development:

Review the **concept plan for the solar trail lighting project (2006 Energy Harvest Grant Program)**, a lighting project proposed for the Schuylkill River Trail from the Penn Street Viaduct south to the River's western shore. [0:00.54]

Mr. Behling thanked the Commission for the opportunity to present the update. He introduced Mr. Edwards as the "project captain". He said concerns for safety were motivation in-part, though the crime mapping database shows a virtually crime-free riverfront (?). He mentioned a positive reaction from the Pennsylvania Department of Environmental Protection (who awarded \$118,400 from their Energy Harvest Grant Program).

Mr. Behling wasn't sure what role the Commission was taking, but mentioned the Department of Public Works' endorsement. Mr. Miller noted the Commission's opportunity to comment on proposed uses of public spaces, with regard to conformance with the Comprehensive Plan, a privilege afforded by the Pennsylvania Municipalities Planning Code.

Mr. Behling directed attention to his maps and the project boundaries. He said they are also working on working on trail signage and visitor mapping. He said extensions of the lighting project are being contemplated through the West Reading Playground, and maybe through the Reading Public Museum property. He said the current funding will cover installations from Penn Street across Reading Area Community College's 'Lionel' bridge. He said the Community College is negotiating the transfer of the Bridge to the County of Berks.

Mr. Behling expressed a concern for a proliferation of man-made objects cluttering the natural settings, hoping the fixtures and materials chosen would "disappear". He called the fixtures "utility grade" and meeting the Illuminating Engineering Society's (IESNA's) standards. He proposed a spacing of 100 feet between lights, and distributed some product brochures (Se'lux's Sonne™ solar-powered compact fluorescents, to be mounted on Composite Materials Technology's Titan™ concrete lighting poles). He said the solar panels are warranted for 25 years, the batteries and luminaries for five. He said they'd be purchasing replacement components to alleviate the maintenance concerns in the short term.

Mr. Edwards mentioned his application to the Berks County Community Foundation (Metropolitan Edison Company Sustainable Energy Fund) for additional funds, and hoped the City's recently-discovered community development funds might also supplement the effort. He said right-of-way planning with the Community College is underway.

Mr. Behling hoped for a substantial completion in-time for Riverfest 2007, but wasn't sure about the manufacturer's lead time.

Mr. Bealer asked about the pole height. Mr. Behling answered 20 feet, and the operating parts as well, and out of the vandal's reach. He said the solar panel supplies 250 watts, and the potential to run from dusk-to-dawn. He said spun concrete poles may allow for some color flexibility, sensitive to the natural area. Mr. Lauter hoped it would, but thought there'd be less opportunity to treat the solar panels themselves. Mr. Behling agreed, but felt them integral to the project, given the lack of electrical services.

Mr. Lauter asked about ownership and maintenance responsibilities, alluding to the histories of the Model Cities 'lollipop lights' and the 'Pagoda lights' on Penn Street. Mr. Behling said it is RiverPlace's intent to plan and help fund the capital improvement, but not own or maintain them perpetually. He said the City and Community College would have to assume those responsibilities on their land. He said the possible extensions may be on lands of the Schuylkill River Greenway Association, the City's street right-of-way, or the West Reading Borough at their Playground. He said all parties have been "approached". He hoped the Energy Harvest Grant and Sustainable Energy Fund would be available in the future.

Mr. Palka asked for examples of other such installations. Mr. Behling believed his would be the largest example in the Commonwealth.

Mr. Raffaelli asked if the spacing must be a uniform 100 feet. Mr. Behling agreed it could be designed more artistically, but for potential dark spots, the intensity already down to 0.4 lm/ft² at the intersecting spreads. Mr. Raffaelli asked about the intensity across the Bridge. He and Mr. Behling agreed it should probably be increased for safety considerations.

Review the **concept** plan for the **Wyomissing Creek Trail project**, a trail connection between the Schuylkill River Trail and the Wyomissing Creek Trail systems, proposed on those parcels known as 601-701 Old Wyomissing Road. [0:25.47]

Mr. Behling informed the Commission of a possible visit, April 19-20, from the design team working on the "Amphitheater at Philosopher's Landing". He welcomed the Commission's input on the project scheduled for completion in early summer of 2008.

Mr. Behling explained the Wyomissing Creek Trail project as an extension of the Schuylkill River Trail, under the Norfolk Southern Corporation "beltline", and across the Joint Municipal Authority's property, where no sidewalk exists. A William Penn Foundation grant is sought to pave a length from Parkview Road to Parkside Drive South, currently a base of cinders. He mentioned a plan for a small plaza at either end of the College's bridge, wooden decking planned for the downstream (grass covered) lane of the bridge itself, a connection to the Bertolet Landing, and a possible butterfly meadow on the way to the Craig Bridge. He said 50 volunteers with Timberland at the VF Outlet Village are planning to clean the areas around the Craig Bridge and plant flowers the following weekend. He said asphalt paving and more cherry trees are planned. He said RiverPlace was examining the potential bike routes around the Reading Public Museum. He mentioned their partnership in the Berks County Conservancy's "Greater Reading as a Greenway and Recreation Hub" initiative, and the Schuylkill River Greenway Association's commitment to complete the stretch between Lancaster Avenue and Brentwood Industries by June 30th. He mentioned other "spokes" in the "hub" including: the Wyomissing Creek Trail, the Angelica Creek Trail, the County's Union Canal Trail, the Penn Street-Penn Avenue Corridor, and the Neversink Trail via Heritage Park, where they are working on easements through the necessary properties and planning a bridge over the railroad.

Mr. Lloyd said he was working with the Joint Municipal Authority on a maintenance agreement, and the Department of Public Works on construction permits. He said they propose a 10-foot wide asphalt path, consistent with the Schuylkill River Trail's standard. UGI Utilities, Inc. is providing excavation equipment, and the operators, Spotts, Stevens and McCoy Inc. the erosion and sedimentation control plan, the Penn Foundation money for trail construction, and the City contributing the paint striping and signage installation. Mr. Miller checked that the construction includes ADA-compliant ramps and crosswalks. Mr. Palka asked about the proposed signage. Mr. Behling mentioned location and interpretive signage, and a theme indicative of the trout returning to the Wyomissing Creek.

Review the **sketch** subdivision plan for **Lands of Munzer Yacoub**, a proposed three-lot subdivision from his parcel

in the 600 block of Linden Street. [0:48.34]

Mr. Turoscy said it was his first presentation to the City, but recalled his employment with the Department of Transportation in the late 1960s/early 70s, working on the redesign of the City's traffic signals.

Mr. Turoscy described the project location, and the 8000-square foot property. He proposed three townhomes, two stories each with a walk-out basement and possible decks from the first floor. He noted the challenging elevation difference from the front to back, showing an exaggerated elevation profile. He called the 1.5-space off-street parking requirement the biggest challenge, due to the limited room in the front yard, and the inaccessible back. He said the vacant neighboring lots, adjacent and across the street, make for limited on-street demand. Mr. Miller felt that if the alley was inaccessible, and variances necessary, he'd suggest a variance from the parking requirement instead of dimensional and setback variances to construct wider driveways and curb cuts. Mr. Turoscy realized that driveways interrupt on-street parking opportunities. He called single driveways and garages a possible "middle-ground". Mr. Raffaelli referred to the common garages of the Mountain View Commons, the condominium project on North 14th Street, between Elm and Walnut. Mr. Turoscy said the only other alternative is more excavation, moving the homes back for parking in the driveway. Mr. Miller noted a zoning provision allowing front yard encroachments for alignment with other nearby homes. Mr. Turoscy said he was trying to design some front yard and a usable back. He asked if the Commission provided any written direction or opinion to the Zoning Office. Mr. Miller said typically not, until under preliminary review. He offered to provide direction to Mountain View Commons, and asked if any particular architectural style was considered. Mr. Turoscy said those details would accompany the next presentation. He asked about potential drainage and utility issues. Mr. Jones said drainage must be assessed, and contained.

Review the **preliminary** land development plan for **Hydrojet, Inc. Subdivision and Land Development Plans**, a proposed subdivision and an industrial building for precision machining services at that parcel known as 466 Tulpehocken Street (Parcel 2 of the "Buttonwood Gateway") [1:10.12]

Mr. Bogia recalled the plan for Sun Rich Fresh Foods, Inc., its relation to the current proposal, and the shared infrastructure. He said Hydrojet projects about 40 employees in the new facility. They employ "20-some" currently. He said about 58 off-street parking spaces are proposed, in part from some additional paved access requested by the Fire Marshal. He outlined the 34,346-square foot building proposed, and space reserved for a 19,812-square foot future expansion, to be planted with grass in the meantime. He briefly explained Hydrojet's business of metal fabrication with high-pressure water jets. He said the 3.127-acre subdivision is within the Manufacturing Commercial (MC) zoning district, leaving a 4.447-acre residual parcel for further development, some of which may be topographically-constrained.

Mr. Bealer asked about the status of Gateway Drive. Mr. Bogia said it was still intended as a private street, with shared maintenance responsibilities, and a shared-access easement for the truck maneuvering areas. Mr. Lauter asked about traffic patterns. Mr. Bogia said the outgoing product is usually shipped in smaller delivery trucks, the incoming material in a couple tractor trailers each week.

Mr. Bogia sought clarification of the Planning Office's issue with the width of the driveway/loading dock. Mr. Miller recalled the same questions with the Sun Rich plan, realizing the need for truck maneuverability, but also the wording and intent of the Zoning Ordinance's limits on driveway width, and the lesser trucking demand from Hydrojet. Mr. Bogia mentioned efforts to keep the turning movements within access easement area, and allow for shorter loading zones.

Mr. Bealer wondered about the water used, and discharges to the sanitary sewer. Mr. Bogia said much of the process water is recycled, but industrial discharge permits are required.

Ms. Mayfield asked about the construction of the water lines, per a comment raised by the Fire Marshal. Mr. Bogia said he had met with the Marshal and the Water Authority's Dean Miller, and together are researching current and projected line pressures.

Asked by Mr. Jones, Mr. Bogia explained the possible issues at the intersection with Buttonwood Street. He noted the directional limitation west for the "stub" ramp from River Road. The current lack of a warranted traffic signal, but expectation with any development in the residual parcel, has prompted discussions between parties about closing the stub and planning for a signal installation in the financing, so as not to put the full burden on the developer 'last in'.

Mr. Bealer noted the County's request for a traffic study. Mr. Bogia said the County Planning Commission did not have all the same information provided the Planning Office and Department of Public Works. He said the striping for the dedicated left-turn lane was not shown, either.

Mr. Miller asked for a justification of stormwater infiltration ponds. Mr. Bogia said they could explore the construction of rain gardens, but hesitated to commit to any. He said he is trying to preclude heavy infiltration in a brownfield site, being against his own professional judgment, but trying to meet the spirit of the stormwater management requirements. He said he is hoping for an approval similar to the Sun Rich plan's, awaiting feedback from the Conservation District. Mr. Miller asked about sufficient diameters in other receiving storm sewer pipes. Mr. Jones said further review had satisfied his previous concern.

Mr. Lauter moved to table the Hydrojet plan, pending clarification of the zoning issue, and the provision of other required plan corrections. Mr. Palka seconded. And the Commission voted unanimously to table the preliminary plan.

Review the **preliminary and (phase 1) final** land development plans for **Evergreen Community Power - Power House Expansion**, a biomass-fueled power house and related improvements proposed at that parcel known as 800 South Street. [1:32.59]

Mr. Euclide recalled the two previous presentations to the Commission, and offered the revised plan with the "final" portion for the boilerhouse. He said the remaining review comments could be satisfactorily addressed. He said an investigation continues on the ownership/arrangement of the neighboring railroad property. Mr. Miller asked if the required off-street parking had been designed per the Ordinance. Mr. Euclide noted the count (9 spaces) and placement on plan.

Mr. Miller inquired about the proposed water supply, either public from the Reading Area Water Authority or private via on-lot wells. Mr. Fell said he received confirmation from the Water Authority regarding available capacity. He said they are presently testing quality and quantity parameters of the aquifer to support the expanded withdrawal, a 48-hour drawdown scheduled for the next day. He said they'll submit those findings to the Delaware River Basin Commission to expand their existing withdrawal permit, currently 300-325 gallons/minute, and a 475 gallons/minute maximum pump delivery. He said the anticipated demand with the Power House factored would be 300-400 gallons/min, intending to utilize as much recovered water as possible, and mitigate the total withdrawal and discharge to the sewer. He said the numbers are not yet finalized. Mr. Miller asked that they document the necessary City and Basin Commission approvals. Mr. Fell consented, noting on-going meetings with various City departments.

Mr. Miller mentioned the internal concerns over the title of the plan. He asked for clearer references to those phases to be finally approved and recorded. Mr. Jones indicated his preference for a separate title page, specific to the "final" part, and without "preliminary" references. Mr. Fell said they can better differentiate the phases.

Mr. Bealer noted the County Planners' concern over the stack height as it relates to the Reading Regional Airport. Mr. Fell understood the sensitivity, and said they'd investigate the need for top lighting.

Mr. Bealer wondered if the Commission's action should wait on the Department of Environmental Protection approval. Mr. Fell said they need the "air plan" approval to begin construction anyway, expecting it in the next few months, and before submitting the "Phase 2" final plan. Mr. Miller asked that the details of those approvals be incorporated on the "Phase 2" final plan. He said the Conservation District's approval has already been received.

Mr. Euclide questioned the note about formalizing the recreation easement for the Neversink Trail extension. He said it concerned a different part of Corrstack's property, and that they were currently unable to provide detail on the reservation, though Corrstack is amenable to the concept.

Mr. Lauter asked about traffic studies. Mr. Miller said Corrstack has contracted with Bogia Engineering Inc. for project-specific projections and improvements, though a previous Bogia study performed (never submitted to the Planning Office) for the Riverfront as-a-whole had already accounted for Corrstack's expansion plans. Mr. Fell said they've already had feedback on the planned modification to the South Fifth and Laurel Streets intersection (the radius of the southwest corner), still needing to meet with the Metropolitan Edison Company about moving utility poles, and the Department of Public Works regarding the traffic signal. Mr. Jones said every traffic signal requires Department of Transportation approval, as well.

Mr. Raffaelli questioned the truck traffic volumes. Mr. Stauffer estimated 60 trucks/day, Mondays through Fridays, most between the hours 1800 and 0600. He said subtracting the approximately 40 daily trucks from the former Reading Tube Corporation, equals a net 20-25 trucks/day increase. Mr. Euclide said they travel the US222-PA73 route to the Maiden Creek fuel facility.

Mr. Miller asked if the Commission's recollection of the 2005 approvals differed from the summary provided in the staff comments. He alluded to some meeting minutes found, but lacking the Commission's adoption

and clear detail of the action taken. Mr. Raffaelli felt the earlier decision had no bearing on the current proposal. Mr. Miller said any preliminary or preliminary/final approvals granted may have implied certain rights under zoning. He noted the condition apparently attached regarding the water supply issue. Mr. Fell said the project had encountered some internal 'second thoughts' following the 2005 approval, and as such, the water issues were never fully documented, and that final plans for record were never submitted. Mr. Miller said even preliminary approvals embody certain rights, and if the vote was as the minutes characterize, the Commission should act consistently. Mr. Fell said the changes are primarily increases in "scale".

Mr. Fell said all potable and boiler make-up water (that not returned in condensate), the latter about 100-125 gallons/minute, would be purchased from the Water Authority. He said other process water, the 300-400 gallons/minute for the steam loop and cooling needs, would be pumped from the well. He said the testing underway will determine the final numbers. He said he was working with the City's Plumbing Inspector.

Mr. Fell said they were developing the sewage planning module, and separate metering of the "industrial" discharges (primarily a hydraulic load of waters not reclaimed). Mr. Palka asked about the age of the well. Mr. Fell said it's been in use since Corrstack started operations in September 1993, its proximity to the Mountain making for a plentiful aquifer. Mr. Lauter asked why it had become a sticking point. Mr. Jones noted language in the Plumbing Code requiring the use of City water, but questioned its applicability in every situation. Mr. Lauter asked who makes the decision. Mr. Jones recalled a meeting in the Mayor's office where he, the Mayor, Corrstack representatives, Water Authority representatives and the Plumbing Inspector made the decision to allow the well, characterizing it as an issue of interpretation. Mr. Fell recalled meeting minutes prepared by Deborah A. S. Hoag, the Utilities Division Manager.

Mr. Miller offered to phrase the language of the resolutions. He first suggested a preliminary plan approval of the whole, contingent on the applicant's redress of outstanding issues in the Planning Office review (the request for clarification of trail access notwithstanding), the receipt of all applicable permits from the City, County, State and Federal governments, and those of any other authorities or agencies having jurisdiction, including the Delaware River Basin Commission. Mr. Palka moved to approve the Evergreen Community Power preliminary plan, with conditions as read. Mr. Lauter seconded. And the Commission voted unanimously to approve the preliminary plan.

Resolution #21-2007

Mr. Miller next suggested a final approval of the part, otherwise known as "Phase 1 Final" and detailed on Drawing No. C-111, contingent on same two conditions previously attached, and revision of the title sheets to the Planning Office and Department of Public Works satisfactions. Mr. Bealer moved the suggested motion. Mr. Lauter seconded. And the Commission voted unanimously to approve the "Phase 1 Final" plan.

Resolution #22-2007

Review the **final** land development plan for the **Reading Citadel/Intermediate High School**, a proposed conversion of the vacated St. Joseph Medical Center campus roughly bounded by North Eleventh, North Thirteenth, Elm and Walnut Streets. [2:25.04]

Mr. Krall sought some clarification of the zoning issues raised in the Planning Office review. Mr. Miller said a zoning permit was required, before building permits were issued at least. Mr. Krall offered architectural plans, as requested. Mr. Kanaskie called them 33% complete construction documents. Mr. Krall requested a waiver of the 1-inch-equals-50-foot plan scale, to be shown at a more detailed 30-scale instead. Mr. Lauter moved to grant the waiver of the required plan scale. Mr. Bealer seconded. And the Commission voted unanimously to grant the waiver.

Mr. Krall said the record ownerships referenced were being updated. He said the site is currently fractured into "at least two dozen parcels" and proposed a "reverse subdivision" to result in four. He said they'll update the "bulk and use" measurements, per the review letter. He said the driveway widths had been corrected, but suggested they may seek additional variances for wider (24-foot) driveways. Mr. Miller advised them to remove the erroneous references to a driveway width variance from the plan, in the meantime, as the claim was inconsistent with the Zoning Hearing Board's decision.

Mr. Krall noted recent changes to the erosion and sedimentation control plan that may be delaying the Conservation District's response. He said the changes would lessen the impact; less paving and more green area. He said the Department of Environmental Protection's stormwater manual requires that redevelopment sites assume a pre-existing condition of 20% meadow for the purposes of calculations, even though the current condition exhibits more building and impervious coverage than proposed. He said plans have been prepared for the Department of Transportation detailing the traffic alterations, but noted that traffic signalization is under consideration. Mr. Jones

was unaware of such plans. Ms. Mayfield reminded that any change in the direction of North Twelfth Street requires approval from City Council, by ordinance.

Mr. Krall asked about the required legal descriptions. Mr. Miller said he was looking for the drafts of those descriptions to be recorded, per the subdivision. Mr. Krall said that all storm and sanitary sewer detail available had been provided. He said so much of it is believed to be buried under existing buildings that would require a (closed circuit) television survey to verify. He said they needed to advance the demolition to uncover the rest. Mr. Kanaskie said they'll tie into those existing lines, if available and practical, or replace them in identical locations. Mr. Krall said storm and sanitary sewage flows toward central "cistern" collection structures beneath the existing building, unsure of those exact locations.

Mr. Jones said that several of the curb ramps appear to be mis-aligned with the crosswalks, forbidding such ramps from being designed behind stop bars.

Mr. Krall said he had attempted to contact the Utilities Division about the sewer planning documentation and prior usage records. Mr. Miller recalled a conversation with the Division Manager the day before, believing her to be considering the rationale of the Medical Center's (higher) usage.

Ms. Mayfield asked about fire protection plans during the demolition. Mr. Kanaskie said the bidding documents included fire protection measures to remain in operation throughout.

Mr. Jones referred to the plan statement about prohibiting student commutes, asking how they intended to enforce it. Mr. Kanaskie offered the theory that 9th and 10th graders are not typically driving. Mr. Krall called it a School policy, as opposed to a guarantee, to be enforced through existing disciplinary procedures. He realized the School had no power over the public right-of-way. Mr. Kanaskie said access to off-street parking would be gate-controlled.

Mr. Raffaelli suggested a "thin-set" brick veneer be considered for the skyway addition's façade, thinking it more aesthetic, yet still weight-conscious. Mr. Kanaskie said their seismic calculations indicated a 5% increase allowed in the weight of the structure. He said the existing floors are mainly cast-in-place and pre-cast concrete elements; already very heavy, and justifying the choice of the metal-paneled façade.

Mr. Bealer asked about the Shade Tree Commission's recommendations. Mr. Miller said they had suggested a flexible sidewalk design, inconsistent with City construction standards. He thought the design of better tree pits might accomplish the same goal. He said they also suggested replacement of the North Thirteenth Street trees while under-construction. Mr. Krall said the construction of the retaining wall may injure trees, as well, as they work closer to the trees' drip lines.

Mr. Palka asked about parking on Walnut Street. Mr. Krall proposed forbidding it, with signage to control it and direct westbound traffic through City Park. He said no new traffic control devices were planned at the North Thirteenth and Walnut Streets intersection.

Mr. Lauter asked about progress on the traffic management plan, required as a condition of the Zoning Hearing Board's variances. Mr. Krall said the Berks County Intermediate Unit is contracted for the bussing services. Mr. Lauter doubted that school busses were at issue, thinking the management plan might address parent drop-offs instead. He asked if the School District planned to respond the requirement, at all. Mr. Raffaelli wondered about the real value of such a plan in the face of changing conditions; academic curricula, class schedules, bussing contracts, School leadership changes, etc. Mr. Lauter stated the Commission's role of considering the potential impacts on neighborhoods as a whole, and considering quality of life issues, with due reliance on past experiences in recognizing problems in need of attention. Ms. Mayfield recommended the Commission table the plan, in light of the outstanding plat and traffic issues to be resolved, the ordinance required for changes in street direction on North Twelfth Street, and a draft improvements agreement. Mr. Bealer suggested the School District contact the Traffic Enforcement Sergeant regarding the need for, and placements of crossing guards. Mr. Palka thought they could continue discussing traffic management indefinitely, but doubted the School District would take seriously anything but a reactive approach once the School is open and running.

Mr. Bealer move to table the Reading Citadel final plan. Mr. Lauter seconded. And the Commission voted 3-0-1 to table the final plan, Mr. Raffaelli abstaining.

Other business:

Review the **preliminary** land development plan for the **15½ Street Land Development**, a subdivision and eight single-family attached dwellings proposed at those parcels known as 614, 631 and 632 South 15½ Street. [3:42.04]

With no opposition to the agenda change expressed by the Commission, Mr. Naughton began explaining the necessity waiving of the cul-de-sac requirement (22-502.7.A) for the 15½ Street Land Development. He said the

project can't happen unless the waiver is granted. He said he didn't immediately realize that it had been denied (at the February 20th meeting). He said the third and fourth phases will require the same waiver.

Mr. Raffaelli recalled the Commission's previous recommendations that would have alleviated some of the designed violations. He said those recommendations were ignored, and the same plan submitted. He said the construction pattern proposed invites problems. He said the Commission voted their conscience, and not arbitrarily.

Mr. Bealer recalled his own previous comments. He called the proposed development "unimaginative", with no apparent effort made to correct the identified problems. He said, regardless of the Fire Department's consent, he feels the plan lacks the necessary provisions for safety. He felt that emergency vehicles shouldn't be expected to back down the steep grades, suggesting instead inter-connecting streets. He said safety issues are a prevalent concern throughout the Land Development Ordinance. He disputed the stormwater management methodology, and expressed disappointment that alternative designs were never considered. He said the developer's preference for cutting costs and maximizing the number of housing units will stress the infrastructure, and risk the safety of future occupants. He doubted Mr. Naughton's reaction of surprise, and saw no point in reconsideration.

Mr. Naughton said the plan had been through design revisions. He said he originally had 70 units planned, reduced to 52 units through negotiations with the City and Conservancy. He said if there is no subdivision, there will be no redress of the current stormwater issues. He called Mr. Bealer's statements unfair, alluding to an offering pricing in excess of \$150,000. He said the existing median sales price in the neighborhood is \$34,000, with a record of \$78,000 for 1326 Fairview Street. He said he has taken a tremendous risk in offering homes at 5 times the current market rate. He said the neighbors are ecstatic over the direct benefits to come. He said the installation of the streets will cost \$500,000 alone, with other "staggering" development infrastructure investments. He said for \$155,000 anyone can go to neighboring Exeter Township for a larger unit. He said he was taking the risk, having attended numerous meetings to address and accommodate everyone's concerns. He said it may not work, but wanted to try, banking his money and reputation on the City. He said he offered a new price range, and had no opposition from the neighborhood. He said the neighbors came in full force to support the zoning change, and looked forward to the playground improvements. He said the infrastructure will cost \$38,000 per unit, and that most other developers would have since walked away. He said he can't continue when new things are constantly "added to the equation".

Mr. Miller countered that everything was made clear in his first review. He called the purported 70 units a misrepresentation. Mr. Naughton said he had the full support of then-planner Karl Graybill, who encouraged 70 units, told him not to worry, and said the zoning can and must change. Mr. Miller felt that too much to promise from someone without a vote. Mr. Naughton said the City wanted it, and he spent "six figures" on engineering and design. Mr. Miller asked if there was any ambiguity in the Commission's rezoning opinion. Mr. Naughton said he followed the lead of then-Zoning Administrator Joyce Ann Pressley. He said Mr. Miller wasn't present at the time, and just resented Mr. Graybill's previous role, wanting instead to push his own influence. He said he attended every meeting asked of him. Mr. Miller disputed the premise that 70 units were plausible under the prevailing R1-A zoning. He said the developer is not 'losing' 18 units, just because he had drawn them.

Mr. Raffaelli affirmed the Commission's motives and dedication to the City. He thought the "one-stop shop" a good idea, but criticized "holes" in its process, and "promises" made. Mr. Miller interjected a defense of the "one-stop shop", insisting that those promises were made elsewhere. Mr. Raffaelli hoped other solutions could be reconsidered, and perhaps other layouts. He recalled the Castlewood subdivision, where concessions were made, but without the promise of City services on the private streets.

When asked if a "hammerhead" turn-around was possible, in lieu of a full cul-de-sac, Mr. Lehmann said it would be too difficult and costly in the necessary grading. He said they were trying to minimize disturbance, and said his firm's professionals had considered numerous layouts. He called the one-stop shop a "joke", and said the only good thing to come from it was the good working relationship with Mr. Jones. He disputed Mr. Bealer's qualifications to judge their civil engineering methodologies, reminding that City professionals have said "okay".

Mr. Lloyd said the Conservancy's aim is to minimize the overall disturbance and impervious surfaces, and maximize the tree and land preservation. Mr. Lehmann alluded to the Conservancy-paid study of the relative slopes on Neversink, performed by Spotts Stevens & McCoy, Inc., and the "line of demarcation" that resulted.

Mr. Raffaelli asked for a reminder of the zoning issues affecting the project. Mr. Naughton said the zoning regulations must be changed if the City wants any development. He said the prohibitions on parking in the front yard setback and blocking one off-street space by another, will force them to move the homes back and add more paving in front, making an uglier appearance. Mr. Lehmann said they'd lose thirty feet of usable rear yard. Mr. Naughton said the increased impervious surfacing will cost another \$5000 per unit. He said if he can make money developing in the City, other developers will follow, referring to himself as the "pioneer".

Mr. Raffaelli suggested Mr. Lehmann and the City Engineer seek the opinions and suggestions of another professional engineer, for comparison.

Mr. Lauter considered the role of the Commission in considering the existing residents. He said the regulations were crafted for a reason, and wondered why the Commission's suggestions were not taken more seriously. He said he had several things to consider, before reconsidering the plan.

Mr. Raffaelli said the Commission was more than a lay person's group, noting the relevance of members' experience to land development and architecture.

Mr. Naughton thanked the Commission for the flexibility in its agenda. He said he must move quickly or abandon the project. He said he has made every possible concession, and faces escalating construction costs. Mr. Lehmann suggested a possible site visit. Mr. Jones asked that two additional plan sets be provided for the 'second opinion'.

Minutes: [1:43.47]

Mr. Bealer suggested the March 13th minutes reflect the time since All Green Lawn & Tree Care, Inc. first made application to, and received feedback from the City.

Mr. Lauter moved to accept the March 13th minutes, with the request change. Mr. Palka seconded. And the Commission voted unanimously to approve the March 13th minutes, 4 to 0.

Resolution #23-2007

Mr. Lauter moved to accept the March 27th minutes, as presented. Mr. Palka seconded. And the Commission voted unanimously to approve the March 27th minutes, 4 to 0.

Resolution #24-2007

Nominating Committee:

Mr. Palka agreed to head a nominating committee for the Commission offices. And Mr. Lauter agreed to assist.

Requests for time extensions: [1:38.41]

Review the **final** subdivision plan for the **Cotton Street Subdivision**, twelve (12) subdivisions and annexations to parcels south proposed for that parcel known as 415 South 14½ Street.

Mr. Bealer moved to grant another extension to the final "Cotton Street Subdivision" plan until the Commission's May meeting. Mr. Lauter seconded. And the Commission unanimously agreed to the extension, 4 to 0.

Resolution #25-2007

Mr. Raffaelli alluded to a personal threat received for his actions as a City official. He advised the other members to avoid verbal interaction, if encountering a similar situation, and report such incidents as appropriate.

Mr. Lauter moved to adjourn the April meeting. Mr. Palka seconded. And the Commission agreed unanimously to adjourn the April meeting, 4 to 0. – 12:10 am.