

**BOROUGH OF WEST READING
PLANNING COMMISSION
AUGUST 3, 2022**

The West Reading Planning Commission met for their regular meeting on Wednesday, August 3, 2022 at 6:00 p.m. at Borough Hall with the following persons present: Chair Philip Wert; Vice Chair Christopher Lincoln; Members Daniel Horman, Zanna Leiendecker, and James Keller; Borough Manager Dean Murray; and Borough Secretary Cynthia Madeira. Members Jennifer Bressler, Cody Rhoads, Kacie Rodriguez and Mariella Napoli were unable to attend.

Visitors Michael Rohrer, SDE Planner Oswald Herbert, Resident

Public Comment

Mr. Herbert provided a copy of Section 205 of the Municipalities Planning Code to all Planning Commission members and noted that on the Borough website under Committee Vacancies that the Planning Commission is not listed as having a vacancy and therefore, no effort is being made to fill the vacancy. Mr. Wert reported that there are nine members currently serving on the Planning Commission, the two newest members, James Keller and Zanna Leiendecker are seated at the table. Mr. Herbert reported that there are only eight members listed on the Planning Commission page of the Borough's website. It was noted that this error would be corrected on the Borough's website.

Approval of Minutes

Motion to approve the July 6, 2022 minutes. **Moved** by Mr. Horman and seconded by Mr. Keller. **Motion carried 5-0.**

New Business

a. **Front Yard Setbacks and Rope Lighting:** Comments from the Berks County Planning Commission on the proposed amendments to the Zoning Ordinance were reviewed. The following comments on the letter dated July 27, 2022 were considered:

1. Section 455-79. D (1) In the first sentence should "front year fixtures and furniture" be "front yard fixtures and furniture"? It was agreed to correct this typo.
2. The proposal is adding new subsections H and J to Section 455-79. Should subsection J be subsection I instead? It was agreed to correct this typo.
3. Since proposed subsections D and J both deal with maximum front yard requirements should subsection J become number (2) under subsection D? It was agreed to assemble the references to setbacks together as D (1) and D (2).
4. Borough should be sure that textured paving is ADA compliant and provides ease of movement/accessibility for those with impaired mobility. It was agreed to add a sentence to the definition of Textured Paving to include: "Textured Paving must comply with the current requirements of the Americans with Disabilities Act (ADA)".
5. Section 455-122. By removing the measurable lighting intensity factor (footcandle) and relying on "produce noxious glare", the regulation becomes subjective and may be difficult to enforce. It was agreed to replace "noxious glare" with "a nuisance".

Motion to recommend to Borough Council the zoning amendments discussed this evening with regards to the Berks County Planning Commission comment letter dated July 27, 2022 contingent upon a favorable review by the Borough Solicitor. **Moved** by Mr. Keller and seconded by Mr. Horman. **Motion carried 5-0.**

b. **Zoning Hearing Board Application – 433 Penn Avenue:** Mr. Wert noted receipt of an appeal to the Zoning Hearing Board for a use variance of the pre-existing, nonconforming service station with gasoline pumps to a convenience store with gasoline pumps. It was noted that the current use has been a pre-existing, nonconforming use for more than twenty-years based on a previous Planning Commission's decision to prohibit these types of uses in the Central Business District. Mr. Wert indicated that this board may pursue one of three avenues on this matter:

- Submit a letter of support of the variance request to the Zoning Hearing Board;
- Submit a letter not in support of the variance request to the Zoning Hearing Board;
- Remain silent.

Commission members discussed the odd shaped parcel, the three similar uses that are offered in close proximity at Lukoil, Sunoco and Wawa, the previous deliberate zoning map changes that did not include this parcel, or any other parcel in the Central Business District, and that this use would contradict long-term planning objectives.

A former Council Member brought an investors attention to this redevelopment opportunity and it was found that the asking price was too high. The Berks County Redevelopment Authority recommended that the Borough concentrate their efforts on redeveloping Delaney Circle, as depicted in the West Reading Community Revitalization Foundation funded and Borough adopted Derck & Edson Downtown Master Plan. The parcel known as 433 Penn Avenue has been identified as an integral part of redevelopment plans.

Mr. Herbert indicated that the elevated value of 433 Penn Avenue is based on the unbranded ownership of fully compliant gas tanks and pumps.

Out of respect for the long-standing good neighbor and business owner, members were torn as to recommending the variance for the sole interested buyer versus the objectives of the community as a whole.

Mr. Herbert departed the meeting at 6:54 p.m.

A proactive option for the Borough to acquire, remediate, and redevelop this property was discussed and determined to be an opportunity worthy of exploring. The abandonment of Tulpehocken Avenue, which would be divided evenly between the two neighboring parcels, would provide additional real estate to afford opportunities for the redevelopment of 433 Penn Avenue.

Motion for the Planning Commission to provide a letter to the Zoning Hearing Board recommending against the approval of a use variance for 433 Penn Avenue. **Moved** by Mr. Lincoln and seconded by Ms. Leiendecker. **In favor of the motion:** Mr. Lincoln, Mr. Horman, Ms. Leiendecker, Mr. Wert.

Against the motion: Mr. Keller. **Motion carried 4-1.**

Mr. Rohrer will draft a letter to the Zoning Hearing Board of this recommendation, which will then be reviewed by the solicitor, Mr. Wert and staff prior to presenting to the Zoning Hearing Board. Mr. Wert noted that the date for the hearing has not yet been established.

Motion to recommend Borough Council to explore the acquisition of 433 Penn Avenue based on the goals of the redevelopment plan. **Moved** by Mr. Horman and seconded by Mr. Keller. **Motion carried 5-0.**

- c. **Rental Occupancy Ordinance:** Comments to last month's questions have not yet been received from the solicitor's office. Mr. Horman indicated that he did not have any further comments on the proposed ordinance.

The rental inspection checklist was reviewed to ensure transparency is being offered to both the property owner and tenant prior to conducting rental inspections. Clarity was requested on the two forms of egress from habitable spaces from a third floor or higher level. Also, it was recommended to define an unfinished basement for the GFCI receptacle requirement. The board was requested to review the checklist further in order to offer clarity to future Code Enforcement Officers.

Adjournment

The meeting adjourned at 7:54 p.m.

Respectfully submitted,

Cynthia Madeira
Borough Secretary