

## **CDAG Board Meeting Minutes – 2013**

**Central Delaware Advocacy Group (CDAG) – May 9, 2013**  
**Society Hill Towers Community Room at 6:00 PM - Recorded Attendance**  
**Attached**

### **I. Approval of the Minutes**

Minutes of CDAG Board meeting on April 4, 2013 approved

### **II. Chair's Report - Matt Ruben**

I believe that everything I need to say will be covered in later parts of this agenda including the Central Delaware Overlay and the upcoming testimony on June 5<sup>th</sup> in City Council. We will be testifying. In "Old Business" we are going to talk about Penn Treaty North because we have folks here that wish to talk to us about it.

### **III. Committee Reports.**

#### **1. Treasurer's Report - Rene Goodwin**

As of today our account balance is \$1558.33.

It is my understanding that there are a least two donations that have been made but have not yet been presented or deposited yet.

It is just about time to file our tax returns and I will look into that within the next month. 990's tax returns are based on our fiscal year.

I statement for calendar year 2012 of expenses and revenue will be presented at next month's meeting.

#### **2. Communication & Outreach - Dianne Mayer**

My presentation to Abbott's Square Homeowners Association was postponed until next month.

Today I have renewed the CDAG web site for 2 more years.

#### **3. Secretary's Report - Richard Wolk**

It is discouraging and sad to report the email I got from Joe Schiavo informing me that due to the inability of Old City Civic Association to acquire D & O insurance, caused by law suits against their zoning committee, their organization has voted that without insurance they have no choice but to dissolve their civic association. Of course Joe and OCCA would be a great loss, present and future,

to our organization if they could not be a part of CDAG. He is able to finish his term as an officer and continues on the Executive Board without being a representative of a civic association.

Joe: as a point of clarification it was not lack of financial ability as it was the inability to get Board insurance because of the number of claims which were law suites all of which were finalized and withdrawn by the plaintiffs. Never the less to a degree it was the number of suites. We were no longer able to get D & O insurance from any other carrier. We couldn't continue as an association if we couldn't protect our board members. There is no plans to create some other civic association because anyone who has participated as a member of OCCA would taint the new association.

The law suites were mostly developer land use suites and 20% were liquor licenses. This sends a very ominous message to all of us. All of these claims did their damage and were then withdrawn. There was never a judgment against OCCA. These suites are known as "SLAPP" suites, **S**trategic **L**awsuits **A**gainst **P**ublic **P**articipation. Perhaps the City Government should get involved in covering D&O insurance for non-profit RCO's. Maybe the city's law department shouldn't just defend the city government but should also defend those civic associations that have been formed under city guidelines and recognized by the city. In one case the city was a co-defendant. It remains to be seen how we can overcome this problem.

#### **IV. Overlay - Matt Ruben**

Councilman Squall introduced the Overlay bill about a month ago. You have all received copies of the bill via email. This represents the better part of a year that resulted in this final draft of the bill. Joe, I and, until he became employed by the city, Jeff Hornstein sat in the meetings with Councilman Squilla, the Planning Commission, the Development Workshop, and DRWC and hammered this out. There is a very small number of salient changes The ordinance is very clear given the number of pages devoted to the height bonus rules.

A fifty foot setback is not in ordinance but is in the underlying zoning code for the entire city.

The ordinance consists of river access streets of which originally there was 10 then 9 and now 8. We prevented any building over an access street. A river access street can change it's direction but must still maintain its width all the way to the river.

The many pages devoted to adding height over 100 feet is clearly outlined in a bonus structure that outlines the public amenities that would have to included in a project and depending on how high you wish to build. Maximum height is 225 feet. Two bonuses that I wish to highlight, relate to major goals of the Master

Plan: One is the building and dedicating the portion of the trail across their property and the other is to agree to finish out the river access street over their property to the water. We feel we have a very workable, reasonable plan that works within allowing height concessions.

There are restrictions in place for first floor usage which is a good thing. No garage building on the river side and avoiding blank walls and excess curb cuts.

As for the river access streets Councilman Squilla eliminated the last one and that was Berks St. However, the Planning Commission recommended that either Berks St. be put back in or that they add Cumberland St. as an access street. At this point we don't know how that will turn out.

As for signage because the regulations are in the underlying citywide code and therefore would be duplicated to put into this Overlay or any other overlay. Therefore they refused to draft anything specific to this Overlay.

June 5<sup>th</sup> is the next opportunity for discussion when Council will have open hearings on the Overlay. CDAG will be participating at that time with points we wish to see included in the final Overlay bill.

A resolution was proposed and passed that CDAG will take a position at the June 5<sup>th</sup> hearing in favor of putting back those two river access streets.

## **V. Old Business - Penn Treaty North Development**

CDAG previously reviewed a presentation from the developer after the developer went to the Planning Commission and after the Planning Commission had given provisional acceptance with provisos. The developer had to then go to the ZBA because of certain variances requested in their plan. At the ZBA's hearing certain concerns were made by various community speakers, the meeting was lengthy and because no decision was granted a continuance was given. Jethro Heiko, who lives on Allen St in Fishtown, close to this proposed development, and Paul Boni are with us today and wish to speak.

Jethro: At the ZBA various questions were raised and as a result a decision was delayed. The developer was granted a special hearing to be held on Wednesday May 15<sup>th</sup> at which time more public comment will be heard. The issues are about quality of life.

Paul: In the 1990's there were a number of night clubs that caused a lot of crime and public nuisance in the surrounding neighborhoods. Along Delaware Avenue there were incidents of violent crime. The city took action by forming a special police task force on Delaware Avenue. There were 6 to 12 officers that would be on duty on certain nights. The situation got to the Mayor's office and City Council. As a result a special overlay was created in 2002. The overlay stated you could

not have an assembly and entertainment uses in that area. Over the years some of those clubs have shut down and the area got a lot quieter. When the zoning code was revised the prohibition on an assembly and entertainment district carried over.

The 3000 person venue has no seats its standing room only. The sports bar is 2200 sq. ft. So the question is what sort of parking is required as opposed to what is needed. We think it is pretty clear that over 1500 spots are required. The developer is only providing 500 spots. Under code, parking is to be provided on site. In this situation it is not. Also what you have is a bad use and to compound that parking is off site. Therefore people will be driving and walking through the neighborhood. So all of that require variances. Then under your Overlay it needs a variance to have non-accessory parking lots because that is something the Overlay prohibits.

FNA did hold a meeting. They held a vote and the result of the vote was their position to be in favor. Their procedure is to tally near neighbors and also tally further surrounding Fishtown neighbors. Both received positive results. On the other hand we have spoken to neighbors who said they didn't know there was a meeting and feel many are not for this project.

Matt: This is the first development CDAG has faced that not only had to go to the planning Commission but also to the ZBA. Some of the stuff is use which is simple yet complicated. If someone wants a variance CDAG is not for a variance because we want it to be within the Master Plan. So if there is variances what do we do with it? So with that said, are there any questions or comments. We will not focus on the legal issues because you do have able representation in Paul Boni. CDAG's concern is always the Master Plan. By definition any variance is not part of the Master Plan. On the other hand not all variances should be opposed not knowing the conditions involved. As for CDAG usually once the Planning commission approves the plan the process is done. The scale of the project does not seem to fit in with the scale that the neighbors are used too. Parking, non-accessory signs and use as to scale seem to be the three issues that relate to the Master Plan. So the question before this board is do we want to prepare testimony on behalf of CDAG for the May 15<sup>th</sup> meeting?

In conclusion we will confer with Fishtown, a CDAG member, and if we choose to do so we will craft a letter dealing only with issues that create a conflict with the Master Plan.

**Meeting called for adjournment at 7:20 PM**

**Next regularly scheduled CDAG Board meeting is**

**June 13, 2013**

**Northern Liberty Community Room at 8:00 AM**

**CDAG Board Member Attendance Record - May 9, 2013**

CDAG Board Member Organizations (N/V = non-voting Board Members)	Representatives Primary & Alternate	Pre se nt  (X)	Quor um Coun t
Abbotts Square Homeowners Assoc.	Sean Sullivan		NV
N Delaware River City Corp. / V	Tom Branigan (P)		NV N/V
1 Dickinson Narrows Civic Assoc.	Alan Sabel (P)		
Dickenson Narrows Civic Assoc.	Jane winkel (A)		
2 Fishtown Neighbors Assoc.	Matt Karp (P) <del>HHHHHHHHH</del> HansonHa nson (P)		
Fishtown Neighbors Assoc	David Quadrini (1A)		
Fishtown Neighbors Assoc.	Tim Potens (2A)		
N Franklin Bridge N. Neighbors / V	(P)		N/V
3 Neighbors Allied Best Waterfront	Mary Stumpf (P)		
Neighbors Allied Best Riverfront	Dianne Mayer (A)	X	1
4 New Kensington Development Corp.	Sandy Salzman (P)		
New Kensington Development Corp.	Carla Castillo (A)	X	2
Northern Liberties Neighbors Assoc	Matt Ruben (P)		3
Northern Liberties Neighbors Assoc	Ira Upin	X	
6 Old Swedes Court Homeowners Assoc.	Kathy Rush (P)	X	4
Old Swedes Court Homeowners Assoc.	Tom O'Shaughnessy(A		
7 Olde Richmond Civic Association 7 7	Phil Stolztfus (P)		

	Olde Richmond Civic Association	Julio Nieves (A2)		
	Olde Richmond Civic Association	Tom Potts (A1)		
8	Pennsport Civic Association	Tom Otto (P)		
	Pennsport Civic Association	Jim Moylan (A1) (A1)		
	Pennsport Civic Association	Rene Goodwin (A2)	X	5
	Penn Future	(P)	NV	NV
	Penn Future	Christine Knapp (A)	NV	NV
9 1 1 1 1 1	Pennsylvania Environmental Council	Patrick Starr (P)	X	6
	Pennsylvania Environmental Council	Chuck Knolls (A)		
0	Pennsylvania Horticultural Society	Tammy Leigh DeMent (P)	X	7
	Pennsylvania Horticultural Society	Claire Baker (A)		
1 1	Port Richmond on Patrol & Civic Assoc.	Laura Lanza (P)		
	Port Richmond on Patrol & Civic Assoc.	Jeremy LaCompte (A)		
2	Queen Village Neighbors Association	Richard Wolk (P)	X	8
	Queen Village Neighbors Association	Jeff Hornstein (A)		
3	River's Edge Community Association	John Scorsone (P)		
	River's Edge Community Association	Rich Stange (A)		
4 6	Society Hill Civic Association	Jim Moss (P)	X	9
	Society Hill Civic Association	Steve Weixler (A)		
5 7	Society Hill Towers Homeowners Assoc.	Marsha Bacal (P)	X	10
	Society Hill Towers Homeowners Assoc.	(A)		
6 8	South St. Head House Business District	Krystal Souvanlasy (A)		-
	South St. Head House Business District	Mike Harris (P)		

7 9	Whitman Council	Rich Lazar (P)		
	Whitman Council	Mark Kapzcynski (A)		

\*Joe Schiavo, Vice Chair - Ex Officio Voting Member

(9 voting Board members required for a meeting quorum) 10 present

**Guests and friends of CDAG:**

Marna Katz Larson, Society Hill towers  
 Paul Boni, Attorney  
 Jethro Heiko, Fishtown  
 Kellie Partick Gates, PlanPhilly

