

**Regular meeting of the City of Reading Planning Commission  
July 12, 2005 at 7:30 pm**

**Members present:**

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

**Staff present:**

Andrew Miller, City Planner

**Others present:**

Justin Massie, Barry Isett & Associates  
Wesley Seitzinger, PLS  
Gregg Bogia, Stackhouse Bensinger, Inc.  
Madelyn Fudeman, Essig, Valeriano, & Fudeman, PC  
David Weaver, Big Spring, Inc.  
Eric Weaver, Big Spring, Inc.  
John Ulrich, Reading Area Water Authority  
Lynn Christy, Reading Area Water Authority  
John Roland, Roland & Schlegel, PC  
Richard Mable, Reading Hospital and Medical Center  
Richard Guida, Golden, Masano, Bradley  
Barry Suski, Reading School District  
Sylvia Deye, Dimensional Architecture

**Minutes:**

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

**Presentation of the proposed re-zoning 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.

The Chairman recognized the re-zoning petitions before the Commission and greeted the parties involved. He stated that the items were not on the agenda and wondered if it wouldn't be more prudent to cover them at the August meeting.

Mr. Roland, legal counsel to the Hospital, indicated that they had originally made this proposal to City Council at the end of June. He expressed concern that they would not have sufficient time to respond to the Commission's questions or concerns before the August 16 Council hearing, were they made to wait until the August 9 Planning Commission meeting. Mr. Guida, legal counsel to the School District, said that the State's PLANCOM (Act 34?) requires a hearing on August 8 concerning approval and funding issues. The PLANCOM timeline makes the City review process that much more urgent.

Mr. Miller mentioned that the Commission's review process would put project approval in October, in the best case scenario. Mr. Guida indicated that the zoning change is the bigger issue from the State's standpoint.

Mr. Raffaelli asked the Commission when it would like to hear the presentation, offering the "other business" segment as a potential opportunity. Mr. Miller briefly explained the Planning Code requirement to notify and seek comment from planning agencies, before the governing body acts on re-zoning petitions.

Mr. Palka motioned to admit the presentation at the end of the meeting under "Other Business". Mr. Cohen seconded the motion. And the Commission agreed, unanimously.

**Review of the final land development plan for the Reading School District Athletic Facilities**, improvements proposed for the high school complex at North Thirteenth Street and Hampden Boulevard.

Mr. Massie introduced himself and indicated that corrections had been made to the plan per the staff review letter. He asked the Commission for final plan approval.

Mr. Bealer said that he had gone over the plan in extraordinary detail, discussed his concerns with Mr. Suski, and was satisfied that those concerns had been resolved, or would be by a change order.

Mr. Miller inquired on the status of the sewer planning documentation. Mr. Massie answered that Deborah Hoag, Environmental Division Manager, was still working on it.

Mr. Massie mentioned the supplementary lighting plan submitted to the planning staff. Mr. Bealer recognized the light standard locations on the land development plan and asked how the District planned to power them. Mr. Massie said that cuts were already planned through the berm in the northwest part of the tract for other utilities.

Mr. Raffaelli asked if any new parking lots were proposed. Mr. Massie and Mr. Bealer agreed that the existing skate park would become the only new parking, without causing additional impervious surface. Mr. Raffaelli recommended a sign dividing the larger parking lot into sections, to orient visitors.

Mr. Miller added that he would like to see documentation confirming the Environmental Division's 'okay' on the sewer capacity issue. Mr. Bealer motioned to grant final approval conditioned on such documentation being provided and all other necessary permits being secured. Mr. Lauter seconded the motion. And the Commission passed the resolution, unanimously.

**Resolution #26-2005**

**Review the preliminary/final annexation plan for JAW Manufacturing Company and Luis A. Gonzalez, in the 1000 block of Court Street.**

Mr. Seitzinger explained the changes in the lot lines and the ownership. He mentioned Luis A. Gonzalez as equitable owner of the Lou's Garage property and Byron Scheib as the mortgage holder. He assured that no new construction was being proposed, only the annexation. He referred to the new deed descriptions prepared and the corrections made per Planning staff comments.

Mr. Bealer complimented the plan and offered his support to anything that helps to clarify/simplify property ownership issues in the City. He further appreciated combinations that result in larger lot sizes. Mr. Miller agreed, adding that this plan is about as complete as they come.

Mr. Lauter motioned for acceptance of the plan as shown. Mr. Palka seconded, and the Commission passed the resolution, unanimously.

**Resolution #27-2005**

**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.**

Mr. Raffaelli began by stating, for the record, that he had been contacted by Mr. Bogia and Mr. Weaver for the purpose of providing information.

Ms. Fudeman, legal counsel to Big Spring Inc., introduced herself, Mr. Bogia, and the applicant in the audience.

Mr. Bogia acknowledged having contacted members of the Commission. He gave an overview of the site, and a short history of his involvement. He mentioned the previous zoning of Heavy Manufacturing (H-M) and the change sought to encourage cleaner businesses than the heavy industrial uses previously allowed. He mentioned the "Lead/Go Forth Study" that, for economic reasons, recommended Reading have 50-100 "build-ready" acres available for potential new industrial uses. He said the food industry was identified as prevalent for the County.

Mr. Bogia said they weren't looking for, or expecting a use with thousands of jobs. He said that 368 were anticipated, inclusive of the facility and the trucking positions. He called it a "world class building and bottling facility".

Mr. Bogia explained the purparts created in the original subdivision for flexibility, if the site were developed for multiple occupants. He then showed the original plan submitted to the Zoning Hearing Board and explained their request for a height variance to cover the whole site. Ms. Fudeman asked him to clarify what he meant by "whole site". Mr. Bogia said that the Board had asked him to provide more information/detail. He said that the building wasn't in the optimal location.

Mr. Bogia indicated that Big Spring Inc. was working hard with the community to address concerns, citing meetings with the RiverPlace Development Corporation, and the Olivet's Club. He said the Olivet's Club appreciated their efforts. He said the new design takes into consideration Opportunity Boulevard, the infrastructure beneath it, and keeps the proposed River Road extension feasible. He said the facility will be "24/6", closing for

Sundays.

Mr. Bogia recalled the initial traffic study and projected the traffic impact under the current proposal would be only “a fifth or a tenth” that of that original analysis. Regarding sewage facilities planning, he said the site was already approved for 200,000 gallons per day. He said that several banks had already been contacted and were offering their support for the project, including: Fulton, Union National, M&T, and Citizens. He said Mr. Weaver wants to work with the City, insofar as it is legal, to hire City residents. He said they haven’t heard back from the City, as yet.

Mr. Lauter asked about the truck traffic circulation. Mr. Bogia mentioned West Green Street to Front Street (PA 183), as one possibility, the River Road extension, as another, and improvements to Windsor Street, for which Greater Berks Development Fund was offering \$50,000 toward improvements, as a third. He said at final build-out, the plant would generate 400 trips per 24-hour period. However, only two production lines, of the anticipated six, would be operated initially.

Mr. Palka asked why the building needed to be 100 feet in height. Mr. Bogia explained the robotic storage and retrieval system that stacks the product to that height. He said it is three times faster than the conventional forklift methods, resulting in a more viable operation, in a business with slim margins.

Mr. Miller indicated that he didn’t think the 100-foot height variance was requested, or being considered, for the entire site. Mr. Bogia clarified that the variance was to “move throughout the site” and was only needed for certain portions of the facility.

Mr. Miller made clear for the Commission that, in fact, the request for more information was not made by the Board as a whole, or in the public forum. It was made by one representative of the Board to one representative of the applicant, prior to the meeting, and as warning that the variance would otherwise be denied. He called this “ex parte communication”, done without the knowledge and consent of the Board as a whole. He went on to explain that Mr. Bogia himself made the request, as evidenced by the hearing transcript. Ms. Fudeman indicated that the Board Solicitor didn’t see any problem. She felt that it was made irrelevant by the official action of the Board to grant the continuance.

Mr. Bealer asked about the exact height being sought. Ms. Fudeman said that surrounding uses are higher and the impact would be negligible. Mr. Bealer felt that it would be an exceptionally high structure, but added that it was the Zoning Hearing Board’s purview.

Mr. Miller asked how the facility went from the 400,000, or even 600,000 square feet, to the current 200,000 square-foot plan. Mr. Bogia denied having ever proposed 600,000, calling it a rumor. He said that the production lines are being planned closer together than they had been originally.

Mr. Lauter asked if Big Spring Inc. would own the entire 49-acre parcel and asked about the electric pad location. Mr. Bogia said that Big Spring Inc. would be buying the entire parcel and that the electric pad location was chosen to best fit the topography and mitigate impact on the riverfront recreation.

Mr. Bogia addressed Mr. Miller’s letter. He indicated the deficiencies per the Land Development Ordinance would be corrected. He took issue with the forbidding of service drives in the setbacks, saying that he reads the Zoning Ordinance differently, and that most municipalities allow it. He insisted also, that retaining walls are excepted from setback provisions. Mr. Miller recited the buffer strip provisions of the Ordinance, as his rationale. Mr. Bogia said that Ms. Fudeman would take it up with the Board Solicitor, but that his opinion and Mr. Miller’s “very much differed”. Mr. Bealer added that in his experience of other municipalities, paving in the setback requires variance.

Mr. Bealer said that he would like to see the traffic study before taking action. Mr. Lauter didn’t think any action should be taken until the Zoning Hearing Board rules, and made a motion to table the plan pending such ruling. Mr. Palka seconded the motion. The Board voted unanimously to table the preliminary plan.

Mr. Bogia went on in addressing the staff review letter. He explained his measurement of the service drives relative to the width requirements of the Zoning Ordinance. He agreed with the requirements for landscaping within the car parking lots, but disagreed with the requirement being applied to truck parking lots, calling it another difference of opinion. Mr. Miller agreed that trees in the middle of a truck staging area would not be practical. He said the intent of such an ordinance is to break up large expanses of paving. Mr. Bogia referred to the landscaping plan assuring the Commission that Big Spring Inc. is designing a “world-class facility” and wants to beautify the area. Ms. Fudeman thought that a way might be found to meet the intent of the Ordinance and still make it practical for trucks.

Mr. Raffaelli expressed concerns of the noise generated by trucks in residential areas, at night.

Mr. Lauter asked for documentation on the River Road extension timeframe, as well as documentation

from the Olivet's Club indicating their 'okay' with the project. Mr. Bealer said that the Commission ought to recommend that Council consider an ordinance restricting truck traffic on Clinton Street, in the vicinity of the school.

## **Other business**

**Presentation of the proposed re-zoning 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 expressed appreciation for the exception to the agenda. He gave an overview of the Hospital's plan for a nursing school on the site of the abandoned Reading Special Education Center, and their need for R-3 zoning to permit educational facilities. Mr. Mable pointed out the adjacent R-3 zone and the existing educational facilities. He assured that the "ramp school" does not suit the needs of the proposed nursing school. He proposed a 60,000 square-foot facility, approximately 35 feet high, in brick with limestone accents, complementing the other Reading Hospital buildings.

Mr. Guida said the School District's perspective is financial. His consultants have indicated \$3 million in repairs would be required to bring the "ramp school" up to standard. He said the \$1.5 million offered by the Hospital is far more than they believe they could get on the market.

Mr. Miller asked if dormitories are still being considered. Mr. Mable said that at sometime they would like to build a dormitory in the southern portion of the tract. He assured the Commission that student parking would be restricted to discourage the shuttling back and forth between the hospital grounds, by car.

Mr. Raffaelli remembered a similar proposal 35 years previous that was defeated. He felt that investment should be made in the existing school facility, rather than building modular schools at Thomas Ford. He cited specific maintenance items that had needed address since his experience as the School's Acting Principal. He mentioned that the land had originally been donated by the Thun family for the School District's use.

Mr. Mable said that the price offered was more than three times the figure of an independent appraisal. Mr. Roland said that the sale price would be subject to court review and open to public scrutiny.

Mr. Roland mentioned the possibility that this could be perceived as "spot zoning" given the amount of planning detail provided up-front. But he felt that the existing conditions of the site and the open process should alleviate those concerns.

Mr. Suski, the District's Facilities Manager, detailed the condition of the existing school and defended the need for the new modular classrooms. He offered the Commission a tour of the existing building to prove its condition.

Ms. Deye, the architect, gave an overview of the proposed modular construction for the magnet school. She said they meet all Department of Education requirements and are attractive to parents seeking alternative methods of education. She said that before the Hospital's involvement they had planned to seek approval as an expansion of an existing use, rather than through a re-zoning. Mr. Miller indicated that a zoning amendment was the proper way to proceed.

Mr. Miller complimented Mr. Mable and the Reading Hospital on its newly opened "N-building" in West Reading.

Mr. Raffaelli regretted any inaccuracies in his remarks, but believes the status of the existing school building should be researched more thoroughly for possible renovation.

Mr. Miller said the issue would be placed on the August meeting agenda, along with the similar request made by the Jewish Community Center for their parcel at 2020 Hampden Boulevard. He will be seeking a recommendation for Council at that time.

**1104 Perkiomen Avenue – conditional use**, comment on the application for recognition of a sixth apartment unit where there are officially only five (technically a conversion), in the R-3 district.

Mr. Miller explained the recent sale of the building and the new owner's wish to have a sixth unit permitted, for which amenities are already in place. The new owner alleged he bought the building with the understanding that the six units were permitted. Mr. Raffaelli asked to what extent the interior has been investigated to confirm its condition. Mr. Bealer suggested that staff should send Codes to investigate. He cited a potential entry complication if that sixth unit is at the ground level. Mr. Lauter expressed concern over the lack of off-street parking. He believes the code and parking issues should be addressed prior to Council's approval.

Mr. Raffaelli pointed out the information provided is merely hearsay without confirmation by City officials. He mentioned the "old mailbox trick" whereby six mailboxes could be shown until such time as the Postal Service makes a reassessment and recognizes an additional unit by mailing address.

Mr. Palka made a motion advising Council to consider in its decision, the recommendations mentioned. Mr. Bealer seconded the motion. And the Commission agreed to the recommendation, unanimously.

Mr. Miller points out the parcel subject to the Jewish Community Center's re-zoning petition. Mr. Bealer remembers the Commission's consideration of the proposed vacation of Olive Street, last year. He has submitted a three page letter to Planning staff and City Council regarding the Commission's decision to deny the street vacation, in order to guarantee continued access to the area. He remembered the Commission endorsing the residents' aversion to high-density zoning in the area. He cited passages in the Comprehensive Plan that he believes discourage the zoning of any more high-density residential areas. He said that from now on, such letter will be submitted exclusively to Planning staff, thinking that this particular issue could become "a fiasco".

Mr. Raffaelli reinforced the need to refrain from speaking privately with those who are party to proposals before the Commission. He remembers only four times in his 17-year experience, that line being crossed. Three of the four incidents were for the sake of gathering information, the fourth being an obvious attempt to intimidate the Commission as a phone call in the middle of a Commission meeting.

Mr. Miller indicated that, while the Commission would do well to observe those ethical standards, such standards are spelled out for the Zoning Hearing Board in the State Planning Code, and verbatim in our own Zoning Ordinance. He quoted the appropriate sections. He said he would not have made as big a deal as he had over the Big Spring Inc. issue, were it not for the applicant's misrepresentation of the Board's action. He reminded the Commission that a Zoning Hearing Board keeps transcripts, whereas the Planning Commission only keeps minutes. Mr. Raffaelli added that the Commission retains no solicitor, or stenographer, nor does it operate by the same formal guidelines as a Zoning Hearing Board.

Mr. Bealer cited the recent Supreme Court ruling on the use of eminent domain powers, in light of the Commission's recent approval of two redevelopment areas. He prepared for the members and the Planning staff packets containing articles and a recording of a radio show covering the topic with a law professor.

Mr. Miller made apologies for the late edition of the June meeting minutes, advising the Commission to review them and vote on their adoption the following month.

The Commission collectively decided that a workshop should be held 45 minutes prior to the regular July meeting to give more attention to the re-zoning petitions. Mr. Miller said that he would advertise it for 6:45p.

Hearing no further business, Mr. Palka made a motion to adjourn. Mr. Cohen seconded, and the Commission voted unanimously to adjourn the June meeting. – 10:10 pm.

AWM / awm

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