

**BOROUGH OF WEST READING
PLANNING COMMISSION**

Wednesday, November 4, 2020

The West Reading Planning Commission met for their regular meeting on Wednesday, November 4, 2020 at 6:00 p.m. via a Zoom Meeting with the following persons present: Chair Philip Wert; Vice Chair Christopher Lincoln; Jennifer Bressler, Joseph Scoboria, Daniel Horman, Maria Napoli; Solicitor Daniel Becker; Borough Manager Nicholas Imbesi; Code Department Manager Cathy Hoffman and Borough Secretary Cynthia Madeira. Terry Siggins and Christin Kelley were unable to attend.

Visitors: Ryan Lineaweaver
Patrick Kaag

Mr. Wert called the meeting to order at 6:04 p.m.

Old Business

- a. **Rental Ordinance Amendment** – Mr. Becker provided the following information as to why he is recommending a delay in amending the rental property ordinance.

The legality of performing rental property inspections is currently under question within the Borough of Pottstown where a property owner and tenant have filed a claim stating this violates the U.S. Constitution's Fourth Amendment rights. The Fourth Amendment protects people from unreasonable searches by the government. Noted benefits to delaying revisions to the rental property ordinance were:

- An advertisement of a rental property ordinance amendment may illicit litigation for the Borough of West Reading.
- Delaying revisions to the ordinance may provide guidance generated by the court case that could be included in an amendment.

Mr. Becker believes that rental inspections for health, safety and welfare purposes are legal and that the Borough should continue with this type of activity as usual at this time. However, it would be prudent to delay any action by the Borough for approximately twelve to eighteen months for the outcome of the Pottstown court case.

Planning Commission members agreed to delay rental property ordinance amendments until the outcome of the Borough of Pottstown court case to potentially reap positive benefits or guidance from the court's decision that could be incorporated into an amendment.

New Business

- a. **Intermunicipal Liquor License Transfer Hearing** – Mr. Wert reported that an application has been received from the owner of the Sunoco station located at 501 Penn Avenue to transfer a Restaurant Liquor License from Perry Township to the Sunoco station. The hearing is scheduled on Tuesday, November 24, 2020 at 6:00 p.m. It was noted that a second expansion to the existing non-conforming use within the Central Business District was requested a few years ago for the purpose of expanding retail space for service station type products. When asked if the sale of alcohol was planned for this space the applicant denied the pursuit of alcohol sales. While in reality the added space has been used for skill games. The legality of these types of games are in question in the state of Pennsylvania and may be deemed illegal as soon as the year 2021.

Mr. Becker stated that the Planning Commission may make a recommendation to Borough Council to approve or deny this intermunicipal liquor license transfer. Planning Commission members expressed the following concerns:

- Square footage requirements to support seating of at least thirty patrons at once with sufficient food choices were questioned.
- Gas station sale of alcohol is inconsistent with the intent of the Central Business District and does not tie into the recent Derck & Edson five-year strategic plan.

- Competition would be created for the existing long-term restaurant type establishments in the Borough that sell alcohol. It was noted that the pandemic more than likely has not drastically affected the income of the service station.
- The requirement to maintain a distance of 300' from a school or public playground was questioned with the West Reading Elementary Center school designated crossing guard at the intersection of Fifth and Penn Avenues. Also, increased vehicular traffic should be anticipated at the two driveway entrances to the property with young children navigating these aprons.
- The availability of public restrooms was questioned since they do not currently offer restroom use to the public. Public acts of urination have been documented behind this building.
- An increased police presence would more than likely be needed for this property.

Motion to forward a letter composed of these concerns to Borough Council to urge denial of an intermunicipal liquor license transfer to the Sunoco Station located at 501 Penn Avenue. **Moved** by Mr. Scoboria and seconded by Mr. Horman. **Motion carried 6-0.**

Adjournment

Motion was made to adjourn the meeting at 6:51 p.m. by Mr. Horman and seconded by Mrs. Bressler. **Motion carried 6-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary