

**BOROUGH OF WEST READING  
PLANNING COMMISSION  
JUNE 7, 2023**

The West Reading Planning Commission met for their regular meeting on Wednesday, June 7, 2023, 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, James Keller, and Zanna Leiendecker; Zoning Officer and Code Department Manager Chad Moyer; Borough Manager Dean Murray; and Borough Secretary Cynthia Madeira. Members Daniel Horman, Kacie Rodriguez, and Maria Napoli were unable to attend.

<b>Visitors</b>	Michael Rohrer, SDE Planner	James Rogers, Resident
	Mark & Joanne Camlin, Business Owners	Salvatore Folino, Visitor
	Antonio Lavigna, Business Owner	Greg Ciatto, Visitor
	Daniel Graybill, Visitor	

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

**Public Comment**

Mrs. Camlin introduced herself and her husband, who owns Willow Creek Brewing located on Penn Avenue. Mrs. Camlin requested consideration to modify the noise disturbance ordinance for the Penn Avenue area that limits noise disturbances after 10:00 p.m. that is audible fifty feet from the place of origin. She noted several complaints that were reported resulting in citations and fines. Outdoor, live music is something that Willow Creek Brewing regularly offers during the summer months. Mr. Wert noted several ordinance sections the Planning Commission is currently reviewing and the intent to add the Noise section to a future agenda.

Mr. Rogers provided an update on his research into the Business Privilege Tax collection. He stated that the tax has been in existence since December 17, 1979, and since 2019 the number of accounts has risen by 145 thanks in part to sharing his findings with Berkheimer Tax Innovations. Mr. Rogers noted 189 utility accounts that receive duplicate bills yet 89 of those accounts are not registered with the tax collector. He also reported the sale of businesses and rental properties since 2020 that resulted in 161 new rental properties and the perception that nothing is done with this information by staff. Mr. Wert commended Mr. Rogers for delving into this information. Over the years it has been difficult internally to find the mechanism, or man hours via staff or elected officials to chase this information. Mr. Rogers shared his endorsement of Berkheimer Tax Innovation who will send delinquent notices to accounts that do not comply, the previous tax collector did not employ this practice.

**Approval of Minutes**

Motion to approve the May 3, 2023 minutes. **Moved** by Mr. Lincoln and seconded by Mr. Keller. **Motion carried 6-0.**

**New Business**

a. **449 Penn Avenue Rear Updated Zoning Variance Application Review** – Mr. Folino introduced himself as a representative of the applicant Mr. Lavigna, owner of Tony’s of West Reading restaurant, Mr. Ciatto as the contractor, and Mr. Graybill as the surveyor. Based on feedback received from last month’s Planning Commission meeting Mr. Salvatore shared that this restaurant is the only restaurant in West Reading that faces west and the number of local and out of the area patrons that come to visit this south Philadelphia vibe restaurant. He indicated that the former small dining room had been converted to kitchen space during the pandemic rendering the business as take-out only. The proposed awning is to create an outdoor seating area that is protected from the elements. The original plan was 12’ wide with poles, similar to the aesthetics of Pat’s or Geno’s in Philadelphia. Feedback from the

Planning Commission last month indicated concerns of the awning and poles obstructing the existing street signs and/or lights. Revised plans presented to the Planning Commission are of a scaled back version with a flat roof suspended by cables from the facade, thereby removing the poles. The revised plans would extend the awning 1' 6" beyond the 4' allowance.

As a separate aspect of consideration, Mr. Moyer shared limitations that are established within the building code that limits the encroachment to 2/3 of the width of the sidewalk. The width of the sidewalk is 12.5', which would limit the encroachment to 8'4". This would be a separate hurdle and appeal process through the Code Hearing Board.

Mr. Lincoln thanked Mr. Lavigna for listening to the Planning Commission's concerns and adjusting his plans accordingly and wished him success in his endeavor. Mr. Wert expressed his view of Tony's of West Reading restaurant as an anchor in the community and neighbor, and a desire to assist, not impede his business. In listening to his out-of-town clients, Mr. Lavigna expressed a desire to create an outdoor seating area.

Motion to issue a letter recommending support of the variance request to the Zoning Hearing Board based on the minimal request that would not impede pedestrian access or have detrimental effect on the public or adjacent property owners. **Moved** by Ms. Leindecker and seconded by Mr. Keller.

**Motion carried 6-0.**

Mr. Moyer shared a request of the Zoning Hearing Board Chairman and Zoning Solicitor that if a letter of support or denial from the Planning Commission is forwarded to the Zoning Hearing Board that a member of the Commission be present at the hearing that is scheduled on June 28, 2023, at 6:00 p.m.

Mr. Salvatore, Mr. Lavigna, Mr. Ciatto, and Mr. Graybill departed the meeting at 6:31 p.m.

- b. **Wireless Communication Facilities** – Mr. Rohrer shared two comments from his review of the proposed Streets and Sidewalk and Zoning amendments with regards to wireless communication facilities (WCF).

- Section 455-148 N (1) – An amount of financial security would need to be established for removal and site cleanup of the WCF in the event the owner fails to remove the facility within six months of notification by the Borough. It was agreed that a comparable amount should be the estimated cost to install the WCF, subject to approval by the Borough.
- Section 455-151. B.(2) (i) – An application fee would need to be established via resolution. An example fee schedule was provided as maximums permitted under the FCC's September 2018 Declaratory Ruling and PA Act 50. It was agreed to implement the maximum amount allowed.

Motion to recommend Borough Council to authorize the advertisement of amendments to Chapter 396 Streets and Sidewalks to establish general and specific standards relating to wireless communication facilities within the rights-of-way and Chapter 455 Zoning to amend general and specific standards relating to wireless communication facilities upon private property. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

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

- The summary was revised to accurately reflect the full contents of the ordinance amendments. There were no questions or comments.
- Section 152-1.1 Animal Control Officer was added to allow Borough Council to appoint an officer to carry out and enforce any and all provisions of Chapter 152 Animals. There were no questions or comments.

- Section 152-3. D. General Standards; Code Blue and Code Red was modified to list any dog or cat owned by any resident must have a tag providing its name as well as its owner's name, address, and telephone number. There were no questions or comments.
  - Section 152-3. E.1. was discussed with regards to the temperature combination with wind or precipitation that would require the owner of an animal to temporarily bring and keep it in a dwelling to protect from the elements as predicted by the National Weather Service. It was agreed to designate a wind chill temperature of twenty degrees Fahrenheit or below, precipitation with temperatures below thirty-two degrees Fahrenheit, or a heat index of ninety-five degrees Fahrenheit or above.
  - Section 152-3.2. Impoundment Notice to Owner; Redemption. The words "attempt to" were removed from notifying the owner in person while requiring written notice to the last known address to disclose contact information, date, time, nature, place, and circumstances of the impoundment, where the animal is impounded, and how to reclaim the animal. There were no questions or comments.
  - Section 152-3.2. C. deals with an impounded animal that is not reclaimed by its owner within 96 hours, and the animal becoming the property of the Borough and the decision process regarding the welfare of the animal, such as mandating that the animal be placed for adoption, placed in an animal shelter, or euthanized according to the laws of the Commonwealth. Enforcement of code red or code blue, adoption and euthanization was thought best left to a state certified animal control officer, police officer or dog warden. However, the code enforcement officer was thought best suited to enforce the number of animals or noise of animals, tethering, and sanitation. The solicitor will be asked to modify the wording to designate a state certified animal control officer to enforce code red/code blue, impoundment, adoption, and euthanization while the remaining sections of this chapter may be enforced by a code enforcement officer.
- d. **International Fire Code Update** – Mr. Moyer noted the simple process to update the adopted edition of the International Fire Code from 2015 to 2018 under Section 228-27 Adoption of International Fire Code.
- Motion to recommend Borough Council to authorize the advertisement of an amendment to adopt the 2018 International Fire Code. **Moved** by Ms. Leiendecker and seconded by Mr. Keller. **Motion carried 6-0.**
- e. **Uniform Construction Code (UCC) Update** – Mr. Moyer indicated that the state has already adopted the 2018 editions of building codes that are elected to administer and enforce the provisions of the Pennsylvania Construction Code Act as amended from time to time. Revisions to the UCC were discussed with the engineer with the following recommendations:
- Exemption from a building permit was recommended to add sidewalks and driveways not located within a public right-of-way.
  - Exemption from a mechanical permit was recommended to add self-contained refrigeration systems.
  - Exemption from a mechanical permit was also recommended to add steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.

- An exemption from compliance of the UCC for alterations to buildings without structural changes was recommended to remove replacement of existing roofing materials. Mr. Moyer explained the importance of obtaining contractor information and proof of insurance for roof replacements that abut neighboring homes.

Motion to recommend Borough Council to authorize the advertisement of amendments to adopt the 2018 edition of the Uniform Construction Code with revisions as presented. **Moved** by Mrs. Bressler and seconded by Mr. Rhoads. **Motion carried 6-0.**

The remaining agenda items were tabled until next month.

Mr. Rogers suggested requesting the code enforcement officers to request proof of current Business Privilege License and Tax payments during scheduled rental housing inspections. Mr. Moyer thought permit renewal time would be the best mechanism for requiring this documentation. Mr. Moyer noted the current process of requesting the tax forms be submitted to the code department for tracking and submission to the tax collector for any new rental property owners. Mr. Wert indicated that we are close to defining or understanding the problem, which should in turn offer opportunities for realistic solutions.

#### **Adjournment**

A motion was made to adjourn the meeting at 7:47 p.m. by Mr. Lincoln and seconded by Ms. Leiendecker. **Motion carried 6-0.**

Respectfully submitted,

Cynthia Madeira  
Borough Secretary