

**BOROUGH OF WEST READING
PLANNING COMMISSION
FEBRUARY 1, 2023**

The West Reading Planning Commission met for their regular meeting on Wednesday, February 1, 2023, 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, Cody Rhoads, Maria Napoli, and James Keller; Zoning Officer Cathy Hoffman; Assistant Zoning Officer and Code Enforcement Officer Chad Moyer; Borough Manager Dean Murray; and Borough Secretary Cynthia Madeira. Members Jennifer Bressler and Kacie Rodriguez were unable to attend.

Visitors Michael Rohrer, SDE Planner James Rogers, Resident

Mr. Wert called the meeting to order at 6:03 p.m.

Public Comment

There were no public comments.

Approval of Minutes

Motion to approve the January 4, 2023 minutes. **Moved** by Mr. Rhoads and seconded by Mr. Horman. **Motion carried 7-0.**

New Business

- a. **Code Red/Code Blue for Animals:** A draft adaptation of the City of Reading regulations pertaining to Code Red/Code Blue for Animals was incorporated into the existing Chapter 152 Animals ordinance sections. Mr. Wert recommended providing this information to Attorney Macfarlane who was thought to be drafting these changes. Ms. Leiendecker recommended including regulations on how to retract issuances of Code Red/Code Blue should weather conditions allow. It was noted that a Code Blue has already been issued for the City of Reading for the upcoming weekend based on temperature predictions. Ms. Leiendecker also recommended including regulations as to the individual ultimately responsible for the animal, such as a caretaker or owner, to cite accordingly.
- b. **Rental Occupancy Ordinance:** A new redlined version was provided by Attorney Macfarlane that has been formatted and language trimmed to reduce unnecessary or unimportant provisions that are likely unlawful or could present issues for the Borough. Mr. Moyer requested feedback on the following revisions:
 - **Section 355-5 C. Duties and responsibilities of an owner or manager of a residential rental unit.** – The solicitor removed this subsection that required contact information of a local property manager when the owner resides more than thirty-five miles from Borough Hall, noting that it was discriminatory and likely unconstitutional as protectionist. An alternate mechanism was discussed to require a local property manager when responsiveness becomes an issue. Mr. Moyer noted the owner of a property that resides in Africa and the difficulties experienced communicating with this person for extended periods of time. The solicitor will be requested to provide a recommendation of an alternative mechanism.
 - **Section 355-7 A. (4) Reporting requirements.** – The solicitor removed a notation of disclosure of occupant information should this jeopardize personal safety, noting that it was unnecessary. Mr. Moyer spoke of the importance of including all occupant information requested within the tenant listing form that is frequently shared with the school district and police department. It was clarified that this subsection requires the name of each occupant and contact information for each occupant who is at least 18 years old. Mr. Moyer noted the importance of additional information requested within this form such as date of birth, date of move in or out, and family relations to each other. The solicitor will be requested to provide feedback on listing the individual aspects of

information requested on the form or the inclusion of the form as an appendix to accomplish these goals.

- **Section 355-10 C. Inspection.** – The frequent cancellation of inspections has been curtailed by the imposition of a cancellation fee. The solicitor noted the likely unlawfulness because an individual has the right to refuse an inspection, which necessitates the Borough’s need to obtain an administrative search warrant. Mr. Moyer recommended an alternate mechanism to prevent repeat short notice cancellations. The solicitor will be requested to provide additional feedback.
- **Section 355-11 D. Disruptive conduct.** – It was recommended to include the four listed requirements for the second notice of disruptive conduct listed under subsection “D” under subsection “B” for the first notice of disruptive conduct to the owner of the property.
- **Section 355-12 A. Enforcement; Notice; Appeal.** – It was recommended to remove the second “shall give” near the end of the second line.
- **Section 355-12 C. Enforcement; Notice; Appeal.** – In response to the solicitor’s question regarding the Housing Review Board reviewing every notice issued under this ordinance it was noted that two appeal processes are desired: 1) Borough Council to hear appeals of Disruptive Conduct and 2) the Housing Review Board to hear appeals of all other aspects of the Rental Property Ordinance.

The solicitor will be requested to provide updated language to review potentially next month.

- c. **Banner/Sign Program** – In the absence of the Recreation Director this item was tabled.
- d. **Wireless Communication Facilities** – Mr. Rohrer reported that the state passed legislation in 2021, specifically Act 50 that regulates cell towers or antennas in the rights-of-way. Mr. Rohrer recommended removing these regulations from the Zoning Ordinance since this is a right-of-way, not a property regulation. The proposed amendment within Chapter 396 Streets and Sidewalks is as restrictive as is allowed within the Act. The solicitor will be requested to provide feedback.

Other Business

- a. **Adoption of Uniform Construction Code** – It was recommended to consider an amendment to the edition of Uniform Construction Code (UCC) that is adopted by the Borough. This would be a revision from the currently adopted 2015 edition to the state’s adoption of the 2018 edition of the UCC. A redline of changes from the 2015 to 2018 edition was requested for review.
- b. **Mechanical Permitting** – A mechanical permit was recently obtained on Chestnut Street where the condenser unit was placed at the front of the home. It was recommended to consider the inclusion of language within the UCC amendment to prevent unit placements on the front of homes.
- c. **Zoning Amendments** – A list of zoning amendments such as overlays within the Central Business District were requested to be reviewed following the adoption of amendments to the ordinance sections that are currently under review.

Adjournment

A motion was made to adjourn the meeting at 7:15 p.m. by Mr. Lincoln and seconded by Mr. Keller. **Motion carried 7-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary