

Minutes
Regular meeting of the City of Reading Planning Commission
November 14, 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.
Edmund Palka

Staff present:

Andrew W. Miller, Planning Office
Michelle R. Mayfield, Law Department
Adam Mukerji, Redevelopment Authority

Others present:

M. Brad King, Trammell Crow Services, Inc.
Stephen H. Bensinger, Stackhouse Bensinger Inc.
Douglass J. Kramer, Synergetics Architects
Kenneth Jones, Reading Hospital and Medical Center
Daniel H. Laudenslayer, Tarson, LLC
Gordon G. Hoodak, Reading School District (Lauer's Park Elementary School)
Thomas B. Ludgate, Ludgate Engineering Corporation
Mark J. Link, John W. Hoffert, PLS, Ltd.
Kent D. Morey, Spotts, Stevens & McCoy, Inc.
David A. Wolf, Carpenter Technology Corporation
Roger D. Lehmann, All County and Associates, Inc.
Don P. Naughton, DMO Enterprises
Gregg A. Bogia, Bogia Engineering Inc.
Madelyn S. Fudeman, Essig, Valeriano, & Fudeman, PC
Amy Anuszewski, Reading Eagle Company

Chairman Raffaelli called the November meeting to order, and asked for acceptance of the agenda.
Mr. Rothermel moved to accept the agenda. Mr. Lauter seconded. And the Commission voted unanimously to approve the November agenda.

Subdivision and Land Development:

Review the **revision to record** land development plan for the **School of Health Sciences**, at those parcels known as 1001 and 1025 Old Wyomissing Road. [0:01.35]

Mr. King offered the plan as an update to the previously approved and recorded land development plan, with some 'as-built' information and amended plan notes regarding the installation methods for utilities. Mr. Miller referred to a letter provided by the Hospital's legal counsel, John W. Roland, stating that the additional notes were the only revisions made. He asked that the developer's agreement statement be completed prior to the Commission's endorsement. Mr. Palka asked if all the underground installations were complete. Mr. King said not yet, that they were coordinating the effort with the Metropolitan Edison Company. He cited those installations as the reason that Parkside Drive South remains closed.

Mr. Raffaelli asked that they reconsider the turning radius at the southern corner of the intersection of Museum Road and Parkside Drive South, since the utility pole is being removed. He described the sharp right turn for traffic approaching from the southwest on Museum Road, wondering how it could be negotiated without cutting into the oncoming lane of Parkside Drive South. Mr. King said that he had discussed the matter with the City Engineer, and determined that the geometry met the Department of Transportation's specification. He said he could revisit the issue with the City Engineer, but recognized that altering the right-of-way would require more dedication from the Hospital for the increased width, and interrupt the designed focal point of the campus.

With no further discussion, Mr. Bealer moved to approve to the revisions to the record land development

plan. Mr. Palka seconded. And the Commission agreed unanimously.

Resolution #45-2006

Review the **final** land development plan for the **Reading Health Dispensary Addition**, an addition to the Reading Health Dispensary proposed for those parcels known as 812-820 Penn Street. [0:09.34]

Mr. Bensinger said the issues raised at the first submission have since been addressed, and the necessary zoning variances received. He recalled a meeting with the Planning Office staff the previous day, where Mr. Miller seemed satisfied with intended revisions, asking only for a last look when completed. Mr. Bensinger asked the Commission for its approval, as a final plan. Mr. Miller said he didn't anticipate any problems with a final approval, reminding that he should review the revisions prior to the plan's recording.

Mr. Bealer asked if any changes were made in the design of the façade, per the discussion at the October 10th meeting. Mr. Kramer showed the revised elevations. He described the proposal's proximity to the Market Square apartment buildings across Penn Street, and their interest in a compatible design. He appreciated Mr. Rothermel's comments at the October meeting, and incorporated the suggestions into the designed fenestration.

Mr. Rothermel asked for an explanation of comments made by the County Planners regarding the maintenance of pedestrian elements in front of the Dispensary. Mr. Miller assumed they meant the Redevelopment Authority-owned plaza, which he felt was well-maintained. Mr. Bealer agreed, but expressed concern for the Family Dollar Stores' plan to reuse the vacant theater, and the additional traffic it might bring through the plaza. Mr. Miller said he wasn't sure what maintenance arrangements are in place for the plaza. Mr. Rothermel noted the coverage by the Downtown Improvement District. Mr. Raffaelli suggested that skateboard-detering hardware be considered for the planter walls. Mr. Kramer noted the Reading Hospital and Medical Center's previous investment in plaza improvements when the Dispensary was last renovated.

Mr. Raffaelli asked if there were other issues. Ms. Mayfield questioned the request for final approval, given the tabling of the preliminary plan at the October meeting. Mr. Miller recalled the Commission's informal directive to proceed with the final planning designs, since the most compelling reasons for tabling the plan were the outstanding zoning matters, since resolved. Ms. Mayfield asked about the status of the municipal improvements agreement. Mr. Bensinger said the cost estimate was submitted to the City Engineer, and would be implemented upon his satisfactory review. Ms. Mayfield reminded him of the need to formalize the agreement. Mr. Miller added sewer planning requirements to the recognized conditions.

Mr. Lauter motioned to approve the Dispensary plan as final, contingent on the execution of the municipal improvements agreement, the approval of the sewage planning module, and the final satisfactory review by the Planning Office staff. Mr. Palka seconded. And the Commission voted unanimously to approve the final plan.

Resolution #46-2006

Review the **parking lot** land development plan for the **Driveway and Parking Lot Application Plan**, 24 additional off-street parking spaces proposed at Lauer's Park Elementary School, that parcel known as 219 North Second Street. [0:20.25]

Mr. Laudenslayer recalled the former Vitillo Corporation's presentation of the Gordon Hoodak Stadium land development plan in the fall of 2004. He wasn't sure why the plan hadn't been recorded, or even if it was finally approved.

Mr. Laudenslayer said the current plan had been approved by the Zoning Hearing Board for the expanding school use (a special exception), though he did not yet have the written decision. Mr. Miller explained that two zoning appeals affect the parcel (appeals No. 2004-45 and 2006-62), the first allowing the design of the Stadium, the second the design of the off-street parking expansion. He believed all zoning issues to be resolved, but had received no response to the Subdivision and Land Development reviews. Mr. Laudenslayer thought most of those issues were addressed. He said an improvement agreement estimate had not been prepared, since the Reading School District planned to construct the proposed parking prior to final plan approval. Mr. Miller said that wasn't the City's typical practice, despite the experience with the Stadium. He said 'as-built' plans may be required by other City departments, but that the Commission's plan approval was required prior to the commencement of construction.

Mr. Laudenslayer described the existing playground area to be modified for the additional off-street parking. He said the additional parking, planned as part of the Stadium project, was never constructed.

Mr. Miller said the proposal has satisfied the required zoning process, satisfied the recommendations of the City's Engineer and Plumbing Inspector, but required additional Land Development Ordinance information, for the parking lot and Stadium. He recommended the Commission table it.

Mr. Rothermel asked if the parking lot's only access was from/to North Second Street, and if a car entering a full lot would have to back out into the Street. Mr. Laudenslayer said that is the only designed ingress/egress. He said an additional access from/to Thorn Street was briefly considered, but for the steep gradient and some suspected storage cellars remaining from the former Lauer's Brewery. Mr. Rothermel suggested the School District consider some provision for a vehicular 'turn-around' within the lot. Mr. Laudenslayer agreed to look into it.

Mr. Rothermel asked if the Land Development Ordinance requires the Commission's review of parking lots. Mr. Miller said the requirement is from the Zoning Ordinance. Mr. Rothermel asked why it hadn't been submitted to the County Planners for their review. Mr. Miller cited the definitions within the Land Development Ordinance. He said the plan also serves as the record land development plan for the already constructed Stadium. Recognizing the apparent disconnect, he wondered what other standards parking lot designs might be judged against.

Mr. Bealer inquired about the Elementary School's common boundary with the Metropolitan Edison Company, and the previously proposed annexation. Mr. Laudenslayer recalled an original proposal to donate a portion of the property to the School District to accommodate the Stadium design, until the District's attorneys raised the concern of possible soil contamination associated with electrical distribution equipment. He said the building plans had been modified accordingly.

Mr. Bealer asked if the Zoning Ordinance's off-street parking standard would be met with this expansion. Mr. Laudenslayer calculated the Elementary School's requirement at fifty (50), for its faculty, and an additional twelve (12) spaces for the Stadium, for a required total of 62. The existing count is 61, with 24 additional spaces proposed, for a proposed total of 85. He said the additional parking will help alleviate the pressure on North Second Street.

Mr. Palka moved to table the plan until the necessary revisions were made. Mr. Lauter seconded. And the Commission voted unanimously to table the parking lot plan. Ms. Mayfield asked for the contact information of the legal counsel handling the matter for the School District.

Review the **final** subdivision plan for **323-333 North 4th Street**, a subdivision proposed from that parcel known as 323 North Fourth Street. [0:36.48]

Mr. Ludgate described the location between North Fourth and Madison Streets, a large older building, of about 125 years, and its newer one-story addition. He described the intent to divide the property and building alike, and the zoning issues of creating lot lines without setbacks. He said the Zoning Hearing Board approved the request. He said there wouldn't be any new public infrastructure, or changes to the existing parking lot. He said the client preferred to subdivide the parcel, and sell the unused portion, rather than have the hassle of leasing the additional space. He mentioned the receipt of the Planning Office staff review, believed all the necessary revisions to be made, and asked for approval.

Mr. Lauter asked Mr. Ludgate to clarify the need for the subdivision. Mr. Ludgate said the owner sees the property as two separate buildings, and Family Dollar Stores, Inc., his tenant, doesn't want to be attached. Mr. Lauter recalled the former occupancy by the Barbey Electronics Corporation and a lot of existing connections between the buildings. Mr. Ludgate said a firewall has already been constructed between the spaces. Mr. Raffaelli felt the new owner would need variances from the off-street parking and loading standards, just to operate. Mr. Ludgate said those issues were covered at the zoning hearing. He said the parking situation was deemed an existing nonconformity. He said the intent was only subdivision, with cross-access easement between the newly created lots for the mutual use of the parking and loading areas. Mr. Raffaelli asked if the easement was recorded with the deed. Mr. Ludgate described the note on the plan. Mr. Raffaelli asked if the reservation required changes to the deed. Mr. Miller referred to a note on the draft deeds, hoping it could be refined. He said it wasn't a metes and bounds description, but rather permissions to use the parking and loading areas as common space. Mr. Ludgate expressed his willingness to make whatever clarifications to the easement deemed necessary. Mr. Raffaelli expressed concern for certain sizes of delivery trucks, and their ability to navigate the property. Mr. Ludgate referred to the two loading spaces shown, and assured that the easement covered parking and loading. He thought the deed language should probably define operational restrictions, such as permitted overnight parking by delivery vehicles.

Mr. Rothermel asked what off-street parking the Zoning Ordinance required for the Family Dollar Store, and how many existed. Mr. Ludgate said sixty (60) off-street spaces were required, 47 existing. Mr. Rothermel pointed out the existing deficiency. Mr. Ludgate said that's how the Hearing Board judged the matter; as long as it's a current non-conformance, anyone can come in with a commercial use. Mr. Miller countered that opinion, adding that the Zoning Ordinance also requires variance for additional principal uses on one lot. Mr. Ludgate said that he

was only relating the discussion from the hearing.

Mr. Rothermel asked how long the Family Dollar Store was operating at the location, and whether the Hearing Board approved it. Mr. Ludgate estimated “a couple months”. Mr. Rothermel asked if the case went to the Hearing Board, at that time. Mr. Miller recalled an issue over signage, but couldn’t remember the outcome. Noting the Residential 3 (R3) district, Mr. Rothermel wondered if the zoning permit was granted by the Hearing Board, after appeal, or administratively via the Zoning Administrator. Mr. Ludgate wasn’t sure, having only become involved in the project after the permit was issued. Mr. Rothermel noted that the Zoning Ordinance governs changes in non-conforming uses, thinking the Family Dollar Store would be determined a more intensive use than the Barbey Electronics store. Mr. Ludgate said they had tried to provide as much detail as possible to the Hearing Board, unsure of what exact variances were required.

Mr. Raffaelli asked for clarification on what exactly was varied. Mr. Miller lamented the brevity of the written decision, showing no more than section numbers. Mr. Ludgate agreed that the decision was “not tight”. Mr. Raffaelli asked Ms. Mayfield her opinion of simply referencing section numbers, some not even existing in the Ordinance. Not having read the decision, Ms. Mayfield declined comment. Mr. Lauter took the position that any subdividing intensified the existing condition, as one use becomes at least two, and maybe more. Mr. Bealer noted the current 13-space off-street parking deficiency. Mr. Ludgate again described it as an existing non-conformance. Mr. Miller disputed what he characterized as a pervasive assumption that existing non-conformities are allowed unrestricted alterations. Mr. Ludgate characterized that as the sentiment of the Hearing Board.

Mr. Rothermel said the existing shortfall in off-street parking, would only be made worse by considering the potential demand of the currently vacant spaces. Mr. Ludgate said the Family Dollar Store, as a pedestrian-oriented use, needs only 17 spaces, as stated on their lease with the owner, leaving thirty (30) other spaces available. He said sixty (60) spaces would never be required by the Store. Mr. Lauter wondered about potential occupants after the Dollar Store, and their needs.

Mr. Bealer asked if the 4-story portion would require further subdivision to become viable. Mr. Ludgate said the owner thinks the viability limited to the first floor.

Mr. Raffaelli asked Mr. Miller his recommendation. Mr. Miller reported most of the Subdivision Ordinance corrections and revisions made, thinking the plan could be approved, if conditioned on one final staff review. He asked if the existing dumpster, for Lot #1, were screened. Mr. Ludgate said he wasn’t sure, but would see that screening was provided. Mr. Miller asked that the existing utilities be clearly distinguished from those proposed.

Mr. Lauter asked about their plans if not approved for the subdivision. Mr. Ludgate believed they’d continue to use first floor, in lease to the Dollar Store. He said the owner, LGN Management, LLC intend to rehabilitate the rest of the property, describing it as their specialty. He said the same organization is renovating the former Fox Theater at 840 Penn Street.

Mr. Rothermel asked for the staff’s position, apart from the Subdivision and Land Development Ordinance issues. Mr. Miller said, if uncomfortable with the detail of the Hearing Board’s decision, the Commission could remand the matter for further clarification. He guessed it probably wouldn’t change the outcome. If asked his personal opinion, he wondered how many ‘dollar stores’ the City could support, and felt the signage was overdone, recognizing that neither was within his scope of review. Mr. Raffaelli felt there were a number of questions to be resolved. Mr. Ludgate said the intentions were clearly explained to the Hearing Board. Mr. Raffaelli said it is the Board’s decision that wasn’t clear.

Mr. Bealer asked if it was the Commission’s place to consider the specifics of deed restrictions and covenants. Mr. Miller affirmed. Mr. Ludgate offered to follow the recommendations of the Planning Office staff and its solicitor. Mr. Miller described the easement as an acceptable form but, noting the statement on the draft deeds, thought the language needed improvement.

Mr. Lauter felt that if the property was kept in one ownership, the ultimate responsibility and control of parking and access issues would be more manageable. If separated, he suspected potential conflicts between two competing owners. Mr. Ludgate reaffirmed the need for legally-recorded provisions. Mr. Lauter suggested difficulty in predicting every plausible conflict, and covering it in the language of the access easement. Mr. Miller suggested the surveyor was only thinking about his client’s current need, while the Commission was considering potential future occupants. He said if the practice in the Zoning Office is to grant unlimited permissions to a non-conforming parcel, then the Commission must do so. He said it all depends on who holds the office of “Zoning Administrator”.

Mr. Ludgate wasn’t sure where to direct his efforts, if refused by the Planning Commission. Mr. Palka

asked about the Hearing Board's written decision. Mr. Miller, holding the decision, explained the limited information and erroneous section references.

Mr. Bealer asked if a sewage planning module was required for subdivision. Mr. Miller affirmed, adding the requirement for independent utility service extensions to the newly created property. Mr. Ludgate said some of those permits had already been pulled, and work was underway. Mr. Miller explained that, depending on the previous allowances, the new occupants may need to reserve additional capacity at the Wastewater Treatment Plant.

Mr. Rothermel asked about the County Planners' concerns. From their review, Mr. Miller paraphrased the recommendations to review the proposed access easement for record, clarify the parking data provided and standard required, and check sight distances and maneuverability within the parking lot. Mr. Rothermel wondered how a zoning permit could be issued by the Zoning Administrator if off-street parking was already deficient. Mr. Ludgate wasn't sure.

Mr. Miller believed the plan to be essentially the same graphic as presented to the Hearing Board. He predicted a similar outcome from an additional hearing, guessing they might, at least, clear up the language of the original decision. Ms. Mayfield recommended the Commission seek that clarification, rather than deny the plan outright. Mr. Rothermel wondered if the Commission ought to ask the Board's thoughts on where additional parking might be provided. Ms. Mayfield guessed they'd prefer to deal with the issues as they come. Mr. Bealer wanted the Board's position on the seeming intensification of use.

Mr. Bealer moved to table the subdivision plan, pending clarification of the Zoning Hearing Board's decision. Mr. Reppert seconded. And the Commission voted unanimously to table the subdivision plan.

Mr. Bealer further moved to direct the Planning Office staff to seek clarification from the Hearing Board, in regard to their written decision, the off-street parking required for existing and future uses, and the intensification of an already non-conforming property and use thereof. Mr. Lauter seconded. And the Commission agreed unanimously to the directive.

Resolution #47-2006

Review the **final** subdivision plan for the **Snyder Subdivision**, a subdivision proposed for that parcel known as 735 Oley Street. [1:22.52]

Mr. Link introduced himself, presenting on behalf of his client Gary R. Snyder, Sr. He described the subdivision/annexation involving lands purchased from Norfolk Southern Corporation. He said previous submittals to the Planning Office had raised zoning issues by proposing a new parcel without public right-of-way access. He said the annexation now proposed provides the required frontage. The only issue remaining is the client's decision on record ownership, whether to record the property in his (Snyder's) name or as "Kay O. Inc.", the name of his wife's business, and record owner of the existing lot fronting North Ninth Street.

Mr. Miller explained that the plan served to address a subdivision improperly recorded in February 2006. Mr. Link identified that portion of the rail yard parcel transferred to Gary Snyder.

Mr. Rothermel asked if the subdivided parcel was mostly pavement, and adjacent to the "J. G. Walter" properties. Mr. Link answered yes. Mr. Rothermel explained that the land was originally paved by the City, and leased from then-owner Consolidated Rail Corporation, to provide parking for the Great Factory outlet.

Mr. Miller asked if the plan being presented was the same as submitted for the Planning Office review, or revised per the preferred record ownership. Mr. Link said they were identical to those submitted, adding that, if it were okay with the Commission, they'd record it as presented, then transfer the record ownership later, through the County Recorder of Deeds. As an alternative, he offered to return to the Commission with revised plans. Mr. Miller indicated that it was of little consequence either way, since property can always be transferred without the City's direct involvement. Mr. Bealer wondered if the Commission could approve the plan, and endorse amended plans, if the applicant chooses to make the update. Mr. Miller said yes.

Mr. Rothermel asked Mr. Link how his client planned to use the property. Mr. Link thought it would continue in its existing use as a parking area, noting some existing shed encroachments, to be handled with the neighboring property owners. Mr. Rothermel asked what they were parking. Mr. Link wasn't sure. Mr. Miller conformed that the applicant was made to understand that approval of the subdivision offers no guarantees about allowed uses or construction of improvements.

Mr. Rothermel moved to approve the final subdivision plan, subject to a final staff review of any revisions made. Mr. Palka seconded. And the Commission voted unanimously to approve the Snyder plan.

Resolution #48-2006

Review the **sketch** land development plans for the **Buildings 84 and 108 Expansions**, additions proposed at Carpenter Technology Corporation, that parcel known as 101 Bern Street. [1:34.07]

Mr. Morey began with the Building 84 proposal, describing its location on Carpenter's east shore campus, and the view of it from the Warren Street By-pass. He described the intent to expand the southwest and northeast sides of the Building where Carpenter performs two specialty casting procedures, known as vacuum arc remelting and electroslag remelting. He said they presented plans at the November 8th Zoning Hearing (Appeal No. 2006-77), for variance from the 50-foot building height maximum. The proposed expansions would be equal in height to the existing Building 84, estimated at about 72-73 feet, with approximately 6000 additional square feet in each addition.

Mr. Morey continued with the proposed expansion for Building 108, now shown differently than the proposal submitted to the Planning Office. He explained Building 108's position in relation to the other buildings, and the bridge connecting Carpenter's east and west shore properties. He said the expansion may require demolition of buildings 16, 18 and 15, spaces currently used for material storage and maintenance. He described the existing construction over portions of the Bernhart's Creek conduit, and the storm sewer system connected thereto. He said any alterations may require changes to Carpenter's General Permit through the County Conservation District.

For visual reference, Mr. Bealer asked about the height of the large white building (an annealing furnace) to the southwest. Mr. Wolf estimated it at slightly over 100 feet.

Mr. Rothermel asked if the plan was submitted to the County Planning Commission. Mr. Morey indicated that would be done as part of the official submission to the City. He hoped to be back for the City Planning Commission's January meeting, with erosion and sedimentation control permits in-hand. He said he would coordinate through the Planning Office and the Department of Public Works. Mr. Miller guessed that Public Works would appreciate the revised plans for the more limited construction over the underground stormwater infrastructure and Bernhart's Creek. Ms. Mayfield reminded of the municipal improvements agreement process. Mr. Raffaelli expressed appreciation for the sketch presentation.

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 - AND - the **preliminary** land development plan for the **15½ Street Land Development**, a subdivision and eight single-family attached dwellings proposed at those parcels known as 614, 631 and 632 South 15½ Street. [1:50.21]

Mr. Lehmann showed a color rendering representing both plans, which he felt better for the presentation. He called them two separate plans, because of the two different owners, Fairview-Highland, LLC and Neversink, LLC. He recalled their previous presentation to the Commission, at its December 13, 2005 meeting, with the Berks County Conservancy, regarding the re-zoning petition. He called this the first two of an eventual four phase subdivision, the third and fourth expected to be the units planned on South 16th and South 14th Streets, respectively. He proposed six townhouses for South 15th Street, and eight townhouses for South 15½ Street, with the balance of the land to be conveyed to, or retained by the Conservancy.

Mr. Lehmann offered to address the Planning Office review letter. Mr. Miller informed him that the members didn't have the same letter in-hand. Mr. Lehmann said he could focus on the needed waivers. Mr. Raffaelli asked if model elevations were available. Mr. Lehmann said not. Mr. Rothermel asked for a description. Mr. Lehmann described a masonry and frame combination, per an agreement reached with the Reading Redevelopment Authority, front porches flush with one-car garages, and a rear patio or deck provided for each three bedroom unit. Mr. Rothermel asked who required the design parameters. Mr. Lehmann said the requests were made by the City administration; that certain stipulations were made while negotiating the details of the zoning change and sales agreements. He said each unit would be sprinkler-ed. Mr. Rothermel asked for the "ballpark" selling price. Mr. Lehmann understood \$135,000 to start, deferring to Mr. Naughton for more precise figures. Mr. Lehmann said they had been working on financing programs with "various City organizations", including Neighborhood Housing Services of Reading, Inc. Mr. Rothermel asked who would be paying for the street extensions. Mr. Lehmann assured that the developer would be construct all the service extensions, including the looping water system throughout the subdivision, as requested by the Fire Marshal.

Mr. Rothermel asked about comments from the Department of Public Works. Mr. Miller said they hadn't been received. Mr. Lehmann said his office hadn't received them either, but that they were addressing the engineering issues as they've been raised at various meetings. Mr. Rothermel recalled previous snow removal challenges on the streets of Neversink Mountain, because of their gradient. Mr. Lehmann said the same concern, as well as emergency vehicle access was raised by Public Works' officials, prompting a "back-around" atop South 16th

Street, it being the steepest. He said those officials were fine with other streets being designed as dead-ends, as they currently exist. Mr. Palka asked for an estimate of the distance between the last townhouse proposed and the existing Fairview Street. Mr. Lehmann answered about 250 feet, the existing streets to be extended by approximately 130-140 feet.

Mr. Palka asked about the provisions for stormwater run-off. Mr. Lehmann described a stormwater management system, currently under review by the City, designed to handle flows from the site and existing sheet flow from land up-slope. Mr. Rothermel wondered about the increasing impervious surface. Mr. Lehmann described the underground management system that accounts for the additional impervious surface, and prevents increasing the velocity of stormwater leaving the site. Mr. Rothermel asked about flows from the streets. Mr. Lehmann noted the collection system and added inlets. Mr. Rothermel noted existing flooding issues on Perkiomen Avenue, anxious to hear what the Department of Public Works would recommend. Mr. Lehmann thought that the City Engineer had indicated it was no longer an issue. Mr. Miller asked if the management system detains water or infiltrates it. Mr. Lehmann said they had originally planned an infiltration system, but were now limiting it to a detention function, per the request of the City. Mr. Miller asked if any subsurface investigations were performed. Mr. Lehmann said it was limited to existing soils maps, no percolation tests having been performed. He noted the graded swales designed to convey stormwater from upslope to the proposed inlets, and the piping of the roof run-off to the detention system.

Mr. Rothermel asked if there was any thought to connecting South 15th and 15½ Streets, and orienting the houses in more of a “north-south” direction. Mr. Lehmann said they had discussed the matter “about a year-and-a-half ago”, and determined it to be unworkable, because of the grading challenges and reduction in housing units. Mr. Miller asked about provisions made for emergency vehicles. Mr. Lehmann described a graded access, coincident with the public water line easement, and an alley to be widened. Mr. Miller asked what improvements were proposed for the ground itself, and how the stormwater swales would affect its stability. Mr. Lehmann said the earth would simply be compacted, and the swale was not designed very deep. He said the Fire Marshal just wanted access for a “brush truck”. He said nothing would be planted in the water line easement. He said the Fire Chief had more concern about access to fires on the Mountain, than access to the townhomes themselves. Mr. Miller expressed concern for the velocity of stormwater in the swales eroding the ‘compacted earth’ of the access drive. Mr. Lehmann said the calculations do not indicate an erosive potential. Mr. Lauter wondered if the calculations account for the heaviest events. Mr. Lehmann said yes. Mr. Rothermel asked if the City Engineer was satisfied with the ability of the management system to handle the increased stormwater load. Mr. Lehmann explained that it would really be the same water as runs-off currently, only to be captured by the management system earlier (upstream) than before construction. He said an oversized management facility to compensate for the additional impervious surfaces and loss of vegetation. He said the velocity of stormwaters at the receiving inlet (leaving the site) would not exceed the existing condition, nor could it by law. Mr. Lauter stated, for the record, that while on Perkiomen Avenue, about two months earlier and following a heavy rainfall, he witnessed flooding of approximately one foot.

Mr. Bealer wondered why the Fire Marshal hadn’t requested cul-de-sacs for the purpose of maneuvering equipment. Mr. Lehmann said the Fire Chief only asked for a “turn-around” on South 16th Street. Mr. Miller asked if the Fire Department hadn’t stated a need to get their apparatus behind houses. Mr. Lehmann said that was correct, and in part due to the provision of sprinkler systems. He said the Fire Chief wanted the graded access to accommodate a “brush truck”.

Mr. Miller asked how they decided between wooden decks and concrete patios, between each unit. Mr. Lehmann called it a grading issue. He said each lot has a driveway and a street tree, sensitive to the positions of the utility service laterals.

Mr. Raffaelli asked how far the ends of the homes stood from the brush/tree line. Mr. Lehmann estimated 25 feet. Mr. Raffaelli suggested an advantage in masonry construction on those ends for the additional measure of fire protection. Mr. Lehmann said he’d have to confer with his client, thinking fires would tend up the Mountain’s slope, rather than toward the homes.

Mr. Raffaelli asked about the roofing construction. Mr. Lehmann said asphalt shingles.

Mr. Lehmann addressed the waivers requested. He said the plans reference a nationally-recognized vertical datum (NGVD 1929). He asked for a waiver from the requirement to use the City’s datum. Mr. Miller said a note explaining the conversion would satisfy the section. Mr. Lehmann asked for a waiver from the restriction on maximum street grades, since the proposed extensions, as with the existing portions, would exceed 12% allowed. Mr. Lauter asked if the streets increase in grade as they climb the slope. Mr. Lehmann said at a point, they would,

explaining the design's origins in the negotiations between the developer, the City administration and the Conservancy, and the shared goal of developing areas of lesser grade, while preserving the steeper grades of the Mountain. He asked for a waiver from the requirement to design vertical curves at points of grade change, not proposed for a lack of space. He requested for waivers from the cul-de-sacs, required at street ends, and the half-acre of recreational facilities required for developments serving fifty families. He disputed the application of the recreational facility requirement, since the overall project has been separated into several smaller projects, each less than fifty units. He said the negotiations have resulted in funds proposed for needed upgrades/repairs at the Neversink Playground, hoping that contribution would be recognized in lieu of the required new facilities. Mr. Lauter asked for the total number of residential properties, at the four phase build-out. Mr. Lehmann answered 52, characterizing them as different projects, by different owners. Ms. Mayfield asked how children on South 16th Street would access the Playground. Mr. Lehmann guessed they'd use the alley or Fairview Street.

Mr. Miller reminded that the project still needs the actual zoning permit. Mr. Lehmann agreed, indicating that it would be sought.

Mr. Rothermel asked if stormwater on South 15½ Street would be directed to the existing system or the detention system. Mr. Lehmann described the plan as similar to that of South 15th Street, the water to be captured by an inlet and conveyed to the existing system. He said the roof drains on the west side of South 15½ Street would be connected to the detention system, while those on the east side would be directed to the Street.

Mr. Raffaelli asked that building elevation renderings accompany future presentations.

Ms. Mayfield asked if any part of the detention system were an open basin. Mr. Lehmann assured it would be entirely underground, and covered by lawn.

Mr. Rothermel noted that there hadn't been any formal feedback from the Department of Public Works regarding the stormwater management plan. Mr. Miller said not, adding that a zoning permit and other documentation were still required. He clarified that he was not recommending any action.

Mr. Lauter moved to table the preliminary plan for South 15th Street. Mr. Reppert seconded. And the Commission voted unanimously to table the preliminary plan for South 15th Street.

Mr. Bealer moved to table the preliminary plan for South 15½ Street. Mr. Lauter seconded. And the Commission voted unanimously to table the preliminary plan for South 15½ Street.

Mr. Lauter requested that the Planning Office staff include the various other written reviews in the Commission's next mailing.

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. [2:42.55]

Mr. Bogia described the location of the Buttonwood Gateway project, and the two-phases anticipated, 46,415 square feet in the first, and an additional 27,345 in the second. He said 126 off-street parking spaces were designed, for a workforce goal of 125 employees. An outdoor trash compactor is proposed at the north side of the building. He explained the entrance drive to/from Buttonwood Street, and the traffic projections for the intersection. He said the projections don't warrant a traffic signal, the intersection to be sign controlled. He said the plan shown differs slightly from that submitted for the Planning Office's review, it reflecting the on-going work on the design of the entrance drive, in reaction to comments from the City Engineer and County Transportation Planner, regarding sight distance concerns. He said he'd continue working through the City's 'One-Stop Shop', the Fire Marshal, the Water Authority, the City Engineer, and the Planning Office.

Ms. Mayfield asked if the issues raised by the Fire Marshal had been addressed. Mr. Bogia referred to a written review letter received, regarding some additional minor issues. He said the previously proposed 8-inch water line has since been increased to 12 inches.

Mr. Bealer asked for an explanation of the subdivision. Mr. Bogia described six separate lots; those numbered 3, 4 and 5 not meeting the Zoning Ordinance minimum and not intended as building lots, but rather strips for flexibility in the design of lots 2 and 6. He said a note would be added to make it clear that they don't stand alone. Mr. Miller wondered about the advantage of any 'pre-subdividing', reminding that City routinely approves subdivisions with their land developments, and these particular strip lots would never stand alone. Mr. Bogia said it was recommended in case simultaneous proposals are presented for the area.

Mr. Raffaelli asked about the Sun Rich product. Mr. Bogia said fresh fruit is peeled, cut and packaged, and sold to other industries, such as airlines. Mr. Raffaelli asked if any were frozen. Mr. Mukerji said it all begins fresh

and is packaged per the resellers specifications, such as vacuum bagging.

Mr. Bealer asked about the area reserved for off-street parking expansion. Mr. Bogia said 126 spaces are proposed for the first phase, with an area for approximately 50 future spaces. He said the company intends for walk-to-work opportunities, but is planning ahead. He showed elevation renderings of the building, about 45 to 46 feet high.

Mr. Rothermel asked if there had been any preliminary designs on landscaping. Mr. Bogia described the buffers on Tulpehocken Street, the screening to the back of the dwellings on Buttonwood Street, and some trees and shrubs provided per the parking design standards, using City-approved varieties. Mr. Bealer asked if the off-street parking areas met the internal shade tree requirements. Mr. Miller said not, as currently drawn, adding that the Zoning Administrator will have to comment. Mr. Bogia said he put together the plan that he felt met the Ordinance, willing to sit down and talk with the Planning Office staff about the matter. Mr. Miller mentioned one shade tree required for every ten off-street parking spaces. Mr. Bogia said the requirement depends how you count the parking lots, the islands, and green spaces adjacent to them, explaining that he was trying to space them for a view of the proposed building. Mr. Miller said the landscaping around the parking meets the screening requirements for parking lots. Mr. Bogia said he tried to provide proper amount of material, characterizing it as a placement issue. Mr. Rothermel recommended that low shrubbery be placed around the parking lots, to screen bumpers, the parking lots generally, and call attention to the building. He recalled screening attempts made by Penske Truck Leasing on Riverfront Drive. Mr. Miller said the internal parking lot landscaping, too, relates to those screening goals. He said there is nothing subjective about the language of the section, and expected it to be either provided or varied. Mr. Bogia insisted he wasn't seeking any variances, happy to meet with the Planning Office staff or the Zoning Administrator to discuss it. Mr. Miller wondered why it was being characterized as an issue of interpretation, and read the section aloud. Mr. Bogia said parking areas themselves were dispersed from each other, again offering to discuss the matter with staff. Mr. Rothermel suggested that as an urban renewal area, the Planning Commission and Redevelopment Authority play a bigger role in determining zoning compliance. Mr. Miller said that if specific parcel controls were never written, the prevailing zoning regulations apply. Mr. Rothermel agreed, explaining that the Commission and Authority should still have a role beyond that of the Zoning Administrator's, specifically where urban renewal areas are in effect.

Mr. Rothermel expressed concern over the current use of River Road as a link to the Buttonwood Street Bridge, and the near 'u-turn' made at the intersection. He said if that movement was no longer an option, and no traffic signal was proposed, it would need to be considered. Mr. Bealer felt the intersection needed a signal, given the intensification of its use. Mr. Bogia said the matter is governed by the Department of Transportation. He said he incorporated the recommendations of the City Engineer and County Transportation Planner, and didn't want to preempt any future uses of River Road. He said an earthen buffer, proper signage, and a one-way (west) designation for the spur were found acceptable by the City Engineer. He said the volumes will not warrant a traffic signal. He said, of the eleven criteria set by the Federal Highway Administration for signalized intersections, only one might someday arise at this intersection, it being the peak-hour volume warrant. He said the traffic movements, as counted, indicate an evening peak volume still below the warrant, thereby making stop signs sufficient at least until the Gateway properties were fully built-out. Mr. Palka recognized how much travel time can be saved using the Buttonwood Street to River Road route into the City, rather than using Penn Street, especially given morning traffic volumes.

Mr. Lauter asked about the 200 employees and 25 trucks/day projections for build out, wondering if they're planning a round-the-clock, seven-day operation. Mr. Bogia said yes, indicating the truck traffic would be staggered accordingly.

Mr. Rothermel asked about the access from Tulpehocken Street. Mr. Bogia said it was for emergency access only, and gated, with a Knox-Box® Rapid Entry System for the Fire Department. Mr. Rothermel encouraged whatever landscaping that could be added to help frame the building and screen the view of the parked cars.

Mr. Bealer asked if they intended any use of Tulpehocken Street for the trucks. Mr. Bogia said not, unless blocked from passage at the main entrance drive. He said the access is only proposed to be paved because the Ordinance requires it, preferring instead to keep it in gravel.

Mr. Lauter asked about the area to the east of the entrance drive, suggesting another place for trees, to screen the homes from Buttonwood Street.

Mr. Rothermel asked about stormwater planning. Mr. Bogia described the existing facilities, and proposed connections thereto.

Mr. Bealer asked about Sun Rich's construction schedule. Mr. Bogia said they were aiming to break

ground in the spring. Mr. Mukerji mentioned the company's origin in Vancouver, and its other locations in Los Angeles and Toronto.

Mr. Miller asked if the trash compactor would be used for any organic wastes. Mr. Bogia believed that dried material would be compacted, then exported to farms, but hesitated to answer for the company. Mr. Bealer asked if sludge application permits were necessary. Mr. Miller recognized a potential animal or compost feedstock. Mr. Bogia agreed, noting Pennsylvania's burgeoning hog farm industry. He said the facility still requires an industrial discharge permit.

Mr. Raffaelli described the industry as being of the "third wave", thinking it would be hard to outsource food packaging, and recognizing the location's proximity to population centers.

Mr. Bealer asked if Mr. Miller was still waiting on additional items. Mr. Miller mentioned the zoning permit, and the required Land Development Ordinance revisions. Mr. Raffaelli asked that the staff communicate the requirements clearly to the applicant. Mr. Miller stated firmly that they were written in the review letter. Mr. Bogia said he had already scheduled appointments with Mr. Miller and others, to "hammer out the issues", and clarify their misunderstandings.

Mr. Lauter motioned to table the preliminary plan, until the zoning permit was issued and staff's review letter was addressed. Mr. Palka seconded. And the Commission voted unanimously to table the preliminary plan for Sun Rich Fresh Foods, Inc.

Minutes: [3:22.20]

Mr. Raffaelli asked if there were any issues or comments on the October 10th minutes.

Mr. Rothermel moved to accept the October 10th minutes, as presented. Mr. Lauter seconded. And the Commission voted unanimously to approve the October 10th minutes.

Resolution #49-2006

Other business: [3:23.00]

Mr. Miller, while recognizing some challenges of working with the current land development ordinances, complained of the belligerence of certain developers in resisting the requirements clearly written in those ordinances, and rewritten in his reviews. He said he will continue to demand compliance with the codes unless relief is properly granted, and in writing.

Mr. Raffaelli recognized the continuing challenges in zoning matters. Mr. Bealer said he raised the issue of the Sun Rich parking lot specifically to gauge the applicant's intent, and complained of the indirect answers given. He said he expected compliant revisions with the next submission. Mr. Rothermel felt the last minute revised submissions to be an abuse of the Commission's accommodations, and a violation of the Land Development Ordinance. He said he had no problem denying a review, when plans aren't submitted in accord with the Ordinance. Mr. Miller explained the complication, when plans are submitted by deadline, reviewed by the staff, and revised plans are submitted in response, and at the last minute, or at the Commission meeting itself. He characterized it as a doubling of the work, saying they're only really due a review of those plans submitted by deadline.

Mr. Bealer asked for an update on the Fox Tail Subdivision plan, tabled at the Commission's July, August and October meetings. Mr. Miller announced that it had been formally withdrawn, thinking it odd, as close as they were to approval.

Mr. Raffaelli asked for an update on the Mimmo's Pizzeria zoning issue. Ms. Mayfield reported that it was appealed, unsuccessfully, to the Zoning Hearing Board. She said the denial may have been appealed to the County's Court of Common Pleas, but she wasn't certain. Mr. Raffaelli said it would be interesting to see how the Court defines "no".

Mr. Lauter inquired about the resolve for another joint meeting between the Commission and the Zoning Hearing Board. Ms. Mayfield said it hasn't yet been arranged.

Seeing no other business, Mr. Lauter moved to adjourn the November meeting. Mr. Palka seconded. And the Commission voted unanimously to adjourn the November meeting, 6 to 0. – 10:37 pm.