

Minutes
Regular meeting of the City of Reading Planning Commission
October 14, 2008 at 7:00 pm

Members present:

Ermete J. Raffaelli, Chairman
Wayne Jonas Bealer, Assistant Secretary
Edmund Palka
Frederic dep Rothermel, Jr.

Staff present:

Andrew W. Miller, Planning Office
Michelle R. Mayfield, Department of Law
Charles M. Jones, Department of Public Works

Others present:

John Kromer, Fels Institute of Government (University of Pennsylvania)
Scott T. Miller, Stackhouse Bensing Inc.
Douglas F. Smith, Alvernia University
Patrick Carraher, Spotts Stevens & McCoy, Inc.
Kimberly M. Fasnacht, Spotts Stevens & McCoy, Inc.
Martin Earley, Aramark Uniform & Career Apparel, LLC
Christopher J. Fell, United Corrstack, LLC
David F. Stauffer, United Corrstack, LLC
Charles A. Feghali, United Corrstack, LLC
Eugene Orlando, Jr., Roland & Schlegel, PC
Neil S. Brantley, Berks County Conservancy
Brian Bingaman
Stephen F. DeLucas, Reading Eagle Company

Chairman Raffaelli called the October 14th meeting to order, reminded presenters to sign the attendance sheet, and asked for acceptance of the agenda. Mr. Palka moved to accept the October agenda. Mr. Rothermel seconded. And the Commission voted unanimously to accept the October 14th agenda.

Hear the **presentation of the blighted property review process**, a suggested framework presented by Fels Institute of Government on behalf of the Blighted Property Review Committee [0:00.56]

Ms. Mayfield distributed copies of an outline summarizing the planned approach toward a “housing asset management strategy”. Mr. Kromer thanked the Commission for the opportunity to introduce himself, and their planning effort. He mentioned his experience as Philadelphia’s housing director, and consulting work from the University of Pennsylvania since, focusing on policy making and strategic planning for cities with housing issues. He referred to the previous, and still relevant, vacancy inventory he completed for Reading in 2004, and a recent report on Allentown’s situation in and around its downtown. He recognized similar problems with absentee investors, looking to make a profit in an undervalued market; gaining properties through foreclosure sales and negotiated purchases, converting those single-family structures into as many apartments possible, and without regard for city codes. He said the usual systems for enforcement and judicial remedies are not sufficient tools for dealing with the current situation. He said the Allentown strategy was published last October, and that Mayor Pawlowski has been aggressive in implementing it. He said he had lately been speaking with Mayor McMahon about a similar effort in Reading, and expected to be soon under contract to do so. He named Eric D. Weiss, a former director of code enforcement in Allentown, as a partner in the effort. He expected that real improvements could be identified quickly, already having met with housing maintenance inspectors and gaining familiarity with Reading’s organizational structure. He assured that they weren’t intending a staff overhaul, but rather a reorganizing of an outdated organizational structure that allows negligent property owners to keep a step ahead of the enforcement. He forecast simple recommendations, not requiring massive change in policy or legislation. He thought a collaborative effort, including engagement of community and neighborhood groups, the best means of overcoming the judicial obstacles. He welcomed the Commission’s input.

Asked about the expected time to produce the plan, Mr. Kromer estimated six months. Mr. Rothermel asked about Allentown’s percentage of rental properties. Mr. Kromer didn’t have the number, but mentioned a clearing of a license-renewal backlog. He said Allentown requires pre-sale inspections, and a city-wide rental

property inspection program. Mr. Rothermel mentioned the political resistance to a previously-suggested inspection routine in Reading. Mr. Kromer stressed the need for communication to overcome misunderstandings and misrepresentations. He said it took a referendum in Allentown, passed by 85%, to overcome the initial opposition of their governing body. He said one fear, since allayed, was an adverse effect on the real estate industry.

Mr. Bealer, also seated on the Blighted Property Review Committee, reported having already met with Eric Weiss about the blighted property inventory, and initial steps. He noted the benefit of having the opportunity to meet their peer group in Allentown, and learning from their direction.

Subdivision and Land Development:

Review the **final** land development plan for the **South Campus Project (Alvernia University)**, four new residence halls, an athletic field, and building additions proposed for that parcel known as xxx Greenway Terrace [0:19.20]

Scott Miller presented the final plan, claiming no substantial changes from its preliminary version. He offered to answer any remaining questions. He noted some “clean up items” identified in the latest Planning Office review. Mr. Bealer asked about the construction entrance planned from St. Bernardine Street. Scott Miller said that’s still being considered, with regard to the impact on students if continuing to use the existing entrance through the campus. Mr. Smith said it seemed less necessary. Asked about the necessary easement with the neighboring Bernardine Sisters, Mr. Smith said it is in-place for the roadway constructed across their property. Scott Miller agreed to comply with each of the outstanding items identified by the Planning Office. He confirmed the emergency access issue resolved, by adjusting the dimensions of some parking spaces, and without any increase in impervious cover. Mr. Smith expected the Adams Street construction entrance to continue as the primary access. He said alot of the needed equipment is already on-site for the sewer installation. He said the initial plan called for the import of large amounts of fill, which no longer appears necessary. He said a St. Bernardine Street entrance would be topographically difficult, as well. Andrew Miller asked if that change had been communicated to the County Conservation District. Scott Miller said they were still waiting on the initial review, but would update the plan. Asked about Public Works’ concerns, Mr. Jones noted some permitting issues, but nothing affecting the plan directly. Andrew Miller said, if there were no issues with his review letter, that he could recommend a conditional approval, provided the final erosion and sediment control plan is incorporated ahead of the plan’s recording.

Mr. Rothermel moved to approve the final plan, subject to the Conservation District’s approval, and resolution of any remaining issues identified by the Department of Public Works and Planning Office. Mr. Palka seconded. And the Commission voted 3 to 1 to approve the “South Campus Project” final plan, Mr. Raffaelli casting the dissent.

Resolution #65-2008

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 [0:28.29]

Mr. Raffaelli thought the Commission had approved a similar plan four years earlier. Mr. Earley wasn’t sure, but said Aramark purchased the property in 2004. Mr. Carraher recalled a previous building, eventually demolished by Aramark to eliminate a nuisance. He said they’ve needed additional employee parking, intending to improve this currently-vacant gravel lot. He included landscaping and screening, which he believed satisfied the guidelines of the Zoning Ordinance. He alluded to a stormwater management report, and acknowledged receipt of the Planning Office comments, which he assured could be fully addressed.

Asked about the shifting of the entrance driveway, Ms. Fasnacht said they’re aligning it with their loading driveway on the south side of Blair Avenue, for the benefit of tractor-trailer maneuverability. Mr. Bealer wondered about Department of Transportation issues, believing there a minimum separation distance between driveways and the intersections of State roads. Mr. Jones said not. Mr. Carraher referred to the Zoning Ordinance’s required 50 feet, which they’ve designed. Mr. Rothermel asked about the sufficiency of the lot with regard to shift changes. Mr. Earley said Aramark runs two staggered shifts, 70 employees in total, most leaving about 2:30p, the rest between 6:00-7:30p, and other miscellaneous “comings and goings”. Mr. Rothermel thought the bigger issue would be the cueing lines of cars departing Aramark and waiting for turns onto Schuylkill Avenue. Mr. Bealer suggested limiting that curb cut as an entrance, with another driveway to be placed as an exit. Mr. Raffaelli insisted that the Commission had already approved the proposal. Mr. Rothermel remembered some renovations done to Aramark’s building on the other side of the street, and improvements to the curb line. Mr. Jones noted that everything was approved on the south side Blair Avenue. Mr. Raffaelli thought it had made it through the zoning and planning phases.

Mr. Rothermel advised relocating the driveway. He asked about the varieties of shrubbery shown bordering the proposed lot. Mr. Carraher noted Summersweet Clethra, Northern Bayberry and Doublefile Viburnum, species selected for their salt tolerance on a lot designed for 'sheet flow' stormwater draining toward Blair Avenue. He likened the landscaping to the function of a "rain garden". Mr. Rothermel suggested including street trees along the Blair and Schuylkill Avenue frontages, and the input of the Shade Tree Commission. Mr. Miller asked if the plan had yet been provided to the County Planning Commission. Ms. Fasnacht said it had been, though the staff there had indicated the review would not be issued in-time for this meeting. Mr. Miller reminded that the Planning Code prohibits the Commission from acting on the plan until the County has been given a chance to comment. Mr. Carraher asked for a conditional approval. Mr. Miller asked about a zoning report. Ms. Fasnacht produced a copy of a permit, issued with conditions. Mr. Miller recommended the plan be tabled, pending receipt of the necessary information and corrections. Asked about the topography, Mr. Carraher estimated a 15-foot elevation change overall; a maximum 5% grade within the lot itself. He said no retaining walls would be necessary, and that they've left plenty of perimeter for snow disposal. Mr. Rothermel recommended thinning the continuous course of shrubbery, for some street trees, and setting them in a less-formal arrangement. Mr. Miller reviewed the zoning permit, issued by the Zoning Inspector, and without any report on the plan. He wondered about the 2004 variance referenced. Asked for details of the lighting planned, Ms. Fasnacht said the plan was developed by the in-house lighting engineer, and includes the appropriate 'cut-offs' on the luminaires. Mr. Carraher read 18-foot poles on 30-inch bases, and metal-halide lamps. Mr. Rothermel recommended *dispersing* the interior shade trees proposed, for a more-even coverage.

Mr. Carraher asked about a comment in the review concerning solid waste issues. Mr. Miller clarified that it was a reference to paperwork to be filed with the City's Office of Solid Waste.

Mr. Rothermel moved to table the parking lot plan. Mr. Bealer seconded. And the Commission voted unanimously to table the Aramark Parking Lot plan.

Review the **preliminary** land development plan for the **CedarPak #4 Paper Mill (United Corrstack, LLC)**, a new paper mill proposed for the former Reading Tube Corporation building on that parcel known as 800 South Street [0:56.12]

Mr. Fell recalled the September meeting, when they requested an extension to better prepare responses to the Planning Office review. He said the Zoning Hearing Board had, on September 10th, officially reaffirmed and extended the height variance granted in 2006. He mentioned the September 18th meeting with the zoning and planning staff, which resolved the remaining zoning issues. He said the Conservation District approved the erosion and sedimentation controls and NPDES discharge permit on October 6th. Addressing the property boundary issues, he said Norfolk Southern Corporation confirmed the agreement of sale October 1st, and it is near completion. He believed all the issues identified in September had been satisfactorily addressed.

Mr. Rothermel turned to a letter, from Entech Engineering and copied to each Commission member with the September meeting materials. He asked if there had been a subsequent appeal to the Hearing Board. Mr. Orlando said not, nor required. He said the Board's September 10th ruling settled the issue. Mr. Rothermel recited the Zoning Ordinance's requirement for buffer strips, and the engineer's opinion of impact offered in response. Mr. Fell said the issue was raised by the Planning Office but not the Zoning Administrator, and that they had dealt with it in the course of a 3½-hour meeting with the staff. Mr. Orlando indicated that the buffer strip had since been added to the September plan. Mr. Rothermel noted the permanent surfacing required of off-street parking areas, and the engineer's response regarding current conditions and practices. Mr. Orlando reminded that the responses were two months old, and that the parking described was a part of the adjoining Corrstack property. Mr. Rothermel noted that the letter was all he had been provided, leaving him with the impression that the process was being circumvented. Mr. Miller clarified that he only forwarded those responses at the specific request of the developer, and would not ordinarily have done so. Mr. Fell mentioned an on-site visit with the City Engineer and Zoning Administrator, where they agreed on the areas requiring paving. Mr. Rothermel referred to the mandatory appellate process for relieving the zoning requirements, unsure what a meeting with staff had to do with it. Ms. Mayfield said the parking area was part of another development¹, and characterized it as an enforcement issue if a violation is later observed. Mr. Orlando agreed that zoning requirements cannot be waived, but felt no violations existed in the plan. Mr. Rothermel asked about the off-street parking landscaping requirement. Mr. Fell indicated that the latest plan includes the required trees.

¹ Contrary to the supposition, the area of the property at issue was not addressed as part of the August 2007 plan for "Evergreen Community Power".

Mr. Bealer requested an update of the stormwater management and sewage discharge planning. Mr. Fell reported the planning module submitted and under review by the Department of Public Works, and their direct involvement with the engineers designing the City's wastewater treatment upgrades. He said the module wouldn't be acted on until they've finalized their design. Mr. Jones clarified that it was the final design of CedarPak's own infrastructure and level of pretreatment necessary, not the Fritz Island treatment plant's design as a whole. He said those details would be needed for the overall plant design. He said the land development plan can be approved in the meantime.

Mr. Rothermel voiced his general support the project, while feeling the masses and heights of the structures inappropriate for the character of area. He recognized that as a zoning matter, and beyond the purview of the Planning Commission. He added his concern about the expected volume of truck traffic, another issue he understood to be outside of the Commission's jurisdiction. He said he continues to support the intent of the "industrial collector", but worried about the increasing load on the already-burdened US422/Bingaman Street/Lancaster Avenue interchange. He thought it surprising that no City, County or State transportation officials were making more of an issue over it. And he understood some of the trucks to be using routes through historic residential areas, suggesting it be better policed. He expressed frustration that, after lessons learned three years ago, the City has yet to take the necessary legislative steps to protect the City from future traffic management dilemmas. Mr. Palka asked about their plan to address the wayward truck traffic. Mr. Fell committed to doing everything possible to enforce the prescribed route, but noted other businesses in the area using the industrial collector, and the need to work collaboratively. Mr. Stauffer said his office provides him a view of South 7th and Laurel Streets, letting him monitor it personally. He said most of their drivers understand the industrial collector to be the most efficient and easiest route. Mr. Raffaelli commended the Commission for its diligence, and criticized the Greater Berks Development Fund for their tendency to plan and develop property without due consideration of the urban environment. He questioned United Corrstack's business model in light of their distribution range, and the current reality of transportation economics. He asked about the origins of the power plant fuel. Mr. Fell explained their current plan to contract with a trucking company for consistent delivery, still making those arrangements at the time the boiler project was reviewed. He said they're still developing their strategy. He said W. D. Zwicky & Son is responsible to collect, process and sample the fuel material. He said much of it is waste currently being land-filled, and thanked his parent company for their insight on investment in energy solutions. He said that, while everyone is talking about alternative energy, they're acting. Asked about the specific material, Mr. Fell listed wood wastes as the primary fuel, to start, "tire-derived fuels", carpeting, paper machine sludge, construction and demolition wood waste streams. He described a network of transfer stations for waste that Zwicky has contracts to intercept. He estimated at least 50-60% wood waste in the mix. He recognized the challenge, but felt ready. He said the boiler and emission control designs took the local fueling realities into account. About the visual impact of the buildings, he reported "many, many" favorable comments from the neighbors on the design and appearance of the boiler building.

On Mr. Miller's recommendation, Mr. Bealer moved to grant preliminary approval to the CedarPak plan. Mr. Rothermel seconded. And the Commission voted 3 to 1 to approve the "CedarPak #4 Paper Mill" preliminary plan, Mr. Raffaelli casting the dissent.

Resolution #66-2008

Other business:

review the draft September 9, 2008 meeting minutes [1:34.38]

Mr. Palka moved to adopt the September minutes, as presented. Mr. Rothermel seconded. And the Commission voted unanimously to adopt the September 9th minutes.

Resolution #67-2008

§513.a approval reaffirmation-Slovak Catholic Sokol – Addition and Alterations - final land development plan [1:35.57]

Mr. Miller explained that the action was necessary due to the time elapsed since the Commission's original approval, March 11th. Mr. Bealer moved to reaffirm the final land development plan approval of the Slovak Catholic Sokol – Addition and Alterations plan. Mr. Palka seconded. And the Commission voted unanimously to reaffirm its resolution, #25-2008.

Resolution #68-2008

§609.c review-zoning amendment prohibiting rentals in the R1A, R1 and R2 districts [1:36.37]

Ms. Mayfield indicated that she hadn't reviewed the ordinance under consideration. Asked about the intent of the R2 residential zoning district, Mr. Miller read the statement directly from the Zoning Ordinance. Mr. Rothermel noted the County Planning Commission's legal concerns about regulating ownership. Ms. Mayfield thought the draft might be a revision of an earlier-proposed ordinance. Mr. Bealer thought the terms would be vulnerable to a legal challenge, and undermine the student housing ordinance recently adopted. Mr. Rothermel noted the County's reference to two related court cases. He understood the desire to shift the balance of rental occupancies, but questioned the method. Mr. Miller wasn't aware of any scheduled hearings. Mr. Bealer thought the City should research the points raised, wondering why they had taken the time to consider the student rental ordinance. He expected it to be held up in the courts, at least, and noted grammatical mistakes in the text.

Mr. Rothermel moved to reserve comment, and recommend City Council's consideration of the County Planning Commission's input, and the Solicitor's review of the case law they've referenced. Mr. Bealer seconded. And the Commission voted unanimously to communicate the recommendation.

Resolution #69-2008

§609.c review-Riverfront Redevelopment Overlay District - draft planned residential development ordinance [1:52.09]

Having reviewed the text of the September 17th draft, Mr. Rothermel questioned the inclusion of "single-family detached dwellings" in the use regulations (page 3, C.1). He wondered if it was meant to cover some already existing within the proposed boundary. Mr. Miller called the language "flexible", and not limited to the pattern shown in the Giannasca Development Group's "RiverView" vision. Mr. Rothermel thought the description of the district's boundaries in the draft's opening was confusing. Mr. Miller thought it sufficiently accurate, given the more definite and specific description in the accompanying map. Mr. Rothermel suggested the "detached dwellings" might not be appropriate for the Riverfront redevelopment. He also cautioned against permitting veterinarian practices (page 4, C.27), recalling a previous proposal for a kennel operation at 2nd and Penn Streets. He objected to the thought of barking dogs in the tightly-developed, mixed-use area. He asked about the required "traffic impact study" (pages 13-14, G.5.a), and wondered if that would include impact fees. Mr. Jones called them separate issues; the former simply being an analysis, the latter requiring a study of the area's 'build-out' potential and a projection of the total number of trips. Mr. Rothermel felt the 2000 residential units envisioned in the Giannasca plan would present its own unique capacity challenges. Ms. Mayfield doubted the funds secured for the ordinance revisions would cover the preparation of an impact fee ordinance. Mr. Rothermel continued, wondering if the Planning Commission should be involved in modifying the dimensions of streets (page 14, H.2). Mr. Jones said he had yet to review the standards proposed. Mr. Rothermel questioned the required 40-foot street tree planting (page 14, H.3.a), thinking different cultivars require different spacing, and also with consideration of the designed/posted speed limits. He resisted the Commission having the authority to judge the "off-street parking and loading regulations" (page 15, I). Mr. Miller thought the whole benefit of a planned residential development ordinance was to provide the flexibility for the developer and municipality to work toward a shared vision, acceptable to each. Mr. Rothermel also criticized the reference to the Commercial Core district's signage regulations (page 16, Part 5), thinking it may be too broad for a residential area. Mr. Bealer expressed frustration at the grammatical errors, and a confusing format of the outline. He wondered if there was sufficient distinction between "solid waste facilities" (page 4, C.22) and "sanitary sewage facilities" (page 5, C.41). Mr. Miller thought existing definitions clarified the difference, while recognizing some possible confusion with the "storage yards" included. Mr. Bealer wondered if the "family child care home" (page 5, C.44) was sufficiently covered. Ms. Mayfield read it as: "family child day care home" in the existing zoning lexicon.

Mr. Bealer moved to recommend that City Council adopt the ordinance, with consideration of the points raised by the Planning Commission through the public hearing and adoption processes. Mr. Palka seconded. And the Commission voted unanimously to forward the recommendation, and support for City Council's adoption of the "Riverfront Redevelopment Overlay District".

Resolution #70-2008

supplemental legal services-Planning Commission [2:10.17]

Ms. Mayfield, having learned of a budget inclusion for legal services to the Planning Commission, questioned the members on their satisfaction with her performance. Mr. Rothermel voiced his approval of her performance. Mr. Raffaelli thought that certain issues facing the Commission required additional help. Ms. Mayfield insisted the problem was a lack of the necessary ordinances. She said she became involved in the

Commission's business in the wake of the Big Spring/Berkshire Bottling Works situation, and volunteered out of a desire for the City's successful growth. She said that, if the Commission preferred a different direction, she'd resign. Mr. Raffaelli wanted to know about the impact fees. Ms. Mayfield characterized it as a complex process, and suggested communicating the need to City Council. Mr. Rothermel thought that requiring traffic studies would be a good step in the interim. He felt that, if such a study proved the need for improvements to make a particular development viable, those improvements should be made part of developer's responsibility. Mr. Jones warned that a municipality can only require improvements on, and bordering a proposed development. He said contributions to off-site improvements would require an impact fee ordinance. As an example of the difference, he recalled the signal at the Museum Road/Parkside Drive South intersection, adjacent to, and installed as part of, the Reading Hospital's School of Health Sciences project. Mr. Rothermel figured there must be something that allowed the Commission to object on the grounds of impact/quality of life, citing the legislative findings that typically preface land use ordinances. He stressed that he didn't hold the Departments of Law or Public Works responsible, so much as the Administration. Mr. Palka lamented the lack of any legal guidance in years past. He thought it a good addition, the occasional disagreements notwithstanding. Mr. Rothermel recalled past occasions of "bluffing" for desired changes and information not specifically required by ordinance. Mr. Miller called that negotiation an essential part of the planning process, and supported by the agreement and experiences of his peers. He objected to the Commission's legal counsel relenting to an opposing attorney's argument in an open meeting, thinking it more appropriately discussed privately. He thought the Commission desired the option of supplemental services, and so lobbied for it in the budget process. Ms. Mayfield objected to being excluded from those discussions, and learning of it from the Law Department's budget. Mr. Miller thought it a matter between the Commission and City Council. Mr. Raffaelli maintained that, from time to time, the Commission needs additional help, and the revised ordinances as well. He resented the arrogance of developers, who have no imperative to work with the City toward better development.

Mr. Miller continued his objection to a perceived legal double standard. Mr. Rothermel countered that he should get used to it, and not take it so seriously. Mr. Bealer suggested that the cumulative needs of the Commission and other duties may be exacting a toll on the necessary evaluation and focus. He called it a concern for staff well-being, as opposed to a criticism of effort. Ms. Mayfield appreciated the concern, but assured that the demands of the Planning Commission were manageable, her normal work day burdened by other things in comparison. She noted meeting preparations, and the management of the City-developer improvements agreements as the regular work for the Commission.

Discussion followed on a few outstanding enforcement issues.

Mr. Rothermel moved to adjourn the October meeting. Mr. Bealer seconded. And the Commission voted unanimously to adjourn the October 14th meeting. – 9:39 pm.