

West Vincent Township
Board of Supervisors Meeting

May 7, 2018

7:00 PM

Attendance: Chairman, John Jacobs, Vice Chairman, Mike Schneider, Member, Bernie Couris, and Joseph J. McGrory, Esq. Township Solicitor, Bryan Kulakowsky, Township Engineer, Erica Batdorf, Township Manager, Kathryn Shillenn, Township Secretary.

Chairman John Jacobs called the meeting to order at 7:00 p.m.

Approval of Minutes:

Mr. Schneider made the motion to approve the May 7, 2018 minutes as submitted. Mr. Couris seconded the motion which carried unanimously.

Reports:

Township Manager Report: Ms. Batdorf gave her report for May, 2018; items of note; the promoters of the country music festival will have a meeting at the Hankin Library on May 14th to answer any questions residents may have, the sewer settlement was completed on April 25th; the final invoices are now being worked on by township staff. The primary election is May 15th; the office will be open for voting. The 2017 Audit Report will be presented at our next Board Meeting. There will also be a meeting between Neil Fisher representing Weatherstone and the EAC and Sustainability Committee. The meeting should be finalized before the next Board Meeting. The bids for Chip/Seal will be opened on May 14th. This month has seen an increase in building permits. Also, the Township office will be closed on May 28th for the Memorial Day holiday. The Festival in the Park will be held on June 9th. The report was then acknowledged as received

The Environmental Committee recently met and put forth a recommendation for a Township Historical Resources Commission.

Victoria Laubach, Chairwoman of the Environmental Advisory Council, and Jane Helm, Vice – Chairwoman of the Environmental Advisory Council, presented a recommendation on behalf of the Council in forming a Historic Review Commission. A draft report with recommendations was presented to the Board. Mr. Jacobs indicated the Board will review the recommendations and comment at a future Board meeting.

Sara Shick, 1201 Davis Lane asked if a copy of the draft report could be provided to the Historic Review Subcommittee. Brian Curry, 512 Blackhorse Road, asked if the report will be placed on the township website so that everyone can see it. Ms. Batdorf indicated that the draft report will be posted on the website.

Bills List: Mr. Schneider made a motion to approve the Bills List in the total amount of \$225,911.38. The Board answered a few questions from the public and the motion carried unanimously.

Presentation:

The Norchester Red Knights gave a presentation to the Board speaking on the need for donations for the children who play football and cheerleaders to be able to buy new uniforms and they are also in need of a new roof for their clubhouse. They are asking for support from West Vincent Township. Mr. Jacobs informed the group that the request will go under consideration by the Board.

Subdivision/Land Development:

Michael & Meryl Joblin Subdivision, 2120 Flowing Springs Road Resolution of Approval:

MOTION by Mr. Schneider to approve Resolution 18-2018 for minor subdivision plan approval for 2120 Flowing Springs Road; seconded by Mr. Couris. Bryan Kulakowsky commented that the plan was reviewed. All comments were addressed and the Planning Commission, at their last meeting, and recommended that this plan be approved. Mr. Kulakowsky indicated this plan is a simple lot line change between neighbors. *Motion carries unanimously*

McCoy & Meyers Subdivision, 1286 & 1304 Hollow Road Resolution of Approval: **MOTION** by Mr. Schneider to approve Resolution 20-2018 for minor subdivision plan approval for 1286 & 1304 Hollow Road; second by Mr. Couris. Bryan Kulakowsky commented that this is a simple lot line change between neighbors to allow better access to their property. All comments were addressed and the Planning Commission has recommended approval. *Motion carries unanimously.*

Natural Lands Trust & Flint Road Subdivision – Bryn Coed Subdivision Resolution of Approval: **MOTION** by Mr. Couris to approve Resolution 19-2018 for preliminary/final subdivision plan approval for the Bryn Coed Farms – Lot Line Change No. 2; second by Mr. Schneider. Bryan Kulakowsky commented that this is the lot line change for the Preserve Lot 5A. Mr. Kulakowsky noted the plan reallocates two parcels to make one 23-acre parcel. *Motion carries unanimously.*

Kanavy/Trevdan, Lot 1 Conditional Use: Solicitor McGrory commented that no action is needed for this item. The Board only has to sign the Decision.

Weatherstone Settlement Agreement Modification: Solicitor McGrory discussed the role of the Settlement Agreement between the Township and Hankin Development Group in relation to Hankin's proposed plan. The proposed commercial development plan, which is pending right now, includes a small portion of property at the corner of Rt. 100 and Rt. 401, which was not part of the Settlement Agreement. The proposed plan is incorporating this land into the development. The Settlement Agreement would need to be amended to allow for the land to be included as part of this plan through a court stipulation. Therefore, the plan cannot be voted on tonight. Mr. McGrory indicated that he wants to make sure that the Board is fine with what the developer is proposing

before voting on the stipulation to the agreement. Mr. Schneider asked if this was for the 1.8 acres at the corner of Rt. 100 and Rt. 401. Solicitor McGrory confirmed this is the land in question. **MOTION** by Mr. Schneider to allow the Chairman to sign the settlement agreement; second by Mr. Couris.

Harriet Stone, 1645 Birchrun Road, commented that the WaWa site is right across Birchrun Road from a Class 1 historical property. This requires that they must come up with a cultural impact study and it is required to be submitted to PHMC. Neil Fisher, representing Weatherstone, commented that if they disturb more than 10 acres, then the study must be submitted.

Kate Farnham, 988 St. Matthews Road, commented that there are two historic districts that appear to cross the property. The Highlands Historic District does appear to cross the property, and there is a house on the corner of Birchrun Road and Rt. 100 that is eligible for the national historic register, including in front of the property.

Sara Shick, 1201 Davis Lane, commented on a Hankin owned farmstead, located on Birchrun Road. She has a copy of the Settlement Agreement identifying the responsibility of the Hankin Group in maintaining this property. Ms. Shick stated that the Agreement requires Hankin to honor the historic property and keep it sound. Ms. Shick is requesting that the right people keep an eye on this and they are concerned that Mr. Hankin is not adhering to the agreement.

Neil Fisher, of the Hankin Group, commented on the impacts of the commercial development on nearby historic properties. Mr. Fisher noted the plan is a much softer, less dense version than the previously proposed plan. The residential size has increased but the commercial size has decreased, thus making the appearance less dense. **MOTION** by Mr. Schneider to amend the previous motion to allow the Solicitor to sign the agreement; second by Mr. Couris. ***Motion carries unanimously.***

Ms. Shick, commented that she feels that they should hold off signing the plan until they have a chance to discuss the issue of the maintenance of the farmstead further. Mr. Couris commented that there is nothing they can do about the Settlement Agreement and that Mr. Fisher is extending a courtesy to listen to the Environmental Advisory Committee and the Sustainability Committee. Jim Helm, 2563 Veronica Drive, commented that they need more action in maintaining the farm. He would encourage the Board to take a look at the Settlement Agreement. Mr. Helm expressed his displeasure at the approach that Hankin has taken. He feels that the residents were sensitive to the signs and that the signs adhere to the township ordinance and he is concerned about the overall approach that this concern was ignored.

Mr. Jacobs commented that they will still have the plans in from of them next month. Solicitor McGrory commented that the Board needs to be satisfied with the plan before approving the stipulation. Mr. McGrory asked Mr. Fisher is there anything he can do to address some of the concerns regarding the look of the farmstead. Mr. Fisher stated he will meet with Township officials and come up with an action plan.

Regarding the WaWa sign, Ms. Shick stated that the signs were 18 ft. Mr. Schneider commented that they were lowered and are 14 ft. The monument sign is 18ft.

Mr. Jacobs commented that there are two points in the plan that need a variance – to change the size of the trees and the sign size, which has been handled. Mr. Fisher stated that the trees which are required are 3” caliper trees, which are difficult to find; he can find 2 ½” caliper trees. The plan would then show over 1000 trees if using the 2 1/2” caliper trees. Mr. Jacobs commented that there would need to be something noted that there will not be advertising on the WaWa sign, other than the gas prices. Mr. Helm further stated that he feels that his comment on signs was misunderstood; the sign is non-conforming. Ms. Shick commented that she is not happy with the signs; she is more concerned with the historic farmstead near the proposed development.

Mr. Jacobs commented that an issue has been brought to a head regarding the Township’s historic properties and Hankin should meet the terms of their agreement. When Mr. Fisher goes out to look at the property, he would like Ms. Batdorf and the Zoning Officer to go along.

Brian Curry, 512 Blackhorse Road commented that the WaWa sign proposed is similar to the WaWa sign near Eagle.

Karl Brachwitz, 1286 Hollow Road, asked if the WaWa sign will be an electronic sign. Mr. Brachwitz mentioned the Sunoco was turned down by the Zoning Hearing Board for electronic signs. Mr. Fisher noted that the signs will be electronic signs but will be approved through the Settlement Agreement.

Mr. McGrory asked Mr. Fisher if he could add a revision to their plan approval that there will be no electronic signs on the development with the exception of the WaWa. Mr. Fisher agreed to adding this requirement to their plan.

Jane Helm, 2563 Veronica Drive, commented that she was just over the PA border and the WaWa signs had a stone base and seemed shorter.

Suzanne Roth, 1360 Schoolhouse Lane, commented on the lumens that will be shining in the WaWa parking lot. It was very noticeable that the lumens were much lower in Delaware. Mr. Fisher stated that the lighting complies with the ordinance requirements. Ms. Roth commented that she would be concerned if the lumens in the WaWa parking lot were high and she lived in the Weatherstone development.

Peggy Glazer, 2990 Horseshoe Trail commented that there seems to be some distrust with Hankins ability to comply with things; she suggests holding off until the Township Manager takes a look at the buildings to make sure everything is addressed in accordance with the Settlement Agreement.

Ms. Shick gave the Board a list of the historic properties that are not well maintained in the Township. Ms. Shick noted that the historic farmstead in question tonight is on the committee’s list.

Harriet Stone commented that the historic review committee does not have photos from the time the settlement went through. However, the committee does have photos from the time the historic atlas was being done from about seven years ago which are out in the lobby. Ms. Stone will share this information with staff.

MOTION by Mr. Schneider to accept the Weatherstone Settlement Agreement Modification; second by Mr. Couris. *Motion carries unanimously.*

Weatherstone Town Center Phase I Land Development – Residential: The Board has acknowledged receipt of the Weatherstone Town Center Phase I Land Development Residential Plan.

16 Years LLC Subdivision Sewer Approval – **MOTION** by Mr. Schneider to approve Resolution 21-2018 the subdivision 16 Years LLC to submit the sewer modules; second by Mr. Couris. *Motion carries unanimously.*

New Business:

Bid for Double Chip Seal of Township Roads: **MOTION** by Mr. Schneider to reject all bids due to price; second by Mr. Couris. *Motion carries unanimously.*

MOTION by Mr. Schneider to authorize the Township Manager to rebid the Double Chip Seal of Township Roads; second by Mr. Couris. *Motion carries unanimously.*

Festival in the Park Request for Waiver of Park Rules: **MOTION** by Mr. Schneider to approve the waiver of the park rules for the Festival in the Park; second by Mr. Couris. Mr. Couris asked if this is just for the Festival only. Ms. Batdorf stated that this is just for the commercial activities. Ms. Shick asked if there is anything out of the scope of what we have seen before at community day. Ms. Batdorf replied the scope of activity is similar. Brian Curry, 512 Blackhorse Road commented that the some of the park rules follow deed restrictions. This is part of the gifting of the park from the Evans family to the Township.

Maria Jacobs, 2351 Beaver Hill Road commented that if there is a problem with the festival it can be canceled. Ms. Batdorf will investigate the matter.

Mr. Schneider amends the motion contingent on Ms. Batdorf's review of the issues; second by Mr. Couris. *Motion carries unanimously.*

Hustle for Henne 5K Run: Ms. Batdorf commented that a non-profit group is proposed to host a 5K run at Evans Park to raise funds for addiction recovery and is similar to last year's Turkey Trot. There is no money allocated for the event in the Township budget. Ms. Batdorf will get more information to share with the Board.

Public Comment on Non-Agenda Items:

Harriet Stone, 1645 Birchrun Road, commented that she received notification that Columbia Gas will be crossing some township roads possibly in early June.

Brian Curry, 512 Blackhorse Road, commented that at the last meeting the road material bids were below the threshold for bidding. He was looking at the website and videos are missing. The HRC meeting minutes are not on the website. Ms. Batdorf commented that staff are working on these items.

Suzanne Roth, 1360 Schoolhouse Lane commented that she was out taking mulch away from the trees and the Township should monitor the landscaping to prevent the misuse of mulch in the future.

Brian Sundermeir, of Natural Lands Trust requested an update on the purchase of West Vincent Park to be located at the Bryn Coed site. Mr. McGrory brought copies of the agreement to the Board meeting which was previously approved by the Board of Supervisors.

MOTION by Mr. Schneider to approve the agreement of sale of 72 acres for \$950,000.00 be signed; second by Mr. Couris. *Motion carries unanimously.*

Jane Helm, 2563 Veronica Lane commented that the blinking light on stop sign at S. Chester Springs Road and Rt. 401 is still not working. Ms. Batdorf has relayed these issues to PennDOT and they have processed a work order to have the lights fixed.

The meeting adjourned at 8:49 p.m.

Respectfully submitted,

Kathy Shillenn
Township Secretary