

AMITY TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Thursday, March 14, 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-arrived at 8:00pm  
Thomas Flatley – Via Phone  
Nathaniel Halter

Staff

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

Announcements

Mrs. Benson stated the time extension for 824 E Benjamin Franklin Highway listed on the agenda is not needed, the plan was conditionally approved at the January 17, 2024, Board of Supervisors meeting.

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. Jones, to approve the minutes of the Regular meeting of February 8, 2024, as presented. *Motion carried unanimously.*

Highland Place-McCarthy Engineering-Preliminary Plan-146 Semi's/193 Singles-Amity Park Rd

Original Submission 9.14.23; expires 12.20.23

Extension #1 approved 12.20.23: expires 06.19.24

No Discussion at this meeting.

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

Brian Boyer reviewed the following waivers requested in a letter from Cornerstone Consulting dated 2.1.24:

- 1. Section 502(b)(1)-requiring A Minor Street to have a 53foot Right-of-way and 33Foot Cartway, whereas a 50Ft Right-Of-Way and 28 Ft Cartway are proposed.**

The Planning Commission agreed to this request.

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- 2. Section 502(b)(1)-** *Requiring a collector street to a cartway width of 36 Feet whereas, 30 Feet is proposed.*

The Planning Commission agreed to this request.

- 3. Section 502(g)(4)-** *Required Cul-de-Sac streets to have a maximum 20 units, whereas Cabin Court and Bird Land have 21 units.*

The Planning Commission agreed to this request.

- 4. Section 502(e)-** *Requiring vertical curves to provide minimum site distance. This occurs in certain SAG conditions and street lighting is provided in those areas.*

The Planning Commission agreed to this request.

- 5. Section 507 (b)(i)-** *Requiring sidewalks on both sides of the street. The project proposes sidewalks on only one side of the street along Jones Boulevard from Bird Court to Sadowski Street in areas with not proposed units.*

The Planning Commission agreed to this request.

- 6. Section 305-** *To allow 100% release reduction in the Stormwater Management District B. Due to the bypass from Berm out slopes, the 2Yr-1Yr and 5Yr to 2Yr reductions cannot be met. All proposed impervious are controlled through proposed BMPS.*

The Planning Commission and Mr. Weber agreed this is not needed due to the decisions on the following requests.

- 7. Section 306(d)-** *Requiring a 50' stream buffer to either side of the top of bank of the channel.*

Mr. Weber stated he was okay with this request. The Planning Commission agreed to this request.

- 8. Section 307-** *To not require bypass to be included in the stream bank erosion calculations. The uncontrolled bypass is basin and berm out slopes and is open space. No proposed impervious area is in bypass.*

The Planning Commission and Mr. Weber agreed this is not needed due to the decisions on the following requests.

- 9. Section 307-** *To not require a 2Yr to 1Yr reduction of stormwater. Detention basins are designed to outlet the minimum for rate purposes and a 2-YR to 2YR reduction is provided. The flows are uncontrolled basin bypass with all impervious surfaces being detained.*

- 10. Section 308(a)-** *To not require the 2Yr to 1Yr peak rate reductions in Management District C and to not require the 2Yr to 1Yr and 5Yr to 2Yr peak rate reductions in Management District B. A 2Yr peak rate and 5Yr peak rate reductions have been provided. The flows are uncontrolled basins bypass with all impervious surfaces being detained.*

Mr. Boyer stated the Volumes proposed in the Peak Flow Chart presented are acceptable to the NPDES Permit. Mr. Rocco Caracciolo, P.E., Jaindl stated the developer would be acceptable to plant Meadow Mix on the slopes to aid in flow absorption. Mr. Boyer stated the roof drains to the buildings are also designed to go into the Storm Water System and not the basins. The Planning Commission and Mr. Weber agreed a planting of Meadow Mix grass outside the berms would be acceptable provided a note is added to the plan stating the HOA must and can only mow the plantings 3 times a year.

- 11. Section 311(b)(xii)-** *To allow for basins to have 6" of Freeboard between the 100Yr flow -through elevation and top of berm elevation. Basin berms have been constructed on fill and additional fill would be required to raise portions of the site.*

The Planning Commission agreed to this request.

- 12. Section 311(b)(vii)-** *Requiring berm slopes to be a minimum 25 feet from any property line.*

The Planning Commission agreed to this in the areas displayed on the plan.

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**13. Section 312(d)(iii)-** *Require a maximum gutter spread of eight feet. Inlet B5 has a gutter spread of 8.12 feet in a Cul-de-Sac.*

The Planning Commission agreed to this request.

Mr. Halter moved seconded by Mr. Flatley to approve the waivers 1,2,3,4,5,7,9,10,11,12, 13 requested provided the plan shows the delineation of the areas and the Meadow Mix is to be planted plus a note added to the plan and HOA Agreements stating the Meadow Mix planted is mowed no more than 3 times a year. *Motion carried unanimously.* The Planning Commission agreed to allow the collection of the Traffic Impact Fee at the time of Building Permit Issuances. The cost is calculated to be \$197.92 per lot. The Planning Commission agreed to accept the fee of \$458,850.00 in lieu of for open space. Mr. Boyer stated they plan to evaluate the cost of the amenities they will provide to offset this fee. Mr. Weber questioned the status of SAFE's review letter dated 1.3.24 requesting an updated Traffic Impact Study. Mr. Boyer & Mr. Caracciolo both stated PennDOT has accepted the report submitted and not requested any updates, and due to the impact being on state roads providing an updated report would not be warranted since PennDOT will determine the improvements required. Mr. Jones moved seconded by Mr. Flatley to approve the Preliminary Plan conditioned satisfying the completion of LTL's review letter dated 3.8.24, Entech's review letter dated 3.5.24. and SAFE review letter dated 1.3.24, accepting the Traffic Impact Study presented. *Motion Carried Unanimously.*

**Arbour Green Apartments Preliminary LD Plan – 170 Units - Boyer Engineering**

Original Submission 9.14.23; expires 12.13.23

Extension #1 approved 11.15.23; expires 06.19.24

Mr. Richard Almquist, Esq discussed the Zoning Hearing Board Application they are requesting the following Zoning forgiveness:

**1. Section 953(d)(4)-** *The Zoning Ordinance requires a minimum setback of 20-Feet from the front of a building to the face of a curb. As shown on the LD Plan, there are instances where the front setback is zero (0) feet. The Applicant seeks a variance from this section of the Zoning Ordinance to permit a minimum Front Setback from the Face of the Curb at zero (0) feet.*

The Planning Commission reviewed the areas in question and agreed to support the request.

**2. Section 953-(d)(4)(v)-** *The Zoning Ordinance permits a maximum building height of thirty-five (35) feet. As shown on the LD Plan, the 4-story Apartment Buildings will include parking garages underneath and a pitched roof structure. While the LD Plan indicates the maximum height at Forty-five (45) feet, the pitched roof of these structures will bring the overall height of these buildings to approximately 57-feet, 8 inches. Accordingly, the Applicant seeks a variance from this section of the Zoning Ordinance to permit a maximum building height of sixty (60) feet.*

The Planning Commission reviewed the buildings and areas proposed to be built and agreed to support the request.

**3. Section 953(e)(9)-** *The Zoning Ordinance requires that concrete sidewalks be constructed on at least one (1) side of interior drives and accessways. As shown on the LD Plan, concrete sidewalks are provided on at lease one(1) side of the interior drives and accessways in front of, and adjacent to, each of the Apartment Buildings; however they are not provided on the portions of Yellowwood Court in front of the 4-unit Townhouses; however, a connecting sidewalk is provided from these portions of Yellowwood Court to facilitate access to the internal trails, accessory buildings, amenities, and services. Accordingly, the Applicant seeks a variance from this section of the Zoning Ordinance to permit construction of those portions of Yellowwood Court in front of the 4-Unit Townhouses without concrete sidewalks.*

The Planning Commission reviewed this proposal and agreed support to the request.

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- 4. Boulevard Entrance-***The Zoning Ordinance requires primary entrances to be designed and constructed as boulevards. It is noted the Zoning Ordinance does not provide definitions or performance standard for the term "Boulevard". An earlier draft of the LD Plan provided a Boulevard entrance for the development; however following review of the earlier LD Plan, the PennDOT determined that the driveway entrance accessing the Property from Old Swede Rd must be designed as a low volume access, without a median, in accordance with 67 Pa. Code 441(a)(ii). As a result, the LD Plans were redesigned without the Boulevard entrance. Accordingly, given PennDOT's design requirements, the Applicant seeks a variance from the requirements of this section of the Zoning Ordinance.*

Mr. Hunsburger stated they would prefer the Boulevard Entrance however PennDOT's low volume driveway requirements do not meet the design. The Planning Commission reviewed the driveway and agreed to support the request.

- 5. Section 1105(a)(6)-***the Zoning Ordinance by providing a period of five (5) years from the granting of the Applicants requested relief for Applicant to initiate the construction and development of the LD Plan. The granting of this extension of time is reasonable given the lengthy permitting and approval time periods encountered with third-party agencies.*

The Planning Commission reviewed and agreed support to this request.

Mr. Jones moved seconded by Mr. Halter to recommend the Zoning Hearing Board grant the requests. *Motion carried unanimously.*

**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. Bingaman reported there was a meeting between the School District and Amity Township and the School District is reviewing their options for access.

**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

It was noted the plan was conditionally approved in January.

**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

Mt. Halter moved seconded by Mr. Halter to ratify and approve a time extension from 02.08.24 to 06.19.24. *Motion carried unanimously.*

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Mr. Weller arrived at the meeting.

**295 Monocacy Creek Rd-John & Sherry Hunter-Minor Subdivision-Ludgate Eng**

Mr. Weber reviewed this as a simple 3 Lot subdivision. Mr. Weber questioned Mr. Hunter if they plan on using public water. Mr. Hunter stated he has contacted PA American Water and has not finalized information with them at this time. He showed Mr. Weber where he is looking at designing the water, and Mr. Weber stated his engineer will need to show that as well on the plan. Mr. Halter moved seconded by Mr. Weller to accept for review. *Motion carried unanimously.*

**Edwards Landscape-335 Monocacy Hill Rd-Preliminary/Final-McCarthy Eng**

Mr. Halter moved seconded by Mr. Weller to accept for review. *Motion carried unanimously.*

**Zoning**

**Karen Norheim & Michael Gisondi-100 Bieber Lane-Garage(Size & Height)**

Mr. Joseph Delibertis discussed they are asking forgiveness for the size of a garage. The ordinance calls for no larger than 1728Sq Ft and they are looking at 3600Sq Ft. They have the land to build the building and meet all setbacks. Adjoining properties are family, and none has an objection. The building height proposed is 25.2 Feet and the ordinance allows 20 Feet. Mr. Halter moved seconded by Mr. Weller to make a favorable recommendation to the Zoning Hearing Board to proceed with the requests. *Motion carried unanimously.*

**OTHER PLANNING COMMISSION ITEMS**

**Million Amenu/Berks Electrical-840 E. Ben Franklin Hwy**

The Planning Commission chose not to make any comments on the Conditional Use application.

**Amity Logistics**

Mr. Weber reported he and Mr. Tornetta met and Mr. Tornetta is looking to condense LTL's review comments.

**Ordinance/Resolution(s)**

**Stormwater Ordinance Update**

Mr. Weber reported the proposed changes have been driven by PADEP new requirements; and, to provide a process for minor drainage plans. Mr. Bingaman suggested the Planning Commission review the proposed changes and offer comments at the next meeting. Mr. Boland suggested a workshop for Mr. Weber to review for discussion.

**PUBLIC COMMENT**

Mrs. Eagle inquired if there was any update on the Amity Logistics project. She stated she has seen several people on the lot and was looking to see if the project was planned at the beginning. Mr. Weber stated he has met with Mr. Tornetta to review outstanding items in the Preliminary Plan, and they are still working on outside agency approvals. Mr. Boland stated the PennDOT review has many issues to work through and their reviews do take time, therefore he does not see any construction starting soon.

**Adjournment**

Mr. Weller moved seconded by Mr. Halter to adjourn the meeting at 8:15 PM. *Motion carried unanimously.*

Respectfully submitted,

**Kathie Benson**

**Planning Commission Secretary**