

AMITY TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Thursday January 11, 2024

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

Mr. Jones turned the meeting over to Mr. Boland. Mr. Boland opened the floor for nominations:

Mr. Weller moved, seconded by Mr. Halter to open the floor to nominate a Chairman of the Planning Commission. *Motion carried unanimously.* Mr. Weller moved, seconded by Mr. Flatley to nominate Mr. Jones as Chairman. *Motion carried unanimously.* Mr. Weller moved, seconded by Mr. Halter to close the nominations and appoint Mr. Jones as Chairman of the Planning Commission. *Motion carried unanimously by roll call vote.*

Mr. Jones moved, seconded by Mr. Flatley to open the floor to nominate a Vice Chairman of the Planning Commission. *Motion carried unanimously.* Mr. Jones moved, seconded by Mr. Buckwalter to nominate Mr. Weller, Vice Chairman. *Motion carried unanimously.* Mr. Halter moved, seconded by Mr. Buckwalter to close the nominations and appoint Mr. Weller as Vice Chairman of the Planning Commission. *Motion carried unanimously by roll call vote.*

Mr. Jones moved, seconded by Mr. Weller to open the floor to nominate a Secretary of the Planning Commission. *Motion carried unanimously.* Mr. Flatley moved, seconded by Mr. Buckwalter, to nominate Kathie Benson, as Secretary to the Planning Commission. *Motion carried unanimously.* Mr. Halter moved, seconded by Mr. Buckwalter, to close the nominations and appoint Kathie Benson as Secretary of the Planning Commission. *Motion carried unanimously by roll call vote.*

Mr. Boland turned the meeting over to Mr. Jones.

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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. Weller moved, seconded by Mr. Halter, to approve the minutes of the Regular meeting of December 14, 2023, as presented. *Motion carried unanimously.*

Highland Place Phase 1 Final Plan / McCarthy Engineering

Original Submission 9.14.23; expires 12.20.23

Extension #1 approved 12.20.23: expires 06.19.24

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. Chris Falencki, McCarthy Engineering reviewed they have submitted revised plans dated 12.18.23 and they will comply with the comments in LTL's review letter dated 1.5.24. Mr. Weber stated he went to the site and reviewed the survey markers at the site for the driveway entrance. He stated the sight distance meets the required parameters. He also noted a portion of the entrance is located in the highwater table overlay district. Mr. Falencki agreed to perform a soils test to show the soils are suitable for the roadway and not highwater soils. Both agreed this has been done on other parts of the site and the soils scientist will advise. Mr. Falencki stated they are planning 8 feet of fill on top of the existing area as a part of the roadway build. Mr. Halter moved seconded by Mr. Buckwalter to recommend approval of the Highland Place Phase 1 Final Plan No. 190193-C01-01 last revised 12.18.23 conditioned upon compliance with:

1. Subject to all conditions and terms of LTL Consultants, LTD letter dated 1.5.24.
2. Subject to the Final approval of the Grinder Pump Operation and Maintenance Agreement.
3. Subject to approval of the Operation & Maintenance Agreement for the Low-Pressure Sewer System.
4. Subject to the Final approval of the Homeowners Association By-Laws and other organizational documents
5. Subject to the Final approval of all restrictive covenants, deed restrictions required for the over 55 community pursuant to Section 954(h) of the Zoning Ordinance.

Motion carried unanimously. Mr. Jones opened the floor to the audience for any questions. Kim Imes questioned if a traffic impact study was ever performed, stating the traffic to be added to Amity Park Rd from this development in her opinion adds significant traffic. Mr. Weber stated there was not a need for a full traffic study in this instance as the intersections have been reviewed, issues have been identified in our Act 209 Study and the deficiencies are being addressed in the plan. Mr. Jones stated the other conditions on Amity Park Road are not the responsibility of the developer to change. Mr. Suglia questioned trees that were removed to obtain site distance at the new entrance/exit location. Mr. Suglia stated he was told by the neighbor the trees removed were trees owned by that owner. Mr. Falencki & Mr. Weber stated the site was surveyed prior to any trees being removed and assured him the trees removed were on the Flatley property. Mr. Flatley returned to the table.

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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
Extension #6 approved 12.20.23; expires 06.19.24

No discussion at this meeting

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

No discussion at this meeting

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

No discussion at this meeting

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
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-Preliminary./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

Joshua Castillo discussed they have no issues with complying with the latest review letter from LTL dated 1.5.24. Most items remaining are outside agency approvals. Mr. Weber questioned what the plan for the areas along the Route 422 was, to is either plant three-foot trees or a three-foot berm in the open areas. Mr. Castillo stated they will comply with this requirement and decide the exact plan. The barrier concept has been placed on their application to PennDOT and awaiting the permit to see what they want at the location. Along with this PennDOT permit the required width to the Emergency Access on Monocacy Creek Rd will be decided. Mr. Fister agreed to look at both items after the PennDOT permit approval and be sure to make the area look its best. Mr. Castillo stated the Sewer Planning Module has been sent to DEP. Mr. Fister agreed to purchase the 9 additional EDUs needed for the project. Mr. Halter moved seconded by Mr. Weller to grant the following requested waivers:

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1. Section 27-517(d)(2) (i&vi)-waiver to allow for the curbed planting strip separating off-street parking areas from external streets to be less than 20 feet wide. *Variance was granted to allow less than 20'*
2. Section 27-517(d)(2)(v) – waiver from the requirement to provide planting islands containing one shade tree at each end of the parking row. *Requested due to the necessity to have utilities and SWM facilities were not shown on the plan.*
3. Section 27-517(e) – waiver from the requirement to provide street trees along Benjamin Franklin Highway due to limited space. *Al low-level screening is proposed where the retaining wall doesn't block headlights.*
4. Section 27-517(g)(3)- waiver from the requirement to provide a property line buffer screen along Benjamin Franklin Highway due to limited space. *A low-level screening is proposed where the retaining wall doesn't block headlights.*
5. Section 27-513(c) – Waiver from the requirement that no structures be placed in the watercourse easement. *The site constraints require the use of space within the prescribed 50' stream buffer. To build within the easement but not building on the stream itself.*
6. Section 27-402 – Waiver of this section so that the plan may be considered a Preliminary/Final Plan and acted on simultaneously. *The project is scheduled to begin in spring of 2024.*

Motion carried unanimously.

Mr. Flatley moved seconded by Mr. Halter to recommend Plan approval for the 824 W. Ben Franklin Highway Preliminary/Final Plan # 2022-256 last revised 12.15.23 conditioned upon compliance with LTL Consultants, LTD letter dated 1.5.24.

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

No discussion at this meeting

Zoning

Donald K Baetzel-247 Amity Park Rd- Garage Set Back

Mr. Baetzel presented his plan to build a garage to store his camper, tractor, and utility vehicle with a 2nd floor loft for woodworking. He is asking for forgiveness for the size of the building, the height of the building and setback from the property line and septic. Mr. Baetzel stated he has been in touch with his neighbor on the side this is planned to be installed and he has no objection to the building. Mr. Weller moved seconded by Mr. Buckwalter to recommend the Zoning Hearing Board grant the requests. *Motion carried unanimously.*

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Megan Holden – 142 Meadowside Dr – Special Exception - Chickens

Mrs. Holden reviewed her request to allow poultry on her lot. She is currently not allowed as she has a half-acre of land and is required to have at least an acre. Mrs. Holder stated the chickens she has are Emotional Support Animals for her special needs brother. Prior to having the chickens, they were visited by the Amity Police Department for his behavior. Since they have had the chickens, he has gained the emotional support he needs and spends many hours with them. Mr. Jones asked how many chickens she has.

Mrs. Holden responded they have 10 chickens and they come inside the home as well as live in their yard. One of the chickens is a rooster who when he crows her brother goes to the rooster and pets him, to stop the crowing. Mrs. Holden stated the chickens had given her brother a purpose. At one time they had a turkey, but he became territorial, and they needed to rehome him, for which her brother is still unhappy with her. Mrs. Elizabeth Jokiel spoke about the need for the chickens at this location, stating it takes a village to raise a loving family and she supports them having chickens on their property to help with their needs. She requested the community help this family and allow the chickens. The Planning Commission chose not to make any comment on this application.

Ordinance/Resolution(s)

Stormwater Ordinance

Mr. Weber stated they are currently working on the ordinance update.

OTHER PLANNING COMMISSION ITEMS

PUBLIC COMMENT

No Discussion at this time.

Adjournment

Mr. Buckwalter moved, seconded by Mr. Weller, to adjourn the meeting at 7:50 PM. *Motion carried unanimously.*

Respectfully submitted,

Kathie Benson

Planning Commission Secretary