Berkshire Mall records appeal

Selected records

AP 2026-4623 | Adrian Jadic v. Wyomissing Borough

Redacted source packet prepared October 23, 2026

These records document the request, the Borough's response and the OOR's receipt of the appeal. The reproduced notices establish a procedural schedule; they are not a decision on the merits of the records dispute or any development proposal.

Pages 2-5 | August 31, 2026 request

All four pages, including the complete records description and Exhibit A. The submitted form lists this filed request under its original DRAFT filename.

Pages 6-8 | October 8, 2026 Borough response

All three pages, preserving the stated copyright restriction, inspection offer, nonexistence statement, deliberative-process basis and appeal instructions.

Pages 9-10 | October 16, 2026 submitted appeal form

Both pages, including the short statement of records at issue and the filenames supplied with the appeal. These are the requester's grounds, not OOR findings.

Page 11 | October 21, 2026 OOR acknowledgment

First page of the seven-page notice. It identifies AP 2026-4623 and says OOR received the appeal on October 16. Remaining process guidance and forms are omitted.

Page 12 | October 21, 2026 notice of deadlines

The complete notice gives October 30 for submissions and November 20 for the Final Determination, subject to its printed qualifications.

Dates and scope: The OOR notices reproduced here are dated October 21. The retained docket was last verified October 22. This packet does not establish whether later filings or revised deadlines exist.

Redactions: Black boxes remove personal contact details and signature areas. Official names, titles and agency contact details remain. Source pages retain their original wording, layout, existing draft marks and repeated text. They are image-only; the original text layers, forms, links and metadata were not carried into this derivative.

Source provenance: Pennsylvania Office of Open Records file IDs 310223 (request), 310225 (response), 310226 (submitted form), 311155 (acknowledgment) and 311153 (deadlines). Unchanged originals are retained in the request archive.

pennsylvania
OFFICE OF OPEN RECORDS

Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: BOROUGH OF WYOMISSING (Attn: AORO)

Date of Request: **AUGUST 31, 2026** Submitted via: ☑ Email ☐ U.S. Mail ☐ Fax ☐ In Person

PERSON MAKING REQUEST:

Name: **ADRIAN JADIC** Company (if applicable): _____

Mailing Address: [redacted]

City: [redacted] State: [redacted] Zip: [redacted] Email: [redacted]

Telephone: [redacted] Fax: _____

How do you prefer to be contacted if the agency has questions? ☐ Telephone ☑ Email ☐ U.S. Mail

RECORDS REQUESTED:

Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.

SEE ATTACHED DESCRIPTION

DO YOU WANT COPIES?

☐ Yes, printed copies (default if none are checked)

☑ Yes, electronic copies preferred if available

☐ No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? ☐ Yes ☑ No

RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for details.

Please notify me if fees associated with this request will be more than ☐ $100 (or) ☐ $_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No If Yes, Final Due Date: _____ Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: $_____

Appropriate third parties notified and given an opportunity to object to release of requested records.

NOTE: In most cases, a completed RTKL request form is a public record.
More information about the RTKL is available at https://www.openrecords.pa.gov. Form updated Feb. 3, 2020

ATTACHMENT TO STANDARD RIGHT-TO-KNOW LAW REQUEST FORM

Borough of Wyomissing | Request dated August 31, 2026

Requester	Adrian Jadic
Property	Berkshire Mall, 1665 State Hill Road, Wyomissing
Subject	Abrams Realty concept plan submitted for zoning review

Reference record

The Borough Engineer's Monthly Engineer's Report dated August 4, 2026, states under "LAND DEVELOPMENT / SMALL PROJECT STORMWATER REVIEWS - 1. Berkshire Mall":

> **"Concept plan submitted by Abrams Realty for zoning review. Plan is currently under review."**

A copy of the referenced report page is included as Exhibit A. Pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. Section 67.101 et seq., I request electronic copies of the records below.

Records requested

1. Submitted concept plan

The complete concept plan referenced in the August 4, 2026 Engineer's Report, including every page, drawing, sheet, exhibit, attachment, supplement, and version or revision submitted by Abrams Realty or anyone acting on its behalf.

2. Submission and receipt records

All records accompanying or documenting the submission or receipt of the plan, including:

- Transmittal letters and emails, with attachments;
- Application, intake, referral, or review forms, if any;
- Date-stamped copies, submission logs, routing records, receipts, and fee records;
- Records identifying the date received and the person or entity that submitted the plan; and
- Records showing whether it was submitted directly to the Borough, McCarthy Engineering, the Commercial Zoning Officer, or another Borough consultant.

3. Zoning-review records

All written records created or received in reviewing the plan, including zoning-review notes, checklists, comments, markups, redlines, review letters, memoranda, determinations, issue lists, requests for clarification or revisions, responses, and revised plans.

4. Zoning issues and proposed C-1 overlay

All records identifying provisions of the existing Zoning Ordinance implicated by the plan; comparing the plan with the proposed C-1 zoning overlay; or identifying any zoning amendment, overlay provision, variance, special exception, conditional use, subdivision provision, parking modification, or other zoning relief considered necessary or desirable for the redevelopment.

5. Correspondence

Correspondence from January 1 through August 31, 2026, among the Borough, McCarthy Engineering, the Borough Engineer, the Commercial Zoning Officer, Abrams Realty, Abrams Realty & Development, Peter Abrams, Marc Kaplin, Kaplin Stewart, or other representatives identified in the submission, limited to the following subjects:

- The concept plan or its zoning review;
- Zoning issues or relief identified during that review; or
- The relationship between the concept plan and the proposed C-1 zoning overlay.

6. Review billing records

Invoices, time entries, billing descriptions, or other financial records reflecting McCarthy Engineering's or another Borough consultant's receipt or review of the concept plan.

Scope and terminology

Except for the specifically referenced concept plan, the time period for this request is January 1 through August 31, 2026. The request is not limited by the terminology used to describe the submission. It includes the referenced record whether characterized as a concept plan, sketch plan, preliminary drawing, informal submission, zoning submission, zoning application, or similar record.

This request includes responsive records maintained by McCarthy Engineering or another contractor in connection with the performance of Borough engineering or zoning functions, consistent with 65 P.S. Section 67.506(d).

Production format

Please provide records electronically in their existing native format when available, including original PDF, CAD, image, spreadsheet, or other drawing formats. For email records, please include attachments and sufficient header information to identify the sender, recipients, date, and subject. I am not requesting the creation of a new record.

If any portion of a responsive record is withheld, please identify the legal basis and provide all reasonably segregable nonexempt portions.

Respectfully submitted,



7. **PennDOT MTF Grant**
   - PennDOT has approved change of scope for balance of funds to include the Wynnewood pipe relining and Wayne Avenue projects.
   - Revised signed agreement has been received.
   - Working with PennDOT MTF liaison through PennDOT required clearances prior to bidding.
   - Expect clearances and bidding mid-2027.

8. **Wyomissing Fire House Repairs**
   - Project awarded to Premier Building Restoration in the amount of $214,468.67.
   - Public Works is overseeing construction.
   - Infrastructure recommended approval of pay application #1 in the amount of $21,415.19

9. **C2P2 Grant**
   - Grant application submitted for park/stream restoration project.

10. **Act 13 Flood Mitigation Grant**
    - Grant application submitted for stormwater improvements near High Road.

11. **Berkshire Boulevard Pump Station Force Main Relocation**
    - Force main proposed location survey complete for sanitary relocation as flagged by Public Works.
    - Easement exhibit and legal description were sent to Borough solicitor.

12. **Lawndale Traffic Study**
    - McCarthy has developed a traffic improvement plan based on the LTAP report prepared by PennDOT field observations to increase pedestrian and driver safety in the Lawndale area.

LAND DEVELOPMENT / SMALL PROJECT STORMWATER REVIEWS

1. **Berkshire Mall**
   - Final walk through was held with contractor and engineer on January 23rd. Pipe replacement is substantially complete.
   - Our office forwarded a punch list to Namdar and Bogia Engineering on March 17, 2026, after reviewing the televising of the pipe system. The open work has not been completed to date. Bogia Engineering responded on March 26, 2026, stating that Namdar is either refusing to repair the identified deficiencies or is going to do them at a later date.
   - Namdar has requested release of all financial security, our office denied the request.
   - Our office prepared a response to the March 26 letter informing them of what must be completed.
   - Our office instructed Bogia Engineering to prepare an estimate for the identified items remaining in our March 17, 2026, letter and submit that along with a request for a partial financial security reduction.
   - Namdar then submitted for a partial release of financial security which was processed and sent by Michelle Mayfield.
   - Concept plan submitted by Abrams Realty for zoning review. Plan is currently under review.

2. **Studios at 1040 N. Park Road**
   - The conditions set forth in the written decision from the conditional use hearing include the following:

DRAFT

BOROUGH OF WYOMISSING

Borough Hall – 22 Reading Boulevard
Wyomissing, PA 19610-2083
Telephone (610) 376-7481 Fax (610) 376-8470

Right-To-Know Response

October 8, 2026

VIA EMAIL: [redacted]

Dear Adrian Jadic,

Thank you for writing to the Borough of Wyomissing with your request for records pursuant to Pennsylvania's Right-To-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. On August 31, 2026 the Borough received your request on the standard RTKL Request Form of the Pennsylvania Office of Open Records for records you described as follows:

Abrams realty concept plan submitted for Zoning review.

On September 4, 2026, the Borough implemented a 30-day time extension to respond on or before October 8, 2026.

This request encompasses all items as outlined in your RTK request associated with the aforementioned documents is granted except as set forth herein. Copies of the responsive documents are enclosed.

The request has been denied pursuant to Section 102 of the RTKL, providing that a public record under the Law is:

"A record, including a financial record, of a Commonwealth or local agency that (1) is not exempt under section 708; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial or decree; or (3) is not protected by a privilege." 67 P.S. 67. 102.

Section 305(a)(3) of the Right to Know Law entitled "Presumption" specifically provides in relevant part that "(a) General rule. A record in the possession of a Commonwealth agency or local agency shall be presumed to be a public record. The presumption shall not apply if:
(3) the record is exempt from disclosure under any other Federal of State Law or regulation or judicial order or decree."

BOROUGH OF WYOMISSING

Borough Hall – 22 Reading Boulevard
Wyomissing, PA 19610-2083
Telephone (610) 376-7481 Fax (610) 376-8470

Thus, documents protected by federal law are exempt from production under the Right to Know Law. Federal Copyright Law is such a federal law. Federal Copyright Law prohibits reproduction of any copyrighted work without the consent or permission of the copyright holder. 17 U.S.C. §106 and 17 U.S.C. §501. Accordingly, documents protected pursuant to Federal Copyright Law are exempt from production under the Right to Know Law.

The Office of Open Records of Pennsylvania had specifically determined that plans and drawings are copyright protected and exempt from production under the Right to Know Law. *Belden v. London Britain Township,* OOR Docket AP-2010-0447, June 16, 2010. The office of Open Records has also found that it is precluded from ordering the production of records asserted to be subject to Federal Copyright Act, including those involving land developments. *Tomer v. Maxatawny Township,* OOR Docket AP-2013-0619.

Any plans submitted for the Zoning review, are protected from production as copyrighted documents pursuant to Federal Copyright Law per sections 102 and 305(a)(3) of the Right to Know Law as stated above.

The copyright protection afforded these documents prohibits them from being reproduced. However, the law does not prohibit them from being reviewed. If you desire to view these documents, you may contact the Borough to schedule a time during regular business hours to review the above identified documents, but not copy or in any way reproduce images of the documents.

Your request is partially denied for the following reason as permitted by the RTK Law.

Based on a thorough examination of records in the possession, custody and control of the Borough of Wyomissing, the records you requested for Zoning review records and Zoning issues and proposed C-1 overlay records do not exist in the possession, custody and control of the Borough. Furthermore, as the Zoning review remains incomplete, the request for such records is further denied by Section, 708(b)(10)(i)(A) as internal, predecisional deliberations.

You have a right to appeal the remainder of the denial in writing to: Office of Open Records, 555 Walnut Street, Suite 605, Harrisburg, PA 17101. Appeals can also be filed online at the Office of Open Records website, https://www.openrecords.pa.gov.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. *See* 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. More information about how to file an appeal under the RTKL is available at the Office of Open Records website, https://www.openrecords.pa.gov.

BOROUGH OF WYOMISSING

Borough Hall – 22 Reading Boulevard
Wyomissing, PA 19610-2083
Telephone (610) 376-7481 Fax (610) 376-8470

The above response is being made under the penalty of perjury, pursuant to 18 Pa. C.S. sec. 4904, and I state that the above statements are true and correct based on my personal knowledge, information and belief. If you have additional questions, please contact me. This correspondence will serve to close this record with our office as permitted by law.

Respectfully,

[redacted]

Melissa Miller
Borough Secretary and Open Records Officer
Borough of Wyomissing
22 Reading Boulevard
Wyomissing, PA 19610
Office: 610-376-7481
Fax: 610-376-8470

The above response is being made under the penalty of perjury, pursuant to 18 Pa. C.S. sec. 4904, and I state that the above statements are true and correct based on my personal knowledge, information and belief. If you have additional questions, please contact me. This correspondence will serve to close this record with our office as permitted by law.

Respectfully,

[redacted]

Melissa Miller
Borough Secretary and Open Records Officer
Borough of Wyomissing
22 Reading Boulevard
Wyomissing, PA 19610
Office: 610-376-7481
Fax: 610-376-8470

10/16/2026 11:24:18

Name:	Adrian Jadic
Company:	
Address 1:	[redacted]
Address 2:	
City:	
State:	
Zip:	
Phone:	
Email:	
Email2:	
Agency (list):	Wyomissing Borough
Agency Address 1:	22 Reading Boulevard
Agency Address 2:	
Agency City:	Wyomissing
Agency State:	Pennsylvania
Agency Zip:	19610
Agency Phone:	610-376-7481
Agency Email:	mmiller@wyomissingboro.org
Records at Issue in this Appeal:	Appeal of October 8 partial denial of my August 31 Abrams zoning-plan request: (1) blanket copyright restriction on plan copies; (2) excluded Borough-McCarthy communications, related review/overlay records and omitted email attachments. I challenge the search, nonexistence claim and Section 708(b)(10)(i)(A) withholding. See attached appeal and Exhibits A-F for complete grounds and requested relief within the original scope.
Request Submitted to Agency Via:	e-mail
Request Date:	08/31/2026
Response Date:	10/08/2026
Deemed Denied:	No
Agency Open Records Officer:	Melissa Miller, Borough Secretary and Open Records Officer
Attached a copy of my request for records:	Yes

Attached a copy of all responses from the Agency regarding my request:	Yes
Attached any letters or notices extending the Agency's time to respond to my request:	Yes
Agree to permit the OOR additional time to issue a final determination:	No
Interested in resolving this issue through OOR mediation:	No
Attachments:	• 20261016-AdrianJadic_OOR-Appeal-and-Exhibits_DRAFT.pdf • 20260831-RTK_Abrams-ConceptPlan-ZoningReview_DRAFT.pdf • ADMIN Email Reply to RTK request.pdf • Email EXTENSION Reply to RTK Request (1).pdf

I requested the listed records from the Agency named above. By submitting this form, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.

Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
555 Walnut Street, Suite 605
Harrisburg, PA 17101-1925
717-346-9903 | openrecords.pa.gov

October 21, 2026

Via E-File Portal Only:

Adrian Jadic
[redacted]

Via E-File Portal Only:

Melissa Miller
Agency Open Records Officer
Wyomissing Borough
22 Reading Boulevard
Wyomissing, PA 19610
mmiller@wyomissingboro.org

RE: OFFICIAL NOTICE OF APPEAL - Jadic v. Wyomissing Borough OOR Dkt. AP 2026-4623

Dear Parties:

Review this information and all enclosures carefully as they affect your legal rights.

The Office of Open Records ("OOR") received this appeal under the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101, et seq. on October 16, 2026. A binding Final Determination ("FD") will be issued pursuant to the timeline required by the RTKL, **please see the attached information for more information about deadlines.**

Notes for both parties (more information in the enclosed documents):

- The docket number above must be included on all submissions related to this appeal.
- Any information provided to the OOR must be provided to all parties involved in this appeal. Information that is not shared with all parties will not be considered.
- All submissions to the OOR, other than *in camera* records, will be public records. Do not include any sensitive information- such as Social Security numbers.

If you have questions about this appeal, please contact the assigned Appeals Officer (contact information enclosed), providing a copy of any correspondence to all parties involved in this appeal.

Sincerely,

[redacted]

Elizabeth Wagenseller
Executive Director

Enc.: Description of RTKL appeal process
Assigned Appeals Officer contact information
Entire appeal as filed with OOR

NOTICE OF DEADLINES

The appeal has been docketed by the OOR and it has been assigned to an Appeals Officer. The docket number and the Appeals Officer's contact information are included in the attachments you received along with this notice.

The Final Determination is currently due on **November 20, 2026**.

Due to the current number of appeals pending before the OOR, the Appeals Officer may be unable to finish reviewing your appeal within the timeframes set forth under the Right-to-Know Law. If the Appeals Officer does not issue a Final Determination prior to the date contained above, or a subsequently upon agreed date, the appeal will be automatically deemed denied, and parties may choose to appeal to the applicable reviewing court. *See* 65 P.S. §§ 67.1101(b)(2), 1301(a), 1302(a).

The timeline for this RTKL appeal may be extended by the OOR during the appeal. This extension will allow the OOR the flexibility it requires to protect due process and to ensure that the agency and requester, along with any third parties, have a full and fair opportunity to meaningfully participate in the appeal.

Evidence, legal argument and general information to support your position must be submitted within seven (7) business days from the date of this letter, unless the Appeals Officer informs you otherwise. *Note: If the proceedings have been stayed for the parties to submit a completed mediation agreement, the record will remain open for seven (7) business days beyond the mediation agreement submission deadline*.

Submissions in this case are currently due on **October 30, 2026**.

If you are unable to meaningfully participate in this appeal under the above deadlines, please notify the Appeals Officer as soon as possible.

If you have any questions about this notice or the underlying appeal, please contact the Appeals Officer. The OOR is committed to working with agencies and requesters to ensure that the RTKL appeal process proceeds as fairly and as smoothly as possible.