

**BOROUGH OF WEST READING  
PLANNING COMMISSION  
MAY 4, 2022**

The West Reading Planning Commission met for their regular meeting on Wednesday, May 4, 2022 at 6:00 p.m. at Borough Hall with the following persons present: Chair Philip Wert; Vice Chair Christopher Lincoln; Members Jennifer Bressler, Cody Rhoads, Daniel Horman, Kacie Rodriguez, Mariella Napoli, and James Keller; Borough Manager Dean Murray; Zoning Officer Cathy Hoffman; and Borough Secretary Cynthia Madeira.

<b>Visitors</b>	James Rogers, Resident	Barbara Kern Dietrich, Visitor
	Nicole Brown, Visitor	Pamela Seaman, Visitor

Mr. Wert called the meeting to order at 6:00 p.m.

**Public Comment**

Mr. Rogers noted while traveling on his scooter that the new building being constructed at 428 Penn Avenue is not handicap accessible. Mrs. Hoffman indicated that the handicap accessible access to this building will be through the rear and there will be handicap accessible spaces within the parking lot located in the rear of the building. Mr. Rogers also reported the absence of a fire escape. It was noted that the building is still under construction and will be inspected by the engineer and code department to ensure compliance with present day codes prior to granting occupancy.

Mr. Rogers requested an update as to the proposed improvements to the shopping center. Mr. Wert stated there is nothing new to report at this time.

Mr. Rogers inquired as to the intent of the conditional use application for 401 Buttonwood Street. Mr. Wert stated this item is on the agenda for discussion this evening.

**Approval of Minutes**

Motion to approve the April 6, 2022 minutes. **Moved** by Mr. Lincoln and seconded by Mr. Horman.

**Motion carried.**

**New Business**

a. **401 Buttonwood Street Conditional Use Application:** Ms. Dietrich introduced herself as an attorney representing the applicant, Holcomb Associates, Inc., Nicole Brown whom is the Chief Operating Officer at Holcomb Behavioral Health Systems, and Pamela Seaman whom is the County of Berks Director of the Office of Mental Health and Developmental Disabilities. Ms. Dietrich noted that Council previously granted approval to Reading Hospital in 2009 for a Drug and Alcohol Detox center at this location. The current proposal is similar in nature but less intense. There are two proposed components:

- A six-bed residential crisis unit that would provide voluntary adult stays for up to fourteen days to deal with short-term crisis until they can be connected to outpatient services.
- Offices/Outpatient – Twelve offices are proposed to be created to offer outpatient mental health treatment in which staff would see approximately four clients per day, and one or more offices for an administrative crisis hotline for Berks County residents, and the remaining offices used for administrative purposes.

The exterior of the building would remain the same with the exception of an ordinance compliant sign indicating what the building is for. There is an existing twenty-space parking lot as well as available on-street parking. Ms. Dietrich indicated that Holcomb would be subleasing the property from Tower Health, and that Holcomb has a similar facility within Chester County that seemingly

goes unnoticed to the community. The proposed use is dimensionally compliant with the Institutional District with the exception of impervious coverages which is a pre-existing condition. Ms. Dietrich noted that a maximum of twenty professionals will be on site, noting that this facility would help to alleviate some of the burden to emergency rooms.

Mr. Lincoln requested clarification as to the number of parking spaces to meet the demand of the proposed uses. Ms. Dietrich noted that an average of ten professionals would be on site, three spaces for patients, and seven spaces for visitors. It was noted that patients generally do not drive themselves to the facility. Mr. Lincoln requested data from the Chester County facility for comparison. It was noted that the Chester County facility is much larger.

Mr. Wert inquired as to the availability for patients to check-in. Ms. Brown indicated that generally patient check-ins are during the day but there is availability to check-in 24/7. Ms. Seaman noted that a small percentage of their patients walk into the facility, generally patients phone the facility and at times staff members will retrieve the patients from where they are located. It was noted that there is only one crisis service provider in the County and that the crisis residential aspect is a new service being introduced through the 988 Implementation Act to improve crises services. Based on the needs of the community, grant funds have been awarded to create this program within Berks County. Ms. Brown noted that the proposed facility is small, state regulations allow up to eight beds, however, this facility would only be licensed for six beds.

Mr. Wert noted that the engineer and solicitor plan to provide their comments during the June 1<sup>st</sup> Planning Commission meeting and that the Planning Commission would make a recommendation to Council at that time. A decision may or may not be rendered by Council during the Conditional Use Hearing that is slated to be held on June 9, 2022.

Mrs. Bressler inquired as to their timeline to begin offering services. Ms. Seaman noted that crisis intervention is functioning at an alternate location until the use of this potential location has been determined. Should the use be granted it was anticipated that July 1<sup>st</sup> would be the target date to begin offering services to ensure that grant funding is expended as required by June 30, 2023.

Mr. Wert recommended a representative of this project be available during the June 1<sup>st</sup> meeting to potentially answer questions.

- b. **New Member:** Mr. Wert welcomed Mr. Keller to the Planning Commission noting that he has nearly been a lifelong resident of West Reading, and he has been serving as a member of the Environmental Advisory Council.
- c. **Fireworks:** Mr. Wert shared comments from the solicitor that indicate an ordinance prohibiting the use of fireworks within the Borough contradicts state law even though there is not a location that legally meets the separation distance regulations to ignite fireworks. Mr. Lincoln asked what additional enforcement power would be achieved through an ordinance amendment. Mr. Wert shared the Borough of Wyomissing's addition of the Fire Marshal to have the ability to seize fireworks, however the solicitor does not believe this is necessarily accurate. Theoretically, a Fire Marshal is not as readily available to West Reading. It was also noted in light of the National Fire Protection Association (NFPA) regulations, as discovered last month, that pertain to separation distances from mortars to spectators, firework displays as performed in the park in the past should no longer continue for the safety of everyone. The Board agreed to allow the Fireworks Ordinance to remain as is.

- d. **Zoning Changes:** Mr. Wert stated that we are awaiting feedback from the solicitor on the rope lighting and yard setback proposed changes.
- e. **Skate Park Proposal:** Mr. Wert shared the solicitor's feedback that recommended if Council chooses to move forward in allowing the installation of a skate park feature that the following items be addressed from a legal standpoint:
- Obtain zoning approval from the City of Reading for the proposed use;
  - Public outreach to residents along Old Wyomissing Road;
  - Adopt policies and regulations for items such as hours of operation, skate at your own risk signage, and an insurance policy;
  - Establish an agreement regarding construction, an escrow of funds to maintain the feature, and dedication to the Borough.

It was thought that an agreement could be established similar to the Pickleball Courts and that the Borough would own the feature with an escrow established to fund the required maintenance. Mr. Murray noted that the insurance company indicated that a fence would be required surrounding the perimeter of the skate park and additional lighting added. All of these items would need to be addressed by Borough Council.

- f. **Berks County Planning Commission Annual Report:** Mr. Wert noted that the annual report was provided for commissioner review and personal record.
- g. **Rental Occupancy:** Mr. Wert referred to a Memorandum from the solicitor's office that recommends to keep the following items in mind:
- To avoid challenges of vagueness under the due process clause of the constitution, in conjunction with enacting this ordinance, West Reading should develop a more definitive set of minimum health and safety standards that it expects each residential rental unit to meet.
  - To minimize complaints involving excessive intrusiveness, West Reading may want to give tenants advance warning that things such as their bedrooms, cabinets, and closets may be searched, and, in turn, advise the tenant to remove any personal items they may not want inspectors to see. Further, if the tenant is at home, before searching bedrooms, cabinets, or closets, inspectors may want to ask the tenants if they first want to remove any personal items, they may not want inspectors to see.

The following comments from the solicitor were reviewed:

- The definition of disruptive conduct was revised to remove consumption of an alcoholic beverage in public, and the reference of fifty-feet to avoid being that specific. The commissioners agreed to the revised definition of disruptive conduct.
- The disruptive conduct report form attachment was recommended to be removed to avoid the need to amend the ordinance in the future based on a form change. The commissioners agreed to avoid attaching a form to the ordinance.
- The definition of landlord was recommended to be removed to simplify the three terms of landlord, manager, and owner. The commissioners agreed to remove the definition of landlord.

- The reference to co-partnership was recommended to be removed. Also, a portion of this definition was recommended to be removed to alleviate confusion. The commissioners agreed to these recommended removals.
- The duplication of defining a rental unit was removed from § 355-3 Scope.
- The term structure that has not been defined was revised to residential rental unit in § 355-4 Responsibility.
- The reference to the owner or manager providing each occupant with a copy of the rental ordinance was removed to avoid implications for failing to provide the documentation on the Borough's behalf and the difficulty in tracking that each occupant received this documentation. It was thought that information could be provided through a welcome packet.
- § 355-6 Adoption of rules and regulations was revised to clarify that changes to rules may be proposed to Council for approval by the code enforcement officer.
- § 355-7 Reports was revised to remove the sample report form to avoid the need to amend the ordinance in the future based on a form change. The requirement to provide the length of the rental agreement was retained as this could be useful information. The requirement to report a change in occupancy within ten days was retained, and it was noted that the school district and police department rely on this information frequently. The solicitor suggested the consideration of enacting a moving permit. This could be considered as a separate ordinance at a later date.
- References to the undefined term of rental occupancy was revised to permit throughout the ordinance.

Further review of this ordinance amendment will resume on page 9.

**Adjournment**

Motion to adjourn the meeting at 7:44 p.m. was made by Mr. Lincoln and seconded by Mr. Keller.

**Motion carried.**

Respectfully submitted,

Cynthia Madeira  
Borough Secretary