

AMITY TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Thursday December 14, 2023

The Regular Meeting of the Amity Township Planning Commission was held at the Amity Township Office Building, 2004 Weavertown Rd, Douglassville, Berks County, PA 19518. The meeting was called to order at 7:00 P.M. by Mr. Jones, with the pledge to the flag. The following people were in attendance:

**Commission**

Terry Jones, Chairman  
Paul Weller, Vice Chairman  
Dwight Buckwalter  
Thomas Flatley  
Nathaniel Halter

**Staff**

Brian F. Boland, Esq., Kozloff Stoudt, Solicitor  
John Weber, LTL Consultants, Engineer  
Troy S. Bingaman, Township Manager  
Kathie Benson, Amity Township Planning Secretary

**Announcements**

There were none.

**Public Comments**

There were none. Mr. Jones stated the audience may comment on a plan as they come up on the agenda.

**Approval of Minutes:**

Mr. Halter moved, seconded by Mr. Buckwalter, to approve the minutes of the Regular meeting of November 9, 2023, as presented. *Motion carried unanimously.*

**Highland Place Phase 1 Final Plan / McCarthy Engineering**

Original Submission 9.14.23; expires 12.20.23

Mr. Flatley removed himself from the front table as a Planning Commission member and took a seat in the audience as the subject property is owned by his parents. Mr. Weller moved, seconded by Mr. Halter, to accept the Highland Place Extension of Time to June 19, 2024. *Motion carried unanimously.* Mr. Chris Falencki discussed the LTL letter dated 12.13.23 and they will comply with all comments from Mr. Weber. McCarthy Engineering has applied for all and are waiting outside agency approvals. Mr. Falencki discussed the currently presented street entrance is no longer obtainable. They could not come to an agreement with the neighbor to procure a sight easement. The driveway will now be located at the original proposed area along the property line. They are able to meet all setbacks and site requirements. This location will require more roadway length around the detention pond however it can be obtained. Mr. Suglia a neighbor from the audience questioned who would mow the grass adjacent to his property as he does now. Mr. Falencki stated his property is located across the street from the driveway entrance/exit and any site issues from his side of the street are for his site only. The developer

AMITY TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Thursday December 14, 2023

meets the site distance as required on his property and they will need to maintain their own site distance as he needs for his location. Mrs. Jen Boone questioned was there a traffic study done for this development and how is the current Amity Park Road going to handle all the additional traffic. Mr. Weber stated the developer has agreed to make improvements to the Intersection of Amity Park Rd and Weavertown Rd. Mr. Jones stated part of the agreement with the developer is he cannot build or receive a permit for a home beyond 192 Units. Mr. Falencki stated the developer and the Township agreed on this. The Township will need to obtain the Right-of-Way with the property owners and the developer will make the required improvements.

CONFORMANCE WITH THE ZONING ORDINANCE

*3. A Declaration of Restricted Covenants which properly documents all the requirements listed in Section 954(h) must be approved by the Township Solicitor and be recorded in the Berks County Recorder of Deeds.*

Mr. Falencki stated they are in the rough stages of drafting this.

CONFORMANCE WITH THE STORMWATER MANAGEMENT ORDINANCE

*5. Revise item 15 in the BMP Installation and Removal Sequence to state that the water service lines will be installed, not the Sanitary sewer. Sanitary sewer is contained in Step 14.*

Mr. Falencki stated PA American will not provide a letter of serviceability until the TIF has been resolved. PA American is looking for their Tap in Fee for the homes located outside the development to be deducted from the TIF to provide those residents with free tap in. Mr. Jones stated all the properties need not be connected. He has experienced the connection is placed if the resident so chooses to connect at a later date. Mr. Boland agreed to look into the matter and advise the Planning Commission the best way to proceed.

Mr. Falencki requested Conditional Final approval. The Planning Commission declined to approve at this time the new roadway needs to be formally presented for review before they can make any recommendation. Mr. Falencki stated they will have revised plans in the office next week.

With the conclusion of the Highland Place discussion Mr. Flatley returned to the front Planning Commission table.

**Leaf Creek Farm-Age Restricted Housing-339 units-677 Old Swede Rd-Boyer Engineering/Cornerstone**

Original Submission 06.09.21; expires 09.07.21

Extension #1 Approved 8.12.21; expires 03.16.22

Extension #2 Approved 3.16.22; expires 09.21.22

Extension #3 Approved 9.21.22; expires 2.15.23

Extension #4 Approved 2.15.23; expires 09.20.23

Extension #5 Approved 9.20.23; expires 12.31.23

Mr. Halter moved, seconded by Mr. Buckwalter, to accept the Leaf Creek Farm Extension of Time to June 19, 2024. *Motion carried unanimously.* Mr. Weber reported the Sewage Facilities Planning Module has been reviewed and will be on the Board of Supervisor's Agenda next week for their approval.

AMITY TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Thursday December 14, 2023

**Arbour Green Apartments Preliminary Land Development Plan / 170 Units – Boyer Engineering**

Original Submission 09.14.23: expires 12.13.23

Extension #1 approved 11.15.23; expires 06.19.24

Mr. Boyer reviewed LTL Consultants' review letter dated 12.11.23.

**CONFORMANCE WITH THE ZONING ORDINANCE**

*8. The following comments pertain to the proposed walking trail (Section 953(c)(6)*

*b. A construction detail/cross section should be added to the plan for the trail.*

Mr. Boyer stated they were looking at 4" thick mulch or screenings. Mr. Jones stated his experience has been that people do not like walking on the mulch and walk elsewhere. After discussion, Mr. Hunsberger agreed to placing millings along the trail.

**CONFORMANCE WITH THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

*4. PennDOT permits must be obtained for all work in the right-of-way of Old Swede Rd including but not necessarily limited to: Arbour Drive intersection, emergency access drive intersection, storm sewer removal, sanitary sewer connection and crossing, bank grading along Old Swede Road, reprofiling of Old Swede Road, installation of firehouse warning signal, etc. When obtained the PennDOT permit numbers along with the activity associated with the permit shall be listed on the plan. (Section 402(e)(7)).*

*It is also noted that the plan shows grading on the Weller and Mensch properties associated with the reprofiling of Old Swede Road. Proof of the acquisition of appropriate easements for such grading should be provided to the Township. The proposed location of the fire house warning signal should be shown on the plan.*

Mr. Boyer asked if the Township had any information about the status of the permit due to, they made the original application. Mr. Weber stated he did not believe the permit was kept active and should be reapplied for. Mr. Weller agreed to contact TELCO and see if they still have the fixture and is it current. Mr. Bingaman agreed to look into the matter further. Mr. Boyer stated in the original plan they agreed to install the equipment as long as the township provided the permit and equipment.

*27. The plan preparer should confirm that the horizontal design of the emergency access drive is sufficient to accommodate fire trucks that will utilize the emergency access drive.*

Mr. Boyer agreed to look at the largest truck from Monarch Fire Co. for the design to meet those specs.

**CONFORMANCE WITH THE STORMWATER MANAGEMENT ORDINANCE**

*11. Section 307- This section requires the design to reduce the proposed conditions two-year, twenty-four-hour design storm to the existing conditions one-year peak flow using the SCS Type II distribution. This requirement is not being met for Stormwater Management District B due to the peak rate generated in the Post Bypass 2 area. The applicant is requesting a waiver from this section. We recommend utilizing pervious pavement for the portion of the emergency access lane that is located in the bypass area, as well as utilizing meadow cover for the bypass open space/lawn areas, to the greatest extent practical. See comment 16 for further information regarding the utilization of the meadow in post development condition.*

Mr. Boyer stated this area is designed this way to keep the surface area accessible to emergency vehicles. They respectfully request to not use Impervious Pavers, as if they are not maintained they are destroyed in no time. They require constant maintenance. They are meeting the 2-year flows, however the 1 year is a

AMITY TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Thursday December 14, 2023

challenge. They are requesting a waiver to provide a paved area and commit to the area being plowed by the owner as needed. Mrs. Boyer, 919 Old Swede Road, asked the Planning Commission if they took into consideration the amount of traffic this development will add to Old Swede Rd and is a traffic light being installed. She has a very difficult time getting out of her driveway across the street. She stated she spoke with Mr. Boyer previously about the developer putting in a second access for her property allowing her to access her property from Pine Forge Rd. She stated once all this traffic is added she will be a prisoner in her own home. Mrs. Boyer stated there have been many accidents and people ending up in the field of this current property. She stated it is only a matter of time before someone is killed. Mr. Boyer acknowledged speaking with her in the past and they looked into her request. However, they have safety concerns to make this happen. There is a telephone pole that would require to be moved, a deeper cut into her property to achieve the proper grade. Mr. Hunsberger assured her he did look into her request. Mr. Boland further explained both Old Swede Rd and Pine Forge Rds. are PennDOT roadways, and they govern what can and cannot happen due to the traffic counts. The Township requested when this started 20 years ago for a traffic light to be installed and PennDOT stated it is not warranted. The developer is re-grading Old Swede Road as required and the sight distance will be improved. The Township does look at all of the proposed plans and are subject to PennDOT's mandates for their roadways. Mr. Jones advised her to contact her state Senator and voice her concerns to see if they can help.

**River Rock Academy Minor Subdivision Plan / 2 Lots – Boyer Engineering**

Original Submission 09.14.23; expires 12.13.23

Extension #1 approved 11.15.23; expires 06.19.24

Mr. Boyer reviewed this is a two-lot subdivision to separate the current tenant of River Rock Academy and the Daniel Boone Primary School. He reviewed LTL Consultants letter dated 12.8.23:

**CONFORMANCE WITH THE ZONING ORDINANCE**

*4. The plan lists a proposed paved area of 64% for Lot 2 which exceeds the maximum allowable paved areas of 60% for the RV Zoning District (Section 409(d)(2)).*

Mr. Boyer will revisit this calculation. His recollection was they were at 54% and this may be in error.

*5. The plan lists a lot width of 255 feet for Lot 1. Clarification must be provided regarding how such lot width was determined. It is presumed the lot width is associated with the proposed cul-de-sac turnaround right-of-way show for Boone Drive (Section 403(e)).*

Mr. Boyer stated the cul-de-sac was designed to provide a turnaround to the lot. Mr. Boyer stated the roadway is designed as one property providing an easement to another. The end of the roadway is owned by the Township. Mr. Jones stated the Planning Commission has strong concerns about this roadway. Providing an easement between the two is not suggested. As the property can change hands over the years and the new owner may not wish to honor such an arrangement. It was also noted the roadway is closed off during school hours. After discussion it was concluded that the Township Planning Commission, and the Daniel Boone School Board will need to meet to get a further understanding of their plan. Mr. Bover will advise his client

**Zemac Acquisitions, LLC-209 Monocacy Creek Rd- Final Plan – Stackhouse Bensinger, LLC**

Original Submission 12.8.22; expires 3.6.22.

Extension #1 approved 2.15.23; expires 6.22.23

AMITY TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Thursday December 14, 2023

Extension #2 approved 6.21.23; expires 10.18.23

Extension #3 approved 10.18.23; expires 4.20.24

No discussion at this meeting.

**824 E. Ben Franklin Hwy-Prel/Final Plan-Limekiln Holdings 12, LLC – SSB a Wilkinson Apex Co.**

Original Submission 6.8.23; expires 9.6.23.

Extension #1 approved 8.15.23; expires 3.20.24

No discussion at this meeting

**Precision Technology Inc / 551 Old Swede Road – Joe Body**

No discussion at this meeting

**Pagoda Motorcycle Club-44 E Ben Franklin Hwy-Preliminary/Final Plan-MB Investments**

Original Submission 11.09.23; expires 2.08.24

Mr. Weber stated they are currently reviewing the Securities and Improvements Agreement to secure what needs to be completed for the Final Plan at this time. The developer has chosen over recent years to install parts of the infrastructure from Preliminary Plan approval to reduce the amount that would be required. Mr. Weber states the Final Plan must reflect the current locations of the items installed for accuracy. The pump station was abandoned from the Preliminary Plan and a gravity feed line was installed. The plan does not show this. Mr. Boland agreed the current location and placement of the infrastructure installed should be shown on the plan accurately prior to approval and recording. As-builts are recommended at this time

**Zoning**

No discussion at this meeting.

**Ordinance/Resolution(s)**

No discussion at this meeting.

**OTHER PLANNING COMMISSION ITEMS**

**PUBLIC COMMENT**

No discussion at this time.

**Adjournment**

Mr. Weller moved, seconded by Mr. Halter, to adjourn the meeting at 8:45 PM. *Motion carried unanimously.*

**Respectfully submitted,**

*Kathie Benson*

**Planning Commission Secretary**