Minutes
Regular meeting of the City of Reading Planning Commission
September 22, 2009 at 7:00 pm

Members present:

Ermete J. Raffaelli, Chairman
Brian Bingaman, Vice Chairman
Michael E. Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
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:

Peter C. Eisenbrown, Ludgate Engineering Corporation
Michael Pullano, Pike Café, Inc.
James M. Coyle, James M. Coyle P. E.
Gregg A. Bogia, Bogia Engineering Inc.
Thomas L. Weld Jr., BCM Engineers, Inc.
Dean A. Miller, Reading Area Water Authority
Michael A. Setley, Setley, Rauch & Bucolo, LLC
E. Andrew Molteni, Environmental Advisory Board
Janet L. Drayer, Environmental Advisory Board
David A. Kostival, Reading Eagle Company

Chairman Raffaelli called the September 22nd meeting to order, the first since the rescheduling to the 'fourth Tuesdays', and reminded presenters to sign the attendance sheet. He asked for acceptance of the agenda. Mr. Rothermel moved to accept the September agenda. Mr. Lauter seconded. And the Commission voted unanimously to accept the September 22nd agenda.

Subdivision and Land Development:

930-942 Pike Street Subdivision (Pike Café, Inc.) - final land development plan [0:01.29]

Mr. Eisenbrown explained that the owner wants to add an enclosed deck to the back of the restaurant; an addition of about 1500 square feet, to serve patrons seeking the outdoor dining experience. He said the owner owns all of the affected properties, and that the Zoning Hearing Board granted the necessary variances. He acknowledged the Planning Office review, and didn't sense any problems satisfying it.

Asked about the fate of the alley, Mr. Eisenbrown confirmed that it would become a part of the restaurant property. He said revised deed descriptions would be submitted for review. Asked about the residual sizes of the residential properties, Mr. Eisenbrown cited areas in the 850- to 900-square foot range, a reduction of what he reminded were already "nonconforming" parcels. He summarized the variances granted; minimum lot sizes for the four residential parcels, and dimensional (setback) variances for the restaurant addition. Mr. Rothermel asked about lot coverage. Mr. Eisenbrown said he didn't personally attend the hearing, but figured it to exist at 100% coverage. Of the building coverage, he noted an increase on the residential parcels. Asked to explain the vacating process for the alley, Mr. Eisenbrown thought that parties owning the adjacent properties reserved rights to it, reminding that the restaurant owner owns both sides.

When asked about music, Mr. Coyle promised "low, ambient" music, insisting the deck was intended for dining primarily, and not entertainment. Mr. Rothermel asked about related conditions imposed by the Hearing Board, noting a noise issue with a similar establishment in another neighborhood. Mr. Coyle described small speakers on each table, to mitigate the "travel" and base of the sound. Mr. Eisenbrown, reading from the Hearing Board's decision, noted the requirement for ambient lighting and sound barriers. Mr. Rothermel asked about screening, especially along the Clover Street frontage. Mr. Eisenbrown said the walls would be solid concrete, with only emergency egress. Asked to explain the proposed sound barriers and lighting, Mr. Coyle said the concrete walls themselves would attenuate most of the noise, with awnings and sound dampening materials/finishes handling the rest. He described a "conversational level" limit on the sound. He said they'd be working with a lighting

specialist on a scheme to light the walls, and the individual tables, in order to keep the outward intensity minimized. Mr. Bealer wondered if they had any plans to expand further, into the residential lots. Mr. Coyle said that had been their initial plan, before opting for the scheme proposed. Mr. Pullano called the expansion "a seasonal thing", as his business tends to drop-off over the summer months. Mr. Lauter asked about restrictions on selling the remaining residential lots separately, thinking them less desirable in the proposed configuration, and more-appropriately packaged with the restaurant. Mr. Eisenbrown said none, but figured the owner would want to maintain control of the area. Messrs. Coyle and Pullano agreed, but wanted to keep their options. Asked about the distance between the cabana and the next residential property, Mr. Eisenbrown estimated 17 feet. Mr. Pullano claimed to have the support of "the whole neighborhood". Mr. Miller reported receiving the County Planning comments earlier that day. Asked for the Public Works position, Mr. Jones said he had visited the site, and that his concerns had been addressed. Mr. Miller paraphrased the County Planners' concerns about off-street parking, building codes, solid waste management, truck access to the loading areas, the alley vacating procedures, stormwater regulation compliance, lighting, and emergency vehicle access. Mr. Pullano described the location of trash containers, and said that all loading and deliveries will continue to be made from Moss Street. He said fire trucks aren't able to fit through the alley as it is, and referred to an earlier meeting with the Fire Marshal.

Mr. Bingaman moved to accept the plan, as proposed. Mr. Bealer seconded, and asked if there were any outstanding approvals. Mr. Miller noted several items identified in his latest review letter. And the Commission voted unanimously to approve the "930-942 Pike Street Subdivision" final plan.

Resolution #43-2009

<u>225 Penn St. Parking Lot Plan - parking lot land development plan</u> [0:33.04]

Mr. Bogia described the property between Penn and Court Streets; 25 existing spaces, with room for another seven, once the building is demolished. He said they'd recently received zoning approval to build the lot as shown. Asked about the category of 'use', Mr. Bogia answered parking for the "Gateway Building" at 201 Penn. He said its owner, the Greater Berks Development Fund, has lost potential tenants for lack of available at-grade parking. Asked about the specific variances granted, he said "to allow the parking lot". Mr. Rothermel wondered about the Penn Square overlay zoning. Mr. Bogia said his project falls in the underlying zone. Mr. Miller clarified that the Penn Square overlay wasn't mentioned in the decision, and that parking is not listed as a permitted use. Mr. Bogia countered that the Zoning Officer did not determine the Penn Square overlay to be applicable, and characterized reliance on it as a "Catch-22 situation". Mr. Bealer noted that the 30-day appeal period was still applicable. Mr. Lauter wondered about the Reading Parking Authority's intentions. Mr. Miller recalled their attendance at the zoning hearing to object to the variance. Asked about provisions for stormwater, Mr. Bogia said the lot was already totally impervious, and that they would utilize the existing storm drains. Mr. Jones noted the storm sewer in Penn Street. Mr. Bogia confirmed that the Penn Street driveway would allow 'ingress only', and that they weren't intending any modifications to the existing driveway. Asked about the time left to act on the plan, under the Planning Code, Mr. Miller said it would expire ahead of the next meeting. Responding to a question about landscaping, Mr. Bogia repeated that the site is currently totally impervious, and that they propose a planting strip, with some Zelcova trees. Mr. Molteni questioned the appropriateness of surface parking as a long-term use on Penn Street. He suggested replacing the asphalt with a semi-pervious service, for the storm water benefits. Mr. Bogia said they were increasing green space, and by doing so, made an effort to improve the environmental situation. Asked about outstanding items, Mr. Miller referred to his review letter. Mr. Rothermel, referring to the minutes of the August meeting, noted that the Parking Authority questioned the rationale of private facilities where an authority has been established for the expressed purpose. He thought it unfortunate that the aims of the Zoning Ordinance had been ignored, and as well the Penn Square overlay in the Commercial Core. Ms. Mayfield thought the application was for a special exception use. Mr. Miller said the Zoning Hearing Board treated it as a permitted use. Mr. Bogia likened the situation to "50 other" parking lots in the downtown. Mr. Bealer asked about the Public Works' review. Mr. Jones said they had satisfied his comments. Mr. Miller summarized the remaining items in his letter. Mr. Molteni suggested restricting ingress and egress to Court Street. Mr. Bogia said the Hearing Board dictated how traffic would circulate through site. Mr. Rothermel questioned the Hearing Board's role in traffic management. Mr. Lauter asked about the Commission's options, in lieu of the Hearing Board's decision. Ms. Mayfield called the variances "relatively compliant" with the Zoning Ordinance and "historical actions" thereunder. She said any construction by the developer within the 30-day zoning appeal period is "at their own risk". Mr. Lauter thought the variance set a bad precedent, but preferred the Parking Authority take the lead on any appeal. Mr. Bogia confirmed that the parking lot would remain in a deed separate from the Gateway Building.

Mr. Bingaman moved to accept the plan. Mr. Rothermel seconded. Mr. Bealer asked that the motion be

amended to ensure that the remaining concerns from the Planning Office and Public Works are addressed, and presented on the plan. Mr. Bingaman and Mr. Rothermel agreed to the condition. And the Commission voted 4 to 1 to approve the "225 Penn St. Parking Lot Plan", Mr. Bealer casting the dissent.

Resolution #44-2009

18th Ward Water Booster Station (Reading Area Water Authority) - final land development plan [1:06.12]

Mr. Weld said the booster will increase water pressures throughout the 18th Ward. He said the Water Authority cannot currently fill their elevated storage tanks completely, due to their distance from the Northwest Reservoir, recent development and demand, and aging pipes. He described the proposed location; on the River Road side of the River Oak Development property, and elevated about 4 feet higher than 100-year flood line. He noted the steeply sloping topography, a driveway to be at least partially paved with pervious materials, and a retaining wall. He said they'll be leasing a portion of the property, and utilizing easements also occupied by sanitary sewer infrastructure. He said the station will contain an emergency generator and two booster pumps, with room for a third in anticipation of expanding the water system southward. He said the Zoning Hearing Board granted variances from the minimum building setbacks, minimum off street parking, for a second principal use, and the necessary special exception. Justifying the parking variance, he noted that the station will be monitored from an off-site computer, and personnel attendance limited to maintenance needs. He said the placement and design had been coordinated with the Reading Housing Authority. He expected to be accepting bids shortly, for the approximately 1018-square foot, one-story building. He noted the truss roof, and split-faced block facing intended. He said the site will be fenced, with a 'double gate' at the driveway, and room for vehicular 'turn-arounds' within the driveway. He said the location was selected with regard to a 20-inch main from the Northwest Reservoir.

Mr. Rothermel recalled the planning of the Schuylkill Urban Renewal Area, and the intent to keep development set back from River Road, for aesthetic reasons, in addition to the flooding concerns. He thought the booster station would dominate the Road visually. Mr. Setley suggested they work on a screening and landscaping plan to allay those concerns. Mr. Weld agreed, adding that the fence design was the result of an agreement with the Housing Authority. Mr. Setley noted that the Water Authority itself has an interest in minimizing look, for security reasons. Mr. Weld explained that they had considered placement on other side of the River (the other end of the piping loop), but for the deed restrictions on development in Schlegel Park, and also on the other (Schuylkill Avenue) side of the property but for the potential interference with "recreational facilities" at Barbeys Playground. He said potential sites are restricted by the hydraulic characteristics of the loop. Asked about the effect on the water pressures, Mr. Weld estimated 76 psi currently, and an additional 25 psi, following installation of the booster. He said the project is being funded from a PennVest grant, associated with the federal economic "stimulus" package. Mr. Setley explained the associated deadlines give them until the end of the month for approvals. Asked about the County Planning review, Mr. Miller acknowledged having received it earlier that day. Mr. Setley suggested a plan approval conditioned on their returning for discussions on aesthetics. Mr. Lauter said he'd like to see a generous landscaping scheme. Mr. Weld indicated his willingness to address those concerns. Responding to a question about the location of the fencing within the 100-year flood plain, Mr. Jones said the steep slope of property mitigates that concern. Mr. Weld confirmed that they'd replace any existing trees removed. Mr. Rothermel reminded him to consult the Shade Tree Commission on changes to the "street trees". Asked about the project schedule, Mr. Weld said they need a "notice to proceed" by November 1st, but may not break ground immediately. He expected project completion by September 2010, in part because the equipment must be 'special ordered'.

Mr. Bingaman moved to approve the final plan, subject to a future presentation and review of the architectural elevations and landscaping plan. Mr. Bealer seconded. And the Commission voted unanimously to accept the "18th Ward Water Booster Station" plan, on the condition that the additional detail is presented at the October meeting.

Resolution #45-2009

Russell Plywood New Warehouse - preliminary land development plan [1:48.40]

Mr. Eisenbrown declined review of the plan, recognizing his need to address the plan's zoning issues. He asked that the Commission 'table' the plan. Mr. Miller noted that action was required, having exhausted the Municipalities Planning Code's limits on plan reviews. A discussion continued on meeting schedules and the anticipated conclusion of the zoning matters. Mr. Eisenbrown requested an extension to the January 26th meeting. Mr. Miller, having already reviewed the plan twice, felt that any agreement to extend the timeline should include the condition that they satisfy zoning process before returning for additional planning consideration. Mr. Raffaelli expected that they also come prepared to address the traffic issues, existing and expected.

Mr. Lauter moved to approve the applicant's request for extension of the Planning Code's §508.3 timeline to January 26, 2010, conditioned on the applicant providing a written form of that request by the "close of business" September 24, 2009, and without further review by the Planning Office until an application for zoning approval has been made. Mr. Bingaman seconded. And the Commission agreed unanimously to table the plan, and extend the time to act as set forth at §508.3 of the Pennsylvania Municipalities Planning Code.

Resolution #46-2009

Police Firing Range and Support Building - final land development plan [2:00.26]

Mr. Eisenbrown briefly described the layout of Fritz Island, and the challenge of planning the firing range around a wastewater treatment plant, itself in the middle of planning a renovation/expansion. He described an area to its south for the range, about 208,000 total square feet (400 by 520 feet), and accommodating 100-yard shooting lanes. He said the Police are no longer able to use the range on the grounds of the Reading Regional Airport, and are currently without a facility. He said they prefer one within the City, for the convenience of qualifying academy cadets. He claimed to have received a zoning permit, and acknowledged two reviews from the Planning Office, the latest of which he felt able to satisfy. Asked about access to the Island, Mr. Eisenbrown indicated the existing driveway, uncertain of other access points being considered. Mr. Jones said they'd share the existing driveway, though they are considering a second access as a part of the wastewater plant design. Mr. Eisenbrown called the range project comparatively small when compared with the wastewater plant, and hoped to have it built and operating by the spring/summer of 2010. Asked whether the budget was 'public' information, Mr. Jones said it was, unsure of the exact amount, but referring to its schedule on the City's Capital Improvements Program. Mr. Rothermel, noting that the proposed range seemed to occupy the middle of the Island, wondered if that area might later be necessary for an expansion of the wastewater plant. Mr. Jones said not. He noted current informal uses, namely a leaf composting dump. Mr. Eisenbrown indicated the boundary of the flood plain, which further restricts the southern parts of the Island. Asked about the Conservation District approval, he referred to an 'administratively complete' letter from about a month ago. He alluded to the changes coming to the Berks County District, and their deferment of some reviews to the Lancaster County Conservation District, in an effort to reduce the backlog. Mr. Miller called that approval the only major issue remaining, and noted the waivers requested. Mr. Eisenbrown requested relief from sections requiring that total tract boundaries be shown, because of the total size of the property and the other uses taking precedence, from the requirements for boundary monuments, again because of its size and that fact that no public streets border it, and from the required scale for the key map.

Mr. Rothermel moved to approve the final land development plan, subject to comments of Conservation District, and agreeing to the waivers requested by the applicant. Ms. Mayfield asked that the waivers and approval be covered by separate resolutions. Mr. Rothermel then moved to grant the waivers, as requested. Mr. Lauter seconded. And the Commission agreed unanimously to waive/modify sections 22-402.4.H, regarding the key map in 800 scale, 22-402.4.K, regarding the total tract boundary description, and 22-403.1.G, regarding boundary monuments.

Resolution #47-2009

Mr. Rothermel next moved approve the final plan, subject to the comments and approval of the Conservation District. Mr. Lauter seconded. And the Commission voted unanimously to approve the final land development plan for the "Police Firing Range and Support Building".

Resolution #48-2009

Other business:

review the draft August 11, 2009 meeting minutes [2:16.41]

Mr. Lauter moved to approve the August meeting minutes, as presented. Mr. Bingaman seconded. And the Commission voted unanimously to accept the August 11th meeting minutes.

Resolution #49-2009

Mr. Bealer reported on the Blighted Property Review Committee's September 17th "certification hearing", taking the first step in initiating an eminent domain procedure on those properties so certified. He said that process requires that the Planning Commission recommend an appropriate reuse for each, and in-line with the Zoning Ordinance and Comprehensive Plan policies. He offered copies of pictures and descriptions for each property, asking that the members consider them and vote on a preferred reuse at the October meeting. He said that a peer

review board in Allentown advised securing those recommendations before the Redevelopment Authority commits funds to a just compensation escrow account. He noted that the 153 Walnut Street case had been tabled by the Committee. He suspected that residential uses would be the only feasible future for all but the 212 South 8th Street case, the rest being row homes in residential zoning districts. Mr. Miller noted that the City Clerk had provided some supplemental information. Mr. Bealer said that several of the identified properties are already moving toward voluntary demolition and conveyance. Ms. Mayfield counted three, with others under some kind of rehabilitation commitment. Mr. Bealer announced that he would miss the October meeting, and that Lee Olsen, chairman of the Review Committee, would be attend in his stead.

Mr. Rothermel commented on the improved appearance of the Buttonwood Gateway industrial park, offering thanks to its owner, and anyone who motivated the improvements. Ms. Mayfield recognized Steve Franco, the City's Chief Building Inspector.

Mr. Bealer wondered about the Commission's participation in any possible appeal taken by the Parking Authority over the 225 Penn Street variance. Ms. Mayfield recommended waiting on the Parking Authority.

Mr. Bingaman moved to adjourn the September meeting. Mr. Lauter seconded. And the Commission voted unanimously to adjourn the September 22nd meeting. – 9:39 pm.