

AMITY TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Thursday, April 10, 2025

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

Dwight Buckwalter

Thomas Flatley

Nathaniel Halter

Paul Weller

Staff

John Weber, LTL Consultants, Engineer

Brian Boland, Esq., Kozloff Stoudt, Solicitor

Troy Bingaman, Township Manager

Kathie Benson, Planning Commission Secretary

Announcements

None

Public Comments

None

Approval of Minutes:

Mr. Halter moved, seconded by Weller, to approve the minutes of the Regular meeting held on ***March 13, 2025***, as presented. *Motion carried unanimously.*

Dana Godfrey-315 Laurelwood Dr

Mrs. Godfrey expressed her appreciation to Mr. Bingaman for his assistance and the information he provided regarding chickens on smaller lots within the township. She asked the Planning Commission to consider amending the zoning ordinance to permit the keeping of three to five chickens in residential developments without requiring a zoning variance. She noted that obtaining zoning relief can be costly for residents and suggested that an ordinance amendment could include clear boundaries and regulations to manage such allowances. Mrs. Godfrey also pointed out that many residents view chickens as pets.

In response, Mr. Jones explained that changing an ordinance can be expensive for the township and its residents. He emphasized that ordinance amendments are generally undertaken comprehensively, combining multiple changes to minimize overall costs. While Mr. Jones stated he is not opposed to the idea of allowing chickens, he expressed concern about enforcement, citing the limited capacity of the township's single Zoning Officer who already manages multiple responsibilities.

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ZONING

Costello-414 Laurelwood Dr-Chickens on Property

Mrs. Costello informed the Commission that she has applied for zoning relief to keep the chickens currently on her property. She expressed hope that the township would consider offering leniency to families who wish to keep chickens, emphasizing the positive impact the chickens have had on her children by teaching them values and responsibility.

Mr. Boland responded that the issue is not one of leniency, but rather a legislative matter. He clarified that, to receive zoning relief, applicants must demonstrate a legitimate hardship. He further noted that if a neighbor were to appeal a Zoning Hearing Board decision and the applicant could not prove hardship, the Court of Appeals could overturn the decision.

Mr. Weber added that most townships require a minimum of one acre for properties to be eligible to keep chickens, and that Amity Township currently adheres to those common zoning standards.

Following the discussion, Mr. Flatley made a motion, seconded by Mr. Halter, to make **no recommendation** to the Zoning Hearing Board regarding Mrs. Costello's application. *Motion carried unanimously.*

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

Original Submission 9.14.23; expires 12.13.23

Extension #1 approved 11.15.23; expires 06.19.24

Extension #2 approved 06.19.24; expires 12.18.24

Extension #3 approved 12.18.24; expires 06.18.25

Nothing presented at this meeting for review.

Zemac Acquisitions, LLC-209 Monocacy Creek Rd-Preliminary Plan-Stackhouse Bensinger -Wilkinson

Original Submission 12.8.22; expires 03.6.23

Extension #1 approved 02.15.23; expires 06.22.23

Extension #2 approved 06.21.23; expires 10.18.23

Extension #3; approved 10.19.23; expires 04.20.24

Extension #4 approved 04.17.24; expires 09.18.24

Extension #5 approved 09.18.24; expires 03.31.25

Extension #6 approved 03.13.23; expires 05.31.25

Nothing Presented at this meeting for review.

295 Monocacy Creek Rd-Ludgate Eng-3 Lot Subdivision-Final Plan-

Original Submission-06.24.24; expires 09.22.24

Extension #1 approved 09.18.24; expires 12.19.24

Extension #2 approved 12.18.24; expires 09.20.25

Mr. Weber reported they are working on getting their Sewer Module approved with DEP.

Mr. Boland reported he has sent the proposed Easement agreement to the developer's attorney with his comments to review.

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Edwards Landscape

Conditional Preliminary/Final Plan approval 06.19.24

Mr. Weber reported they are working on getting their Sewer Module approved with DEP.

Leaf Creek Farm – Age Restricted Housing – 339 Units – 677 Old Swede Road – Boyer Engineering/Cornerstone Consulting

Conditional Preliminary Plan Approved - 03.20.24

Original Submission 03.19.25; expires 06.18.25(Final Plan)

Mr. Mark Koch, Esq has sent an easement agreement and Mr. Boland acknowledged he is in the process of review. Mr. Boland explained the agreement is for the Developer to take back ownership and acknowledging the easement for the sewer line. The developer is working to properly locate everything on the plan.

C.S. Garber-Land Development – 231 Old Philadelphia Pike – In House Review

Nothing presented at this meeting for review.

Mr. Flatley excused himself from the Planning Commission table and became an audience participant at 7:25PM

Highland Place Land Development – Final Plan Phase 1

Conditional Final Approval 01.17.24

Mr. Weber reported that **Plan Submission #8** has been reviewed and deemed **complete**. Mr. Boland provided an update on the **Declaration**, which he is currently reviewing. He explained that, once the Declaration is finalized and agreed upon, approved notes will be added to the plan prior to its recording.

Mr. Boland noted that the current Declaration includes a provision to designate much of the development as **Convertible Real Estate**, granting the developer the ability to adjust construction based on market demands. Although the development is presently planned for single and duplex homes, this flexibility would permit modifications in subsequent phases. However, any such changes would require the developer to return to the **Planning Commission** for approval.

Mr. Boland also reminded the Commission that the **TIF (Tax Increment Financing) agreement** outlines how many homes are to be constructed annually, as well as the needed assessed value of those homes.

Mr. Flatley voiced support for Mr. Boland's concerns and emphasized the importance of proceeding with the development of the **Community Center** as proposed. He expressed confidence that the issues could be resolved appropriately.

Mr. Boland stated that the first round of comments will be ready for presentation at the Board of Supervisors' meeting on Wednesday, April 16th.

Mr. Jones moved, seconded by Mr. Weller, to **grant a waiver to Section 27-502(a)(20)** to permit a temporary cul-de-sac to serve Parcel 1 (Phase 1). *Motion carried unanimously*. Mr. Halter moved, seconded by Mr. Buckwalter, to **grant Conditional Final Approval** to Parcel 1 (Phase 1), conditioned upon all requirements in LTL's letter dated March 27, 2025, being satisfied. *Motion carried unanimously*.

Mr. Flatley returned to the Planning Commission table at 7:47PM

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White Bear Land Dev-2Lot Subdivision-5&6 Riga Lane-Crossroads Group LLC

Original Submission 03.13.25; expires 06.11.25

No one present to discuss the plan.

76 Morlatton-Sketch Plan-Mack Engineering

Mr. Matthew Mack of Mack Engineering presented a Sketch Plan proposing the subdivision of four individual lots from the subject property. Mr. Mack stated that the intent is to sell the lots individually, with each lot obtaining its own NPDES permit. The development will utilize public water and public sewer services.

Mr. Weber expressed support for the approach of obtaining individual permits per lot, noting that managing one permit across four lots can be logistically challenging. He also mentioned that appropriate notes can be added to the plan to address permitting requirements. Question arose about ownership of the LP Sewer line. This will need to be worked out. Mr. Halter moved, seconded by Mr. Buckwalter, to accept the Sketch Plan for review.

Motion carried unanimously.

1514 Weavertown Rd-Concept Plan

Mr. Jacobs presented a Concept Plan for a proposed development to be completed in two phases. Phase 1: Development of a Wedding and Events venue and Phase 2: Expansion of existing vineyards and the creation of a winery with a tasting room at the front of the property. Mr. Jacobs sought guidance from the Planning Commission on whether the proposed uses would be permitted within the PBOI (Planned Business/Office/Industrial) district. All members of the Planning Commission expressed enthusiastic support, stating the project would be a valuable addition to the township. Mr. Boland and Mr. Weber agreed that the zoning provisions for a restaurant and convention center, along with the mixed-use allowances in the PBOI district, would accommodate the proposed uses. Mr. Boland advised Mr. Jacobs to proceed by submitting a Sketch Plan for formal review and comments. Mr. Bingaman added that draft minutes of the meeting would be made available the following week to reflect the township's interest in and support for the project.

447 Old Swede Rd-In House

Mr. Weber reported that he has provided the Engineer with a list of the remaining requirements necessary to move the plan forward for recording.

Zoning

Mr. Halter excused himself from the Planning Commission table and became an audience participant at 8:05PM

BNH-938 Ben Franklin Hwy E-Commercial Property Multiple Uses

Mr. Mark Koch, Esq. reviewed a Zoning relief application requesting permission to allow multiple uses on the property. The property currently includes a garage with an apartment above, and the applicant proposes to convert the existing garage space into an additional apartment unit. Mr. Koch noted that there is more than sufficient parking available on-site, and that the garage is not currently being utilized for its original purpose. The intention is to make productive use of space. Mr. Flatley moved, seconded by Mr. Buckwalter, to recommend approval of the application to the Zoning Hearing Board. *Motion carried unanimously.*

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Mr. Halter returned to the Planning Commission table at 8:08PM

FUTURE LAND USE PLAN-MAP-JOINT COMPREHENSIVE PLAN

Mr. Bingaman presented the current Land Use Plan from the township's Joint Comprehensive Plan, along with the proposed updates being suggested by the Berks County Planning Commission.

He highlighted a few key concerns, including:

- A proposed change in Amity Gardens from High-Density Residential to Low-Density Residential
- Potential reclassification of areas currently designated as agricultural, noting that many farms face an uncertain future due to a lack of generational succession

Mr. Bingaman encouraged all Planning Commission members to review the proposed changes and submit any comments or concerns to him so that he may share them at the next Joint Comprehensive Plan meeting.

OTHER PLANNING COMMISSION ITEMS

2025 PA DCED PASWS Grant Application

Mr. Bingaman explained that the township is applying for a \$500,000 grant to help offset the estimated \$700,000 cost to increase the pipe size downstream of Leaf Creek. This upgrade is part of the Amity Township Interceptor Improvements Project. The Planning Commission reviewed a draft support letter proposed for inclusion in the grant application. Mr. Halter moved, seconded by Mr. Weller, to authorize Mr. Jones to sign the letter in support of the grant application. *Motion carried unanimously.*

Donald Boalton-79 Spotts Mill Rd

Mr. Boalton addressed the Planning Commission to share that he is considering bidding on the subject property scheduled for auction. He sought guidance from the Commission regarding what types of uses or development they would like to see on the site. He acknowledged that the property's current use is non-conforming, and that any proposed changes may require Zoning Hearing Board approval. Mr. Boland noted that, should Mr. Boalton become the successful bidder, he would need to recuse himself from involvement in the development process due to a potential conflict of interest, as his office has represented Mr. Boalton in previous matters. Mr. Boalton explained that a tenant has been residing on property rent free for over 18 years, and that the conditions of the property are poor. He acknowledged that extensive renovations would be necessary and noted that any improvements to the Mill structure would need to comply with Floodplain regulations. Mr. Boalton also expressed that he would be open to donating the Mill to a historic society, though Mr. Boland cautioned that most historical societies lack the financial resources to restore and maintain such a building.

Amity Logistics-422 Properties

Mr. Bingaman reported that the developer is currently in negotiations with PennDOT regarding the installation of a traffic signal to service the site. Additionally, Mr. Bingaman informed the Commission that the Douglas Township Resident's Zoning Appeal that was filed has been denied by the County Court of Appeals.

Mr. Boland will verify whether the 30-day appeal period for the decision has passed prior to the Board of Supervisors meeting.

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Ordinance/Resolution(s)

None

CORRESPONDENCE

None

PUBLIC COMMENT

There was no public comment at this time.

Adjournment

Mr. Halter moved, seconded by Mr. Buckwalter, to adjourn the meeting at 8:32PM. *Motion carried unanimously.*

Respectfully submitted,

Kathie Benson

Planning Commission Secretary