

BOROUGH OF WYOMISSING – COUNCIL MINUTES
SPECIAL MEETING: CONDITIONAL USE HEARING

JUNE 7, 2023 – 9:30 A.M.

The Borough of Wyomissing Council held a special Conditional Use Hearing meeting in Borough of Wyomissing Council Chambers on the above date and time. Council President William S. Jenckes called the meeting to order at 9:30 a.m. with the following persons present: Stephen D. Brunner, Keith L. Derr, Frederick R. Mogel, Jana R. Barnett, Ronald C. Stanko, and David L. Reeser; Mayor Frederick C. Levering, Borough Solicitor Christopher J. Hartman, Borough Engineer James McCarthy, Borough Manager & Economic Development Coordinator Michele Bare, and Borough Secretary Melissa Miller.

CALL TO ORDER

ROLL CALL

VISITORS:

Conchita Braun– 931 Penn Avenue
Maria Braun – 931 Penn Avenue
Martin Deutschman – 918, 932, and 934 Penn Avenue
Brad Deutschman – 918 Penn Avenue
Adrian Jadic – 48 Cardinal Road
Anderson Deutschman – McCarthy Engineering
George Haines – Equus/ 915 Penn Avenue
Keith Hontz – Equus/ 915 Penn Avenue
Erik Garton – Gilmore and Associates/ 915 Penn Avenue

REVIEW OF THE CONDITIONA USE PROCEDURAL STEPS:

Borough Solicitor Christopher Hartman, reviewed with Council and the Conditional Use applicant, the procedural steps for conducting the Conditional Use hearing. He reminded Council that with the recent Zoning overlay updates adding a Redevelopment Area Mixed Use Overlay District, certain variance requests are permitted to be heard before the Borough Council. The applicant for 915 Penn Avenue has requested conditional use approval from Section 505.D.1, "Permitted Uses" to allow a thirty unit apartment building without first floor office, retail, professional services or restaurant being provided in the C-1 Zoning district; Section 504D.6.A, "Additional Requirement" to provided 32 off-street parking spaces instead of the required 45 off-street parking spaces; and Section 505D, "Modification of Other Requirements", to allow the regulations of 504D to be modified by conditional use approval. Solicitor Hartman indicated that the purpose of the meeting is to hear the testimony of the applicant supporting their waiver requests as to why they are not able to conform to both the inclusion of a non-residential component, and the off-street parking requirements.

The stenographer's report will serve as the official minutes of the Conditional Use hearing.

SWEARING IN OF ANY PARTIES TO BE EXAMINED OR CROSS EXAMINED:

The stenographer swore in Michele Bare in her capacity as Commercial Zoning Officer, George Haines as the applicant, and Erik Garton as the engineer representative for the applicant. Martin Deutschman property owner of 918, 932, and 934 Penn Avenue, and Conchita Braun owner of 931 Penn Avenue requested party status for the hearing, as they are neighboring properties to the proposed development. Later in the meeting, Maria Braun was sworn in to provide testimony as the daughter of Conchita Braun and tenant of 931 Penn Avenue. Council was in favor of all those requesting party status, and mailing addresses for the parties was requested for written decisions to be mailed.

REVIEW OF THE CONDITIONAL USE ADMINISTRATIVE STEPS:

Borough Manager & Economic Development Coordinator Michele Bare shared with Council the administrative steps that occurred for posting the property as part of a Conditional Use hearing, notification to adjoining property owners, as well as advertising requirements. The exhibits include an email exchange with Equus waiving the right to a conditional use hearing within 60 days, as well as an email exchange with Equus amending the conditional use application to include two additional waiver requests. Exhibits also included the application and corresponding exhibits, the deed, parking analysis, the economic analysis, and the revised April 26, 2023 memo to Council. There were no objections to having the exhibits on record.

EXAMINATIONS AND CROSS EXAMINATIONS BY LEGAL COUNSEL, AND QUESTIONS BY PARTY STATUS AND BOROUGH COUNCIL:

George Haines, Senior Vice President of Equus, and applicant for 915 Penn Avenue provided a brief overview and showed various exhibits of the proposed project, again reiterating the project will feature a three story, 30-unit boutique style multifamily apartment building, using exterior aesthetics that will tie into the current neighborhood. The complex is proposed on the current Wrangler parking lot which is on .578 acres and was included in the original purchase of the Vanity Fair campus. He explained that the originally proposed usage of the property was a commercial space, however with PennDOT's stipulations of right turn in, and right turn out only due to the current traffic flow, it becomes too cumbersome to access the property, as shown in his traffic flow exhibit. This essentially limits office or retail use since patrons cannot easily access the location. He does not feel that a residential component will be as impacted by the indirect traffic flow, and noted that access to the location is by way of Court Lane, a two-way alleyway between Park Road and Reading Avenue. As related to the structure, George shared various statistics indicating that there is not a significant number of housing units available within Wyomissing and the Greater Wyomissing area, noting the low vacancy rates, suggesting the need for more affordable housing.

George lastly spoke of the parking ratio, noting that the proposed ratio is slightly over 1 space per unit. He indicated that while developing prior projects, there is a reduced need for parking with residential units when they are within walking distance to restaurants, shops, and professional services. He also indicated that bike lanes and public transportation also aid in the reduced amount of parking needed.

Martin Deutschman, 918, 932, and 934 Penn Avenue questioned George Haines as to the size of the commercial building that was originally proposed, and if return on investment was part of the reason why Equus revised plans to focus more on residential. He also questioned where overflow parking will be, noting his concern of some challenges already faced with parking at certain times of the day in the 900 block of Penn Avenue. He noted his disagreement that the proposed parking matrix is sufficient, and that from experience, tenants may not have just one vehicle.

George Haines explained that the originally proposed commercial space was approximately 3,000 square feet, and reiterated that the reasoning behind the plan change from commercial to residential was due to PennDOT's position on entering and exiting the property via right turns, which is not conducive for patrons to access a commercial or retail establishment. Return on investment was not the deciding factor in the plan change. George again noted that with prior development experience, the need for excessive amounts of parking was not observed, and feels that parking in the area will be sufficient.

Conchita Braun, 931 Penn Avenue questioned what the condition of parking is going to be, as she already has concerns about the busy Court Lane alleyway. George Haines indicated that he feels the parking at the proposed site is sufficient to meet the needs of the tenants.

Councilmembers questioned if the on-site parking spaces will be assigned to tenants, and if any parking overflow agreements are in place with surrounding neighbors.

George Haines shared that on-site parking spaces could be assigned and divided out. Furthermore, there is potential overflow availability in the lot to the North, which Equus does not own, but long-term obligations are costly, and hinder further development. In regards to the cost, the proposed structure is already costly to build; adding additional costs such as parking agreements will make the project no longer economically viable. Even downsizing the project to fewer units to fall within the parking matrix requirements makes the costs not viable. Having long-term parking agreements also makes it challenging for future redevelopment.

Erik Garton of Gilmore Associates representing 915 Penn Avenue stated the project allows for ample parking, and reiterated the points about tenants not having multiple cars; the area has easy walkability, public transportation, available overflow parking along Penn Avenue, and also noted there will be bike racks on-site. He also reminded meeting attendees that more people are working from home thus less need for vehicles. He pointed out some tenants wanting a two-bedroom unit, may use one bedroom for sleeping space and the other for office space. Based on the plan displayed during the hearing, there will be several spaces under the building, thus arguing that structured parking is being provided. He indicated that as per the Borough's Zoning Ordinance, there are incentives for structured parking that reduces the requirement from 1.5 spaces per unit, down to 1.2 spaces per unit. If utilizing the incentive matrix to determine parking, 30 units at 1.2 spaced per unit equals 36 spaces, of which the project proposal is 32 spaces.

Martin Deutschman questioned if more structured parking could be provided, or more spaces could be added backing onto the alleyway. He also questioned where the structured parking

was and how many levels are provided.

Erik Garton explained that more structured parking is not feasible due to the small property not allowing enough space for the necessary maneuverability when adding multiple parking levels. Adding additional levels would also increase the building height, of which a waiver request for height requirements was not proposed to the Borough. He explained that the proposed structured parking is to the rear of the building and will be one level. In regards to adding more spaces towards the alleyway, Erik explained the Borough does not favor parking that backs out onto an alley or roadway. On the shown display of the proposed plan, the area shaded green on the Northern side of the facility's parking lot, the engineering team could look into adding a few parallel parking spaces to increase the parking count.

Conchita Braun questioned if the barn structure along the alleyway would be taken down, and George responded that the barn is not part of the Equus property.

When asked if Council has questions, Michele informed the engineer that the space from the Northern portion of the lot to the alleyway is approximately 18 feet to 20 feet, to help determine calculations for considered parallel parking. She reminded Council that the Zoning Ordinance does not permit parking that backs out onto a street or alleyway. The proposal of parallel parking could be reviewed as a condition of the waiver approvals motioned upon during the hearing. Jim McCarthy of McCarthy Engineering questioned George if he was opposed to analyzing and adding additional parking at Council's request. George was not proposed to finding means for additional parking.

Solicitor Hartman questioned if there was a discussion with PennDOT about the Highway Occupancy Permit (HOP) regarding the driveway access onto Park Road, and if PennDOT does not approve the driveway access, would this cause Equus to not pursue the project. George explained that discussions with PennDOT regarding the HOP, would not deter Equus from moving forward with the project.

Jim questioned why driveway access is available on Park Road and not just Court Alley, and asked if Equus was opposed to moving forward with the project if Council does not want driveway access onto Park Road. George indicated that would not deter Equus from moving forward with the project. It was also noted that removing the accessway would not allow for additional parking due to maneuverability of vehicles.

Regarding the parking situation, Equus could build on-street parking, and dedicate it to the Borough to be responsible for future maintenance, but could be used by Equus' tenants.

Maria Braun, 931 Penn Avenue provided testimony, expressing her concern about parking, as well as excess traffic in the alleyway, plowing, and trash and recycling services.

Martin Deutschman thanked Council for allowing the opportunity for adjoining properties to be part of the hearing. He was disappointed by the lack of attendance from property owners, but they often feel helpless in situations like this. He explained that his tenant at 918 Penn Avenue has been seeking other locations due to the lack of parking during certain times of the day, and that is without an additional apartment complex. He specifically noted that he does not have an issue with the development project, but feels the proposed parking will be

inadequate. He pointed out that he has three apartments with tenants having multiple vehicles. He ended with mentioning that parking is already difficult now, and that a project with inadequate parking will hinder parking for smaller businesses.

All parties were previously questioned on their approval with adding the exhibits to the record, and all were fine, thus closing the testimony and record.

After public comment, Solicitor Hartman indicated that Council can make a deciding motion, they can recess into Executive Session, or recess until a future advertised meeting date to announce a decision within 45 days of the initial hearing.

PUBLIC COMMENT:

Adrian Jadic, 48 Cardinal Road questioned if a parking study was performed for public parking surrounding the building, as it only appears that the needs of Equus were focused on. He also commented that people are going to park along Penn Avenue, in an area that is already full. He indicated that parking should be considered before taking up more time of the Zoning Hearing Board in hearing parking disputes.

Brad Deutschman, 918 Penn Avenue indicated that he has owned property in the Borough for more than 20 years, and has never attended a meeting regarding parking, until he began having concerns about the proposed apartment complex. He feels the parking matrix will be problematic, and explained that he has three apartments, all the tenants have vehicles, as well as vehicles for those patronizing the businesses under the apartment units. Parking is working okay now, but he was concerned that he almost lost a tenant due to the lack of parking.

EXECUTIVE SESSION:

Before adjourning Council questioned Equus if the conditional use relief was not granted, would this deter the project development, and it was indicated it would. Council adjourned into Executive Session at 11:02 a.m. to discuss the final determination. They reconvened back into the public session at 11:22 a.m.

FINAL DETERMINATION:

Councilmember Reeser made a motion, seconded by Councilmember Mogel to grant the conditional use application as submitted, for the waivers from Section 505.D.1, "Permitted Uses" to allow a thirty unit apartment building without first floor office, retail, professional services or restaurant being provided in the C-1 Zoning district; Section 504D.6.A, "Additional Requirement" to provided 32 off-street parking spaces instead of the required 45 off-street parking spaces; and Section 505D, "Modification of Other Requirements", to allow the regulations of 504D to be modified by conditional use approval of the Re-Development Area Mixed Use Incentive Overlay Zoning District for 915 Penn Avenue, with the following conditions: All land development plans including stormwater management facilities must comply with the Borough's Subdivision and Land Development Ordinance (SALDO), all impact studies including a traffic impact study must be completed, the complex entrance shall be off of Court Alley only, no more than 30 units may be constructed, paved coverage will be reduced, however this is a non-conforming property of which the

paved coverage area reduction will be from the existing condition, the Fire Chief must review the plans, the sewer modules must be adequate and reviewed by the DEP, water must be adequate for both domestic and fire flow, landscape section 504.D.1 regarding a landscaping buffer to the East of the property must be addressed, section 605 regarding exterior lighting must be addressed, outdoor storage locations, screening, and trash enclosures must be shown on the plan, the maximum amount of parking must be added on the South side of Court Lane, and must comply with regulations to not permit backing out onto Court Lane, as well as either dedicating to the Borough the proposed parking area between the alleyway and the property setback line, or seek a Zoning variance, the applicant must comply with all application and approval processes, as well as compliance with all other Borough and State regulations, all in favor, 7-0.

Solicitor Hartman indicated a written decision is due to the applicant and those requesting party status within 45 days, of which after receiving, the applicant or those with party status may file an appeal with the Berks County Court of Common Pleas within 30 days of the decision.

The Wyomissing Borough Council meeting adjourned at 11:27 a.m.

Respectfully Submitted,

Melissa Miller
Borough Secretary

Approved by:

William S. Jenckes
President
Wyomissing Borough Council