

**Amity Township Board of Supervisors**  
**Workshop Meeting Minutes**

March 2, 2022

**Call to Order/Pledge to the Flag**

The March 2, 2022 workshop meeting of the Board of Supervisors held at the Township building, 2004 Weavertown Road, Douglassville, Berks County, Pennsylvania, was called to order at 7:00PM by Chairperson Kim McGrath, followed by the pledge to the flag. The following were in attendance:

**SUPERVISORS**

Kim McGrath, Chairperson  
David Hackett, Vice Chair  
Paul Weller  
Kevin Keifrider

**STAFF**

Troy Bingaman, Township Manager  
Brian Boland, Kozloff/Stoudt Attorneys  
Pamela Kisch, Township Secretary

**ANNOUNCEMENTS**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

Mrs. McGrath stated the workshop meeting was being held for discussion about zoning and to address resident concerns regarding warehouse use in the PBOI zoning district, as well as discussion on the current availability of EDU's.

**OLD BUSINESS**

***Zoning Discussion*** – Mrs. McGrath stated the Township was contacted by a developer seeking to develop parcels (specifically the Koch property) in the PBOI zoning district for warehousing. Mrs. McGrath stated the Koch property was currently being marketed but was not yet on the market for sale. Mrs. McGrath explained current zoning does not permit warehousing as a Use by Right in the PBOI zoning district. Warehouse and distribution facilities are permitted so long as they are operated in conjunction with another Use Permitted by Right, as defined in Section 32 of the Zoning Ordinance. Mrs. McGrath stated the Board has done its due diligence in researching the effects of allowing warehouses as a primary use in the PBOI. Due to excessive traffic that warehousing would cause, the Board has decided not to move forward with amending the Ordinance to allow it as a primary use. Mrs. McGrath stated warehouse is currently a Use Permitted by Right in the L/IO zoning district. Mrs. McGrath stated there were some parcels that could be of interest to developers wishing to conduct warehousing without the need to amend the Zoning Ordinance and would not require any special permission from the Township.

Mrs. McGrath stated warehouse and distribution is currently permitted without any special permissions or variances, provided it is used in conjunction with Use Permitted by Right, such as light manufacturing, hotel and/or conference center, heavy construction, light construction, landscaping contractor's establishment, medical marijuana grower/processor, among others; many of which may or may not be more welcome by residents than warehouse use alone. Mrs. McGrath stated the Board would like to re-visit some of the uses currently permitted today altogether to determine if they make sense the way that section is written. The Planning Commission will begin addressing this at their March 10<sup>th</sup> meeting with the intent of making a recommendation to the BOS.

The Board answered questions regarding prohibiting of brake retarders, the height of buildings, setbacks, right-of-way for road improvements and the required ratio of square footage for warehouse use when used in conjunction with a primary use. Mrs. McGrath asked how the use of brake retarders could be restricted. Mr. Boland stated a traffic study could be done to determine if a specifically identified area meets the required criteria. Mrs. McGrath stated anyone wishing to have an area evaluated should provide their addresses to staff for consideration. Mr. Boland addressed building height, stating the maximum height of 75-foot was based upon the uses permitted in the Zoning Ordinance; for instance, a hotel is currently a Permitted Use by Right in the PBOI and developers may require that height for viability. Mrs. McGrath stated the developer who inquired about warehousing was proposing 50-foot buildings. Mrs. McGrath stated many of the concerns being raised by residents, as well as Supervisors, has resulted in the decision to have the Planning Commission re-visit the PBOI uses and clean up language. Mr. Weller stated many of the concerns that have been raised would be addressed during the planning stage, such as traffic studies, road improvements and open space, etc. Mrs. McGrath stated developers are looking to develop spaces differently than they did over the past 10-11 years. Many people shop on the internet, which requires large warehouses and transfer of goods. Mrs. McGrath stated having the Planning Commission re-visit the uses and clean up language for clarity allows the Township the opportunity to bring the Ordinance up to today's standards and ensure the Uses Permitted by Right are ones that are make sense for the zones, are environmentally friendly and community minded.

Mr. Keifrider explained as farmers sell their properties, developers purchase those properties and the Board is ultimately faced with determining what is best for the Township. Mrs. McGrath explained that Berks County has an Ag Preservation program for farms. Amity Township soils contain a lot of shale and aren't as rich as some others, such as Oley Township. Mrs. McGrath stated Oley Township has more preserved farm land, however taxes are approximately 1 mil more than Amity Township. In addition to higher taxes, Oley Township does not provide a municipal police force.

There were questions about right-of-way and how much land could potentially be lost to road improvements. Mr. Boland stated PennDOT has established right-of-way along all state roads and would make the final determination of what is needed for approved improvements.

A question was asked if small residential parcels could be removed from the PBOI zone and possibly widen the RC to provide better buffers from warehouses and the excessive traffic. Mrs. McGrath stated it was possible, by amending the Zoning Ordinance and map; however not all residents may be in favor. Mr. Boland stated Highland Place is a proposed residential land development plan (off Amity Park Road in the PBOI) currently in the planning phase. Highland Place does not have final plan approval, but currently is defined as a Use Permitted by Right in the PBOI. Mr. Boland stated that plan, if approved will create more traffic in the PBOI.

Mrs. McGrath thanked the public for bringing their concerns and questions to the meeting and announced the Board of Supervisors looks forward to the Planning Commission recommendations.

***Sewer EDU Discussion*** – Supervisors had concerns about selling EDU’s and not having necessary capacity for connection. Mr. Bingaman presented a copy of the EDU’s sold but not yet connected. A discussion took place about various EDU purchases over the years which have not been used or connected for various reasons. There was concern about the inability to connect all of those currently in the planning stages. Mr. Bingaman stated, based on the preliminary 2021 Chapter 94 report, the projected 2023 overload of the treatment plant could be pushed back to 2025, in the absence of any severe flow years and the planned developments fall into place as each developer expects. Mrs. McGrath stated the Township has also agreed to work on I&I repairs where possible. Mr. Bingaman agreed, stating illegally connected sump pumps would be disconnected and leaks in manholes and old terracotta pipe would be repaired. Mr. Keifrider stated Douglass, Earl and Union Townships also have excess capacity not being used. Mr. Keifrider stated he is aware of a development seeking zoning relief in Douglass Township and if granted, could add to the problem. Mr. Boland stated connections will be first come, first serve as the EDUs and capacity were purchased many years ago and things can change over time. Mr. Bingaman stated he would get a status of the capacity Union Township purchased but has not connected. Mr. Bingaman noted Douglass, Earl and Union Townships will pay a portion of the costs associated with the proposed wastewater treatment plant upgrades to increase capacity. Mrs. McGrath stated the other Townships are billed based on their actual flows. Mr. Keifrider stated he is concerned we are selling capacity the Township does not have and recommended staff make Douglass, Union and Earl Townships aware of the current capacity situation. Mrs. McGrath asked if the Township should start with repairing manholes and commit ARPA funds to the I&I problem. Mr. Bingaman stated the latest ruling for using ARPA funds would allow Townships receiving less than \$10M the option to commit to general operation purposes and use funds to pay for Police and simplify reporting. This would allow reallocation of other General Fund dollars for sewer improvements. Mr. Bingaman recommended transferring up to \$650k to the Sewer EDU Capital Fund and another \$650k later in the year. Mrs. McGrath asked when the second half of the ARPA distribution is expected, to which Mr. Bingaman stated between April and June this year.

**SOLICITOR**

Mr. Boland recommended the Manager notify developers about the present capacity situation. Mr. Bingaman stated developers were advised of the situation when Entech contacted them to get details about their planned build out schedule.

**MANAGER**

Mr. Bingaman requested a brief *Executive Session* to discuss potential litigation and real estate.

**SUPERVISORS**

The Board had no additional concerns.

**PUBLIC COMMENT**

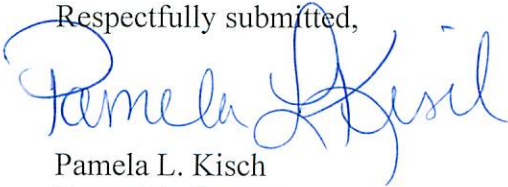
None

**EXECUTIVE SESSION AND ADJOURNMENT**

At 8:57PM, with no further business, Mr. Weller moved, seconded by Mr. Keifrider to adjourn to *Executive Session* to discuss potential litigation and real estate, with no need to return.

Meeting adjourned at 8:57PM.

Respectfully submitted,

A handwritten signature in blue ink that reads "Pamela L. Kisch". The signature is written in a cursive style with a large initial "P".

Pamela L. Kisch  
Township Secretary