

## **Amity Township Board of Supervisors**

### **Conditional Use Hearing - JC Investment Group, LLC**

December 12, 2023

#### **Call to Order**

The December 12, 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 6:15PM, 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 6:15PM.

Mr. Boland stated this was the date and time set aside for the hearing to consider the Conditional Use Application of JC Investment Group, LLC. The hearing was properly advertised in the Reading Eagle on December 1, 2023 and December 4, 2023.

Mr. Boland introduced Township Exhibits 1 through 8 into the record and turned the hearing over to Paul F. Troisi, Esquire.

Mr. Troisi called Jeff Povilaitis to testify. Mr. Povilaitis was sworn in and testified he was in a partnership with wife as owners of JC Investment Group, LLC and was authorized to testify. Mr. Povilaitis testified he lives at 391 Monocacy Hill Road and operates Edwards Landscaping at 335 Monocacy Hill Road. Edwards Landscaping and a bus company currently operate from the same location. Mr. Povilaitis stated the Conditional Use application was submitted to relocate the landscaping business across the street, on the same parcel to accommodate the buses. Mr. Troisi asked if that was the only change. Mr. Povilaitis confirmed it was. Mr. Boland asked Mr. Povilaitis if the plan presented was proposing a subdivision of the eastern most portion of the parcel, with the intent of the landscape business moving to the subdivided lot; whereas one lot would remain and the parcel would be split between PBOI and HC zoning districts. Mr. Povilaitis confirmed. Mr. Boland asked if there would still be multiple uses on the lot with the buses. Mr. Povilaitis testified a house

will remain on the parcel with the buses and be separated from the landscaping business. The landscaping business would have truck and employee parking. Mr. Povilaitis stated the plan would provide adequate parking as required by the subdivision review process. Mr. Jones asked if the office would be associated with the building. Mr. Povilaitis stated it would be in the front end of the eastern side of the parcel. Mr. Boland asked if anyone had any further questions. Hearing none, this concluded the testimony of Mr. Povilaitis.

Mr. Troisi called Craig Bonenberger to testify, and he was sworn in. Mr. Bonenberger testified he was employed with McCarthy Engineering and was hired by Edwards Landscaping as the project manager. Mr. Bonenberger reviewed the property's existing condition and provided consultation to determine the needs and the best way to accommodate those needs on the property. Mr. Bonenberger testified the proposed plan was the most recent version. The plan with a revision date of 11/13/2023 was entered as Applicant's Exhibit 1. The property would include a maintenance building with a fuel island, office building, parking and storage of materials. The existing building to the north will be for buses. The landscaping business will be moving to the south side of the property (Limekiln and Monocacy Hill Road). Mr. Bonenberger stated the plan shows subdividing of the property, which the Amity Township Planning Commission requested. Mr. Boland asked if the applicant would comply with the 25% maximum area for outside storage. Mr. Bonenberger affirmed. Mr. Boland asked about the rear yard. Mr. Bonenberger stated the property is unique in that it has two front yard spaces. The rear yard would be considered the area behind the building, where the applicant is proposing a 6-foot fence. Mr. Weber stated the revised plan didn't show the intensive buffering. Mr. Bonenberger stated the original plan submitted showed the intensive buffering. Mr. Boland entered the original plan as Applicant's Exhibit 2. Mr. Boland asked if proposed buffering would meet Ordinance requirements. Mr. Bonenberger stated they are prepared to meet the requirement and buffering will be more specifically defined during the land development process. Mr. Bonenberger testified the fencing was proposed to restrict access to the property and would be secured with locking gates. Mr. Boland questioned whether the applicant was aware of the Ordinance requirements regarding area, yard, and height. Mr. Bonenberger stated they were aware and are prepared to comply with all SALDO requirements. Mr. Boland asked Mr. Bonenberger if it was his testimony that this proposed plan will be in complete compliance with the Highway Commercial Zoning Ordinance. Mr. Bonenberger affirmed. Mr. Boland asked if the Board or Mr. Loomis had further questions for Mr. Bonenberger. Hearing none, Mr. Boland asked if the public had any questions. Hearing none, this concluded Mr. Bonenberger's testimony.

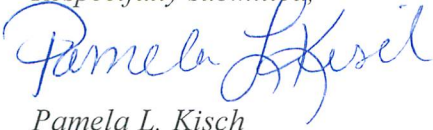
Mr. Boland stated the Board of Supervisors would take the testimony under advisement and render a Decision & Order within 45 days, on or before January 7, 2023.

Due to an error, the original hearing date scheduled for November 29, 2023 was not properly advertised. Mr. Boland stated he communicated with counsel for the applicant, who agreed to waive the Township's requirement to hold the hearing within 60 days of receiving the application. Mr. Boland stated the Decision & Order would be presented to the Board for adoption at the January 17, 2023 meeting, if the applicant had no objection to waiting. Mr. Povilaitis had no objection.

Mr. Boland entered Township Exhibits 1-8 and Applicant's Exhibits 1 and 2 into the record and closed the hearing at 6:38PM.

Mrs. McGrath announced the Board was adjourning to *Executive Session* to discuss personnel matters, with no need to return. Meeting adjourned at 6:39PM.

*Respectfully submitted,*



*Pamela L. Kisch  
Township Secretary*