

Amity Township Board of Supervisors

Conditional Use Hearing – MGA, LLC / Berks Electrical

March 20, 2024

Call to Order

The March 20, 2024, Conditional Use Hearing for MGA, LLC / Berks Electrical, 840 E. Ben Franklin Highway, held at the Township Municipal Building, 2004 Weavertown Road, Douglassville, Berks County, Pennsylvania, was called to order at 6:05PM, by Vice Chair Dave Hackett. The following were in attendance:

SUPERVISORS

Kim McGrath, Chairperson (arrived 6:10PM)
Dave Hackett, Vice Chair
Paul Weller
Terry Jones

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.

Mr. Hackett turned the hearing over to Mr. Boland at 6:05PM.

Mr. Boland stated this was the date and time set aside for the hearing to consider the Conditional Use Application of MGA, LLC / Berks Electrical to operate an electrical contracting office and business at 840 E. Ben Franklin Highway, located in the Highway Commercial (HC) Zoning District. The hearing was properly advertised in the Reading Eagle on March 4, 2024 and March 11, 2024.

Mr. Boland introduced Township Exhibits 1 through 8 into the record and asked Million Amenu, sole member of MGA, LLC / Berks Electrical, if he had any objections. Mr. Amenu responded he did not. Mr. Boland asked Mr. Amenu to explain why he was seeking approval for the Conditional Use and how the property would be utilized.

Mr. Amenu stated his business is growing. He currently operates his office from the basement of his residential home, a shared space in his children's playroom. Tools and ladders are currently stored in his residential garage. He purchased the property without realizing he needed Township approval to move his office and storage to the site. Mr. Amenu testified the office would be used to prepare estimates, payroll and perform back-office duties. Mr. Amenu stated he and his wife currently perform the office duties, but he would like to add to his office staff in the future. Mr. Amenu has eight employees who take their work van/trucks home and report to jobs from there. An F350 bucket truck owned by Mr. Amenu, will be the only business vehicle parked on site, when it is not being used. Mr. Boland asked Mr. Amenu to describe the layout of the lot. Mr. Amenu entered an aerial view of the property and intersection into the record, as Applicant's Exhibit #1. Mr. Amenu stated

one tree would be removed, where he would like to place a 12'x20' shed/garage about 35' off the driveway on the southwestern side of the property. The shed would be used for ladders, tools and equipment, not for materials. The bucket truck would be parked along the tree line on a concrete pad. Mr. Amenu entered a diagram of the type of shed/garage into the record, as Applicant's Exhibit #2. If his business continues to grow, Mr. Amenu stated he would keep extra ladders and equipment in his residential garage. Mr. Boland asked how many parking spaces the site currently has. Mr. Amenu responded there are 5 or 6 parking spaces. Mr. Amenu testified customers will not visit the site. Occasionally there may be a salesperson or vendor, but no customers. Mr. Boland stated 25% of the property could be used for outside storage in the HC district and asked Mr. Amenu if he was prepared to comply. Mr. Amenu affirmed. Mr. Boland asked Mr. Amenu if he felt the proposed use of the property would conform with the goals and objectives as outlined in the Township's Joint Comprehensive Plan. Mr. Amenu affirmed. Mr. Boland asked whether Mr. Amenu felt the use of the property would have an adverse effect on the neighborhood. Mr. Amenu stated it would not. Mr. Amenu testified business hours would be Monday through Friday 7:00AM until 4:00PM, but he could start the day earlier. Mr. Amenu testified he intends to change the sign to his business, using the existing frame.

Mr. Boland asked if the Board had any questions. Mr. Weller noted the property is serviced by public sewer, although the application did not indicate it was. Mrs. McGrath asked if he intended to have electricity in the shed/garage. Mr. Amenu would like to run electric to the shed/garage in the future. Mrs. McGrath asked what setbacks were required. Mr. Loomis stated he believed setbacks to be 50' rear and 15' side setbacks, going from memory. Mr. Boland stated the shed/garage would be on the southwestern corner of the property and asked if any trees were being proposed along Monocacy Creek Road. Mr. Amenu stated pine trees already exist along that road. Mrs. McGrath asked what the previous use was. Mr. Loomis stated it was a professional office, however, when the applicant indicated he would be utilizing outside storage, he was advised to submit a Conditional Use application. Mr. Boland stated under Section 959(b) the structure would need to be in the rear yard and a 6' fence or intensive buffering would be required. As situated and defined by the Ordinance, all three sides of the property would be considered front yard. Mr. Boland stated in these situations, yards would need to be defined and a Zoning Variance would be necessary, if Mr. Amenu could not or would not want to comply with fencing or buffering. There was a brief discussion whether the bucket truck would be considered "parked" or be counted towards the 25% maximum "outside storage" when not in use. Mr. Weller asked Mr. Boland to explain what is granted by the Board of Supervisors versus what must be granted by the Zoning Hearing Board. Mr. Boland stated the Board of Supervisors would set conditions when approving the Conditional Use. The Zoning Hearing Board would make the determination of front or rear yard and grant relief where hardship is proven.

Mr. Boland asked if the applicant had anything further. Mr. Amenu stated he did not.

Mr. Boland stated the Board of Supervisors would take the testimony under advisement and render a Decision & Order within 45 days.

Mr. Boland entered Township Exhibits 1-8 and Applicant's Exhibits 1 and 2 into the record and closed the hearing at 6:34PM.

The Board adjourned to *Executive Session* to discuss potential litigation and matters pertaining to rights-of-way. Meeting adjourned at 6:34PM.

Respectfully Submitted,


Pamela L. Kisch
Township Secretary