

**Minutes**  
**Regular meeting of the City of Reading Planning Commission**  
**March 10, 2009 at 7:00 pm**

**Members present:**

Ermete J. Raffaelli, Chairman  
Michael E. Lauter, Secretary  
Wayne Jonas Bealer, Assistant Secretary  
Frederic dep Rothermel, Jr.  
Brian Bingaman

**Staff present:**

Andrew W. Miller, Planning Office  
Michelle R. Mayfield, Department of Law

**Others present:**

Timothy J. Krall, Spotts Stevens & McCoy, Inc.  
Patrick R. Carraher, Spotts Stevens & McCoy, Inc.  
Michael Kostival, Michael Kostival Architects  
Patrick J. Dolan, Dolan Construction Inc.  
Floyd N. Turner II, Sons of the American Revolution, Gov. Joseph Hiester Chapter  
David A. Kostival, Reading Eagle Company

Following a delay due to the Police Diversity Board's meeting overrun, Chairman Raffaelli called the March 10th meeting to order. Asked for comments on the agenda, Mr. Miller reported that the scheduled reaffirmation of the Goggleworks Apartments plan would be delayed at least another month. Mr. Lauter moved to accept the modified March agenda. Mr. Bingaman seconded. And the Commission voted unanimously to accept the March 10th agenda.

**Subdivision and Land Development:**

Review the **parking lot** land development plan for the **Aramark Parking Lot**, 89 off-street parking spaces proposed at that parcel known as 1100 Schuylkill Avenue [0:01.03]

Mr. Krall briefly described the location vis-à-vis Aramark's facility across Blair Street. He said they currently use the unimproved lot for parking. He acknowledged the Planning Office's review, and mentioned that the project had been "put on hold". Referring to sections within that review, he explained the relationship of Aramark to Delsac VII, Inc., a company since dissolved and absorbed by Aramark, though their name still appears as the record owner in the County Tax records. Ms. Mayfield opined that those records should be updated.

Mr. Miller, considering the identified ownership as among the more minor issues, asked about their progress with the Conservation District. Mr. Krall again mentioned the temporary interruption in the project. He said the owner was "exasperated" by the necessary changes. He thought, if granted approval, the owner would move forward, and guessed three to four weeks for the Conservation District's approval. Mr. Miller asked if the design met the stormwater management guidelines. Mr. Krall thought it did. Mr. Rothermel wondered what alternative Aramark had in surfacing their parking lot. Mr. Krall said he had only recently become aware of the zoning violation. Mr. Miller thought Aramark had been planning the project prior to the Zoning Office's enforcement efforts. Mr. Rothermel supposed the finished and organized lot would accommodate more vehicles than the current, uncontrolled arrangement.

Asked for the County Planning Commission's input, Mr. Miller read their comments recommending stormwater management practices, relocation of the proposed driveway, and a second entrance. Mr. Bealer, having personally witnessed traffic backed up from the Blair and Schuylkill Avenue intersection, recalled the City Planning Commission having previously made similar comments about the driveway. Mr. Krall said he discussed the matter with the client, who declined to change it. Mr. Rothermel advised a second driveway as an exit point. Mr. Bealer concurred, expecting that all traffic leaving the lot would be turning toward the Schuylkill Avenue intersection. Mr. Krall asked if the driveway was the only issue keeping the Planning Commission from approving the plan. Mr. Rothermel asked for the landscaping plan.

Mr. Krall described the plantings and screening added. Mr. Rothermel advised shifting the shade trees in a way that would allow the design of a second driveway without a reduction in the space count. Mr. Krall said

Aramark had originally intended to pave the lot in its entirety, and that the landscaping and stormwater planning had “almost doubled the cost”. Mr. Rothermel understood the stormwater management to be a requirement. Mr. Krall said they intended a “sheet flow” runoff. Mr. Miller countered the suggestion that the Planning Commission was adding cost to a project originally submitted without any acknowledgement of the Zoning Ordinance’s design guidelines or Act 167 stormwater management practices. Mr. Krall called those regulations “recent”. Asked about the locations of catch basins, Mr. Krall indicated the trench drain proposed for the driveway opening. He said a conversation with the City Engineer hadn’t revealed any other issues, so long as the City’s Plumbing Inspector was satisfied. Mr. Miller questioned the responses to the City Engineer’s written recommendations; that the owner wasn’t proposing such measures. Mr. Krall said nothing specific in the ordinances required them to do what the City Engineer asked, and that an earth disturbance under one acre isn’t covered by NPDES regulations. He said the location “on the banks of Schuylkill River” allayed concerns about stormwater disposal. Mr. Miller reminded that the stormwater regulations govern the “quality” of discharges, in addition to the volume.

Amid additional discussion of the landscaping plan, Mr. Raffaelli asked about the condition of the existing sidewalk. Mr. Krall believed it satisfactory. Asked about the site lighting, Mr. Krall indicated the eleven proposed fixtures and their locations. Mr. Miller confirmed his satisfaction with the lighting plan submitted.

Mr. Lauter asked what the City’s Traffic Planner thought of the driveway location. Mr. Miller didn’t think that he had reviewed the plan. Asked about the outstanding issues, Mr. Miller said the landscaping, as presented, didn’t comply with the Zoning Ordinance. He resisted forcing it toward a zoning hearing, at the risk of losing the proposed landscaping and screening entirely. He commended the generous quantity of material proposed, but supported the Commission’s previous suggestions to “loosen up” the placement in less-formal arrangements. Mr. Krall considered the Schuylkill Avenue boarder a safety concern, preferring to keep the views into the lot unobstructed from that side. Mr. Rothermel recognized a difference between tight rows of arborvitae and short shrubs. He felt a more-random placement more appealing. He repeated his opposition to the limited driveway access. Understanding Aramark’s desire to improve maneuverability for the trucks backing into their docks, he suggested a second driveway for exits, while keeping the first for entrances. Mr. Krall cited the costs associated with another trench drain. Mr. Rothermel deferred to the Plumbing Inspector, thinking the intent of such structures was to prevent the flow of water, or more specifically, ice across public sidewalks. Mr. Krall believed the Plumbing Inspector required trench drains because of his personal experience, rather than an ordinance or code requirement.

Mr. Raffaelli suggested tabling the plan. Ms. Mayfield asserted the Planning Code’s deadline, immutable without an extension offered by the applicant. Mr. Krall said he wasn’t authorized to offer one. Ms. Mayfield reminded that any denial must cite the applicable sections of the Subdivision and Land Development Ordinance.

Mr. Bingaman moved to approve the plan and, on the advice of the legal counsel, added the municipal improvements agreement and the County Conservation District’s approval as conditions. Mr. Bealer seconded, recognizing that the Commission could not force the issue of a second driveway. Asked to recite the issues beyond the improvements agreement and the erosion and sedimentation control plan, Mr. Miller cited the landscaping and stormwater planning requirements. Mr. Krall recalled prior instances of the Commission granting conditional approvals. Mr. Miller complained that it had become an expectation. Asked why the identified deficiencies weren’t addressed, Mr. Krall said the erosion and sedimentation control plan was submitted, and that they hadn’t yet heard any response from the Conservation District. He again recalled the owner’s postponement of the project. Mr. Rothermel recognized that Aramark’s delay doesn’t relieve the Planning Commission of its time constraints under the Planning Code. Mr. Miller again summarized the ordinance sections violated. Mr. Krall said he had a draft of the municipal improvements estimate available. Mr. Bealer noted that such estimates are generally submitted ahead of approval. And the Commission voted 1 yeas to 4 nays, denying the approval.

#### Resolution #10-2009

Mr. Rothermel moved to formally deny the plan, based on its failure to comply with the following sections of the City’s Subdivision and Land Development Ordinance: 22-402.4.C, regarding ownership information; 22-402.4.E, regarding certifications of accuracy; 22-402.4.H, regarding identification of neighboring municipalities; 22-402.4.S.1, regarding the preparation of an appropriate erosion and sedimentation control plan and the County Conservation District’s approval thereof; 22-402.5.D, regarding the preparation of an stormwater management plan and the Public Works Department’s approval thereof; 22-402.5.D, regarding the preparation of an appropriate erosion and sedimentation control plan and the County Conservation District’s approval thereof; 22-403.1.K, regarding the preparation of an appropriate erosion and sedimentation control plan and the County Conservation District’s approval thereof; 22-501.5, regarding the preparation of an appropriate erosion and sedimentation control plan and the County Conservation District’s approval thereof; 22-504.1, regarding placement of the landscaping and

screening required by the City's Zoning Ordinance; 22-509.2, regarding screening; 22-509.3, regarding shade trees; and, 22-601.2, regarding the municipal improvements agreement. Mr. Lauter seconded. And the Commission voted unanimously to deny the "Aramark Parking Lot" plan.

**Resolution #11-2009**

Mr. Bingaman wondered why, with the deficiencies, the plan was admitted to the agenda. Mr. Miller admitted to his error, noting that he should have rejected the plan administratively.

Review the **final** land development plan for the **Play Lot at Grace and Pansy Streets**, a new playground and parking lot proposed on that parcel known as 412 Pansy Street [1:08.40]

Mr. Carraher recalled a favorable reception at the February meeting, and the recommendation to submit a final plan. He noted some changes made, and confirmed the plan had been submitted for the County Conservation District's review. He said the Plumbing Inspector and Public Works Director were both satisfied with the stormwater planning. He explained the parking spaces would be delineated by painted "diamonds", in an attempt to minimize the appearance of a parking lot on what will primarily function as a playground. Being a private, card-accessed parking lot, he believed the few users could be taught the function of the diamond markings.

Asked about fluids potentially seeping from cars and their interaction with the surfacing proposed, Mr. Carraher described the high permeability of the surface, draining up to 4000 gallons per hour. He hoped the users would keep their vehicles in good repair, and suggested that children recreate under worse environmental conditions. He said this wasn't the first parking lot to double as a play area. Asked about regulations on that drainage into soil, Mr. Carraher acknowledged. He said Pennsylvania's Act 167 encourages infiltration and bio-retention practices. He said the construction will act as an underground detention pond, slowly percolating into the natural soils beneath.

Mr. Raffaelli asked about repairs to the existing curbing. Mr. Carraher indicated the locations necessary, in addition to the new sidewalks, wheelchair curb cuts, and driveway aprons proposed.

Ms. Mayfield wondered about the status of the public improvements estimate. Mr. Carraher said he submitted his calculations, hearing no adverse comments from the Department of Public Works. He also confirmed submitting the erosion and sedimentation control plan to the Conservation District.

Asked about the remaining issues, Mr. Miller mentioned some notational corrections, the Conservation District's approval, and the municipal improvements agreement. Mr. Carraher said it was submitted directly to the Department of Public Works. Mr. Miller verified the Plumbing Inspector's and Public Works Director's satisfaction with the stormwater plan and placements of handicapped ramps. Asked when the erosion and sedimentation control plan was submitted, Mr. Carraher estimated 10 days earlier. He believed the remaining review comments few, and easily managed. He asked for conditional final plan approval. Discussion continued about approval precedents and review deadlines.

Mr. Bealer moved to table the plan, pending the correction of deficiencies outlined in the Planning Office review, the submittal of an improvements agreement, and confirmation from the Conservation District. Mr. Lauter seconded. And the Commission voted 4 to 0, with one abstention, to table the School District's plan for the "Play Lot at Grace and Pansy Streets".

Review the **preliminary** land development plan for **King Taco Land Development**, a restaurant proposed at that parcel known as 501 North 9th Street [1:36.47]

Mr. Dolan announced that he was still waiting on the zoning approval, and suggested a 30-day extension. He offered samples of the proposed façade materials; split-faced block and cement siding in a brown and tan color combination. The window frames would be a darker brown. He said the more "technical issues", identified in the Planning Office review, would be satisfied in the resubmission. He reported the sanitary sewer and water services confirmed, the Fire Marshal's satisfaction with the hydrant locations, and the Plumbing Inspector's satisfaction with the trench drain and roof drain tie ins. He said the size of the project obviates the Conservation District's approval, but assured that the storm drain would be protected by a filter sock. Ms. Mayfield reminded him to complete the municipal improvement agreement by the next meeting. Mr. Bealer complained of the litter accumulating on the property and its adjacent lots.

Mr. Rothermel moved to grant the 30-day extension, as requested by the applicant. Mr. Bingaman seconded. And the Commission voted unanimously to agree to a 30-day extension for the "King Taco Land Development", effectively tabling the plan.

**Resolution #12-2009**

**Other business:**

§303.a.2 review-Revolutionary War monument for City Park [1:44.28]

Mr. Miller referred to a recommendation communicated in the staff comments. Mr. Rothermel explained the investigation, including visits to Veterans Grove with Mr. Lauter and Mr. Miller, and a review of the surviving plans for it. He reported the preferred location; between the submariner- and women-veterans memorials, as the proposed height would better fit toward the bank of Constitution Boulevard. Mr. Turner offered a photograph, while Mr. Rothermel's supplemented it with a sketch of the Grove to assist the Commission in its visualization

Mr. Raffaelli expressed his continuing discomfort with the accumulation of memorials, and groups assuming that space is always available. Mr. Turner countered that he was seeking permission. Mr. Raffaelli said that the City wasn't requesting additional installations, feeling that it had already been taken too far. Mr. Rothermel felt that legitimate groups intending to memorialize legitimate causes should be heard, and appreciated the respect of the process. He reminded that the opposition stemmed from the past practice of individuals seeking the individual permission of a Council member, and without any public review. Mr. Lauter agreed, recognizing the history of Reading as a compelling factor. He expressed his personal objection to the "tombstones" scattered among the trees, but recognized the more-formal approach by the Sons of the American Revolution. Mr. Miller felt the group itself, organized for 117 years by Mr. Turner's count, lent some credibility to the proposal.

Mr. Bealer moved to endorse the position recommended. Mr. Lauter seconded. And the Commission agreed unanimously to recommend the Sons of the American Revolution position their monument at a balanced point between the two existing memorials to the submariners and women veterans.

**Resolution #13-2009**

Following the vote, Mr. Turner explained that City Council would consider the matter again on the 23rd, and anticipated a 4- to 6- month wait for the monument, following their order. He confirmed a public dedication ceremony would be scheduled.

§609.c review-the "rental regulation ordinance - the R1A, R1 and R2 districts" [2:03.49]

Mr. Bealer noted an improved draft, albeit with some grammatical errors, which he intended to identify in an email to the Law Department. Ms. Mayfield regarded the 'ownership versus use' concern as the principal flaw in the bill, adding that the language repeats and overlaps rules codified in other ordinances, in some cases conflicting with them. Mr. Miller characterized that as the basis of the County's criticism, as well. Ms. Mayfield said the City was already working through the housing, and associated zoning permitting under the existing rules.

Mr. Bealer moved to recommend City Council's rejection of the "rental regulation ordinance", citing the continuing concerns expressed by the City's Department of Law and the County Planning Commission. Mr. Rothermel seconded. And the Commission voted unanimously to recommend City Council's rejection of the "rental regulation ordinance".

**Resolution #14-2009**

Ms. Mayfield reported that come May 18th, she and approximately 50 other attorneys will be sworn in before the Supreme Court of the United States, on a trip sponsored by the Pennsylvania Bar Association's Young Lawyers Division.

Ms. Mayfield affirmed that she had requested of the City's planning consultant (Urban Research & Development Corporation) copies of model ordinances regulating traffic and its impact with new development. The inquiry was made in response to the Commission's on-going frustration with their lack of control over traffic-heavy industrial developments.

Mr. Rothermel noted a barbed-wire fence recently erected outside the existing ornamental fence around Hershey's North 8th Street property. He wondered if it had been properly permitted, and why two fences were necessary.

Mr. Rothermel restated his objection to the construction debris left at the Buttonwood Gateway industrial park, which appears to be increasing. Ms. Mayfield recalled a meeting with Our City-Reading on February 20th, when the topic came up again. Mr. Miller relayed their usual response; tying that clean up to the Goggleworks Apartments ground-breaking. Discussion continued regarding the material's suitability as fill, and the property maintenance codes issues. Mr. Miller offered to make another inquiry.

review the draft February 10, 2009 meeting minutes [2:26.53]

Mr. Bealer had a few corrections, to be submitted later. He moved to accept the February minutes. Mr. Bingaman seconded. And the Commission voted unanimously to approve the February 10th meeting minutes.

**Resolution #15-2009**

Turning to his role on the Blighted Property Review Committee, Mr. Bealer reported on a meeting with the City's Community Development Director, Marty Mays, who is working on funding for the Committee's activity. He said he had developed "property cards" to be used by the building inspectors in rating the blighting conditions of individual properties; 22 properties to begin. The Committee's meetings have been rescheduled for the third Thursdays of the month.

Mr. Raffaelli wondered how the City planned to utilize any available "stimulus" funding, suggesting the Southwest (Fire) Station be considered. Reluctant to discuss it publicly, Mr. Miller called it a "probable" use of the funds.

Mr. Bealer moved to adjourn the March meeting. Mr. Bingaman seconded. And the Commission voted unanimously to adjourn the March 10th meeting. – 9:42 pm.