BOROUGH OF WEST READING
PLANNING COMMISSION
JUNE 1, 2022

The West Reading Planning Commission met for their regular meeting on Wednesday, June 1, 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 Solicitor Daniel Becker (arrived at 6:50 p.m.); Borough Manager Dean Murray; Zoning Officer Cathy Hoffman; and Borough Secretary Cynthia Madeira.

Visitors	James Rogers, Resident	Donald & Marla Schweitzer, Property & Business Owners
	Nicole Brown, Visitor	Pamela Seaman, Visitor
	Michael Rohrer, SDE Planner	

Mr. Wert called the meeting to order at 6:01 p.m.

Public Comment
Mr. Rogers noted his attendance to support Mr. Schweitzer's request to lift the zoning restrictions to allow him to sell his property.

Mr. Rogers spoke of his interaction with a tattoo parlor owner regarding the rope lighting that is currently in use at this establishment and the code and fire regulations that may require him to remove this lighting.

Approval of Minutes
Motion to approve the May 4, 2022 minutes. **Moved** by Mr. Keller and seconded by Mr. Lincoln. **Motion carried.**

New Business

a. **433 Penn Avenue Zoning:** Mr. Schweitzer requested a zoning variance similar to the recent allocation of a General Business District Overlay to the nearby Reading Avenue parcels to allow him to sell his property and business. The sole interest that has been shown by three separate parties has been to create a convenience store with gasoline pump use.

   Mr. Wert reported that discussions surrounding a more modern definition of convenience store began in January of 2021 and was recently adopted during the May 18, 2022 Zoning Hearing and Council Meeting. The Planning Commission chose not to allow convenience store uses in the Central Business District but to allow the use without gasoline pumps in the General Business and Light Industrial Districts and with gasoline pumps in these zoning districts via Special Exception. It was noted that service station and convenience store uses have been prohibited in the Central Business District in excess of twenty years.

   The request to individually zone a single parcel is not be a legal option per the Pennsylvania Municipalities Planning Code. A legal option would be to apply for a variance through the Zoning Hearing Board independent process. However, there is a cost associated with the hearing and no guarantee as to the outcome.

   Mr. Wert suggested that Mr. Schweitzer and/or his realtor work together with the Borough Manager to potentially find interested developers to purchase his property.

b. **401 Buttonwood Street Conditional Use Application:** Ms. Brown of Holcomb Associates indicated that she had not received the engineer's comments regarding their conditional use application to operate an outpatient and short-term mental health treatment facility with twelve administrative offices. Mr. Wert reviewed the following five comments:

1. The applicant described their proposed use as a “short term, 24/7 residential program”, however, the applicant feels that the proposed use falls under the definition of a “long term care facility”. The applicant should provide additional clarification regarding their proposed residential program and how it relates to “long term care”.

   Mr. Wert noted that based on the definitions provided within the Zoning Ordinance their description is a better fit to long term care. It was thought that this aspect could be handled fairly easily by the applicant’s attorney.

2. Although office use could be viewed as a principal use, it would require an additional conditional use under Section 455-71 of the Zoning Ordinance. Office use is a normal function of a business, profession, service, or industry. This office use would be an accessory to the proposed uses of a long-term care facility and outpatient mental health treatment. Accessory uses on the same lot are customarily incidental to the permitted uses that are a permitted use by right in the Institutional District.

   It was thought that a designation of the primary use as long term care facility and accessory use as offices would satisfy this requirement.

3. Since outpatient treatment is not listed as a permitted use within the Institutional District, a variance may be required by the Zoning Hearing Board to allow the proposed use.

   It was noted that an argument to the Zoning Hearing Board could be that the hospital provides outpatient care in an Institutional District and the proposed use at 401 Buttonwood Street would be less intense.

4. Based on the numbers provided by the applicant: treatment of six (6) adults, twenty (20) employees, and 11,218 square feet of floor area, the applicant would be required to supply thirty-six (36) off-street parking spaces. The applicant would need to request a variance to the Zoning Hearing Board to seek relief to the minimum number of off-street parking requirements.

   An argument would need to be presented as to why twenty (20) off-street parking spaces would be sufficient for the proposed facility.

5. The applicant should demonstrate compliance with the following:

   - The use conforms with the goals, objectives, and policies of the Berks County and Borough Comprehensive Plan;
   - The use conforms with all federal and state regulations and requirements;
   - The use will not generate traffic that will cause undue congestion or hazardous conditions;
   - The use will not adversely impact the general neighborhood relative to problems such as light pollution and noise;
   - The use will not result in a greater impact that would normally result from other similar uses;
   - The use will not greatly affect the character of the neighborhood, nor the health and safety of the residents.

   These items are relatively simple to justify based on the presentation provided last month.

Ms. Seaman of the Berks County Office of Mental Health and Developmental Disabilities inquired as to a timeline to satisfy these requirements and to obtain a decision from the Zoning Hearing Board noting a drop in federal grant funds per month should funding not be drawn upon as of June 30th.

It was recommended that a variance application be submitted as soon as possible to allow the sixty-day limit to schedule a Zoning Hearing to begin, and to provide documentation addressing item numbers 1, 2 and 5 within the engineer's review letter early next week to allow time for comment. The Conditional Use Hearing scheduled on June 9th in front of Borough Council could result in an approval contingent upon obtaining the necessary zoning approvals.

Motion to recommend Borough Council to become a part of the proceedings in support of the application should the applicant pursue a use variance. **Moved** by Mrs. Bressler and seconded by Ms. Rodriguez. **Motion carried.**

Mr. Becker arrived at 6:50 p.m.

Mr. Becker explained that a conditional use is similar to special exception which is subject to reasonable conditions that are heard by Borough Council as opposed to the Zoning Hearing Board. The Planning Commission has the ability to either recommend approval with or without conditions; deny approval; or pass the decision onto the Borough Council or Zoning Hearing Board. Since the Planning Commission is supporting the application as an appropriate use, a written recommendation, with conditions, could be provided to Borough Council and/or the Zoning Hearing Board.

Motion to recommend written support of the Conditional Use Application concept for 401 Buttonwood Street to the Zoning Hearing Board. **Moved** by Mrs. Bressler and seconded by Mr. Keller. **Motion carried.**

In an effort to assist the applicant in allowing outpatient services to commence prior to the end of the month, it was thought that temporary off-street parking arrangements of sixteen spaces could be secured with an establishment within 300 feet of the property for a period of sixty days. A temporary office/outpatient use permit could then be issued until zoning relief is obtained, or in the absence of zoning relief, discontinuation of the use.

Ms. Brown and Ms. Seaman departed the meeting at 7:15 p.m.

c. **Rope Lighting:** The intensity of illumination at night was the main concern to avoid a Las Vegas type atmosphere within the Central Business District. The difficulties to enforce and the rate of changing technology have delayed modifications to these regulations. Mr. Becker recommended a statement be added to Section 455-159 Prohibited Signs to deter the spelling of words with rope lighting and to address rope or string light use in Section 455-122 Lighting Control while providing definitions of these terms. It was recommended to remove the footcandle reference from this section as this is difficult to measure and enforce. Mr. Rohrer provided definitions of LED rope lights and LED strip lights for consideration. The use of café lights strung from façades would be an allowable use while refraining from attaching the lights to Borough trees or street light poles via tape or nails. Limitations to flashing or transitioning lights could be addressed similarly to electronic sign regulations found in Section 455-161 P. General sign regulations. It was determined that encased lighting would be prohibited while allowing individual string light bulbs, similar to the traditional Christmas lights. A diagram or schematic would assist in defining and enforcing these regulations.

Mr. & Mrs. Schweitzer departed the meeting at 7:45 p.m.

d. **Front Yard Setbacks:** Mr. Becker clarified the following aspects of yard setback regulations for the Central Business District.

- The minimum setback allowance would be zero to three feet from the inside edge of the public sidewalk, with an exception of up to twelve feet to include a courtyard area.
- The textured paving aspect should be defined while the use of asphalt and large spans of concrete being prohibited.
- For health and safety purposes, restaurant uses would require three identifiable boundaries to the courtyard area. Identifiable edges would include buildings, walls, fences, elements of landscaping and street furniture.
- Proposed Section 455-79 H. Reconstruction was agreed to be removed.

Mr. Becker will provide additional language for future consideration.

e. **Skate Park Proposal:** Mr. Becker identified concerns surrounding safety and liability items and recommended zoning relief be obtained from the City of Reading prior to granting an approval to install this feature. These items have been shared with Mr. Turner of the Holistic Skate Shop.

Adjournment
Motion to adjourn the meeting at 8:23 p.m. was made by Mr. Lincoln and seconded by Ms. Rodriguez. **Motion carried.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary