

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

FEBRUARY 22, 2023 – 11:00 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 11:00 a.m. with the following persons present: 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. The following person was absent: Councilmember Stephen D. Brunner

CALL TO ORDER

ROLL CALL

VISITORS:

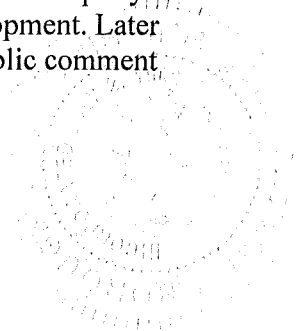
Joy Brossman – 531 Greenwich Street  
Krystle Bennett – 539 Greenwich Street  
Adrian Jadic – 48 Cardinal Road  
Robert Hain – Berks Survey and Engineering  
Stefano Folino – Folino Construction  
Sal Folino – Brennan and Associates/Apartments on Van Reed, LLC  
Rick Weinhoffer – 801 North 9<sup>th</sup> Street

REVIEW OF THE CONDITIONAL 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 has requested conditional use approval from Section 505D, "Modification of Certain Regulations" and Section 503D, "Area, Yard and Height Requirements" of the Re-Development Area Mixed Use Incentive Overlay Zoning District, for 521 Van Reed Road. 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, Sal Folino in his capacity as representative of the applicant, and Robert Hain as the expert land planner. Residents of Greenwich Street, Krystle Bennett and Joy Brossman requested party status for the hearing, as they are neighboring properties to the proposed development. Later in the meeting, Stefano Folino was sworn in to provide testimony under the public comment section.



REVIEW OF THE CONDITIONAL USE ADMINISTRATIVE STEPS:

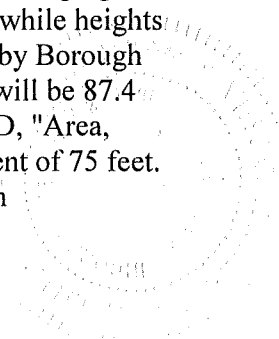
Michele Bare shared with Council the administrative steps that occurred for posting the property as part of a Conditional Use hearing, notification to adjoining property owners, as well as advertising requirements.

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

Sal Folino, representing the Apartments on Van Reed, LLC., explained to Council the variances requested, were in regards to expanding above the maximum 75 feet height requirement, as well as exceeding the maximum 10% paving requirements. He began questioning Robert Hain, Berks Surveying and Engineering on his expertise with the project, and his capacity of completing the application. Rob was further questioned on the proposed plan for 521 Van Reed Road, and asked him to describe the property plans. In full disclosure, Rob shared that plans submitted with the application will be slightly altered in the near future, and will be discussed further, however, the revised plans would not hinder the information provided to determine the conditional use request.

Rob presented Council with a sketch plan for the proposed apartments between Van Reed Road and Greenwich Street. The original plan set proposal is for an apartment complex that would be six stories, comprised of 198, one to two bedroom apartments, two open courtyard spaces including pool access, with two levels of underground parking and minimal parking at the front of the building for ADA parking requirements. Remote parking would also be available as supplemental parking, featuring an underground stormwater system, with a grand total of 310 parking spaces. He shared that parking lot access to the complex includes two entry/exit points at Van Reed Road, and one entry/exit point on Greenwich Street. Based on the revised concept (updated plans unavailable), the developer has proposed moving the pool open space to the roof top, allowing the opportunity to add another wing to the Greenwich Street side, featuring 12 more apartments, or 210 total units, and two penthouse style apartments featuring three bedrooms. He shared the target audience for the apartments will be students and professionals. With the pool moving to the top of the building, the area once used for pool reinforcement in the underground parking area, will turn into additional underground parking. Rob noted the underground parking area will also feature elevators and storage. The property will feature an aesthetically appealing retaining wall along the Greenwich Road side, with landscaping and some grass area along the retaining wall and other areas on the property.

Rob shared that logistically, the site topography and grades will create the appearance that the structure is taller on one side versus the other. While the site has created a unique challenge for the developer, the intended use is permitted by right in the Zoning overlay district. He explained to Council that according to the Zoning Ordinance, a site with topographical challenges allows the developer to determine building height by averaging the height of all sides. On the northern side of the building, heights exceed 87 feet, while heights in the southern side of the building are under 87 feet, of which were confirmed by Borough Engineer Jim McCarthy. Based on the average calculation, the building height will be 87.4 feet, of which the need to obtain the conditional use approval from Section 503D, "Area, Yard and Height Requirements" due to the maximum building height requirement of 75 feet. Similarly, relief is being requested from Section 505D, "Modification of Certain



Regulations" as to maximum paved coverage of 10%. The current proposal is to have 48% paved coverage, due to the drive aisles and exterior parking lot, needed to provide enough off-street parking spaces.

Krystle Bennett, 539 Greenwich Street asked Rob Hain to further describe the retaining wall. He indicated it will be either an artificial rock material, or concrete, but will be appealing to the masses. She further questioned how much space would be between the road and retaining wall. It was initially indicated that 15 feet to 20 feet will be the buffer, however later in the discussion, it was clarified how much space is actually required. Krystle further asked if enough vegetation would be present to hide the wall, and if the Borough street trees would remain. Rob shared that no landscape design is available yet, and will take residents' concerns into consideration, however was able to indicate that vegetation would be planted along the retaining wall. She was also concerned about the building height and the amount of light that may shine onto the neighborhood as a result of building and parking lot lighting. Rob indicated that lighting will comply with Borough standards, and the lighting will be directed downward. The standard also indicates the lighting cannot extend into the street or create issues with adjoining property owners. Krystle also expressed concerns of possible mischief at the Oley Street access point, and an increase in traffic around the area. Rob indicated they can discuss ideas to combat mischief at the access point, and further shared that a detailed traffic analysis is in progress to monitor traffic counts during times of the day. This analysis will be submitted during the land development process at the Planning Commission meeting.

Joy Brossman, 531 Greenwich Street questioned Rob if the back of the building will be similar to the front. While a rendering was not available for the meeting, Rob indicated it would be similar to the front. She also questioned if the pool area would be noisy, but it was noted the pool would be further from Greenwich Street than before. Joy also questioned the building height and if the retaining wall will hide some of the building. Rob shared that due to the topography, the retaining wall will be 10 feet high at the tallest point, and will cover some of the building.

Solicitor Hartman questioned what portion of the building the penthouse units will be on, and Rob noted they will be on the Van Reed Road side.

Michele reminded Rob that a minimum of 20 feet is necessary for the vegetation buffer as related to the earlier question. She also reminded Council that various Zoning issues may arise as the developer moves through the development process, of which would be heard by the Zoning Hearing Board.

Council asked several questions, including why 48% paved coverage would be acceptable in this scenario. It was explained that the surface parking lot will be permeable paving with an underground stormwater retention basin underneath. Stormwater from the site will go into the basin and not the Borough's stormwater conveyance system. The intent of limiting paved coverage to 10% in the ordinance was to encourage underground parking and alleviate developments with a building and vast expanse of asphalt for parking. Due to the height restriction of the ordinance, additional underground parking would only increase the building height and is cost prohibitive. Rob Hain indicated there are approximately 50 more parking

spaces provided than what is required. Exterior parking areas could be removed from the plan but the intent was to make sure ample parking was provided on site so that residents were not parking on the street.

Council also questioned if the infrastructure in the area is able to handle the stormwater runoff, and they were reminded that the stormwater will remain in a system on site. Questions also arose as to the Fire Marshal reviewing the plan. Rob indicated the Fire Marshal reviewed, and had no comments at this time. Rob also shared with Council that generally, fire service requires access to three sides, and the plan will allow for access on four sides.

There was also question from Council on whether or not granting the variance for additional building height would affect the outcome of the project. Sal Folino shared that the penthouse apartments do not affect the need to ask for relief; relief would still be necessary regardless. Rob indicated he was not able to speak for the applicant on this matter. He did mention that building height variances were granted for several other projects in the area. Council questioned the impact on residential areas, as no perspective views were provided in the plan set, and questioned if the extra parking spaces were not included, would more green space be available, especially for families with children. Council question water runoff, and it was explained that the developer has been doing runoff tests with consultants, and DEP will require a post construction runoff analysis. There was also question pertaining to parking fees for the tenants, of which was answered later in the meeting.

Solicitor Hartman questioned if the Zoning required 252 parking spaces accounts for the additionally proposed units, and Rob indicated it does. Solicitor Hartman also reminded Rob of the \$500 per residential unit fee in-lieu-of recreation fee.

As a closing comment, Joy Brossman indicated that she has lived on Greenwich Street for 18 years, and expressed concerns the development will bring more children to the area, creating more deficiencies with school bus transportation, and more mischief overall to the area. She is also concerned that parking may become an issue in the area, as she already has limited parking at her home. She lastly expressed great concern that such a large structure will tower over the smaller homes in the area. Sal questioned if she was present at the meetings when the overlay district was considered and approved, and Joy indicated she was not.

As a closing comment, Krystle Bennett expressed similar concerns of the massive structure, visual appeal, and age of the area versus the proposed structure. She was not impressed with the green space being lost, and was adamant that vegetation cover the retaining wall so residents do not have to see it. Sal questioned if she was present at the meetings when the overlay district was considered and approved, and Krystle indicated she was not aware of the meetings, and had not attended.

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

PUBLIC COMMENT:

Adrian Jadic, 48 Cardinal Road expressed his concern that it is unknown what the back of the

building will look like, as well as the perspective from the residential areas nearby. He felt that 3-D renderings or models with AutoCad would have depicted this, and provided full transparency as to how the neighboring properties will be effected, especially with the sunlight possibly being filtered out. He also questioned how many stories the building will be.

Stefano Folino, developer and owner of 521 Van Reed Road, reassured the concerned parties that parking will be free, and there will be a sufficient amount for tenants and visitors of the building. He also reiterated that open area will be available in the courtyard for kids to play, as well as intermittent green space. He also reassured parties that the retaining wall will be visually appealing, as well as the addition of vegetation. Based on the issues potentially posed with student busing, Joy questioned if the developer was in contact with the school district about the matter. Rob indicated he was not part of any discussions with the school district, however the issue may be discussed during the land development phase.

Rick Weinoffer, 801 North 9<sup>th</sup> Street, reminded Council that the closest playground to the proposed apartment building is Berkshire Heights. He explained this space has the oldest playground equipment, and grant funding has been hard to come by for updating the space. At a price tag of approximately \$300,000, he asked the developer to consider an in-kind donation to support the refurbishment of the playground.

#### EXECUTIVE SESSION:

Council adjourned into Executive Session at 11:48 a.m. to discuss the final determination. They reconvened back into the public session at 12:55 p.m.

#### FINAL DETERMINATION:

Councilmember Derr made a motion, seconded by Councilmember Barnett to grant the conditional use application as submitted, for the waivers from Section 505D, "Modification of Certain Regulations" and Section 503D, "Area, Yard and Height Requirements" of the Re-Development Area Mixed Use Incentive Overlay Zoning District for 521 Van Reed Road, with the following conditions: The Greenwich Street retaining wall must match or compliment the façade of the structure with the design being approve by the Borough Engineer and Manager, the right-of-way minimum landscape buffer of 20 feet must be complied with, a 0.0 feet candlefoot standard must be met as to not cast light towards neighboring properties, all approvals and agency approvals must be obtained, the recreation fee in-lieu-of must be paid at the time of the building permit being obtained, parking may not be fee based, current street trees must remain as they are Borough-owned, and the school bus transportation matter must be resolved with the Wilson School District and the Borough made aware of the decision, all in favor, 6-0.

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

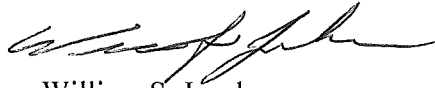
The Wyomissing Borough Council meeting adjourned at 12:59 p.m.

Respectfully Submitted,



Melissa Miller  
Borough Secretary

Approved by:



William S. Jenckes  
President Wyomissing  
Borough Council