



Mr. Moyer discussed adding a non-conformance section to the Zoning Ordinance that would trigger new requirements for conditional use hearings before the Borough Council. Chairman Wert discussed that the timeline for implementing any of these ideas could be several meetings away.

The members discussed all these concerns and ideas with the engineers. They directed the consultants to proceed with recommendations for zoning changes. These recommendations would be available for the members to work through in a “groupthink” method. The consultants will also provide examples of existing publications that are geared to meet the ideas that we are considering.

Ms. Leiendecker left the meeting at 7:01 p.m.

Mr. Johnson discussed the MS4 permitting and that the DEP has plans to update requirements in the future. At present, the DEP is likely to require the Borough and all participants in the MS4 consortium (Wyomissing Creek) to reapply. Mr. Johnson recommended that the Borough do nothing at present with stormwater, for fear that the DEP would promulgate new requirements that would not support the Borough's updates. Mr. Evans noted that there may be merit in looking at defining non-conforming zoning definitions, and how to apply these standards, and the methods for applicants to be guided into the conditional use process.

Chairman Wert noted that we can get together next month and keep this discussion moving forward.

Mr. Evans, Mr. Spade signed off of Zoom. Mr. Johnson departed the meeting at 7:10 p.m.

**b. Zoning Appeal for 634 Penn Avenue**

Mr. Moyer addressed this issue. The owner of the property at 634 Penn Avenue is seeking to have the codes department's decision (notice of violation of use) overturned on appeal. The properties, upper floors were converted to residential without permit approval and without having the required ‘off-street’ parking.

The Planning Commission Members discussed this with Mr. Moyer, who is requesting the Members' if they would like to enter an appearance on behalf of the Borough. Following this discussion,

A motion to recommend to the Borough Council to enter an appearance as a party to this appeal in opposition to the variance request. **Moved** by Mr. Lincoln and seconded by Mr. Rhoads. **Motion carried 4-0.**

**c. Quality of life violation regulations**

Chairman Wert, because of the time, asked the members to review this item for the next time the Planning Commission meets.

**d. Games of Skill Regulations**

Mr. Moyer discussed the possibility of implementing a ‘Games of Skill’ Ordinance. He has adapted an Ordinance from Hamburg for the Members to review for possible use in West Reading. He also noted that there would be a fee of \$1,000 per machine per year and that the establishment would be required to submit applications annually for permitting to ensure compliance with the Ordinance. Mr. Moyer noted that 501(c) organizations would be required to submit an application for a permit, but that they would be exempted from the fee.

Chairman Wert agreed that the Borough should do something to ensure there is borough-wide compliance and that the Borough is showing concern for regulating these machines. At present, there is no regulation even at the state level.

The members discussed the possibility of implementing this Ordinance and whether the Solicitor has had a chance to review it. Mr. Moyer noted that Mr. Becker has had a chance to peruse it, but that the draft language was not completely vetted. There was another possibility mentioned by Mr. Becker, that being the implementation of an Amusement Tax.

Members also had concerns about regulating these types of machines, and whether it would make it look like the Borough was in favor of them, or if there would be other proprietors that would catch on to this form of revenue and bring additional skill games into the Borough.

Following discussion on Games of Skill, the members briefly discussed the nuisance ordinance, and Chairman Wert requested they review the draft for the next meeting.

### **Adjournment**

A motion was made to adjourn the meeting at 8:19 p.m. by Mr. Lincoln and seconded by Mr. Rhoads.

**Motion carried 4-0.**

Respectfully submitted,

Randall Miller  
Borough Manager