

Amity Township Board of Supervisors

Conditional Use Hearing - JC Investment Group, LLC

May 17, 2023

Call to Order

The May 17, 2023, Conditional Use Hearing for JC Investment Group, LLC, 335 Monocacy Hill Road, held at the Township Municipal Building, 2004 Weavertown Road, Douglassville, Berks County, Pennsylvania, was called to order at 5:30PM, by Chairperson Kim McGrath. The following were in attendance:

SUPERVISORS

Kim McGrath, Chairperson
Dave Hackett, Vice Chair
Paul Weller
Terry Jones
Kevin Keifrider

STAFF

Troy Bingaman, Manager
Brian F. Boland, Kozloff/Stoudt Attorneys
John Weber, LTL Consultants
Steve Loomis, Director of Codes and Life Safety
Pamela Kisch, Township Secretary

A stenographer was present for the Conditional Use Hearing. The stenographer's transcript shall be the official record of this hearing.

Mrs. McGrath turned the hearing over to Mr. Boland at 5:30PM.

Mr. Boland stated the Conditional Use Hearing was properly advertised and being held to consider conditional use approval for the storage of Daniel Boone School District transportation vehicles on the property located at 335 Monocacy Hill Road, in accordance with Article 32, Section 408(c)(3) of the Amity Township Zoning Ordinance.

Mr. Boland introduced Township Exhibits 1 through 8 into the record. Mr. Boland stated proper notice was sent to adjoining property owners and asked that parties of interest identify themselves. Dennis and Rebecca Bauman, 5 Valley Road; George and Barbara Thompson, 43 Valley Road were entered into the record as parties of interest.

Mr. Boland turned the hearing over to the applicant's counsel, Allen Shollenberger of Barley Snyder.

Mr. Shollenberger called Jeff Povilaitis to testify. Mr. Povilaitis was sworn in and testified that he and his wife own the LLC. Mr. Shollenberger asked if Mr. Povilaitis had his wife's permission to testify on her behalf, which he affirmed. Mr. Shollenberger entered Applicant's Exhibit A1 into the record, a two-page document. Mr. Povilaitis stated page 1 showed existing conditions of the property and parking specifications; and page 2 showed a sketch plan of the proposed use. Mr. Povilaitis states he operates his landscaping business on 2-acres of the property and employs

Between 53 to 55 employees at this time of year. Current parking spaces consist of some stone, some macadam. Mr. Shollenberger stated the use is permitted as a Conditional Use in the PBOI zoning district. Mr. Povilaitis testified he believed the use would be consistent with the Zoning Ordinance and would not affect the safety of the neighborhood. The fueling facility would still be utilized. Mr. Povilaitis testified there would be no proposed changes to the road, no construction, and no changes to the natural features of the property. Mr. Povilaitis stated he was prepared to comply with any requirement of a landscaping plan, if required. There would be no loading area on the property. Mr. Shollenberger stated fleet management is identified in and complies with the Township's Joint Comprehensive Plan and Ordinance. Mr. Povilaitis stated the property is out of plain view, has ample facilities and security. The property has good access that would not adversely affect neighbors or adjacent properties and if necessary, he would be agreeable and accept any conditions set if the use was approved. Mr. Povilaitis stated the Planning Commission made a favorable recommendation with some conditions or benchmarks.

Mr. Povilaitis stated the two uses (his landscape business and the vehicle storage) would coexist for some time, through the 2023-2024 school year, through the land development process. Mr. Povilaitis stated parking wouldn't be an issue because the property is large enough to accommodate.

Mr. Shollenberger entered Applicant's Exhibit A2, a sketch plan prepared by McCarthy Engineering depicting the portion of the property for the proposed use. Mr. Povilaitis testified he intended to submit a land development plan within the next few weeks. The number of employees will drop in the winter months, somewhere between 18 to 20 full-time employees. Mr. Povilaitis stated he would move some of the commercial and employee vehicles off-site to his other two locations.

Mr. Povilaitis stated they are proposing 94 parking spaces, which would accommodate 38 full-size buses, 20 vans and 9 small buses and would accommodate both businesses that would operate simultaneously, 5:30AM to 5:30PM, with the landscape business dropping off during winter months.

Mr. Boland asked if the Supervisors had any questions. Mr. Povilaitis answered questions as follows: The vans being used are 15-passenger vehicles. The bus company has told him they have a total of 67 vehicles at this time. Mr. Povilaitis stated one building has an office and the others are vacant. One employee reports to the office building and there are four parking spaces. The property has an existing fence around the front to the center point. Fencing is not completely around the perimeter. The existing fuel tank is above ground. The bus company plans on bringing an additional tank. Mr. Povilaitis described how bus company employees would arrive and pull vehicles out at the same time his landscape vehicles would be leaving the property. There would be 27 parking spaces left in general. Mr. Povilaitis stated Krise Transportation was notified that all vehicle storage must be removed from the Middle School no later than June 30, 2023. Mr. Boland stated Mr. Povilaitis has agreed to add parking spaces to cover the additional need. Mr. Povilaitis stated that (2) 15-passenger vans would be used to transport his employees from off-site locations (Broadcasting Road and Villages at Spring Ridge in Wyomissing) to report to work. Mr. Boland asked Mr. Povilaitis to describe the neighborhood. Mr. Povilaitis stated it is rural with a couple of homes to the west and east. Mr. Boland asked if those neighbors could see his property. Mr. Povilaitis stated one or two may be able to see, but he would be willing to provide landscape buffering. Mr. Povilaitis testified the area is generally not a congested area and additional traffic would not create hazards or congestion. Mr. Bauman asked about the integrity of the water table. Mr. Povilaitis stated that would be handled during the land development process. Mr. Bauman stated he's noticed discolored water runoff coming from the property at times. Mr. Povilaitis stated he would be willing to do testing.

Mrs. Bauman stated she had concerns about traffic at the entrance and exit. Mr. Boland stated the clear sight triangle would be marked. Mrs. Bauman stated she's worried about water runoff from washing buses. Mrs. Thompson stated she had the same concerns. Vehicles exiting in the parking lot would be pulling out into fast moving traffic that comes from Amity Gardens. Mrs. Thompson cited concerns about stormwater runoff, snow melt and the clear sight triangle. Mr. Povilaitis stated all those concerns would be addressed during the land development process. Mike Thompson asked if there was any consideration given to the noise caused by hours of operation for the bus company. Mr. Povilaitis stated the conditions set could address that issue. Mr. Shollenberger asked if Mr. Povilaitis was willing to comply with requirements imposed during the land development process. Mr. Povilaitis affirmed he would.

With no further questions, Mr. Boland stated Applicants Exhibits A1 and A2 were entered into the record.

Mr. Shollenberger stated the applicant is requesting approval to operate his landscape business on the same property as the proposed storage of transportation vehicles. Mr. Shollenberger stated this would be a temporary use during the land development process. Mr. Boland stated that typically requires a land development plan be submitted. Mr. Shollenberger stated the Township could impose benchmarks to show they are diligently moving forward and invited anyone wishing to visit the site to do so. Mrs. McGrath stated the additional parking would affect stormwater runoff flow down the hill. Mr. Weber stated there was recent clearing and gravel work done, creating additional impervious surface.

Supervisors asked what maintenance services would be performed on-site. Mr. Povilaitis stated he was told no "hard maintenance". After a lengthy discussion regarding fleet management and what types of maintenance would be performed on the transportation vehicles, Mr. Povilaitis stated he could not give definitive answers, but that he lives next door and could restrict services if necessary. Mr. Shollenberger asked if the Board would be inclined to keep the record open to allow time to get something in writing from the company and requested a brief recess to confer with his client.

At 6:42PM, the Board would take a 15-minute recess.

At 6:57PM, the hearing was reconvened. Mr. Povilaitis stated he could get something in writing or have bus company representatives appear to testify. Mr. Boland stated the hearing could be reconvened at a workshop meeting, as no official action would be taken. The Supervisors agreed to reconvene the Conditional Use Public Hearing on June 7, 2023, at 7:00PM.

Mr. Boland asked if there were any further questions. Mr. Bauman asked if the bus company washes buses on-site if they could be required to recycle the water. Mr. Boland stated the bus company could answer that question when the hearing is reconvened.

With no further questions, Mr. Boland closed the hearing at 7:02PM.

Respectfully submitted,


Pamela L. Kisch
Township Secretary