Minutes
Regular meeting of the City of Reading Planning Commission
December 12, 2006 at 7:00 pm

Members present:

Ermete Raffaelli, Chairman
David Reppert, Vice Chairman
Michael Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
Frederic dep Rothermel, Jr.

Staff present:

Andrew W. Miller, Planning Office
Michelle R. Mayfield, Law Department
Charles M. Jones, Department of Public Works
Jatinder S. Khokhar, Code Services Office

Others present:

Robert M. Behling, RiverPlace Development Corporation
David L. Thun, RiverPlace Development Corporation
Gregg A. Bogia, Bogia Engineering Inc.
James J. Brady Jr., Spotts, Stevens & McCoy, Inc.
Timothy J. Krall, Spotts, Stevens & McCoy, Inc.
Scott A. Adams, Gilbert Architects, Inc.
Lee C. Olsen, Olsen Design Group Architects
Michael D. Hartman, McCarthy Engineering Associates, PC
Roger D. Lehmann, All County and Associates, Inc.
Don P. Naughton, DMO Enterprises
Stephen F. DeLucas, Reading Eagle Company

Chairman Raffaelli called the December meeting to order, introduced Mr. Khokhar, the Director of Code Services, and asked for acceptance of the agenda.

Mr. Lauter moved to accept the agenda. Mr. Reppert seconded. And the Commission voted unanimously to approve the December agenda.

Subdivision and Land Development:

Review the **executive summary** of the **RiverPlace Master Plan**, a guiding document for land use planning in the vicinity of the Schuylkill River and its tributaries. [0:01.34]

Mr. Behling introduced himself as the Executive Director of the RiverPlace Development Corporation, recognized the City's prior participation and input, and asked the Commission for its approval of the Master Plan. He said he'd be back to discuss specific projects with the Commission, as they arise. He described the executive summary as the vision and design principals for future riverfront development.

Mr. Rothermel asked about the specific land uses associated with the buildings shown on the map views. Mr. Behling described it as an economic opportunity plan, not necessarily proposing specific uses. Mr. Rothermel asked about the area of the Schuylkill River/Tulpehocken Creek confluence and Blair Avenue, its existing commercial and industrial uses versus the Plan's preference for residential ones. Mr. Behling assured that the Plan does not propose the displacement of any existing businesses, but rather suggests preferred uses, should existing users choose relocation voluntarily.

Mr. Rothermel wondered how the adoption of the Plan affects the City's current zoning regulations and map. Mr. Behling hoped the Plan would be considered in future amendments to either. Mr. Rothermel voiced concern for established uses being deemed 'non-conforming' as a result of re-zonings. Mr. Behling advised a better mix of the uses allowed within the zoning districts, suggesting overlay districts be considered, as well. Mr. Rothermel also noted the riverfront south of Penn Street, shown in the Plan's illustrations as a dramatic departure from the existing manufacturing-type building masses. He asked again about specific uses. Mr. Behling called it an urban design study, leaving the decisions about specific uses to the Planning Commission.

Mr. Rothermel asked about the recommendations for the "Dana Store Yards", noting the difference between the building masses in the illustration and that of the proposed Berkshire Bottling Works. Mr. Behling said

the Plan recommends an "employment center" better integrated with the fabric of the surrounding neighborhood. He said the Riverfront Commerce Center existed as, and should continue as, an employment center. Mr. Rothermel recognized the Plan's suggested additional connections to the River from the surrounding neighborhoods.

Mr. Bealer asked about the reference to food processing (page 10) as "unlikely to derive a direct benefit from a riverfront location", noting the pending plan to develop such a use at the Buttonwood Gateway tract. Mr. Behling thought that particular use might be an exception, adding that the proposed Sun Rich facility would be located at some distance from the River.

Mr. Bealer asked about the "Old Wyomissing Road Extension" (page 12). Mr. Behling described a goal of re-connecting First Avenue in West Reading to Old Wyomissing Road, along the west shore of the River and through Cumru Township, abandoned since the construction of the electric sub-station.

Mr. Bealer asked about the "BCCF Headquarters", a reference to the Berks County Community Foundation's plan to build a new headquarters. Mr. Miller alluded to a pending real estate deal, expecting a land development application in the near future.

Mr. Raffaelli thanked Mr. Behling for his presentation, and asked when the Commission should expect to see real projects proposed. Mr. Behling mentioned the solar lighting project for the trails, in the works, the upcoming feasibility studies on the amphitheater, the old Pennsylvania Railroad bridge, and its connection to the Reading Public Museum. He hoped for the City's collaboration at each step, fully expecting changes and modifications to the Plan over its lifespan.

Mr. Miller asked for a general statement from the Commission, offering to modify his draft resolution to better express the Commission's position. Mr. Rothermel asked about the draft's reference to the Master Plan, wondering how it related to the summary in-hand. Mr. Behling called it an executive summary, and the opening chapters of the full document, without all the supporting documentation and analyses embodied in the full document. He offered to provide the full Master Plan, if requested. Mr. Rothermel wondered if the Commission was being asked to endorse an urban design concept or specific uses in specific places. Mr. Behling said the Master Plan doesn't get anymore particular than its summary. Mr. Miller noted the specific uses identified in the phasing timeline, calling it more than just a form base. Mr. Lauter voiced the concern of having the Commission put in the position of having to approve things previously agreed to by other parties/agencies, and without the Commission's input. Mr. Rothermel hypothesized that if Eastern Rigging and Industrial Contracting, Inc. were to leave its location in the Stonecliff area, someone proposing residential in the Manufacturing-Commercial (MC) district need only go to the Zoning Hearing Board for a use variance. Mr. Behling said such a course is not allowed, in his opinion, and would instead have the planning agency review a re-zoning petition. Mr. Rothermel clarified the point that the actions of other agencies have an effect. Mr. Behling stated the Development Corporation's intent to follow the processes defined by the Pennsylvania Municipalities Planning Code.

Mr. Rothermel moved to formally endorse the RiverPlace Master Plan, to recommend that the City of Reading City Council adopt the plan, by reference, as an amendment to the Comprehensive Plan 2000, and to consider the Master Plan in all adoptions of, and amendments to City land use regulations. Mr. Lauter seconded the motion, still concerned that the Commission ought to make their endorsement more conceptual in nature. Mr. Miller said that is what he was trying to convey in the language of the draft resolution, wondering if he went too far, and offering to modify the language. Mr. Lauter said he believes in, and supports the riverfront initiatives, and was just hoping to avoid unforeseen consequences. Mr. Miller felt the best tools are the zoning and land development ordinances, and all comprehensive and master planning is just guidance in formulating those tools. He recognized the additional reason to update those ordinances, and recalled his previous intent to draft legislation giving the Planning Commission a greater role in the planning of park and recreation alterations and improvements. Mr. Behling restated the Development Corporation's commitment to involve the Commission, whether or not required by ordinance. He said, if agreeable to the Commission, similar endorsements would be sought from the neighboring municipalities. And the Commission voted unanimously to approve the Master Plan.

Resolution #50-2006

Review the **preliminary** land development plan for **Sun Rich Fresh Foods, Inc.**, a proposed subdivision and construction of a food product manufacturing facility for that parcel known as 466 Tulpehocken Street. [0:36.26]

Mr. Bogia recalled the previous presentation at the November meeting, described the site, the 46,000- and 47,000-square foot phases. He acknowledged the Planning Office review and pointed to some landscaping revisions since made.

Mr. Bealer asked about the subdivision. Mr. Bogia assured that the residual parcel would be left intact for

zoning compliance, to be divided when necessary.

Mr. Rothermel asked if the proposed access drive would remain private. Mr. Bogia described a private street with common access easements for other developers in the Buttonwood Gateway, adding that there were no intentions to dedicate the street to the City. He said the parcel boundary would generally follow the street's centerline. Mr. Rothermel asked if the City had considered designing and building access to the site. Mr. Miller wasn't aware of any such plans, besides the planned River Road extension, and the existing paper streets of the Buttonwood Gateway, since vacated. Mr. Miller, understanding the need for truck loading and maneuverability, expressed concern for the wide, paved design at the street's terminus, considering how the neighboring parcel(s) could be developed. He objected to a possible mirror image to the west, raising aesthetic, maintenance, circulation and stormwater management considerations. Mr. Bogia said all stormwater concerns had been addressed in the management plan submitted with the application. He said they were trying to maximize job creation, and noted the vegetated buffer from the homes across Tulpehocken Street.

Mr. Bealer wondered if the stormwater planning was limited to the current proposal. Mr. Bogia said the receiving pipes were sized, taking into account the maximum impervious cover of the potential build-out. Mr. Miller, alluding to the County Planners recommendation, asked about post-construction stormwater quality measures. Mr. Bogia deferred to the Conservation District, and said they intend to comply with the regulations.

Mr. Lauter asked about the City Engineer's comment regarding the provision of the sidewalk on Tulpehocken Street. Mr. Bogia said the couple of areas that are missing would be provided.

Mr. Rothermel noted the trees shown along Tulpehocken Street and at the rear of the residential properties on Buttonwood Street. He asked if any other trees or greening was proposed, especially on Buttonwood Street, west of the access drive, to screen facility's loading area. Mr. Bogia showed Mr. Rothermel a landscaping plan. Mr. Miller asked if any "street trees", as in deciduous varieties along the rights-of-way, were proposed. Mr. Bogia said the trees proposed are consistent with the Ordinance, identifying Eastern White Pines proposed along Tulpehocken Street.

Mr. Bealer asked about the need for a municipal improvements agreement ahead of preliminary approval. Ms. Mayfield said it could wait until the review of the final plan.

Mr. Bogia asked about the Planning Office review comment relating to setback measures. Mr. Miller clarified that setbacks are measured to the closest improvements, including paved areas. He agreed with the reasoning behind the front yard reduction, but sought correction of the measure given. Mr. Rothermel asked if there were any issues for the Zoning Hearing Board to consider, such as the parking proposed in the required front yard. Mr. Miller noted an allowance (§27-811) in the Manufacturing-Commercial (MC) district that allows the required front yard depth of 25 feet to be reduced to ten (10) feet with the provision of a landscaped buffer strip.

Mr. Lauter asked if any conditions should be applied to an approval. Mr. Miller referred to the outstanding issues raised in his review, and the need to have any proposed signage reviewed by the Zoning Office.

Mr. Raffaelli asked for building elevations. Mr. Bogia produced them, stating they were identical to those shown the previous month.

Mr. Bealer asked about sewage planning modules. Mr. Bogia referred to a returned exemption mailer, and a module since submitted. Mr. Miller asked how the developer is addressing the industrial pretreatment and discharge concerns of the City Engineer. Mr. Bogia said the Dennis Group, LLC is responsible for the design. Mr. Miller reminded that acceptable facilities must be shown on the final plan.

Mr. Miller asked for further clarification on the sidewalk issue. He asked if it would be rehabilitated to standard along the Tulpehocken Street frontage. Mr. Bogia referred to a note on the plan indicating that intent.

Mr. Miller asked about the possibility of a future traffic signalization warrant at the intersection. Mr. Bogia said the costs would be borne by the developer of the residual parcel.

Mr. Bealer asked if the legal descriptions were acceptable. Mr. Miller said he hadn't yet received them. Mr. Bogia said they had been drafted.

Mr. Rothermel asked about land ownership. Mr. Miller, unsure of what stage triggers the conveyance, reported that the Redevelopment Authority is transferring the property to Buttonwood Gateway, LLC, and they to Sun Rich Fresh Foods, Inc. that portion being developed. Mr. Rothermel asked if the selling price was public information. Mr. Miller assumed that it was, but wanted to clarify that information and report back to the Commission.

Mr. Miller recommended a cautious preliminary approval, subject to the satisfaction of preliminary requirements outlined in his lengthy review letter and the final planning requisites to follow. He advised a clear statement from the Commission, but hoped to see the project move forward.

Mr. Lauter moved to approve the Sun Rich Fresh Foods preliminary plan, conditioned on the resolution of issues identified in the Planning Office reviews, the securing of all other applicable permits and approvals, and the Zoning Administrator's review of any proposed signage. Mr. Reppert seconded. And the Commission voted unanimously to approve the preliminary plan.

Resolution #51-2006

Mr. Rothermel asked if the entire parcel, previously occupied by the American Chain and Cable Cabot Corporation, was being transferred to a private entity, even though only half is currently proposed for development. Mr. Bogia stated that the transfer to Buttonwood Gateway, LLC had already been executed.

Review the **preliminary** land development plan for the **Millmont Elementary School**, a proposed reconstruction of the elementary school at that parcel known as 300 Carroll Street. [1:08.29]

Mr. Brady, noting the questions in the Planning Office review, mentioned the November 8th zoning hearing (Appeal No. 2006-73), where the Reading School District was granted variances from maximum building height, building coverage, lot coverage, and minimum front yard setbacks. He described the project's location, the current 175-student population, and the planned "drastic increase" to 750. He described the existing building as two stories, the proposed building as three, when counting the partially subterranean parking garage, the rebuilt elementary school and science magnet. He said the teachers will park in the basement level, a gated parking facility with elevators to the schools. He said curb bump-outs designed at intersections will allow for drop-off/pick-up areas. He said the plan provides for two independent schools, and maximizes the potential of the space. The elementary and (sixth grade) magnets schools will share a common gymnasium and cafeteria. An outdoor gated play area, with playground equipment and a basketball half-court, will be provided; its use restricted to normal school hours. He mentioned the street trees along Belvedere Avenue, sycamores he described as "in deteriorating health", having been repeatedly cropped for the electric lines. He intended to contact the Shade Tree Administrator for direction.

Mr. Bealer asked for an update on the issue of electric utility placement, recalling the resistance from the Metropolitan Edison Company to the proposed underground installation. Mr. Brady said they were still discussing relocation to south side of Belvedere Avenue.

Mr. Bealer, referring to the Hearing Board's decision, asked for clarification of the zoning issues. Ms. Mayfield echoed the Planning Office's concerns about the detail of the written decision, advising a request for clarification from the Hearing Board. Mr. Krall said the plan was submitted as evidence in the zoning hearing. Ms. Mayfield understood, but recommended the scope of the relief granted be clarified. Having already mentioned the problem to the Zoning Administrator, she suggested the matter might be resolved as early as the Hearing Board's meeting the following day.

Mr. Raffaelli asked for an estimate of the total project cost. Mr. Adams put it at about $40 million, the building construction itself at about $30 million. Mr. Raffaelli wondered why such an intense development was being considered for such a small site, ignoring other options. Mr. Adams said the School District felt it to be the best fit for their needs, citing the proximity to Angelica Park as a consideration for the magnet program. Mr. Raffaelli suggested the Park itself. Mr. Krall noted a lake bottom of dried sediment, requiring substantial remediation to make build-ready. He said the Millmont site, too, would need special preparations due to the presence of limestone sinks. But the fact that the School District already owns the parcel, and has no *direct* neighbors, made a reconstruction of Millmont Elementary the preferred option. He cited the wide streets as a traffic circulation benefit. Mr. Brady mentioned some asbestos abatement necessary in the existing building.

Mr. Lauter asked about the contract for the traffic study. Mr. Brady answered that Spotts, Stevens & McCoy would conduct the study, having qualified engineers on staff. Mr. Lauter suggested the advantage of having an independent firm study the traffic issues. Mr. Brady recalled a meeting with the City Engineer, who was impressed with the 'bump-outs' designed. Mr. Lauter expected a substantial increase in traffic. Mr. Miller asked if the School District still intended to stagger the start times between the elementary and magnet programs. Mr. Adams answered yes. Mr. Raffaelli noted that elementary attendance is more local, with more students walking. He said the magnet programs attract students City-wide, and cautioned against projecting a traffic increase in direct proportion to the growth of the student body. He said the traffic study should also account for the possibility of future growth, beyond the 750 planned.

Mr. Raffaelli asked how much of the garage would be screened by the subterranean grading. Mr. Brady said it would differ by side, being more visible from Belvedere Avenue than from Summit Avenue. He described mechanical ventilation fans on the sides. Mr. Raffaelli asked if there had been any objection from School Board to

exhaust fumes from the parking deck, recalling the late cancellation of the planned 'kinder-cottage' in the Intermodal Facility on Cherry Street. Mr. Adams, unaware of that situation, said there hadn't been any such objections. He mentioned several presentations to the School Board, and its Facilities Committee. Mr. Bealer asked about noise associated with the ventilation fans. Mr. Adams said fans run at lower speeds, directing most of the exhaust through the building's roof, the side vents being mostly intakes. He said the mechanical engineer didn't anticipate a noise disruption. Mr. Lauter asked if the widows would be operable, concerned that fumes from the garage would ventilate directly under them. Mr. Adams called it a possibility, but added that the windows were intended for emergency/back-up use, and aren't expected to be open when the mechanical ventilation is operating. Mr. Bealer suggested carbon monoxide detection equipment. Mr. Adams said they could discuss that with the mechanical engineer.

Mr. Bealer asked for the staff opinion, and the County Planner's comments. Mr. Miller paraphrased the County's recommendations for detailed plan notes, traffic circulation planning and garage access considerations, handicapped access, air quality, and stormwater management planning. He asked about the water main to be covered by the 'bump-out' design. Mr. Brady intended to discuss a possible relocation with the Water Authority, if necessary. Mr. Miller there was alot of additional detail required, especially in regard to utility planning. Ms. Mayfield recommended the plan be tabled, and a directive made seeking clarification from the Zoning Hearing Board.

Mr. Bealer moved to table the Millmont Elementary preliminary plan, pending resolution of the drafting/Land Development Ordinance issues, incorporation of County Planning Commission's comments, and clarification of the Hearing Board's decision. Mr. Rothermel seconded. And the Commission voted unanimously to table the preliminary plan.

Mr. Rothermel made a motion directing the Planning Office staff to seek clarification from the Zoning Hearing Board, in regard to their written decision, the type and extent of relief granted. Mr. Reppert seconded. And the Commission agreed unanimously to the directive.

Resolution #52-2006

Review the **final** land development plan for the **GL Public Services Land Development**, a two-story office building proposed at those parcels known as 100-106 North Third Street. [1:57.12]

Mr. Olsen offered a "mea culpa", referring to the final plan's inconsistency with the preliminary approval, as approved at the September meeting. He recalled the approval, conditioned on removal of the driveway shown. He said his client, Gary L. Mengel, has since decided not to proceed with the construction until sometime after the 2007 tax season. He said that Mr. Mengel was unable to attend the Commission's meeting, personally.

Mr. Olsen mentioned two meetings with the City Engineer and the Commission's legal counsel. He said Mr. Mengel explained in further detail the specifics of his operation. Mr. Olsen characterized the plan as being "at the mercy of the Commission". He said GL Public Services serves an average of 4000 customers, 50% of whom walk to the office, and only by appointment. He mentioned a staff of seven, renting seven off-street parking spaces in the neighborhood. He said GL offers tax programming, financial services, mortgages, and insurance, and is looking to increase business. He said the curb cut is intended for armored trucks entering the proposed garage, estimating one truck per day, between January 14th and February 14th, and two trucks per week between February 14th and April 15th, each visit approximately five to ten minutes. He said traffic would be "intermittent" throughout the rest of the year, about forty armored truck visits in all. Mr. Olsen reported that Gary Mengel felt the curb cut/garage critical to his operation, and indicated his intent to instruct drivers to back into it. He described the two properties acquired to the north, for $40,000 apiece, and the teardown (at another $40,000) already underway for public safety reasons. He estimated the total project cost at over $700,000.

Mr. Hartman gave an overview of the site and the work proposed. Mr. Bealer asked about the distances to the curb cut from the intersection (of North Third and Washington Streets) and the fire hydrant. Mr. Hartman answered sixty feet and thirty feet, respectively. Mr. Bealer recalled the Traffic Planner's visibility concerns for traffic westbound on Washington Street, when turning right onto North Third Street.

Mr. Rothermel asked about the current parking demand in the area. Mr. Miller thought on-street spaces were generally occupied, where permitted. Ms. Mayfield asked if spaces were being reserved. Mr. Jones answered that two were already designated on the opposite side of North Third Street, the parking limited to short durations. Mr. Rothermel wondered whose signatures were required on curb cut/driveway permits. Mr. Jones recalled lines for the Plumbing Inspector, Zoning Administrator, Senior Planner, and himself. Mr. Rothermel asked Mr. Miller if he

intended to sign that permit. Mr. Miller stated that, when following an approved land development, he'll approve curb cut applications consistent with the form approved by the Planning Commission.

Mr. Jones said most of his concerns were alleviated when told the anticipated truck volumes. He said he prefers that one truck per day maneuvering into and out of the driveway, to double-parking on North Third Street, the current condition.

Mr. Lauter asked if the driveway/garage were strictly for armored trucks. Mr. Olsen answered yes. Mr. Jones said he was told the garage would be kept closed, operated by a remote in the truck driver's possession. Mr. Lauter asked about the size of the garage. Mr. Olsen reported "ten by twenty", with an eight-foot (wide) door, for a 16- to 18-foot (long) vehicle. He said that, if the truck drivers won't follow the maneuvering policy, Gary Mengel intends to switch carriers. Mr. Lauter noted armored trucks serving banks and other businesses without garages, wondering what was so different about GL's situation. Mr. Olsen said he wasn't "at liberty to answer" due to security reasons. Mr. Raffaelli felt the garage wasn't large enough for the purpose. Mr. Hartman cited the condition of the neighborhood as a compelling reason for the garage. Mr. Miller asked if they were implying that GL handles that much more money than other institutions served by armored vehicles. Mr. Hartman said that the money was never kept on the premises. Mr. Lauter asked why the trucks couldn't use the spaces reserved across North Third Street. Mr. Hartman said they were seeking to provide a safer environment. Mr. Lauter called it safer for the carrier, but not for other traffic in the area, the concern of the Planning Commission. Mr. Miller recalled the Commission's concern for losing more on-street parking opportunities, especially since no off-street parking had been required by the Zoning Hearing Board.

Mr. Bealer asked if any new elevations were prepared. Mr. Olsen said the barrel vaults previously indicated were removed, in favor of a more traditional roofline. He said finalized renditions would be available at the next presentation.

Mr. Olsen, describing his client's options, said the parcels to the north were too small for a parking lot design, and would still require a curb cut. He said renovation of the existing building was not practical for the open floor plan of the business. He said Gary Mengel could leave the neighborhood, but preferred not to.

Ms. Mayfield asked if Gary Mengel intended to keep the 'scales of justice' in his firm's logo, thinking it indicative of legal services. Mr. Olsen said not, the logo having been redesigned.

Mr. Rothermel expressed his surprise that other City officials didn't share the Commission's concern over the proposed driveway. He said the Commission did its job by drawing the attention, realizing that others didn't seem to share the same reservations about losing on-street parking spaces and the significant traffic volumes on North Third Street.

Mr. Rothermel asked if the presentation was a final plan, or a revised preliminary. Mr. Olsen, again offering his apology, said his client first wanted to gauge the Commission's reaction to the garage. He said if not approved, he'd need further direction from Gary Mengel. Mr. Rothermel asked about the timing issues. Mr. Miller said it was submitted as a final plan, noting the time still available if it were tabled. Ms. Mayfield suggested the Commission could table the final plan, and reconsider action on the preliminary plan.

Mr. Bealer asked if the plan required sewage planning. Mr. Jones said it had already been arranged. Mr. Bealer asked if an erosion and sedimentation control plan was required. Mr. Miller said the disturbance was under the Conservation District's minimum area of concern.

Mr. Lauter suggested the area intended for the curb cut be designated a loading zone. Mr. Rothermel noted that it couldn't be reserved exclusively to GL.

Mr. Rothermel moved to table the GL Public Services final plan. Mr. Lauter seconded. And the Commission voted unanimously to table the final plan.

Ms. Mayfield said, if the Commission so desired, they could move to reconsider their approval of the preliminary plan, by removing the condition of the garage/curb cut removal. Mr. Rothermel made the motion. Mr. Bealer seconded. And the Commission agreed, 3-2, confirmed by a roll call vote, with Mr. Raffaelli and Mr. Bealer casting the dissents, to so amend the preliminary plan approval.

Resolution #53-2006

Review the **preliminary** land development plan for the **15th Street Land Development**, a subdivision and six single-family attached dwellings proposed at those parcels known as 615 and 633 South 15th Street. [2:33.27]

Mr. Lauter and Mr. Raffaelli, each having other commitments to attend, noted the lack of a quorum that would result if both left. Mr. Raffaelli suggested an abbreviated presentation, staying focused on changes and issues

not covered in the previous 15th Street presentation.

Mr. Lehmann offered building elevations, as requested at the Commission's November meeting. He noted the garage and porch provided for each unit, and indicated those areas in masonry finish and vinyl siding. He said color choices had not been settled, but offered to provide coloration, and the architect with the final plan presentation.

Mr. Raffaelli asked for the staff's concerns. Mr. Miller asked when the new water line would make the complete loop, a condition of negotiations with the Fire Department. Mr. Lehmann said the cost would be escrowed with the first phase, and the loop complete when occupied. Mr. Miller reminded that the Water Authority would also need to review the design. He said the Fire Department needs additional information on the emergency access and fire break designs. Ms. Mayfield recalled the access required for the Department's brush truck. Mr. Lehmann intended to speak directly with the Fire Marshal. Mr. Miller said the Zoning Administrator needs to review the plan. He said they shouldn't expect zoning permits until the subdivision and land development process is completed, but noted possible issues for the Zoning Hearing Board to consider.

Mr. Lehmann said they were seeking the Commission's action on the requested waivers, and preliminary plan approval. Mr. Miller advised against approvals until the zoning issues were clarified, but suggested the waivers be addressed, if acceptable to the legal counsel. He said the developer can't proceed with further land development planning until the Subdivision and Land Development Ordinance violations are settled. Mr. Lehmann agreed, not wanting to undertake the erosion and sedimentation control planning until the waivers were granted.

Mr. Miller summarized the requested waivers, the first dealing with the scale of the location map. Mr. Lehmann felt a larger scale allowed a better rendition of the individual parcels in the area. Mr. Miller read the second request for relief, from the street centerline grade maximum of twelve (12%) percent, to allow a maximum of 13.75%. Mr. Lehmann said that slope was consistent with the existing 15th Street. Mr. Miller reported the other requests, from the required vertical curve radii at grade changes in streets, from the prohibition on dead-end streets, requiring cul-de-sac turnarounds, and from the half-acre of recreation facilities required for developments of 50 units or more. He said, phasing aside, the project will total 52 units. Mr. Lehmann noted that a previously raised issue, regarding the vertical datum reference, appeared to have been satisfied. Mr. Miller agreed. Ms. Mayfield asked if there were any staff recommendations for the Commission. Mr. Miller answered "no". Mr. Bealer asked if the vertical radii were necessary. Mr. Jones called it "ideal", but noted the challenge of design when dealing with such steep grades. Mr. Lehmann called it consistent with the existing Street. Mr. Bealer said he was hesitant to waive the required cul-de-sacs without provisions for a connection to 15½ Street. He felt emergency vehicles shouldn't have to back down 15th Street. Ms. Mayfield recalled a meeting with the Fire Department, who found it acceptable. Mr. Lehmann said cul-de-sacs would result in additional tree cutting and grading up-slope.

Mr. Rothermel asked if anyone had calculated the tax benefit, wondering about the advantage to the City. He recalled the discussion at the Commission's December 2005 meeting, when asked for comments on the proposed re-zoning, they recommend none, until additional studies and designs were considered. He said the Commission wasn't completely opposed to development of Neversink Mountain, but was clear in its preference for something more topographically sensitive. He said he believed the Ordinance standards on slope were based on generally-accepted engineering standards, and remembered the City's previous enforcements of the prohibition on dead-ends, naming William Lane in the Northeast Industrial Park as an example. He described a missed opportunity to re-design the project, and take advantage of the topography and views of the valley.

Ms. Mayfield asked about the developer's plan to care for the common areas. Mr. Lehmann said the stormwater detention facility is the only common amenity proposed, suggesting a possible homeowner's association. Ms. Mayfield said the City's approval will be part of final review process, whatever their intent.

Chairman Raffaelli having since left the meeting, Vice Chairman Reppert sought a motion to table the preliminary plan, following the recommendation of the staff. Mr. Bealer made that motion, pending changes in response to the Planning Office review. Mr. Rothermel seconded the motion. And the Commission voted unanimously to table the 15th Street preliminary plan, 4 to 0.

Turning to the waiver requests, Mr. Miller re-read the request to waive the required location map at 800-scale, and allow it at 400-scale. The Commission voted unanimously to grant the waiver on location map scale, 4 to 0.

Mr. Miller continued with the request to waive the maximum allowed centerline grade of twelve (12%) percent, and allow a maximum of 13.75%. The Commission voted unanimously against granting the waiver on centerline grade, 0 to 4.

Mr. Miller read the request to waive the required vertical curves between grade transitions. The

Commission voted unanimously to grant the waiver, exempting the required vertical curves, 4 to 0.

Mr. Miller read the request to waive the prohibition on dead-end streets. The Commission voted unanimously against granting the waiver of the required cul-de-sac, 0 to 4.

Mr. Miller read the request to waive the required half-acre of recreation facilities for every fifty units. Mr. Naughton stated that the plan does result in the preservation of seventy (70) acres of Neversink Mountain. He said meetings with the City administration left him with the understanding that the preservation covered the recreation requirement. Mr. Lehmann cited the $10,000 granted to the Berks County Conservancy, intended for improvement/maintenance of the Neversink Playground. And the Commission voted unanimously to grant the waiver, exempting the required half-acre of recreation facilities for every fifty units, 4 to 0.

Mr. Naughton said he didn't understand the actions, asking if the Commission was enforcing the cul-de-sac requirement. Mr. Miller reported that all the requested waivers had been granted, but for the centerline grade limits and the required cul-de-sac. Mr. Naughton claimed there was no way to engineer cul-de-sacs without a much more invasive grading of the Mountain. He regretted not responding to Mr. Rothermel's question about the benefit of the development. He cited the current stormwater flows from the Mountain flooding the neighboring basements, promising the stormwater conditions would improve. He noted the improvements to the Playground, rising land values, and the unanimous support of neighbors themselves at neighborhood meetings. He claimed the median selling price of homes before his proposal was $34,000, now exceeding $100,000. He called the cul-de-sac waiver "absolutely essential". He said the design is the product of two-and-a-half years of work, the best that could be done with the geographical limitations. He called it the first development of its kind in over twenty years, telling the Commission they need to make concessions if they want development in the City. He said the Commission was "chasing [him] out the door". Mr. Miller asked if Mr. Naughton was suggesting that the prospect of his development had caused a tripling of sales prices. Mr. Naughton claimed it was a "verifiable fact", the median price being $34,000 in 2004, and in the $80,000s today. He said his project is helping to buoy the whole neighborhood. He said without the waivers he asked, it made no fiscal sense to proceed with the planning. He said the neighbors will still have stormwater problems, and the Playground will remain in its dilapidated condition. He suggested the additional population would improve the neighborhood, could have prevented illegal dumping, and saved a gunshot victim on a City Council member's doorstep. He said they considered the Mountain's topography carefully, and asked the Commission to reconsider its decision.

Mr. Rothermel appreciated the comments, calling it "unfortunate" that the regulations governing slopes weren't brought to the developer's attention for two-and-a-half years. He said he was willing to reconsider his vote, wary of setting precedent, but feeling it unfair to the developer to deny the waivers. He added that it was unfair to the Commission that the issues were not raised earlier, making the Commission "the bad guys" for trying to enforcing the Ordinance. Mr. Lehmann said the "one-stop shop" could be an appropriate venue for Commission members to voice their concerns. Mr. Miller insisted that the developer was told from the outset of the Subdivision and Land Development Ordinance, regulations in effect long before his project was even suggested. He said the developer was aware of the sections challenging his project, and assumed that the Commission would waive them. He said the zoning recommendation of the Commission was sufficiently promulgated. Mr. Lehmann said they were relying upon the administration's direction, assured that the plan was acceptable. Ms. Mayfield said the Commission could reconsider its action, recommending a specific motion to do so.

Mr. Lauter supposed that alternate designs were never really considered, per the recommendations of the Commission. Mr. Miller affirmed, noting that the current configuration was established prior to the re-zoning hearings. Mr. Lauter thought there was ample time and notification to the developer, but doubted that the administration gave indication of a potential conflict. He wondered how best to deal with the Commission's position, whether to hold firm, realizing the Commission could be overruled in the end, anyway. Mr. Miller said that's how he always assumed it would work out. He disagreed with the Commission absolving the developer from all responsibility, recalling several disclaimers made at the "one-stop shop" regarding the supremacy of the City's ordinances. Mr. Naughton disagreed. Ms. Mayfield affirmed that the prevailing processes are always declared at "one-stop shop" sessions, and that permits are never issued there. Mr. Naughton said there was "no such thing as a waiver-free plan". Mr. Miller countered that he could name several. Ms. Mayfield noted the professionals hired by the developer to review the municipal codes.

Mr. Bealer understood the developer's desire to maximize development, but doubted the benefit to the environment or the neighborhood. He recalled another plan for building on steep slopes, where the Commission's suggestions were incorporated, and resulted in a better design, and a waiver-free plan. He recalled the Commission's advice that the streets follow the Mountain's natural contours. He expressed suspicion of the

stormwater measures, thinking of the residents in the Mount Penn Borough and Lower Alsace Township affected by run-off from the City's Castlewood subdivision, supposedly engineered to the same management standards. He said after two-and-a-half years he would have expected a more imaginative plan, albeit with fewer total units. Mr. Bealer went on to dispute the net tax benefits of residential construction, citing the inevitable impact on public school districts. He said the City should address its existing stormwater problems, and saw no need for a reconsideration of the vote.

Mr. Rothermel moved to reconsider the two denied waivers. Mr. Lauter seconded. And the Commission voted 3 to 1 for reconsideration, Mr. Bealer casting the dissent.

Mr. Miller repeated the request for waiver from the maximum allowed centerline grade of twelve (12%) percent, to allow a maximum of 13.75%. The Commission voted 3 to 1 to grant the waiver on centerline grade, Mr. Bealer casting the dissent.

Mr. Miller repeated the request for waiver from the prohibition on dead-end streets, requiring cul-de-sacs. And the Commission voted 3 to 1 to grant the waiver from the required cul-de-sacs, Mr. Bealer again casting the dissent.

Mr. Miller reported that all requested waivers were now granted; the preliminary plan on the table, pending the required corrections enumerated in the Planning Office review, and the clarification of the zoning issues. Ms. Mayfield added the other Water Authority and Fire Department issues to be addressed.

Mr. Lauter asked about the other phases. Mr. Miller clarified that the granted waivers apply only to the 15th Street Land Development. Mr. Lauter asked if similar relief would be sought for the other phases. Ms. Mayfield noted that the 16th Street extension was to be built with a "turn-around". Mr. Lauter cautioned that he personally was not inclined to grant additional waivers. Mr. Miller said that with the exception of 16th Street, each phase would require the same relief. Mr. Lauter advised that other options, not requiring waivers, be considered. Mr. Naughton indicated his understanding, but called the phases integral to one another.

Mr. Lauter departed for his other engagement. And Mr. Miller noted the lost quorum. Mr. Naughton thanked the Commission for its consideration, adding that he's trying to do the right thing for the City. Mr. Rothermel felt the "one-stop shop" needed some changes, to make the developers understand the requirements. Mr. Miller promised that the requirements were always made clear. Mr. Khokhar took responsibility for establishing the "one-stop shop", and affirmed Ms. Mayfield's representations about the disclaimers, written and verbal. Mr. Bealer thought the "one-stop shop" a great idea, streamlining the City's bureaucracy for developers. Mr. Miller called the developer's representation "a distraction", refuting the characterization as a short-coming of the system or its staff.

Ms. Mayfield, noting again the lost quorum, advised adjournment. She said the other business items planned, covering certain Commission procedures, would be covered at the January meeting. Mr. Miller recalled the draft by-laws prepared and distributed at the May meeting, hoping they could be considered, as well.

Recognizing the lost quorum, Mr. Bealer moved to adjourn the December meeting. Mr. Rothermel seconded. And the three remaining Commission members agreed to adjourn the December meeting, 3 to 0.
– 10:44 pm.