

**Regular meeting of the City of Reading Planning Commission
August 9, 2005 at 7:30 pm**

Members present:

Ermete Raffaelli, Chairman
David Reppert, Vice Chairman
Michael Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
Irvin Cohen

Staff present:

Andrew Miller, City Planner

Others present:

Michael A. Setley, Leisawitz Heller Abramowitch Phillips, PC
Brian Boland, Kozloff Stoudt
Doris Leisawitz
John Roland, Roland & Schlegel, PC
Richard Mable, Reading Hospital and Medical Center
Richard Guida, Golden, Masano, Bradley
Tom Chapman, Reading School District
Steven D. Buck, Stevens and Lee
Eric Strauss, Rider Construction
Pat Boylan, Berks Packing Company Inc.
Mike Boylan, Berks Packing Company Inc.
Sylvia Deye, Dimensional Architecture
Stephen H. Bensinger, Stackhouse Bensinger, Inc.
Madelyn Fudeman, Essig, Valeriano, & Fudeman, PC
Edward Swoyer, Greater Berks Development Fund
David Weaver, Big Spring, Inc.
Eric Weaver, Big Spring, Inc.
Brian Fox, Big Spring, Inc.
John Ulrich, Reading Area Water Authority
Shawn Murray, Markward Group

Minutes:

Chairman Raffaelli called the August meeting to order, reminded the audience of the 'sign-in sheet', and reviewed the agenda. Mr. Cohen made a motion to approve the August agenda, and Mr. Lauter seconded. The Planning Commission approved the agenda, unanimously.

Presentation of the proposed re-zoning (R1 to R3) for the Jewish Community Center, for their 17-acre parcel at 2020 Hampden Boulevard.

Mr. Setley introduced himself, filling in for Mervin Heller, in representing the Jewish Federation. He briefly explained the differences in uses available between the R-1 and R-3 districts. He stated, as their primary motive for the re-zoning request, a need to service the debt incurred by the recent renovations to the Jewish Community Center. He also mentioned their anticipated future development of the adjacent Center in a "campus" environment, noting the additional uses available in the R-3. He reminded the Commission that the parcel is currently tax-exempt, saying that construction of "low-rise garden apartments" could result in a \$5-6 million tax-ratable. He said the "de-densification" goal of the City is not applicable to this neighborhood as it is in the denser neighborhoods with parking problems. He mentioned the other multi-family development along Hampton Boulevard and around Albright College, saying this re-zoning would have "no impact" on the R-1 neighborhoods. He said the Commission should balance the community benefits with the minimal traffic impact, asserting that other uses allowed in the R-1 could cause a greater traffic burden. He named Advanced Building Systems as equitable owner of the parcel.

Mr. Lauter asked how much of the property would actually be developed and how many units were

projected to fit on that portion. Mr. Setley said, of the roughly 17 acres, between 4½ to a maximum of 6½ acres would be sold for construction of approximately 50 units (“two-story stacked townhouses”). He said that excess land was not needed according to the long-range planning of the Center’s development. He said a possible element of elderly housing might later be proposed, especially since it could serve the same community as the Center.

Mr. Boland, representing Elliott and Doris Leisawitz, neighbors, spoke against the petition. He first recited the “Intent of Districts” section of the Zoning Ordinance, reminding the Commission that re-zoning was being sought for the entire tract. He criticized the Federation for seeking a re-zoning for the primary reason of “retiring debt”. He reminded the Commission that re-zoning decisions were among their greatest powers, adding that this particular petition had nothing to do with implementing the Comprehensive Plan, or any other plan. He pointed out that the terms of the sales agreement precluded access to the development through the Center’s land, mandated buffering around the Center only, and left the use (anything in R-3) and design of the development to the “buyer’s discretion”. He said that while the proposal may initially call for moderate-income housing, that is contingent on Housing Development Corporation-granted tax credits. Without them, any market-rate project is allowed by the sales agreement. He likened the term “low-rise garden apartment” to the “horse outside the doors of Troy”, intended to distract everyone from the other possibilities under R-3 zoning. He cited the Planning Code-specified procedures on re-zoning petitions and the criteria to judge them by. He said the land is surrounded by single-family homes, and that their owners have a reasonable expectation to similar development.

Mr. Miller mentioned, for the record, the letter he received from Councilman Michael Schorn (District 4) stating his firm objections to re-zoning.

Mrs. Leisawitz spoke to the potential impacts of the proposed increase in density, including traffic, noise, lighting, and declining property values. She reminded the Commission of their views expressed during the Olive Street vacation petition and asked that they show consistency now. She presented Mr. Miller with a 66-signature petition from the College Manor Swim Club, objecting to the proposed zoning change. The Club is adjacent to the parcel in question. She mentioned vacancies in the other, nearby high-density developments and the age-restricted housing at the Spring Valley Church of God property. She characterized the Federation as “mostly suburbanites” that don’t care about the quality of life issues in the City.

Mr. Reppert asked why it was necessary to re-zone the entire parcel. Mr. Setley indicated a need for the expanded possibilities of an R-3 in realizing the “campus” development goals of the Center.

Mr. Bealer motioned to recommend to Council that the parcel continue in R-1 zoning for the reasons cited in a letter he submitted to Council, dated July 7, 2005, that include protecting the character of the neighborhood, limiting the load on the sewage treatment plant, and deference to the Comprehensive Plan. Mr. Lauter seconded the motion. The Commission approved the recommendation by a vote of 4-0, Mr. Cohen having abstained due to his seat on the Center’s Board of Directors.

Continue - Presentation of the proposed re-zoning (R1 to R3) for Reading Hospital and Reading School District projects, at those sites known as the Reading Special Education Center and Thomas Ford Elementary School, between Museum Road and Wyomissing Boulevard, Margaret Street and Parkside Drive South.

Mr. Roland recognized that they were not on the agenda, but came hoping for a favorable recommendation to Council. After a brief discussion about the agenda, Mr. Raffaelli thought it would be appropriate to allow comments on the discussions of the workshop held prior to the regular meeting. Mr. Miller regretted the confusion over the agenda. He expected that since the presentation was made at the last month’s meeting, a recommendation could be made immediately.

Mr. Bealer expressed concern for the size of the buildings proposed and their impact on the surrounding neighborhood. Mr. Lauter wondered what would happen if the Commission recommended against re-zoning, recognizing the School District’s aversion to reusing the “ramp school” and the Hospital’s offer on the land. He expressed his concern over the permanence of re-zoning land, generally, and his preference for rehabilitating older buildings to demolishing them for new construction.

Mr. Miller felt that the petition should have sought to amend the R-1 to include educational uses, rather than re-zoning the land to R-3. He said that the nursing school was already a viable venture for the Hospital and a benefit to the community. He added that the project would not be without impact on the neighborhood, reminding the Commission of the dormitory planned in a future phase. Mr. Lauter felt the traffic would be the primary impact, adding that the dormitory was of bigger concern than the nursing school itself. He said that with so little low-density zoning, care should be taken when considering any re-zoning to higher densities.

Mr. Miller indicated that the uses proposed were still classified as “special exceptions” in the R-3. A variance would also be needed to permit multiple principal uses.

Mr. Cohen said that the current uses of these parcels were not low-density residential and felt that the Commission should enable what is of obvious benefit to the community. He mentioned having a philosophical problem denying the community additional trained medical professionals. He wondered if a recommendation could be made without fully endorsing the dormitory planned. Mr. Roland said such restrictions attached to the property itself would not be acceptable.

Mr. Roland said the proposal is only substituting one school for another, except for the housing included. He added that amending the R-1 would affect R-1s throughout the City, whereas the Reading Hospital offers a specific project in the most obvious location. He reflected on the Hospital's increased focus on the City population, now that Saint Joe's is moving to Bern Township.

Mr. Miller expressed frustration with the different zoning strategies applied between the Thomas Ford and Glenside (a use variance) proposals. Mr. Guida welcomed the opportunity to discuss the School District's position. He said that, in the Thomas Ford case, the Reading Hospital had invited them to make a joint petition to clear the way for both projects, simultaneously. Referring to Glenside, he said the previous Zoning Administrator had advised them to seek a use variance. He said 350-380 students would use the new modular school, expected to begin relieving their congestion problems by September 2006.

Mr. Raffaelli asked if any thought had been given to coupling the nursing school program with Reading Area Community College. Mr. Mable said RACC already uses Reading Hospital's facilities for their "practicum". He said the Hospital's campus is "built out", adding that the class size of the nursing program has doubled in the last two years. He said the proximity of the site to the Hospital is most attractive.

Mr. Reppert recognized the value of the nursing program to the community, but felt attention should be given to Mr. Miller's thoughts about amending the R-1. Mr. Miller reminded that such a change in the petition would mean starting over for posting and advertising requirements, regretting not having been more assertive earlier on. Mr. Roland indicated their need to secure the re-zoning, at least, by year's end. He showed the Commission a copy of the newspaper advertising the Council hearing set for August 29.

Mr. Lauter reasserted his concern on the permanence of re-zoning, and the changing conditions that cause businesses to relocate. He motioned to recommend that Council consider re-zoning for the Special Education Center and Thomas Ford Elementary parcels, from R-1 to R-3. He added that, if through legal means and in an agreeable timeframe, an amendment to the R-1 be considered, allowing educational uses by conditional use. He said he didn't want to impede the process but keep control over it, rather than opening the door to all possible R-3 uses. He expressed a willingness to attend special Commission meetings, if necessary. Mr. Cohen seconded the motion. And the Commission approved the recommendation 4-1, Mr. Raffaelli voting in opposition.

Mr. Raffaelli motioned for a 5-minute recess. Mr. Bealer seconded. And the Commission agreed unanimously.

Review the Parcel 25B Landscape Plan for Berks Packing Company Inc. and the Reading Redevelopment Authority, at the southwest corner of South Fourth and Laurel Streets.

Mr. Miller distributed copies of the "Exhibit E" improvements agreement between Berks Packing Company Inc. and the Reading Redevelopment Authority.

Mr. Buck introduced himself, Mr. Strauss, Pat and Mike Boylan of Berks Packing Company Inc. He reviewed a plat (not submitted to the Planning Office) showing parcel information. He said Berks Packing bought the property from the Authority, two years ago, on the condition that expansion of the business be undertaken within 7 years. He cites Authority-Resolution 33-2004, the "Exhibit A" modifying the "Exhibit E" improvements required. The new resolution basically relaxes the buffering and paving requirements of "Exhibit E". Berks Packing proposes to landscape a 90-foot front yard facing Laurel Street and leave the rest in stone parking for the Company's trucks. He said the stone base will prevent skateboarding and other nuisances. He said that, until the future use is decided, they'd rather not pave the lot.

Mr. Bealer asked about a neighboring parcel, the site of a former grocery store. Mr. Buck indicated that Berks Packing is considering it in their expansion plans, as well.

Mr. Bealer questioned the maintenance challenges of a stone lot, since stone scatters, and the Planning staff opinion. Mr. Miller cited the Zoning Ordinance requirement for paving, his opinion that such a requirement belongs in the Land Development Ordinance, and wondered to what extent the Redevelopment Authority intended to, or has the power to, suspend the requirements of the Zoning Ordinance. Mr. Buck wasn't sure whether Parcel 25B was still an active Urban Renewal Area, with the associated zoning relief. Mr. Miller had asked the Authority Solicitor about the agreement and understood that Berks Packing was supposed to comply with the Zoning Ordinance. Mr.

Miller reminded that the Planning Commission doesn't have the power to vary the Zoning Ordinance. Neither did he submit a copy of the plan for Public Works to review, as there was no topographical information provided.

Mr. Buck indicated that the existing conditions are generally remaining. He described the plan as a temporary "stop gap" measure to beautify the area until such time as it's developed. He asked the Commission for its temporary blessing. Mr. Miller said he would attach his technical review with the Commission's recommendation to the Authority. He said the terms of the agreement cause him to review the Plan by a certain standard. The proposal doesn't meet that standard, but improves on the existing condition.

Mr. Lauter motioned to recommend the Authority accept the landscaping plan. Mr. Cohen seconded. And the Commission agreed, unanimously. Mr. Bealer asked that they work to maintain the stone on the lot, keeping it from scattering into the street.

Review the off-street parking plan for the Reading Public Library, under construction at the southwest corner of Wood and Franklin Streets.

Ms. Deye introduced herself and reminded the Commission of their review at the February meeting and the "preliminary/final" approval rendered. She recognized the turnover in City Planning staff and the need to clarify issues. She mentioned the Public Works review and Fred Yourkavitch's endorsement. She said the handicap access is still in the front of the library on Fifth Street. It complies with ADA requirements as long as handicapped persons need not travel greater distances for access than the general population. She said the signature block requested has been placed on a separate sheet since there was no room left on the plan sheet. At this stage, she felt the plan represents an as-built. Additional trees have been added on Wood Street, as requested at the February meeting.

Mr. Bealer motioned to approve the plan, as presented, waiving the required standard placement of the signature block. Mr. Reppert seconded the motion. And the Commission approved the resolution, unanimously.

Resolution #28-2005

Review the preliminary land development plan for Big Spring Inc., a water bottling plant proposed for those parcels known as 600-760 Clinton Street, the Riverfront Commerce Center.

Ms. Fudeman, legal counsel to Big Spring Inc., introduced herself, Mr. Bensinger, representatives of Kinsley Construction, Mr. Weaver, and Mr. Swoyer in the audience.

Mr. Bensinger said the plan had been revised since the July meeting to meet the driveway and setback standards of the Zoning Ordinance. He mentioned the variances granted by the Zoning Hearing Board for the building and water tank heights. He assured that the remaining encroachments into the setbacks could be redesigned. He felt that all other issues had been addressed. He said all Public Works' concerns about traffic and stormwater could be addressed and asked for "preliminary/final" plan approval. He said they had to begin construction by September 15th, in order to get footers in the ground by the cold weather.

Mr. Lauter asked how the traffic issues could be adequately addressed in the short timeframe. Mr. Bensinger mentioned his conversation with Gregg Bogia, who said that there would be fewer trucks on the road, 200 compared with the 250-300 projected in the original traffic study. When prompted by Ms. Fudeman, Mr. Bensinger stated that the original traffic study was conducted two years ago.

Mr. Bealer indicated that at the Reading Area Transportation Study Technical Committee meeting, PennDOT officials agreed that a new traffic study was necessary. He said environmental issues, such as sedimentation control and direct discharge to the Schuylkill River have motivated him to present the issue at the upcoming Environmental Action Committee meeting. Mr. Bensinger indicated that all of the relevant intersections had been addressed in the original traffic study, that the concerns stated in the original County Planning Commission review had been addressed, and that the City Planning Commission had approved the original traffic study. (?)

During examination by Ms. Fudeman, Mr. Bensinger stated that 250-300 trucks were projected in the original traffic study, of 5000-6000 total trips. He said that the current plan projects a 20-30 percent reduction in truck traffic generation. He said improvements had been made to the West Green Street/Schuylkill Avenue intersection (widening and two-way movement). He said a traffic light would be installed when the project was approved. He added that money was on the way to extend River Road from Buttonwood Street. Mr. Bealer said the City Engineer wanted a traffic study to project impact with and without the River Road project. Mr. Bensinger said that money had not yet been allocated. If it isn't built, all the trucks would use Schuylkill Avenue. He said the proposed extension would only benefit the project.

Mr. Lauter reminded that the site was originally proposed to have several small manufacturing facilities, with an anticipated mixture of truck sizes. He described this project as different than what was originally expected and said a "parceling-off" in the future would add to the traffic burden. Mr. Bensinger suggested that a revised

study and associated improvements be made if and when future uses are proposed. He said they “may never show up”. Mr. Lauter inquired about what kinds of trucks were originally predicted. Mr. Bensinger said of the 250-300 trucks projected, approximately 5 percent would have been “heavy-duty”.

Ms. Fudeman asked if the bottling plant was a permitted use in the zone. Mr. Bensinger answered affirmatively, saying the factory meets all requirements. Mr. Miller said the plan wouldn’t be before the Commission if it weren’t a permitted use. Mr. Bensinger agreed that, if it weren’t, they would have to go to the Zoning Hearing Board for a variance.

Mr. Lauter expressed a safety concern of having so many trucks near the elementary school, adding that the study should address that impact. Mr. Bensinger said that Mr. Bogia had met with a school official and he didn’t have any major concerns. He (the official) was going to review the plan and respond if there were any problems. No trucks are anticipated on Clinton Street, but Mr. Bensinger said they couldn’t guarantee the decision-making of the individual drivers. He added that Green Street was a better choice since the improvements were made.

Mr. Swoyer introduced himself and reminded the Commission of the traffic study in their files, projecting full build-out, and previously approved. (?) He said improvements were made based on that anticipated build-out and approved as part of the prior plan. He said the River Road extension “is totally in the hands of public bodies”, subject to agreements that the City and its Redevelopment Authority entered into. He said it is a public street, under public purview as to if and when the extension is made. He said the original traffic study was approved (?) projecting a half-million square feet of development. He recognized that any future development would have to go through the land development process.

Ms. Fudeman wondered how one could even make a traffic study for unknown future uses, (?) when the types of traffic generated were unknown. Mr. Lauter stated that as the reason for asking for another, now. He cited the original motion for approving the Subdivision Plan, quoting the condition of future traffic impact studies. Mr. Bensinger said the original study had to make some assumptions. Ms. Fudeman continued, “We come to you now with a proposal that definitely fits within the scope of the study completed... (?) we know exactly what the impact will be... was the basis of the original approval.” Mr. Miller stated that the City’s experts question the methodology of the original study and the County feels its original comments have not been addressed. Mr. Bensinger said that the County never issues a revised letter once their comments have been addressed. He said the comments were addressed two years ago. Mr. Miller countered that the County said recently that those issues had not been addressed and that it wasn’t within his purview to dispute it.

Mr. Ulrich introduced himself and referred to the recent Reading Eagle article about the \$1.2 million federal grant to extend River Road. Mr. Swoyer said that he saw the article, but disputed the relevance to the site. He described it as a bonus, if and when it is constructed, but not necessary as the project is designed. He said PA 183 was preferable to traveling through the Community College campus, anyway. Mr. Ulrich identified himself as resident of Schuylkill Avenue. He said the trucks are already there and don’t affect anybody.

Mr. Bensinger said that he spoke to the City Engineer, earlier that day, about the stormwater management concerns. He said the soil was never stabilized following the construction of the road. He cited the hot weather and heavy rain events as challenges. He said the swales, designed to channel water toward the catch basins, have eroded around the catch basins, causing all the run-off to flow toward, and overload the last catch basin. That dumps 50 feet from the bike trail, having sediment deposit and clog a small bridge. He described it as a maintenance issue that will go away once the site is stabilized.

Mr. Miller referred to the County’s issue, both technically and legally, with direct discharge of stormwater to the River. Mr. Bensinger stated that it was so designed and approved two years previous. He described it as a common practice in Reading and other municipalities for sites adjacent to a river. Mr. Swoyer said it was previously approved by the City Engineer. He said this proposal presents no difference in volume from the original projections of a full build-out. Mr. Bensinger said that the City Engineer agreed that it was more of a maintenance issue and asked for “preliminary/final approval” conditioned on addressing the Engineer’s comments. Mr. Lauter reminded that the Engineer called for a new traffic study, adding that he would want time to review the new study.

Mr. Miller said that all he had to work with were some lengthy review letters and doubted that all those concerns were satisfied in one phone call. Mr. Bensinger said all of the County’s concerns have been addressed, but that the County wasn’t aware of it. He said a letter in the Commission’s files, from Mr. Bogia, addresses those concerns “line item by line item”. He said he felt all of the Engineer’s concerns could be satisfied by supplying additional information. Ms. Fudeman insisted, “Mr. Miller, I want to make it clear we’re not trying to circumvent anything...”.

Mr. Lauter repeated that the conditions of that original approval mandated additional scrutiny. He said that this use is much different than the smaller manufacturing with smaller trucks, originally anticipated. Ms. Fudeman

insisted that the Commission provide a basis for these demands since Mr. Miller's letter to Mr. Bogia indicated that everything was resolved. Mr. Miller said that he reviews for Zoning and Subdivision/Land Development Ordinance-compliance, trusting the requests from the engineers for additional technical studies. Ms. Fudeman insisted that the original study was sufficient. Mr. Bensinger assured that anything the Engineer asks will be done.

Mr. Miller asked for more information about the conversation with the School District. Mr. Bensinger said they did not have concerns. He said the trucks will be partially screened by the topography.

Mr. Ulrich read aloud the letter from the Water Authority, supporting the project. He said it is not just about the traffic, but revenue potential for the Authority, which needs a contingency fund to care for its aging infrastructure. Ms. Fudeman agreed that this project promises revenue and jobs.

Mr. Cohen stated that he was in favor of the project, but had reservations due to the length of the Engineer's letter. Ms. Fudeman urged the Commission to approve the project on the condition that the letter is addressed. Mr. Lauter didn't want to approve it based on such a big condition, restating his need to review any new information and be satisfied. Ms. Fudeman asked that they approve conditioned on the Commission's satisfaction (?). Mr. Lauter recalled (then Planner) Karl Graybill's recommendation for a new traffic study as a condition of approving the 2003 Subdivision Plan. Ms. Fudeman insisted that it had been addressed. Mr. Lauter then stated his skepticism of Mr. Bogia's traffic study for a project he is pushing. Mr. Swoyer reminded the Commission of Mr. Bogia's credentials.

Mr. Lauter suggested that the plan be tabled on the outstanding engineering issues and the (yet-to-be-submitted) requested letters from the Olivet's Club and Elementary School. Ms. Fudeman said that Mr. Weaver met with Steve Najarian of Olivet's. She recognized the cooperative nature of the Commission in the past, but asserted their time constraints. She questioned the legal basis of delaying the plan for such letters.

Mr. Bealer was resistant on the request for "preliminary/final" approval. He described it as the biggest project in the City, deserving the serious consideration of the reviews submitted and a new traffic study as required under the terms of the original Subdivision Plan approval. He mentioned sidewalk installations and grading work as being deficient according to the terms of the original plan. Mr. Swoyer said that had the Commission chosen to approve the Preliminary Plan at the last meeting they could be at a final plan now. He said that the required improvements were all constructed correctly and verified by independent observers. Mr. Lauter and Mr. Raffaelli stated the outstanding zoning issues as compelling reasons to table the plan.

A friend of Mr. Weaver (Mr. Fox?) gave a character reference.

At Mr. Miller's request, Mr. Weaver gave an overview of 'the numbers';

- 363 total employees at build-out, 163 employed in the plant (23% skilled, 51% management, 26% unskilled)
- \$14 million in payroll taxes/annum, \$1.2 million in water and sewer fees/annum, and after the KOZ expiration (their ninth year), \$296 thousand in privilege taxes, \$357 thousand in School taxes, \$287 thousand in County taxes, and \$2.243 million in State taxes
- 336 employed for the construction, generating \$13.4 million in personal income taxes

He said the raw material would be piped in through the 30-inch main crossing the property and filtered by reverse-osmosis. He said other operations typically have trucks bringing the water, from off-site sources to the bottling plant; a greater traffic impact. He said truck trips could be restricted during certain hours. He said there would be peak hours however, not anticipating them to be at night. When asked about the feasibility of the operation, he mentioned his competition having antiquated systems as opposed to the front-end capital investment he would make for the latest (high-speed European) technology. Mr. Lauter expressed the concern of having history repeat itself in another large single user not surviving.

Mr. Weaver reminded that he picked the site for the build-ready condition and the 30-inch pipe, rather than the KOZ-status. He emphasized their need to break ground this year, saying that losing "a season" would set them back enough to force a re-evaluation of the project feasibility and location. He liked the aesthetics of the site's proximity to the river, adding that there would still be about 25 acres left for the "mixed-use" possibilities. He recalled the original conceptual plans, explaining that the ten lines originally planned, have been reduced to six. An investment in the higher speed equipment made it feasible. He mentioned Reinsel, Kuntz, Leshler LLC as their financial consultant and the interest of the lending community. He said banks are "lined up" and willing to go forward without having long-term contracts in place. He cited their "years and years of study" as evidence enough for the banks to judge the business plan, price and market projections. He named Sovereign Bank/Jay Sidhu as wanting to get involved. He expressed a wish to deal with local banks.

Mr. Lauter reminded of the Planning Commission's responsibility to consider the neighborhood impacts as

well the as economic benefits. He said that their decisions should not be rushed, adding that the Commission has always been open to scheduling additional meetings, when necessary. Ms. Fudeman asked for preliminary approval, conditioned on satisfactorily addressing the City Engineer's concerns.

Mr. Miller asked if the competition usually owns their source of water. Ms. Fudeman argued that certain aspects of the project could not be discussed with the Commission. Mr. Weaver answered that they do, with the added burden of trucking the water to the bottling operation, as those operations are not generally located on the sources.

Mr. Raffaelli inquired about the future of the remaining parcel, asking why Greater Berks Development Fund shouldn't keep it and market it separately. Mr. Weaver indicated that Big Spring Inc. may need the space in the future. Mr. Raffaelli mentioned the original intent of the subdivision to accommodate multiple users. Ms. Fudeman recognized the requirement to come back for Commission approvals for any additional or expanded land development.

Mr. Reppert asked for clarification on the "preliminary" versus "preliminary/final" approval requested, recalling that the Commission has given conditional preliminary approvals before. Mr. Bensinger said that they were originally seeking "preliminary/final" approval, but have now "backed-off". Mr. Cohen felt that the City Engineer's concerns should be allayed. Ms. Fudeman said that Mr. Bensinger was working on that earlier the same day.

Mr. Raffaelli made a call for action. Mr. Reppert motioned to approve the Preliminary Plan, contingent on the applicant satisfying the concerns of the City Engineer. Mr. Lauter asked what it would mean if the Engineer agreed that an additional traffic study was necessary. Mr. Reppert indicated that his motion covered this possibility. Mr. Lauter asked if the contingency covered only Charlie Jones' concerns, or those of the City's other traffic officials, as well. Mr. Miller indicated that they collaborated on their review. Mr. Cohen seconded the motion. The motion was defeated by a vote of 2-3, members Raffaelli, Lauter and Bealer voting against.

Resolution #29-2005

Review the final subdivision plan for Third and Buttonwood Streets, at the northeast corner of Third and Buttonwood Streets.

Mr. Bensinger introduced Mr. Murray of the Markward Group. He said they weren't asking for approval because they need zoning variances from the minimum lot area and side-yard setback requirements. He asked the Commission to make a favorable recommendation to the Zoning Hearing Board.

Mr. Miller recalled his conversation with the City Solicitor, earlier the same day. No decisive course of action was agreed on. The real issue is what the applicant is planning on doing with the parcel. Mr. Murray said no use has been found, but that a "better function" was being sought. He said they were looking to "remediate" the site, in the meantime. Mr. Miller felt that parking was the only realistic option for the site, as the usable area was further limited by the proposed access easement serving the loading dock. Mr. Bensinger indicated that the site could be marketed to some small business or office.

Mr. Bensinger explained the existing division of the land. He said that the three parcels shown were combined on one deed. The applicant proposes to re-subdivide them into two, in order to attract some new business. He repeated his request for a favorable recommendation to the Zoning Hearing Board.

Mr. Miller appreciated efforts to clarify property line issues, but had reservations about the limitations of the proposed lot.

Mr. Bensinger pointed out the existing building's encroachment on the former Rose Street (vacated in that block in 1881). He said they would have to check with an attorney on the possibility of claiming a share of the former right-of-way.

Mr. Bealer expressed a concern with subdividing such a small lot, especially with the proposed easement. He mentioned seeing a truck backed up to the open loading dock, that day. Mr. Murray didn't know anything about it. He said the previous occupant was a sheet metal company that might be clearing out the last of its belongings.

Mr. Bensinger said that there were no plans to subdivide the tract any further. He said that if zoning relief weren't granted, this project wouldn't proceed either. Mr. Miller said he wasn't sure how to treat the issue, adding that it will be interesting to see how the Zoning Hearing Board treats the issue, based on the information provided. Mr. Murray asked for the favorable recommendation, adding that the existing building is in a useable condition. Mr. Bensinger said that he understood if the Commission felt it wasn't in a position to make a decision.

Mr. Bealer motioned to table the Plan, pending some further direction from the City Solicitor. Mr. Lauter seconded the motion. The Commission voted unanimously to table.

Other business

Mr. Raffaelli asked if there were any questions on the June Planning Commission minutes, and asked for an action. Mr. Lauter motioned to accept the June minutes, as written. Mr. Bealer seconded. The Commission approved the minutes, unanimously.

Mr. Raffaelli asked if there were any questions on the July Planning Commission minutes, and asked for an action. Mr. Lauter motioned to accept the July minutes, as written. Mr. Reppert seconded. The Commission approved the minutes, unanimously.

Mr. Raffaelli asked if there was any other business. Mr. Cohen asked for some explanation of the “negativity” surrounding the water bottling proposal. He described the applicant as an entrepreneur willing to put his money and reputation on the line, and deserving of a chance. He said that, if the project worked, it would benefit the City and the Water Authority. And if it didn’t, we’d be no worse off than now. Mr. Miller said that the City always gets left with the demolition and cleanup responsibility. Mr. Cohen felt the potential positives far outweighed the potential negatives. He felt that too much attention was being focused on the traffic issue. Mr. Lauter expressed his concern with the amount and impact of the traffic on the surrounding neighborhoods. Mr. Raffaelli questioned the ever-changing numbers relating to traffic, employment, and the business plan. He realized that such projections can only be so specific in the planning phase, but expected more consistency. Mr. Cohen wondered how much the Commission should be concerning itself with such details. Mr. Miller expressed the desire to find the highest and best uses for the property and reminded of the public monies spent to prepare the site. Mr. Cohen said any use is better than none, recalling his background as an entrepreneur.

Mr. Lauter motioned to adjourn the meeting. Mr. Bealer seconded. And the Commission adjourned the August meeting, unanimously.

AWM / awm

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