

**BOROUGH OF WEST READING
PLANNING COMMISSION
MAY 3, 2023**

The West Reading Planning Commission met for their regular meeting on Wednesday, May 3, 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, and James Keller; Zoning Officer and Code Department Manager Chad Moyer; Borough Manager Dean Murray; and Borough Secretary Cynthia Madeira. Members Zanna Leiendecker, Kacie Rodriguez, and Maria Napoli were unable to attend.

Visitors Michael Rohrer, SDE Planner

Mr. Wert called the meeting to order at 6:04 p.m.

Public Comment

There were no public comments.

Approval of Minutes

Motion to approve the March 1, 2023 minutes. **Moved** by Mr. Lincoln and seconded by Mr. Rhoads. **Motion carried 6-0.**

New Business

- a. **449 Penn Avenue Zoning Variance Application Review** – The owner of Tony’s of West Reading restaurant has submitted an application to request relief from zoning regulations that pertain to awnings. Mr. Rohrer noted an existing awning that projects four feet from the building, and the applicants request for a variance to erect a twelve-foot awning, which would encroach more than eight feet into the right-of-way of North Fifth Avenue.

The Zoning Hearing Board would have to decide if a hardship would be caused by denying the request. The appellant states that his restaurant is the only eatery in West Reading that faces west and thus gets more exposure to the sun than the restaurants located on Penn Avenue.

It is unclear from the drawing that was submitted as to the placement and height of the aluminum support posts. The appellant has expressed his desire to create an aesthetic similar to “South Philly Eateries”. It was noted that indoor seating was available prior to the pandemic that has since been converted to a take-out only restaurant. Mr. Lincoln expressed safety concerns surrounding the placement of six posts within the right-of-way.

Foreseeable issues with the proposed awning included encroachment to the existing streetlight and street sign(s), plow vehicles depositing snow onto the sidewalk and the potential damage that could be caused to the aluminum posts.

Options available to the Planning Commission are:

- Provide a letter of support.
- Provide a letter of disapproval.
- Stay silent to allow the Zoning Hearing Board to do their job.

Commission members expressed concern of future requests should relief be granted. They also expressed the desire for the restaurant owner to succeed and grow his business in West Reading. It would seem that a self-imposed hardship has been created by terminating indoor seating. It was noted that the restaurant owner was welcome to attend a meeting to discuss alternative aesthetic options to avoid the expense of a hearing.

Motion to issue a letter recommending denial of the variance request to the Zoning Hearing Board based on safety concerns raised by constructing awning supports within the right-of-way in close proximity to the roadway. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

b. **Animals Code Red / Code Blue** – The following solicitor comments and questions were reviewed:

- The definition of Animal Control Officer was added and found to be acceptable.
- The added information to the definition of At-Large was found to be acceptable.
- The revised definition of Attack was found to be acceptable.
- The revised definition of Public Nuisance Animal was found to be acceptable.
- Section 152-3 D. General Standards; Code Blue and Code Red was recommended to be revised by removing the reference to domesticated animal to reference only dogs and cats with regards to impoundment notices to the owner.
- Section 152-3.1. Impoundment was revised to comply with current case law with a note alerting the Borough to the risk involved in entering onto private property. Subsection B. (3) gives the Animal Control Officer the ability under limited circumstances to seize a dog that is outdoors in violation of a Code Red / Code Blue declaration. The risk was thought to be acceptable to safeguard the animal.
- Section 152.3.2 Impoundment Notice to Owner; Redemption. The following list of questions were reviewed:
 - What happens when the Borough cannot identify an owner? It was thought that the contracted animal control service provider would have possession of the animal and follow their internal policy or state law to determine a disposition for the animal.
 - What happens when the owner refuses to pick up the animal? It again was thought the contracted animal control service provider would have possession of the animal and follow their internal policy or state law to determine a disposition for the animal.
 - What happens when an owner wants to pick up an animal after the 96-hour reclaim period? It again was thought the contracted animal control service provider would have possession of the animal and follow their internal policy or state law.
 - What happens if that owner's animal is destroyed, and he alleges that he did not get notice or the opportunity to be heard? It was noted that we would not be able to cover all extenuating circumstances and that the Animal Rescue League is a no-kill shelter.

The contracted animal control service agreement will be provided to the solicitor to assist in drafting some of these provisions or contingencies.

Section 152.3.2 C. pertaining to the time with which the owner must reclaim their animal prior to being placed for adoption or when necessary euthanized by the designated Animal Control Officer, it was recommended in lieu of stating that the animal becomes the property of the Borough, to add: "In the absence of a contracted animal control service provider, the animal shall become the property of the Borough...".

c. **Wireless Communication Facilities** – Mr. Wert referred to the recently received ordinance amendments from the Cohen Law Group:

- An amendment to Chapter 396 Streets and Sidewalks addresses the deployment of facilities in the rights-of-way.
- An amendment to Chapter 455 Zoning addresses the deployment of facilities outside of the rights-of-way.
- A design manual establishing comprehensive design requirements that would be adopted by resolution.
- A sample fee schedule outlining the permissible and recommended fees for each type of facility.

Mr. Rohrer was requested to give a quick review of the above noted items and to share his feedback next month.

- d. **Uniform Construction Code (UCC) Update** – Mr. Unger requested to meet with Mr. Moyer to review minor discrepancies regarding an update to the 2018 UCC and International Fire Code (IFC). Draft ordinance amendments should be available for review next month.
- e. **Short-Term Rental Regulations:** Mr. Wert shared a request from the Council President to look into adopting regulations pertaining to short-term rentals. Mr. Rohrer offered to share a recent draft that was created for Adamstown Borough. Mr. Moyer stated that a few short-term rentals are currently registered through the rental occupancy program. Mr. Moyer was asked to review and provide feedback on the draft ordinance language.
- f. **Zoning Amendments** – It was noted that Mrs. Hoffman retired at the end of last month and before she left, she created a list of suggested ordinance amendments:
 - Overlay district changes to the 300 and 700 blocks of Penn Avenue.
 - Removal of electronic signs from the Central and General Business Districts.
 - Section 455-173 O. Removal of the Planning Commission to review conforming signs.
 - Limits on the number of smoke shops in the Central Business District. It was noted that limits to the number of like businesses can be established based on distance.
 - Prohibition of artificial turf on private property and within planting strip areas.
 - Outlaw Bamboo.
 - Mechanical equipment setbacks to avoid equipment being placed at the front of the home.
 - Dumpster ordinance amendment. Mr. Moyer recommended considering regulations that would require the dumpster company to apply for permits. Mr. Wert requested research of other municipalities that require the company to apply.
 - Electric vehicle charging station legislation.

Mr. Moyer was requested to prioritize a list of amendments and to provide draft language of the same.

Adjournment

A motion was made to adjourn the meeting at 8:06 p.m. by Mr. Lincoln and seconded by Mr. Keller. **Motion carried 6-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary