

Minutes
Regular meeting of the City of Reading Planning Commission
May 9, 2006 at 7:00 pm

Members present:

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

Staff present:

Andrew Miller, City Planner
Michelle Mayfield, Legal Specialist

Others present:

Craig M. Bonenberger, McCarthy Engineering Associates PC
Shawn Belovich, The Belovich Group Inc.
Jay W. Worrall, Reading-Berks Habitat for Humanity
John T. O'Neill, Landmark Surveying
Gene M. Jamison, TKG Construction Company
Amy Anuszewski, Reading Eagle

Chairman Raffaelli called the May meeting to order, and asked for acceptance of the agenda. Mr. Rothermel asked that the annual election of the Commission's officers be added to the agenda. Mr. Bealer motioned to approve the agenda, with the requested change. Mr. Palka seconded. And the Commission voted unanimously to approve the May agenda.

Subdivision and Land Development:

Review the (revised) preliminary land development plan for the Penn Street Commons, 16 two-family attached dwelling units at those parcels known as 1016 Penn Street and 1015 Cherry Street.

Mr. Bonenberger described the condominium project as a "community within a community", referring to the gated driveway and other fencing. He noted the increased setback of the units proposed for Cherry Street, now 9.8 feet from the curb line. He briefly explained the PennDOT formula for minimum safe stopping sight distance, the 206 feet required and the 268 feet proposed. He said the air conditioner condensing units would be roof-mounted and effectively screened. He pointed to the proposed location of natural gas supply and metering equipment, along the sides of the buildings. He stated that the City's Historic Architecture Review Board (HARB) had given the project its approval at their last meeting.

Mr. Bealer asked if the issue regarding new driveways on Penn Street had been resolved. Mr. Bonenberger wondered if it only applied to traffic leaving driveways for Penn, as opposed to entering driveways (one-way) from Penn as is the case with his proposal. Mr. Rothermel reiterated his recollection of such a policy and his position that its applicability should be investigated. Mr. Bonenberger asked about the appeal process if such a policy were encountered, stating that the project could not proceed without the proposed driveway. Mr. Raffaelli asked about PennDOT jurisdiction over Penn Street. Mr. Rothermel noted that the closing 500 block of Penn Street for a pedestrian mall in 1975 had shifted the state-highway designations to Washington and Franklin Streets. He recognized the other exceptions made to the driveway policy, and countered the notion that gated and fenced properties are without precedent in the City, citing his own property as an example. He felt the privacy and security of a fence to be beneficial. Mr. Bonenberger agreed, noting some other examples in the project's neighborhood.

Mr. Raffaelli asked about the access to the roof-mounted equipment, suggesting that a ground installation might make maintenance and repair easier. Mr. Bonenberger mentioned the historic district aesthetic concerns as cause for placement on the roofs.

Mr. Miller asked about the Plumbing Inspector's input on the stormwater management provisions. Mr. Bonenberger stated that the Plumbing Inspector wouldn't review the plans until the Commission approved them, noting that copies of the plan had been forwarded. Mr. Miller asked about any pollutant controls intended for the inlets. Mr. Bonenberger stated that such measures are not required, under existing regulations.

Mr. Belovich mentioned the HARB approval of the proposed façade treatments. He described wood-core, aluminum-clad Pella® windows and confirmed that transom windows were intended above the front doors.

Mr. Miller asked about front door access to the top units. Mr. Belovich stated that the end units would have their own front doors. The middle unit front doors would include common corridors providing access to all of the top units, such that everyone could use a front door. He said access to the roof-top equipment would be through the ceilings of the top units (pull-down stairs), that access protected by the terms of the homeowner's association documents. Each unit would have its own separate air conditioning condenser. He said the Cherry Street units, while different from the Penn Street models, still included enough of a parapet to effectively screen the equipment. He added that the width of the front stoops would be reduced per the HARB request.

Ms. Mayfield asked about the progress of the homeowner's association documents. Mr. Belovich replied that the draft form would be submitted for the Law Department's review.

Mr. Belovich stated that different styles of light fixtures were still being considered. He described the façade materials and treatments (wood, Fypon®, and manufactured stone), noting that the masonry treatment would wrap around to the point of the gates. Hardiplank® (fiber-cement) lap siding would be used from there back.

Mr. Rothermel asked about the future of the project if the first units didn't sell. Mr. Belovich stated confidently that they would sell, noting that the Penn Street units would be built first, and marketed by an agent familiar with historical properties and urban living.

Ms. Mayfield asked about trash removal. Mr. Belovich indicated the location of the dumpsters and said the hauler would have key fob/code access to the gates.

Mr. Raffaelli asked about the construction of the party walls, encouraging the use of masonry block for its fire protection and privacy benefits. Mr. Belovich said the standard, two-hour rated drywall construction would be used.

Mr. Rothermel asked about the County Planning comments. Mr. Miller stated that most of their concerns had been addressed, but noted a comment about the erosion and sedimentation control plan approval. Mr. Bonenberger mentioned the staffing situation at the Conservation District, and the nearing deadline for their input. Mr. Miller asked about the requested input from the Plumbing Inspector. Mr. Bonenberger indicated that it would be sought prior to the final plan submission.

Mr. Lauter asked about future change/modification to the buildings, specifically who would have the responsibility of seeking the necessary permissions. Mr. Belovich stated the homeowner's association documents would control perpetually, and the association's president would bear the responsibility. The monthly dues paid to the association would cover any maintenance and repair. He repeated his intent to submit the draft document for review, as soon as possible.

Mr. Rothermel asked that more detail on the proposed light fixtures be submitted with the final plan. He moved to approve the preliminary plan, subject to the resolution of the Penn Street driveway and jurisdictional issues, the submission of the homeowner's association/condominium documents, and the satisfaction of the Plumbing Inspector and Shade Tree Administrator. Mr. Reppert seconded. And the Commission voted unanimously to approve the preliminary plan.

Resolution #16-2006

Review the final land development plan for 1431 Monroe Street (Reading-Berks Habitat for Humanity), a subdivision and two single-family attached units proposed at that parcel known as 1431 Monroe Street. [0:48]

Mr. Worrall described Habitat's intention to divide an existing 60-foot wide parcel into two 30-foot wide parcels and erect two attached dwellings thereon. He likened the project to the one recently approved at 1428-1430 Monroe Street. He expected the exteriors would be clad in vinyl siding, the most affordable option available to Habitat.

Mr. Raffaelli suggested the provision of an additional half-bath to each unit, for the sake of convenience and future marketability. Mr. Worrall shared the sentiment, but noted the mission of the organization and its affiliation with Habitat for Humanity® International keeps them from adding extras beyond the code required amenities.

When asked about the construction of the party walls, Mr. Worrall said gypsum board construction would be used. Mr. Miller suggested the Commission consider lobbying the City for an amendment to its building codes if it feels the current standard isn't adequately protecting the housing stock or the enjoyment of its inhabitants. Mr. Palka recalled the heavier construction previously being the standard, at a time when the risk of fire was increased by the wood and coal stoves used in home heating. Ms. Mayfield stated that this would be the time to make such a request, as the City was in the process of reviewing the 2006 international codes and proposed amendments to them.

Mr. Worrall said the terms of the mortgage restriction (Habitat's right-of-first-refusal) would be noted on the plan. He requested that the requirements for curbing and sidewalk be waived.

Mr. Miller stated that without the Zoning Hearing Board's decision, the County Planning comments and the necessary revisions to the plan, the Commission should withhold action. Mr. Worrall described the zoning appeal, a request for variance from the off-street parking requirement due to the lack of access to the rear alley. He said members of the Hearing Board had expressed a preference to vary the off-street parking altogether, rather than paving the front yards.

Mr. Rothermel asked about the intended timeframe, noting his reluctance to approve any project ahead of the County Planning comments. Mr. Worrall said they hope to have the site preparation begin in early summer, and the volunteers begin their construction in August. He appreciated the concern, but felt the additional month's setback probably wouldn't affect their progress. He repeated his request for the curb and sidewalk waivers, saying every other deficiency could be corrected.

Mr. Bealer moved to table the final plan pending the Zoning Hearing Board's decision and receipt of the County Planning review. Mr. Lauter seconded. And the Commission voted unanimously to table the final plan.

Review the final land development plan for Downing II – Minor Subdivision, two residential lots proposed from that parcel known as 2369 Downing Street. [1:16]

Mr. O'Neill distributed copies of his response letter to the Planning Office review memorandum of May 3, 2006 and the Public Works review memorandum of May 4. He described the proposed subdivision of one existing 20,000-square foot lot into two. Mr. Miller indicated that the Commission members do not receive the same correspondence as the applicants, and may not be able to follow along with his response letter.

Addressing some of the Planning Office comments, Mr. O'Neill stated that curbing already exists around the property's frontage. He asked for a waiver of the sidewalk requirement citing the lack of it on adjacent properties. He said no additional street lighting was proposed. He indicated the soil probes and percolation tests had been performed, and the results and sewage planning documents would be submitted to the Sewage Enforcement Officer (SEO), Robert B. Ludgate, Jr., for his review.

Mr. Jamison described the proposed units as "bi-levels", the basement level to be divided between a garage and living area.

Mr. Rothermel asked about zoning approval. Mr. Jamison said that he had not yet obtained it. Mr. Rothermel pointed out the discrepancies between the zoning requirements and the western parcel's driveway, as shown.

Mr. Miller stated that he was still waiting for the County Planning comments. Ms. Mayfield mentioned that Public Works was most concerned with the Sewage Enforcement Officer's approval. Mr. Raffaelli wondered if the lots were large enough to properly accommodate on-lot disposal systems. Mr. O'Neill confirmed that the absorption fields would maintain the proper isolation distance from the dwellings.

Mr. Bealer suggested moving the driveways to make use of the existing alley. Mr. Jamison indicated that it was a possibility. Mr. Rothermel noted the lack of on-street demand in the area.

Mr. Rothermel moved to table the final plan, pending receipt of the County Planning comments, the SEO's approval, and any other applicable approvals. He asked that renderings of the building elevations be provided with the revised submission. Mr. Palka seconded. And the Commission voted unanimously to table the final plan.

Conditional uses:

1217 Moss Street – conversion (Appeal 2006-29) [1:36]

Mr. Bealer mentioned a conversation he had with the property owner, while visiting the site earlier that day. The owner claimed the conversion would allow the same use of the building prior to its use by the former Berks Bible Church. Mr. Bealer stated he had no documentation to corroborate that claim, but was just sharing the conversation.

Mr. Miller said that City Council's hearing on the matter, scheduled for this evening, had been postponed by a letter from the applicant, this afternoon. He added that other zoning relief would be necessary to make the nine-unit project happen, as proposed.

Mr. Bealer counted seven on-site, off-street parking spaces available. He said another property nearby had been used by the Church for parking. No formal agreement for additional parking was currently in place. He stated that the owner was "befuddled" by the City's bureaucracy.

Mr. Raffaelli noted the lack of windows on the building, wondering if the proposal could be made code-

compliant. Ms. Mayfield mentioned the City's "one-stop shop" as an opportunity to have code questions answered. Mr. Raffaelli felt the Commission was again being asked for its opinion in a matter it hadn't been sufficiently informed of. Mr. Rothermel asked if anyone had researched the previous uses. Mr. Miller suggested there was little more than opinion available on the matter, questioning how relevant the previous use was to the current case.

Mr. Rothermel asked about the neighborhood's on-street parking demand. Mr. Bealer said he didn't see a problem during his visit, albeit at 1:30 in the afternoon. Mr. Rothermel asked about new sewage hook-ups. Mr. Miller wasn't aware of any applications made.

Mr. Palka and Mr. Rothermel agreed that there were too many unanswered questions to recommend approval. Mr. Miller suggested a message to Council stating that discomfort.

Mr. Rothermel motioned to recommend that Council's approval be withheld pending the clarification of several issues, including: the availability of off-street parking, code-compliance of the building plans and dwelling units, and the reservation of sanitary sewage treatment capacity. Mr. Bealer seconded. And the Commission voted unanimously to recommend withholding approval.

101-103 South Tenth Street (Rancho Merengue Café, Inc.) – night club (Appeal 2006-33) [1:51]

Mr. Bealer recalled a previous fire that closed the premises, then under a different ownership. He said Council was hesitant in allowing it to reopen as a drinking establishment because of its proximity to Southern Middle School and 10th and Penn Elementary School. He also noted a recent newspaper article regarding nuisance bars.

Mr. Miller referred to an incident on March 23, 2006, under the current ownership, when an underage, undercover officer with the Bureau of Liquor Control Enforcement (State Police) was refused service. A "notification of compliance" was issued. Ms. Mayfield clarified that a bar already operates at the location, the owners seeking permission to add night club entertainment.

Mr. Miller displayed a drawing, prepared by the applicant, showing the intended internal set-up of the tables, dance floor, etc. Mr. Palka recalled the site's history as a bar, including Al Klein's Paddock, a western-themed bar dating from the 1930's. Mr. Miller confirmed that the restaurant has a valid liquor license. He stated his opinion that a zoning amendment would have been the appropriate procedure, since neither bars, nor nightclubs are permitted uses in the R3 district.

Mr. Rothermel motioned to recommend that Council deny the nightclub use, based on the City's experience with nuisance bars in residential areas, citing the adjacent homes, the increased levels of noise, the later hours of operation, and the potential impact on adjacent property values. Mr. Lauter seconded the motion, noting that nightclub activities tend to carry on outside the establishment. The Commission voted unanimously to recommend denial.

Minutes: [2:02]

Mr. Raffaelli asked if there were questions or concerns about the April 11, 2006 meeting minutes.

Mr. Rothermel moved to accept the April 11 minutes, as presented. Mr. Lauter seconded. And the Commission voted unanimously to approve the April 11 minutes.

Resolution #17-2006

Mr. Raffaelli asked if there were questions or concerns about the April 25, 2006 meeting minutes. Mr. Bealer asked about the Fire Marshal's review of the Sewage Treatment Plant plan. He said most municipalities have the fire marshal submit recommendations to the planning agency ahead of their meeting, as opposed to waiting for land development approval before seeking fire department input that may substantially alter the plans. Mr. Miller said the Marshal had been present at a "one-stop shop" with the City's code and fire officials. Their concerns were mostly allayed by the developer's intent to use masonry construction and sprinkler systems as a safeguard against the sometimes-combustible sewage sludge. The driveway configuration wasn't a problem. Mr. Bealer hoped for some correspondence. Mr. Rothermel agreed, recalling Fire Department recommendations made for another project that affected the site grading and placement of a building. Mr. Miller recognized the reluctance of every department to act without having the full agreement and consent of other departments. He agreed that the Planning Commission should have as much input as possible, given the legal rights their approval implies. He felt the "one-stop shop" meetings to be very beneficial to every department concerned with land development, but noted he wasn't going to prepare a formal review based on a conceptual plan, any more than the other department officials would. He characterized it as an informational session where City officials can tell applicants what they need to

provide. He said the Fire Marshal has attended all but a few of them, adding that plans presented to the Commission often reflect the preliminary input of those other officials when first presented at the “one-stop shop” meetings.

Mr. Bealer moved to accept the April 25 minutes, as presented. Mr. Lauter seconded. And the Commission voted unanimously to approve the April 25 minutes.

Resolution #18-2006

Election of officers: [2:21]

Mr. Palka, who with Mr. Reppert formed the nominating committee, asked for any nominations from the floor. Seeing none, he reported that they had decided the same officers should continue in their positions for the next year. He read aloud the current arrangement and requested a motion for their re-election.

Mr. Raffaelli declined his nomination as Chairman. Mr. Reppert agreed to continue in Vice-Chair position, as did Mr. Lauter and Mr. Bealer in their secretarial positions.

Mr. Raffaelli nominated Mr. Lauter for Chairman. Mr. Lauter declined. Mr. Rothermel suggested the nominating committee delay its action until the following month. Mr. Miller reviewed the applicable terms of the Commission’s by-laws. Mr. Raffaelli agreed to chair the June meeting until his successor was named.

Subdivision violations: [2:26]

Mr. Miller reported on the progress in correcting the unauthorized subdivision activity, including conversations with parties to the cases and with the County Recorder of Deeds. Ms. Mayfield said the time allowed in the letters sent to the violators has expired. Mr. Miller repeated his frustration with the County for having improperly recorded a subdivision, then demanding an explanation from the City.

Mr. Rothermel suggested the possibility of having the Zoning or Codes offices issue citations or stop-work orders on any current use of the parcels in question.

Other business: [2:36]

Mr. Rothermel addressed the issue of modifications made to City-owned public spaces without Planning Commission review. He noted the additional flag poles and light standards installed in Penn’s Common, and the fate of the play castle. He recalled the past practices of the administration directing proposed changes to the Commission, the staff’s active involvement in park planning, and hoped the Commission could continue in that role. Mr. Miller suggested that Council would have to establish a clear policy to mandate such reviews. Mr. Rothermel recalled the old form of the City’s government, where one councilman would have oversight of the public parks. Mr. Lauter sensed some hypocrisy in excepting the City from its own land development processes.

Mr. Rothermel thought the problems with the play castle might be corrected by means other than demolition. Mr. Miller noted the appeal of the HARB’s ruling on the play castle, being heard in Council Chambers this evening. Mr. Lauter reminded that had the demolition been proposed last year, prior to the establishment of the Penn’s Common Historic District, the administration could have ordered the demolition without any review or approval.

Mr. Raffaelli stated his feeling that the Commission’s officers should be rotated on an annual basis, adding that each member was equally qualified for the different positions. He felt it would be a positive gesture, one which other City boards would do well to emulate. Mr. Miller stated his disagreement.

Mr. Miller distributed copies of the Commission’s current by-laws, and a revised version he prepared for consideration.

Mr. Bealer asked about the status of the urban renewal areas proposed last summer. Mr. Miller noted reservations to establishing new renewal areas at a time when the General Assembly is reviewing and modifying the redevelopment and eminent domain laws. He remembered the Commission’s reluctance to approve the proposed Goggleworks area in particular, adding that several of properties motivating that proposal had since found alternate paths to redevelopment.

Mr. Lauter moved to adjourn the May meeting. Mr. Bealer seconded. And the Commission voted unanimously to adjourn the May meeting, 6 to 0. – 9:51 pm.