

West Vincent Township
Board of Supervisors Meeting

June 20, 2016 7:00 PM

Attendance: Chairman John Jacobs, Vice Chairman David Brown, Michael Schneider, and Township Secretary Tammy Swavely.

Mr. Jacobs called the meeting to order at 7:00 PM.

Approval of Minutes:

The minutes of **June 6, 2016** were unanimously approved on a motion by Mr. Schneider and a second by Mr. Brown.

Active Subdivision List: An extension was submitted by Daniel McKenna for the Trevdan-Kanavy Land Development. Mr. Schneider made the motion to grant the Extension for the same until December 28, 2016. Mr. Brown seconded the motion. The motion carried unanimously.

Bills List: Mr. Schneider made the motion to approve the Bills List dated 6/20/16 in the total amount of \$41,847.94. Mr. Brown seconded the motion. The Board answered some questions and the motion carried unanimously.

Police Report: The Police Report for the month of May 2016 was presented by Chief Michael Swinger and was acknowledged as received.

Correspondence:

A letter was acknowledged as received dated June 1, 2016 from Chief John Demarco, Chief of Police of Upper Uwchlan Township thanking Officer Butler for his crucial role of an investigation of a burglary in their Township.

A thank you note was acknowledged as received from Kristen Lewis to Officer Butler thanking him for his assistance in finding her lost dog.

Subdivision/Land Development:

Eagle Farms/Toll Bros.: Toll Bros. has offered the roads in Phase I for dedication. Cedarville Engineering has determined that they have completed the punch list and it is appropriate that the Township take dedication of these roads. Mr. Schneider made the motion to adopt Resolutions 14, 15, 16, 17, 18, and 19 accepting Deeds of Dedication for Crescent Drive, Station Boulevard, Thornhill Road, Powell Road, Paige Place, and Trillium Way as submitted. Mr. Brown seconded the motion which carried unanimously. Mr. Schneider made the motion that the Board accept the Maintenance Bonds for Crescent Dr., Station Boulevard, Thornhill Road,

Powell Road, Paige Place and Trillium Way as presented from Toll Bros. Mr. Brown seconded the motion. Maria Jacobs, 2351 Beaver Hill Road asked how long the bond is for. The bond is for 18 months and is limited to structural defects. Mr. McGrory added that a punch list is done by the Township Engineer and they will make sure all items are satisfied before the bond will be released. It depends on the severity of damage. There were no further comments and the motion carried unanimously.

Mr. Schneider made the motion that \$225,000 for the Toll Bros. Maintenance Bond #09137894 for Phase I, Lobella Ct. and Sweet Birch Lane, be released as recommended by the Township Engineer in his June 15th letter. Mr. Brown seconded the motion which carried unanimously.

Mr. Schneider made the motion that the Lennar Bond #SUR2310079 for Single Family East be released in the total amount of \$1,320,206.18, Lennar Bond SUR3100080 for the Carriage Homes North be released in the total amount of \$851,962.57 and Lennar Bond #SUR23110081 Eagle Farms Road be released in the total amount of \$262,759.70 as recommended by the Township Engineer in his June 15th letter. Mr. Brown seconded the motion which carried unanimously.

Old Business:

Ordinance 170-2016: Mr. McGrory opened the hearing for the Board to consider Ordinance 170-2016 amending the Township's SALDO. He entered exhibits into the record. Mr. Schneider made the motion that Ordinance 170-2016 be adopted as presented in the Hearing this evening revising the SALDO adding the Sustainability Statement to the Ordinance. Mr. Brown seconded the motion. Brian Curry, 512 Black Horse Road asked if this ordinance will affect Township projects. Mr. McGrory stated that it depends on the project and if the Township wants to subject themselves to it. This can be waived. Mr. Curry asked if the Sustainability Plan is to be implemented. Mr. McGrory stated that it is not mandatory. This Township views it as a high priority. Legally, no, it does not have to be implemented, but it could be followed. There were no further comments and the motion carried unanimously.

Ordinance 171-2016: Mr. McGrory opened the hearing for the Board to consider Ordinance 171-2016 amending the Township's Zoning Ordinance. He entered exhibits into the record. Mr. McGrory stated that this was written by the previous Township Solicitor. It includes changes to include Airbnb's which is permitting short time rentals with a maximum visit of 15 days. It is permitted in most districts. Also, recreation definitions are defined. He added that in particular is an important item to add. The rest are general housekeeping issues, including allowing home occupations in all zoning districts. Mr. Jacobs stated that he is not in favor of this ordinance because he feels it is the most confusing document he has ever read. Mr. McGrory stated that he did not write it and the Zoning Ordinance needs to be cleaned up in the future. Mr. Curry thanked the Board for putting the red-lined version of the changes on the website, it made it easier for him to read. Mr. Brown asked if this is comprehensive enough to implement. Mr.

McGrory stated that he would rework it and there are sections that are confusing, but it is decipherable. In the next few years a new format can be worked on. The Board took other public comment and questions. The Board considered not adopting this ordinance because of the complexity. Mr. Jacobs stated that he does not oppose the items, just the complexity. Mr. Schneider made the motion that Ordinance 171-2016 be adopted as presented in the Hearing this evening amending the Zoning Ordinance which includes Airbnb's and other matters. Mr. Brown seconded the motion. Mrs. Jacobs stated that she found *Airbnb* a trademark name, but not *Air B&B*. With that change Mr. Jacobs called for a vote. Mr. Brown voted yes, Mr. Schneider voted yes and Mr. Jacobs voted no, motion carried.

Ordinance 172-2016: Mr. McGrory opened the hearing for the Board to consider Ordinance 172-2016 to adopt the Phoenixville Regional Plan Implementation Agreement. He entered exhibits into the record. Mr. McGrory stated that this was drafted by someone else at the Phoenixville Regional Planning Commission. It changes certain thresholds that send an application for review to them. He added that the changes are mostly administrative. Mr. Schneider made the motion that Ordinance 172-2016 be approved as presented this evening adopting the Phoenixville Regional Plan Implementation Agreement. Mr. Brown seconded the motion which carried unanimously.

Park and Recreation Events: Mrs. Jacobs announced that the Summer Solstice Camp Out had to be cancelled since there were not enough sign-ups. Next year with a chance to advertise more, it should work out better. The Kite Event will be on July 2 at 10 AM in the Township Gazebo. A professional Kite Maker, Cliff Quinn will be present to make kites with children and teach them how to fly a kite. The cost will be \$4.00 to cover the cost of materials. Mrs. Swavely updated the audience with information about the Park Contest. The Township residents voted on the Pottstown Health and Wellness website and cast 66 votes. That should be enough to qualify for the \$1,000 grant. The next step is to take the tickets to the ballot box in the parks that correspond to the tickets you will receive in the mail during the month of July. Selfie pictures can also be posted on the website and count the same as a paper vote. The contest runs the month of July.

New Business:

New Police Vehicle: Chief Swinger researched a new vehicle for the police department and distributed information on a 2016 Ford Police Interceptor Sedan to the Board. Mr. Brown made the motion to purchase the 2016 Ford Police Interceptor Sedan on the COSTARS quote in the total amount of \$37,442 which includes decommissioning the 2011 Ford Crown Vic. Mr. Schneider seconded the motion. After a discussion, Mr. Jacobs asked Chief Swinger if he could put this approval on hold for a little while until the Road Program is considered. There was a discussion on purchasing a natural gas car. Chief Swinger will research those options. Mr. Schneider made the motion that the motion to purchase the 2016 Ford Police Interceptor Sedan be tabled. Mr. Brown seconded the motion which carried unanimously.

Marc Duey, 2109 Art School Road and 2105 Conestoga Road came to discuss his property uses with the Board of Supervisors. Mr. Jacobs stated that Mr. Duey was at a recent staff meeting and as a result, they made arrangements to come to a Board meeting to explain what they want to do and find out how the Board feels about their ideas. Mr. McGrory stated that if Mr. Duey submits a zoning hearing application, he would like to know if the Board will let it run its course or object. Currently at 2105 Conestoga Road there is an obstacle course which can be used as private recreation. The new Zoning Ordinance Regulations adopted this evening will impact this property and take effect in five days. Elizabeth Gavin, Gawthrop, Greenwood, PC, attorney for Mr. Duey started discussing the property at 2109 Art School Road. This was a church which was purchased by Mr. Duey when the congregation moved on. Pastor Hobbs still meets there Sunday and Monday evenings. In addition, Generation Home Schoolers meet there twice a week during the school year plus other school activities. There is a dog trainer's organization that uses the building as well as some charity organizations who use it a fund raising facility. Ms. Gavin explained that the property is being used the same as it was before Mr. Duey purchased it. A Special Exception would need to be filed to permit these education activities. She asked the Board if they would have any objections to the property being used this way. Mr. Brown stated that he would since it is inconsistent with the nature of a residential area. Ms. Gavin stated that this is not a new use, it predated Mr. Duey. It is not the intention to have large events, just to continue what was there before Mr. Duey purchased it. Mr. Brown stated that it is operating as a church, but it is no longer a church and the activities are inconsistent with a residential neighborhood. Ms. Gavin started the discussion on the other property, 2105 Conestoga Road which Mr. Duey has installed 110 obstacles. Ms. Gavin stated that Mr. Duey has filed for a Building Permit for the structures, after their construction, but has not received one yet. Mr. Duey would like to let charitable organizations use this property, for example, Wounded Warriors, Special Olympics and the Philadelphia School District. The average time a person can be on the course is from 60-90 minutes. If there was parking on site it would require lighting which Ms. Gavin is sure the Township did not want. Ms. Gavin stated that people using the course could park on the Duey's neighboring property and walk. There would be no parking or traffic on Dewees Lane. Mr. Duey has a contract in place to purchase the neighbor's property. This has a turnaround driveway that a bus could use and also used for handicapped parking. Ms. Gavin stated that Mr. Duey has plenty of space on other properties he owns including the church that he can use for parking. The goal is to use this property for charities to use. There is no intent to make money on this course. Mr. McGrory explained that the land use of this property is not dependent if it is for profit or non-profit, it runs with the land. This land owner may support charities, but the next one may not. The Board is being asked to consider conditions and would like to know exactly what Ms. Gavin is asking for. Ms. Gavin stated that a class is about 30, plus a spotter for every 8 people, that would be about 50. The time of year would be spring and fall. Coming up with a number of times a year and the number of people would be beneficial to the Board so they know what the application would entail. Mr. McGrory stated that the more people

and times are added, the more this gets away from a residential use. Mr. Jacobs brought up an event that was scheduled to occur this spring and the Township needed to send a Cease and Desist to the property to stop it. This event was to host upwards to 400 people. This cannot happen again. Currently the property can be used for private recreational use. Mr. McGrory stated that it becomes commercial when people are being charged. Ms. Gavin stated that the Duey's are fine with using the property for entities like schools or clubs who do not raise money. Mr. McGrory stated that at some point the use becomes commercial, and that could be litigated in court. He asked Ms. Gavin to trim the use. Ms. Gavin stated that she would have the hours be from 8 AM – 5 PM with no more than 50-75 people. She stated that would be a good number because parents come and watch. Mr. Jacobs stated that he is not comfortable with the hours and amount of people. Mr. Schneider stated that he would like to know what the neighbors feel about the use. Mr. Brown stated that some neighbors came in a while ago and were violently opposed to the course activity. Ms. Gavin stated that the Duey's are happy to screen the area. Mr. Schneider asked for Ms. Gavin to write up how much use they would like and approach the people within a quarter mile of the property boundaries for feedback and let the Board know of the results. Mr. Jacobs stated that he would need to know the number of people that it would be limited to. Mr. McGrory explained to the Board that the Zoning Hearing Board will hear this Application. They are one party in the litigation. The Board of Supervisors has the ability to either support or oppose the Application. He asked the Board if they would be included and actively litigate in opposition with the Zoning Hearing Board. Ms. Gavin is trying to come up with a compromise and put together an Application to the Zoning Hearing Board. Mr. Jacobs asked if the Board could meet with the solicitor to discuss this before he makes up his mind. The Board went into Executive Session. When the Board returned from their Executive Session, Mr. McGrory explained what he would like the exact wording and the exact conditions that the Duey's are willing to agree on and forward them to him. In addition, he would like Ms. Gavin to contact the neighbors and have a meeting with them, in the Township Building if she prefers, and describe what the Duey's have planned. Based on that meeting, the Board will decide if they will oppose the use or not. Mr. McGrory suggested that Ms. Gavin file the appeal in the meantime on the Cease and Desist. This is for the obstacle course only. With regards to the church and the use of a school as a secondary use can move forward if Ms. Gavin desires to do so. Mr. Duey spoke to the Board about his reasons for purchasing the church. He will preserve it, and bring it back to how it was before. Mr. McGrory stated that now that there is a game plan in place it will make it easier for the Duey's to move forward. The Board took a few comments on this issue.

Road Program: Cedarville Engineering has worked with the Public Works Department and had many site visits in the Township and has prepared a Road Program. Mr. Jacobs stated that he just received it and it is very extensive. The Board would like to have a Workshop to discuss it. They chose the regular Board meeting on August 1, 2016. This will be the main focus of the meeting that evening. This will be placed on the website for public viewing before the meeting.

Public Comment:

Sara Shick, 1201 Davis Lane asked about the sale of the Sewer Plants and the status of the Fellowship Trail, which there is no change. Ms. Shick also asked about the recommendation from the Planning Commission to remove the RM from the zoning. The Board has decided not to take any action on that at this time. Ms. Shick asked about the first Open Space Committee meeting. Mr. Brown informed her it would be June 28th at 7:00 PM. Ms. Shick commented on the mowing of the sewer plants the formatting of the budget and the Community Garden water hook up to Aqua PA.

Jane Helm, 2563 Veronica Drive commented on the windows at the Benner Farmhouse.

Jim Helm, 2563 Veronica Drive commented on the gate at S. Chester Springs Road.

Meeting adjourned 9:27 PM.

Respectfully Submitted,

Tammy Swavely
Township Secretary