

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

The West Reading Planning Commission met for their regular meeting on Wednesday, March 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, Jennifer Bressler, Cody Rhoads, Kacie Rodriguez, 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 Zanna Leiendecker and Maria Napoli were unable to attend.

**Visitors**            Michael Rohrer, SDE Planner

Mr. Wert called the meeting to order at 6:02 p.m.

**Public Comment**

There were no public comments.

**Approval of Minutes**

Motion to approve the February 1, 2023 minutes. **Moved** by Mr. Lincoln and seconded by Mr. Keller.

**Motion carried 7-0.**

**New Business**

a. **Wireless Communication Facilities** – Mr. Rohrer reviewed with Planning Commission members the following three solicitor comments to the proposed ordinance amendment:

- Section 396-46 Consideration of Application and Issuance of Permit. The solicitor recommended being more specific in reference to Act 50. It was decided to remove the first paragraph in its entirety.
- Section 396-49 Damage to Existing Facilities and Indemnification. The solicitor recommended removing the “plus a penalty of \$500” for a wireless provider that fails to undertake repairs, noting that the Borough can obtain a fine under the penalties provision of the ordinance. The additional penalty will be removed from the proposed language.
- Section 396-53 Violations and penalties. The solicitor recommended enforcement of this ordinance through civil instead of criminal proceedings. It was decided to revise this language to the Borough’s standard civil penalties language.

The proposed amendment within Chapter 396 Streets and Sidewalks versus Chapter 455 Zoning was discussed with regards to the need to also amend the Zoning Ordinance. There are references to wireless communication facilities within the various zoning district sections that would need to be revised. It was noted that the proposed regulations within the Streets and Sidewalks section refer to facilities being placed within the right-of-way, placement upon private property may still require regulations to be retained within the Zoning Ordinance. The solicitor will be requested to provide feedback.

A list of additional amendments to the Zoning Ordinance was requested to combine these items in the Municipalities Planning Code Enactment of Zoning Ordinance Amendment requirements.

b. **Code Red/Code Blue for Animals:** The solicitor is finalizing an amendment to the Animals Ordinance. Therefore, this item was tabled until next month.

- c. **Uniform Construction Code Update** – Mr. Moyer noted that the state has adopted the 2018 edition of the Uniform Construction Code (UCC) and a request has been made of the engineer to review the list of changes from the 2015 to the 2018 edition and to provide a list of recommended exceptions or revisions. Spring Township and Wyomissing Borough recently updated their adopted version of the International Fire Code from the 2015 edition to the 2018 edition. The International Property Maintenance Code (IPMC) and International Fire Code (IFC) editions would be adopted separately from the UCC. Mr. Moyer was not recommending an update to the 2018 adopted edition of the IPMC.
- d. **Rental Occupancy Ordinance:** A new redlined version of this amendment was reviewed noting the following:
- **Section 355-5 C. Duties and responsibilities of an owner or manager of a residential rental unit.** – The solicitor replaced this subsection to require a local property manager when the owner resides outside of the United States of America to avoid violating the United States Constitution by mandating a manager for an individual residing in another state. Mr. Moyer was appreciative of this from an enforcement standpoint.
  - **Section 355-7 A. Reporting requirements.** – The solicitor revised this subsection to require a tenant listing report to be filed as set forth in an Appendix.
  - **Section 355-10 D. Inspection.** – The solicitor revised this subsection as requested to prevent repeat short notice cancellations or failure to attend an inspection that would incur an increased inspection fee. Mr. Moyer was satisfied with these changes that would allow the implementation of increased fees in these situations while not being oppressive. The imposition of fees points to the adopted fee schedule.
  - **Section 355-11 B. Disruptive conduct.** – This section deciphers the information to be provided to the owner of the property on an initial notice of disruptive conduct while redacting identifying information about the complainant.
  - **Section 355-11 D. Disruptive conduct.** – The clause to redact complainant information within a second instance of disruptive conduct was clarified that if the occupant files an appeal he or she has the right to confront the complainant in any hearing on the merits of whether disruptive conduct occurred pursuant to the 6<sup>th</sup> Amendment of the United States Constitution.

Motion to recommend Borough Council to authorize the advertisement of an amendment to the Rental Property Ordinance. **Moved** by Mr. Keller and seconded by Ms. Rodriguez. **Motion carried 7-0.**

#### **Other Business**

- a. **Zoning Amendments** – Mrs. Hoffman noted receipt of a sign permit application within the General Business District that seeks to install an LED type sign on the side of the building. She referred to the March 2021 Planning Commission minutes that notated an agreement to eliminate changeable lighted signage from the Central and General Business Districts, however these regulations have not been amended. It was noted that certain regulations would need to remain to regulate existing non-conforming signs. Also, Section 455-173 O. refers to the Planning Commission reviewing sign applications which are antiquated and should be removed.

A bulleted redlined list of zoning amendments was requested for review next month if possible. Mr. Wert also requested consideration be given to changes in the overlay district to the 300 block of Penn Avenue with regards to removing or shifting the overlay.

**Adjournment**

A motion was made to adjourn the meeting at 6:59 p.m. by Mr. Lincoln and seconded by Ms. Rodriguez.

**Motion carried 7-0.**

Respectfully submitted,

Cynthia Madeira  
Borough Secretary