

**BOROUGH OF WEST READING
PLANNING COMMISSION**

WEDNESDAY, OCTOBER 3, 2018

The West Reading Planning Commission met for their regular meeting on Wednesday, October 3, 2018 at Borough Hall with the following persons present: Chair Philip Wert; Vice Chair Christopher Lincoln; Nicholas Imbesi, Jennifer Bressler, Christin Kelley, Terry Siggins, Daniel Horman, Joseph Scoboria, Oswald Herbert, and Assistant to the Manager Cynthia Madeira.

Visitors: Karen Livingood, Resident

Mr. Wert called the meeting to order at 7:05 p.m.

There was no public comment.

Approval of Minutes

Motion to approve the September 5, 2018 minutes. **Moved** by Mr. Imbesi and seconded by Mr. Lincoln.

Motion carried 9-0.

Old Business

- a. **Berks County Planning Commission Zoning Amendment Comments** – Commissioners considered the following list of comments:
1. Section 33. The Act referred to in the definition of Academic Clinical Research Center should be identified. Commissioners agreed to add “Medical Marijuana Act” to this definition.
 2. Section 33 definition of Caregiver. Due to the majority of “traditional” caregivers not being certified to deliver medical marijuana, it was suggested that the defined term be changed to either caregiver for medical marijuana patient or medical marijuana caregiver. Commissioners agreed to revise the definition.
 3. Section 33. The Act referred to in the definition of Certified Medical Use should be identified. Commissioners agreed to add “Medical Marijuana Act” to this definition.
 4. Section 33 definition of Place of Worship. A prayer group is not a building and should not be included in the list of buildings. Commissioners requested an alternate definition of religious services to be considered and reviewed by the solicitor.
 5. Section 33. If changing the definition of Principal Building, Structure or Use to Primary Building, Structure or Use, it was suggested to also change all references to principal building, structures of uses throughout the ordinance to primary. Commissioners agreed to revise principal to primary throughout the ordinance.
 6. Section 77 B. is being deleted. Current Sections 77 C and D should be re-lettered. Commissioners agreed to re-letter as suggested.
 7. Throughout Section 122.1 there are references to PA Act 16. Since PA Act 16 is not specifically defined, it was suggested that all references to PA Act 16 be to the Medical Marijuana Act or define PA Act 16. Commissioners agreed to revise all notations to “Medical Marijuana Act”.
 8. Section 122.1.1 E and F are similar and therefore was recommended to consider deletion of E. Commissioners agreed to delete E since F is more descriptive as to the types of locking systems and indoor enclosure units.
 9. Section 122.1.1 K requires a 1,000-foot setback from schools and day-care centers for grower/processors; however the 1,000-foot setback in the Medical Marijuana Act only applies to dispensaries. This requirement exceeds state law and the setback should be determined if appropriate and whether other similar uses in the same zoning district also require a similar setback. Should the decision be made to eliminate this requirement,

- Section 122.1.1 K should also be eliminated. Commissioners agreed to remove the 1,000-foot setback requirement and delete 122.1.1 K as recommended.
10. Section 122.1.2 A states that dispensing of medical marijuana can only be conducted by a health care medical marijuana organization; however the definition of medical marijuana dispensary specifically does not include a health care medical marijuana organization. The conflict was suggested to be resolved. Commissioners agreed to revise the medical marijuana dispensary definition to remove this conflict.
 11. Section 122.1.2 D refers to the Act that should be identified. Commissioners agreed to add “Medical Marijuana” prior to the word “Act”.
 12. Section 122.1.2 E. unless other uses in the same zoning districts regulate hours of operations, staff questioned the provision. Act 16 requires that grower/processors and dispensaries meet the same zoning and land use requirements as other industrial or commercial facilities that are located in the same zoning district. Commissioners agreed to remove the section referencing permitted hours of operation in order to provide the same zoning and land use requirements within that zoning district.
 13. Section 122.1.2 L. The Medical Marijuana Act provides for medical marijuana to be dispensed to a registered caregiver and should be reflected in this section. Commissioners agreed to add caregiver to this section.
 14. Section 160 and other sign regulations. The County recommended revisiting provisions to ensure they are content neutral. Avoidance of rules pertaining to different size and duration of temporary political, directional and real estate signs were suggested. Commissioners reviewed current regulations and determined no change was necessary.
 15. Section 172 O. Signs play a significant role in the image a community presents. It was recommended to forego the proposed larger sign size provision within the Central Business District. Commissioners decided no change to the proposed revisions were necessary.

Suggested revisions will be made to the proposed zoning ordinance amendments including solicitor review of religious services definition prior to making a recommendation to Council to schedule a zoning hearing.

- b. **2018 International Property Maintenance Code Adoption** – A redlined version of the 2018 International Property Maintenance Code (IPMC) was unable to be located online without incurring a fee. Mr. Wert noted previous accounts from the property maintenance inspector and engineer of the 2018 IPMC version providing clarification to sections that were previously open to interpretation. Mr. Unger will be requested to provide contextualizing differences between the 2006 and 2018 IPMC versions during the October Council meeting.

Motion to recommend adoption of the 2018 International Property Maintenance Code. **Moved** by Mr. Lincoln and seconded by Mr. Imbesi. **Motion carried 9-0.**

- c. **Historic Architectural Review Board** – Mr. Wert provided Commissioners with an article pertaining to pros and cons of establishing a historic district. Establishment of a historic district may be a tool to revitalize the central business district signage and façades. The first step would be to complete a PA Historic Survey Form from the Bureau for Historic Preservation to determine eligibility. Christin Kelley will contact the PA Downtown Center to request assistance with beginning this process.
- d. **Solicitation Ordinance Update** – Commissioners began sharing comments regarding proposed revisions to the solicitation ordinance to add provisions for food truck vendors and expand on the existing door-to-door solicitation regulations. The following aspects were discussed:

- Mr. Wert inquired as to 418-2. Definitions, specifically Transient Retail Business (2) being a conflict with existing pop-up shop regulations. Mrs. Madeira will provide Commissioners with the current pop-up shop regulations to review prior to the next meeting.
- Mr. Imbesi raised concern regarding Section 418-3. A. (7), which may be interpreted to allow solicitors to utilize service walks around a corner property and through back yards. Suggestions for rewording were requested.

e. **Codes Review** – Tabled until next month.

Adjournment

Motion to adjourn the meeting at 8:51 p.m. **Moved** by Mr. Imbesi and seconded by Mr. Lincoln. **Motion carried 9-0.**

Respectfully submitted,

Cynthia Madeira
Assistant to the Manager