

**West Vincent Township  
Board of Supervisors Meeting**

**May 2, 2011                      7:30 PM**

Attendance: Chairman Kenneth Miller, Zoë Perkins, Allan Greenwood of Siana, Bellwoar & McAndrew, LLP, Township Solicitor, Township Manager Jim Wendelgass, and Township Secretary Tammy Swavely.

Chairman Kenneth Miller called the meeting to order at 7:30 PM

**Public Comment on Non Agenda Items:**

**Michele Thomas, 6 Half Hill Road, Tax Parcel 25-4-63.3** stated that at the last Board meeting she informed the Board she was going to submit a letter in response to the statement that Mr. Wendelgass read into the record on April 11, 2011. This was so that her opinion could be entered into the record. Solicitor Greenwood asked that since this letter was just dropped off today, and he himself just received a copy, plus Supervisor Clare Quinn was not there this evening, would she consider deferring this until the next Board meeting, May 9, 2011. This was fine with Ms. Thomas and the matter was tabled until May 9<sup>th</sup>.

**Art Ewell, 972 Fellowship Road, Tax Parcel 25-7-66** had a question regarding the purchase of his TDR's by the Township. He asked if he was permitted to build a 2000 square foot accessory dwelling on his property and he was told he was allowed if it otherwise complied with the Township ordinance.

**Michele Thomas, 6 Half Hill Road, Tax Parcel 25-4-63.3** commented on this matter and asked how that was possible if Mr. Ewell did not reserve a right for another dwelling. Mr. Wendelgass informed her that someone who sells their TDR's still has all the rights of a property owner. An accessory dwelling is not a subdivision nor is it the primary dwelling and must always stay with the property. This has been in the Zoning Ordinance since 1998. An accessory dwelling is limited in size and scope. Ms. Thomas felt that, as a resident paying tax money to preserve open space, once the Township purchases TDR's that no additional homes should be built. Sara Shick, Planning Commission member, informed Ms. Thomas that if she examines the Zoning Ordinance she can see the TDR calculations depend on the individual parcel, some can have an accessory dwelling and some cannot. The Board will show where this is found in the Zoning Ordinance at the next meeting. **Tom Helwig, 2034 Pottstown Pike Tax Parcel 25-3-2** agreed with Ms. Thomas. Mr. Miller informed him that he was incorrect and that at the next Board meeting the Zoning Ordinance will be explained. Mr. Helwig brought up the Right to Know information he had asked for and feels that the Township information contradicts what the county has for a certain parcel. Mr. Miller stated what Mr. Helwig is basing his information on opinion and when the Zoning Ordinance is explained it will become clear that TDR's and Accessory Dwellings are different items. Kate Damsgaard, Planning Commission Member stated that the Township Zoning Ordinances are not a mystery; they are public items and feels that facts are clear. **Kit Troler, 16 Hunt Hill Road, Tax Parcel 25-4-240** asked the Board if she has a piece of property with an existing dwelling, could

she put up an accessory dwelling if she had 5 acres of more without selling any TDR's. The Board told her yes. Ms. Thomas feels that if someone is getting tax payer money they should not be able to build additional homes. Mr. Miller stated that the Board is following the Zoning Ordinance. Ms. Thomas would like to see the Zoning Ordinance in effect from August 2007-January 2008. Mrs. Shick stated that when the Planning Commission revised the Zoning Ordinance, the TDR portion was not changed. The apartment that Ms. Thomas has over her garage is also be permitted. It is like an in-law suite, not a dwelling unit. Ms. Thomas asked how the Board determines what development rights a property has. Mr. Miller stated that it is a calculation determined by an engineer taking into consideration the size of a parcel, soils, steep slopes, wetlands, etc. He asked if Ms. Thomas ever asked the Board to consider buying her TDR's and when she said no, he asked her what she was trying to accomplish with these questions. An accessory dwelling does not create a subdivision, but stays with the parcel as stated earlier in the meeting. The Zoning Ordinance is very clear, as stated before. **Richard Dunn, 1004 Birchrun Road, Tax Parcel 25-3-105** stated that when he had a property considered for a TDR sale, the engineer looked at a survey map, a topical graph map in addition to the deed. Mr. Miller agreed that all these items are considered before the total amount of TDR's is determined. Mrs. Damsgaard asked if the Board could do a presentation at the next Board meeting so that all can see how the TDR process works and what an accessory dwelling is. **Jeff Hester, 1980 Pottstown Pike Tax Parcel 25-3-29.2** asked if he could meet with Mr. Wendelgass after the meeting to find out more about square footage. **Jaime McVickar, 407 Blackhorse Road, Tax Parcel 25-7-14** stated that he feels Ms. Thomas has a legitimate concern with saving the Township money, but feels that the Open Space Committee could more easily answer her questions. Someone asked if the Zoning Ordinance could be kept out for meetings. Mr. Miller stated that it could, but that it takes a lot of time to go through and the Board does not want to misinterpret it. This will be tabled until the next Board meeting.

The first item of business on the Agenda was to award the bid for the Dust Control. Perkins made the motion to award the bid to Dust Kill, 252 S. Kinzer Road, Paradise, PA 17562 as follows: Soybean Oil plus delivery: \$.49/lb and Soybean Oil plus delivery and application: \$.11/sq. ft.

The minutes of March 7, 2011 and March 14, 2011 were tabled until the next Board meeting so that Ms. Quinn can be in attendance.

Township Building: No Report.

Township Manager Report: The Township Manager Report for the week ending 4/30/11 was acknowledged as submitted.

Active Subdivision List: There are no pending deadlines.

Bills List: The Bills List was reviewed. Perkins made the motion to approve the Bills List dated 5/2/11 in the total amount \$36,622.67. Quinn seconded the motion. Mr. McVickar questioned the Board about a bill payable to Smith and Porter, P.C. for legal services rendered to the Township for the Barry DiLibero Zoning Hearing. He wanted to know how much the Township has paid out with regards to Barry DiLibero and his court hearings. That figure will have to be

calculated by the Treasurer and can be reported next week. There was no further public comment and it carried unanimously.

**Correspondence:**

The Township has received information from the Chester County Agricultural Land Preservation Board that it is currently accepting applications for farmland preservations. They are accepting them for both the Commonwealth Program and the Chester County Challenge Grant Program through December 2011. This information will be added to the Township website.

**New Business:**

Mrs. Perkins stated that a local student **Katie Casto, 8 Pine Drive, Tax Parcel 25-7-127** suggested to her that the Owen J. Roberts Middle School would be willing to participate with the Board and be interested in local government. Ms. Casto suggested that we contact the guidance office to make arrangements.

The bid for Labor and Equipment needs to go out to bid. This is similar as done in the past. The Township will use a contractor to do the repair work and the Township will purchase the material on the state contract.

Chairman Miller announced that there will be an Executive Session immediately following the regular meeting to discuss a Real Estate matter.

Meeting adjourned 8:04 PM.

Respectfully Submitted,

Tammy Swavely  
Township Secretary