A regular meeting of the Planning Commission was held on Monday, May 10, 2021, via Zoom Video Communications, hosted by Mr. Gabriel Khalife, Borough Manager.

The meeting was called to order at 7:04 p.m. by Mr. Fred Engelhardt, Chairperson. Members present were: Mr. Fred Engelhardt, Ms. Lisa Ladd-Kidder, Mr. Michael Blichar, Mr. Tim Haring, Mrs. Pat Snyder, and Mr. Joel Seidel. Ms. Karen Feridun was absent. Also present: Ms. Judith Danko, Director of Community Development; Mr. Gabriel Khalife, Borough Manager; and Ms. Carolann Moody, Recording Secretary. Public Attendance: Mr. Robert Hain of Berks Surveying Engineering, Inc., and Mr. Raj Patel

Public Comments on Non-Agenda Items
There were no comments from the public.

Approval of Minutes
Planning Commission members reviewed the April 12, 2021 minutes. Motion by Mrs. Snyder and seconded by Ms. Ladd-Kidder to approve the April 12, 2021 minutes as written. The motion passed by unanimous vote.

Reports
There were no questions or comments on any of the submitted reports.

Action Items
- Accept Plan Withdrawal of “South Elm Apartments” per letter from Applicant Dated April 20, 2021
  Ms. Ladd-Kidder wanted to clarify and Ms. Danko confirmed that the Borough did not request the applicant to withdrawal their sketch plan, but they were given a choice of either withdrawing the plan or having it rejected and the applicant chose to withdrawal the sketch plan.

  Ms. Ladd-Kidder also wanted to clarify and Ms. Danko confirmed that the Borough did not request a 90-day extension, but that the developer requested a 90-day extension from the Borough. Ms. Danko added that due to timing of meetings, her office asks applicants if they are interested in completing the “Time Extension” form when they submit their subdivision and land development sketch plan.

  Following a brief discussion, motion by Mrs. Snyder and seconded by Mr. Blichar to accept the plan withdrawal of “South Elm Apartments” from the applicant, after the applicant was given a choice to withdrawal the plan or have it rejected.

  Motion by Ms. Ladd-Kidder and seconded by Mr. Blichar that the Planning Commissioners acknowledge and accept the 90-day time extension letter from the applicant along with the Community Development Extension Form Letter dated July 14, 2021, also from the applicant.
Review of New Plans Regarding Subdivision and Land Development Sketch Plan Application for “Apartments on Elm St., S Elm St., and James Alley

Ms. Danko mentioned that the applicant presented a sketch of the floor plan for the proposed one and two bedroom apartments adding that the number of proposed units went from 25 to 18. Mr. Patel stated that 75% of the units would be two bedroom and 25% would be one bedroom.

Ms. Ladd-Kidder stated that on the application, item nine indicates the lot use is proposed for “Multifamily”, but the developer is presenting this as “construction of a low-rise apartment building.” Mr. Engelhardt indicated that item 14 does indicate an 18 unit low-rise apartment building and Mr. Hain stated that was just an oversight when completing the new form and will correct item nine to indicate low-rise apartments.

Ms. Ladd-Kidder reviewed the letter from the Fire Marshal, Robert Hauck, and asked Mr. Hain’s response to the questions proposed by the Fire Marshal. Mr. Hain stated that elevators are not required for a three-story building; therefore, an elevator is not in their plan. Mr. Hain stated that sprinkler systems are required and are in the plan. Mr. Hain added that there would be a maintenance crew available 24/7 however; they will not be on the premises 24 hours/day.

Ms. Ladd-Kidder mentioned that in a letter from Fire Chief, Michael Russo, he requested the main entrance to the building that a Knox Box be installed, questioning Mr. Hain if the plan will include a Knox Box. Mr. Hain stated they are not in receipt of a letter from Mr. Russo; however, they have no issues installing a Knox Box.

Ms. Ladd-Kidder asked where the side yard issue had been clarified and Mr. Hain stated that with the new orientation of the plan and the building being on the left and the driveway and parking on the right, there is no longer a conflict with the side yard setback. Ms. Danko clarified the side yard setback requirement.

There was a brief discussion regarding the total number of allowable units per gross acre, storm water runoff, parking, trash/recycling removal including the significant number of variances the applicant is still requesting, which Ms. Ladd-Kidder feels that this proposal still exceeds what is a reasonable request for non-compliance with Borough regulations.

Mr. Hain mentioned that they did reduce the number of units as well as the size of the building. He stated that the setback is the same on both plans and there were no comments previously regarding the setbacks, or they would have addressed that issue. It was clarified that there were comments previously regarding the setbacks. Mr. Hain stated that they did address the maximum building coverage, adding that they believe the proposed apartments are a good fit for that site because they are already existing apartments next door. He stated that if it comes down to the total number of units, the applicant would need to have enough units to make the project profitable and work for the developer. Mr. Hain stated he could speak with the applicant and see what they can do regarding the number of units; however, they would appreciate consideration when it comes to the other relief that is being requested.

Ms. Ladd-Kidder stated that her two biggest concerns are the gross lot area and the maximum dwelling units, adding that she feels that two bedroom apartments could be turned into student rentals. Mr. Hain stated that it was discussed last month that it is not legal to discriminate against student rentals, adding that there is not a need for student housing, therefore, he does not see this being converted into student housing.
Mrs. Snyder stated that since this is going to be low-rise housing, the plan should not go over on so many Zoning compliance issues. She added that she does not have a problem with less than two acres, but then the applicant needs to be closer to the number of allowable units.

Mr. Blichar stated he feels the applicant has made considerable changes that he agrees with and are worth granting variances for the other requested relief. He added that since he is in contact with Kutztown University and the people who work with housing and residents life, he believes that students would not want to live in those apartments due to the distance from the University as well as the decline in enrollment.

Mr. Seidel stated that he agrees with Mrs. Snyder in giving leeway in the acreage and having them come closer to compliance with the number of units. He questioned if the number of units the applicant is requesting may be the number needed to make a profit. Mr. Patel stated that Mr. Seidel is correct in that with the price of lumber and other costs, they would need 18 units to see a profit.

Mr. Engelhardt stated that it would be nice to development something on the lot. He mentioned that the Planning Commission needs to be consistent; adding that they would not approving any of the requested variances, however, would be making a recommendation. Mr. Engelhardt questioned and Ms. Danko confirmed that Zoning decisions are independent.

Ms. Danko mentioned that it is important for the Planning Commission to make decisions that would help the Borough move forward. She stated that they need to decide if it is a good idea to have something on that property that is generating tax dollars, bringing people into the Borough to live and work, adding that she feels it is important for the applicant to explain their ideas. Ms. Danko stated that some of the things that she feels are important are any recommendations from the fire marshal or fire chief; the pervious and impervious surface, both of which she feels the applicant is addressing. She added that sanitation is also important, as the developer will need to comply with what is needed for employees to safely remove trash and recycling.

Ms. Ladd-Kidder stated that she disagrees with Mr. Blichar regarding student housing, adding that because enrollment is down now, that still makes this property vulnerable in the future. She said that she is in agreement with Mrs. Snyder in compromising the lot area and the applicant coming closer to the allowable number of units.

Mrs. Snyder mentioned that she is not as concerned about student housing and asked Ms. Danko if the 500’ rule regarding student housing applied in this case; and Ms. Danko stated that usually applies to the residential district. Mrs. Snyder stated that she believed the applicant is looking for some direction from the Planning Commission, even though no decisions would be made tonight. She added that she thought it would be good to have something on that property and does see the need for housing, but would like to see the number of units decreased to 15 or 16. Mr. Seidel stated that he agrees with Mrs. Snyder, adding that there is a huge demand for regular apartments in town, adding that he has spoken to several people who have asked him for the availability.

Mr. Patel stated that the cost of doing business in the Borough is about 20% to 25% higher than the rest of Berks County. He mentioned that he runs the Dunkin' Donuts on Main Street and he has other locations around the area, adding that the average cost is 20% to 25% higher than his other locations outside of the Borough. Mr. Patel mentioned that with fewer apartments, the additional cost would fall on the renter. He added that he does not want to lose this opportunity, as the property will be nice with upscale apartments,
which would bring tax revenue into the Borough. Ms. Danko stated that although there may be some higher costs within the Borough, the property taxes are low compared to other areas.

There was a discussion regarding the utility costs for businesses in the Borough of Kutztown, the Zoning Ordinances that address the number of dwelling units/acre, Ms. Ladd-Kidder requesting Ms. Danko look into the student separation requirements and Mr. Engelhardt reminding Planning Commissioners that the applicant as not applied for student housing in the sketch plan. Ms. Danko stated that the applicant does not need to apply for student housing at this time, however, they could apply in the future unless the student separation requirements apply in this instance, adding that she will look into the requirement.

Motion by Mr. Blichar and seconded by Mr. Haring to table this discussion until the June 14, 2021 Planning Commission meeting.

Old Business/Updates

● Discuss PennDOT Peach Street Bridge Replacement Project over Saucony Creek
Mr. Engelhardt stated that he did send a letter acknowledging that the Planning Commission did receive the information and included in the letter that the Planning Commission would discuss the project at the May 10, 2021 meeting and provide them with any comments for consideration.

Following a brief discussion regarding maintaining the historical appearance, that the correct spelling of Saucony Creek is addressed, Mr. Engelhardt stated that he would draft a letter to include the two recommendations discussed.

● Discuss Planning Commission Workshop Meetings
There was a brief discussion regarding the posting of the Planning Commission Workshop meetings, who would be hosting the meetings since the meetings are still held via Zoom Communications as well as discussion about the proposed parking ordinance at the workshop meeting. Following the discussion, it was decided that official minutes are not required for workshop meetings; however, Ms. Ladd-Kidder agreed to provide a simple record as to what is discussed.

New Business

There was no new business to discuss.

Off Agenda

Ms. Ladd-Kidder mentioned that the Borough was awarded the Walkable Community Project Grant, reminding Planning Commissioners that they did write a letter supporting Phase I. She added that she hopes a large part of the money be used for addressing walkability in the Borough. Ms. Danko stated that Borough Council would be in charge of approving the use of the funds.

Mr. Engelhardt mentioned that, regretfully, Ms. Karen Feridun has resigned her position on the Planning Commission effective this date. Mr. Engelhardt added that Ms. Feridun has been an asset to the Planning Commission. Ms. Ladd-Kidder stated that she would like to see a letter of appreciation from the Planning Commission to Ms. Feridun, with Borough Council being copied on the letter, acknowledging her many years of invaluable service. Ms. Ladd-Kidder asked Planning Commission members to assist in finding a replacement for Ms. Feridun, adding that it is important to have multiple opinions.
Motion by Mr. Seidel and seconded by Mrs. Snyder to accept the resignation of Ms. Karen Feridun from the Planning Commission and to compose a letter of appreciation to Ms. Feridun from the Planning Commission for her years of service. The motion passed by unanimous vote.

There was nothing further to discuss off agenda.

**Adjournment**

With no further business to discuss, a motion was made by Mr. Blichar and seconded by Mr. Haring to adjourn the meeting. The motion passed by unanimous vote. The meeting adjourned at 8:37 p.m.

Respectfully Submitted,

Carolann E Moody
Recording Secretary