

West Vincent Township  
Board of Supervisors Meeting

February 23, 2015 7:30 PM

Attendance: Chairman Kenneth Miller, Jr., Vice Chairman David Brown, John Jacobs, Stephen Siana of Siana, Bellwoar & McAndrew, LLP, Township Solicitor, James Wendelgass Township Manager, and Township Secretary Tammy Swavely.

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

**Public Comment on Non-Agenda Items:**

**Frances Ellis, 2823 Flowing Springs Road** commented on the state gas tax in Pennsylvania and the door locking procedure that the Township uses for its front door.

**Brian Curry, 512 Blackhorse Road, Harriet Stone 1645 Birchrun Road and George Dulchinos 1415 Hollow Road** commented on the door locking procedure the Township uses.

**Approval of Minutes:**

The minutes of **February 9, 2015** were unanimously approved on a motion by Mr. Brown and a second by Mr. Jacobs.

**Reports** (full copies are attached):

Township Manager Report: The Township Manager Report for the period ending 2/23/15 was acknowledged as submitted.

Treasurer Report: Mr. Wendelgass read the attached Treasurer Report for the period ending January 31, 2015 which was acknowledged as received.

Active Subdivision List: An extension was submitted by Dave Gibbons for the Batchelor Subdivision. Mr. Brown made the motion to grant the Extension for the **Batchelor Subdivision** until April 15, 2015. Mr. Jacobs seconded the motion which carried unanimously.

Bills List: Mr. Jacobs made the motion to approve the Bills List dated 2/9/15 in the total amount of \$64,489.05. Mr. Brown seconded the motion. The Board answered some questions and the motion carried unanimously.

**Correspondence:**

An email dated February 13, 2015 was received from Harriet Stone requesting permission to close Hollow Road for the amphibian crossing. She has contacted Chief Swinger who is supportive

of the event. Mrs. Stone was present and stated that the last 2 years they were not successful in helping many, so they must have crossed after the volunteers left. She has anywhere from 0-20 helpers. The temperature has to be above 36 ° and rainy, terrible weather, but still people come out to help. The Board informed her that she can move forward with closing the road to assist the amphibians cross Hollow Road as long as she has contacted the Police Chief to assist her with the closing.

A letter was received February 17, 2015 from Chris Peeples, 1611 Kimberton Road raising concerns relating to the zoning in West Vincent Township. Mr. Peeples was present to discuss the content of the letter. He provided information on his background noting that he has lived here in West Vincent Township with his family for over 60 years. He made note that Chester County was ranked as the 4<sup>th</sup> best county to live in Pennsylvania and he feels that is in large part due to the rural nature of West Vincent Township and the Dietrich properties known as Bryn Coed. He has heard rumors and sought information from the Board. He stated that he read the Zoning Ordinance and noted that it no longer provides for 5 acre zoning. He feels that density has increased and if Bryn Coed ever develops it will be a terrible thing to happen to the Township. Mr. Miller stated that there is still 5 acre zoning in parts of West Vincent Township and that his farm is in fact subject to 5 acre zoning. Mr. Peeples discussed TDR's and how the Township owns them once they are taken off a property. He researched the website and could not find any information on the development of the Dietrich property known as Bryn Coed. He has heard that the Cutler property along with lands from Pughtown Road to Flowing Springs Road will be developed by Toll Bros with over 300 houses. He is upset because he feels this is the most beautiful land in the Township. He stated that he understood that years ago the Dietrichs were going to subdivide their 1157 acres into large lots, with not more than 120 houses. He would like to know if the Board could get that deal back. Mr. Peeples stated that he assumed that Mr. Miller would be selling his property since someone told him that. Mr. Miller stated that he is not selling his farm, and in fact his 2 sons did or will be graduating from college and coming back to work on the farm. Mr. Miller wanted to know who told him that he would be selling his farm. Mr. Peeples would not share that information. Mr. Siana interjected noting that many of the statements Mr. Peeples was making were false or inaccurate. Specifically, Mr. Siana informed Mr. Peeples that his statement that the Dietrich properties, Pew properties and King Ranch properties were responsible for keeping large parts of Chester County undeveloped was accurate, however, the Pew properties and King Ranch properties were placed under conservation easements by the landowners and those easements did not have an impact on the zoning of property surrounding those properties. Mr. Siana then noted that 5 acre zoning in West Vincent Township had not been done away with as he suggested. Mr. Wendelgass confirmed to Mr. Peeples that the 5 acre zoning is called RC, Rural Conservation and is found in pages 49-62 of the 2013 Zoning Ordinance. There is a lot of land that is zoned RC throughout the Township. Referring to the Zoning Ordinance, Mr. Peeples does not see where roads or bridges are addressed. He has heard that developers do not have to contribute to the improvements of roads or infrastructure. Mr. Siana stated that the Board has the ability to ask a developer to improve state roads since Mr. Peeples mentioned St. Matthews Road which is a state road. Mr. Wendelgass added state law only allows the Township to require the developer to do improvements on roads which are adjacent to their property. Mr. Siana noted, as was previously

explained in a prior Township meeting to Mr. Peeples, that the Township only has the ability to request that the developer make application to PennDOT for a highway occupancy permit to perform improvements on state roads, and that PennDOT retains jurisdiction as to whether the permit will be issued and, therefore, has control over improvements to state roads. Mr. Miller then stated that he wanted to hear what else Mr. Peeples had to say. Mr. Jacobs stated that he kept hearing Mr. Peeples refer to rumors and asked if there are any proposals for development of land in the Township? Mr. Wendelgass stated that there is an approved subdivision plan Cutler Application, which was approved several years ago. Another developer has bought 100 acres of the property that was the subject of that approved plan, so he is not sure where that subdivision approvals stand. Mr. Jacobs stated that any discussions of TDR's are done at a public meeting. A hearing is held. Nothing is done in private as Mr. Peeples is suggesting. He added that the Zoning Ordinance, requires a developer to provide 60% open space. Mr. Siana stated that the latest revised Zoning Ordinance builds in density bonuses as incentives for the preservation of large tracts of open space. Mr. Wendelgass stated that it is not a simple calculation. A developer must use an adjusted tract acreage, which removes such things as steep slopes, streams, high water table and soils and then the number of units is determined from that. If a developer has both R2 and R3 Zoning, he would have different zoning throughout the subdivision. Mr. Miller stated that he has not been in discussion with any developer about the development of Bryn Coed. He asked both Mr. Jacobs and Mr. Brown, who both stated no, they have not been in discussion with anyone about the development of Bryn Coed. Mr. Miller added that is not to say that there may not be an agreement in place with a developer, but the Township is not part of it and has not heard of any. Mr. Jacobs stated that the Board is interested in keeping the rural nature of the Township. Mrs. Stone stated that she knows a member of the land trust and she believes that they are trying to buy some of the land and there has been some progress, but she is not sure what. There has been discussion to save these parcels for over 30 years.

### **Old Business:**

Community Garden: Two quotes were obtained on fencing for the Community Garden. Mr. Miller reviewed each of them and they have the same specs. One proposal from Ag Fence, LLC in the total amount of \$10,880.19 and the other from LB Fencing, LLC in the total amount of \$8998.00. Mr. Brown made the motion that the Board accept the LB Fencing, LLC proposal as submitted. Mr. Jacobs seconded the motion. Brian Curry, 512 Blackhorse Road asked how large the area to be fenced was. The fence is 130' x 330', just under 1 acre. There was no further comment and the motion carried unanimously.

### **New Business:**

Zoning Application: A new zoning application was received from Gabriel Pilotti, 20 Pine Drive. Mr. Pilotti is appealing a decision from the Zoning Officer and a tentative hearing date was set for March 5, 2015 at 7:00 PM. Mr. Brown made the motion that the Board acknowledge receipt of the Zoning Hearing Application for Gabriel Pilotti. Mr. Jacobs seconded the motion. Mr. Curry asked what Mr. Pilotti's position was. Mr. Miller stated that the Board does not know, and it is in

the hands of the Zoning Hearing Board. Mr. Wendelgass stated that there is not much he can share due to confidentiality. There was no further comment and the motion carried unanimously.

Road Department Truck: Mr. Miller stated that the Township received a quote for a 2016 International Terrastar SFA 4x4 from Ramsome International LL. There is also a quote from E.M. Kutz for a stainless steel body, a spreader and plow. Mr. Jacobs made the motion that the Board approve the purchase of the 2016 International Terrastar as in the quotes submitted in the total amount of \$113,516.00. Mr. Brown seconded the motion. Maria Jacobs, 2351 Beaver Hill Road asked if this will cut down the use of contractors during snow storms. Mr. Miller stated that yes, except in the larger storms. Mr. Curry asked if this is replacing a truck or a new purchase. He was told it was an additional one. There was no further comment and the motion carried unanimously.

Farm Land Lease Renewal: West Vincent Township rents property to a farmer, Stanley Guest which the Township purchased from Owen J. Roberts in April 2005. It is approximately 24 acres. At the time of purchase, Mr. Guest was farming it, and the Township has continued to rent it to him. The lease is a year-to-year lease. The price is \$50/acre totaling \$1,235 to the Township per year. The parcel is tax exempt. Mr. Jacobs asked if this was a reasonable rate and if it had been 10 years without an increase. He feels that a \$5.00 increase per acre should be asked. Mr. Wendelgass will contact Mr. Guest to see if that is acceptable.

Meeting adjourned 8:45 PM

Respectfully Submitted,

Tammy Swavely  
Township Secretary