

West Vincent Township
Board of Supervisors Meeting

December 5, 2016 7:00 PM

Attendance: Chairman John Jacobs, Vice Chairman David Brown, Michael Schneider, Township Solicitor Joe McGrory, Esq., Hamburg, Rubin, Mullin, Maxwell and Lupin, Township Engineer, Manager Erica Batdorf and Township Secretary Tammy Swavely.

Chairman John Jacobs called the meeting to order at 7:00 PM. Since he had laryngitis, he asked Mr. Brown to run the meeting.

District Attorney Tom Hogan came to the Board meeting to make a presentation to Chief Michael Swinger and the West Vincent Township Police Department for their efforts involved with the home invasion which occurred on July 26, 2015. Mr. Hogan stated that Officer Patrick Butler from West Vincent and Chester County Detective Sergeant Thomas Goggin went above and beyond to get the person who took advantage of a retired veteran when they robbed and beat him last year and presented the Department with a plaque. The person is now in prison and will be for a long time. Supervisor David Brown also presented a plaque to each of these officers recognizing their cooperative investigative efforts on this case.

Approval of Minutes:

The minutes of **November 21, 2016** were unanimously approved on a motion by Mr. Schneider and a second by Mr. Jacobs.

Township Manager Report: The Township Manager Report for the period ending 12/5/16 was acknowledged as submitted.

Police Report: Police Chief Swinger gave the Police Report for November 2016 which was acknowledged as received. Suzanne Roth, 1360 School House Lane asked why there were so many calls, 269. Chief Swinger stated that over 50 were for the bridge closure at Route 401 and St. Matthews Road. Jane Helm, 2563 Veronica Drive asked if there was any more information on the two home invasions in a neighboring Township. Chief Swinger did not have information on that other than that there has not been any more.

Bills List: Mr. Schneider made the motion that the Bills List dated 12/5/16 in the total amount of \$61,532.18 be approved as submitted. Mr. Jacobs seconded the motion. The Board answered some questions and the motion carried unanimously.

Correspondence:

A letter dated November 23, 2016 was acknowledged a received from the Chester County Planning Commission asking the Township to appoint two representatives to the Phoenixville Region Multi-modal Transportation Plan Steering Committee. Mr. Schneider made the motion that the

Township appoint the Township Manager, Erica Batdorf and another person of her choosing. Mr. Jacobs seconded the motion and it carried unanimously.

Subdivision/Land Development:

Weatherstone Commercial Area: Mr. Schneider made the motion that the Board approve Resolution 25-2016 to support the modification as it pertains to the Weatherstone Commercial Area Plan as submitted tonight. Mr. Jacobs seconded the motion. Mr. McGrory explained that in the Settlement Agreement with the Hankin Group it allows for changing plan concepts. The Developer has approached the Township to change the plan due to changes in the market place. This resolution shows that the Board will support the concept prior to them spending money on engineering. Mr. McGrory spoke on the details in the resolution. It allows a reduction in the amount of allowable retail/office use space from 240,000 gross square feet to 120,000 gross square feet, an increase in the number of residential apartments permitted under of the Settlement Agreement from 100 to 230 apartment units; and "Stand-alone" apartment units that are not above retail/office buildings. The Board may consider amending the Settlement Agreement prior to final land development approval to include the Adjacent Land in the Weatherstone Commercial Area. By not adding the land into the resolution, it will give the Township the leverage, should it need any during the Land Development process. There is no commitment from the Board at this point. Neal Fisher, Hankin Group stated that he is seeking approval for the change in uses. The next step in how it is oriented. Mr. McGrory described the differences between a regular Land Development and the one that is with The Hankin Group because of the Settlement Agreement. The Township has less power than it normally would. Kate Damsgaard, 1091 Hollow Road stated that in the Settlement Agreement, page 34, does not include usage in the allowable changes. The Phoenixville Regional Plan Review was received and it states that it is not consistent with the Regional Plan. This includes residential density. Ms. Damsgaard feels that the Township is being pushed forward without adequate review of what is happening and it seems to be cloaked under the terms of the Settlement Agreement. Mike Malloy, Esq. for the Hankin Group spoke to this disagreeing stating that the Brunner plan was modified the same way. Mr. Fisher added that the Planning Commission has seen this plan and have approved the concept plan. Ms. Damsgaard stated that this plan is not a walkable plan and the density is bothersome. Kip Archinal, 919 Fellowship Road read the first page of the SALDO which refers to the Phoenixville Regional Plan as the Townships Comprehensive Plan, which makes it not just advisory. Mr. Schneider stated that she was reading from the 2010 Zoning Ordinance and the Settlement Agreement goes by what zoning was in place in 2007. Mr. Fisher stated that with the market change, the approved plan will never be built by the Hankin Group. Now that the 1.8 acres is added, the plan can be revised and accommodate the current market. John Stoudt, Weatherstone HOA president stated that the HOA has seen this and are in favor of the plan. There is a concern that if the Hankin Group does not get approval to change the plan that they will sell it and they appreciate the product that they make. Mr. McGrory stated that this is not the approval, just showing willingness to work with the Hankin Group. Mr. Schneider stated that the Township cannot control the market and that Mr. Fisher has found something that will give Hankin an opportunity to be successful and it makes sense to him. Bryan Sladky, 1852 French Creek Road stated that the Ludwig's Corner area is very significant to West Vincent Township since it is the gateway to the Township and should be given a lot of thought to any approvals. He wanted to know why the Board was approving this tonight. Mr. Jacobs stated that when he campaigned for office a few years ago, every home in Weatherstone

asked him for commercial area to be built. He has concerns that 15 years from now that the residential part will be built, but the commercial area will not be. Mr. Jacobs stated that he agrees that it is not an ideal plan since it brings in traffic. Mr. Sladky wants the Township to make sure that the Board has a long term view. Mr. Schneider stated that the Township does not have the choice but to go by the terms of the Settlement Agreement. The Hankin Group has property rights also and needs to do what is feasible. Mr. Jacobs stated that the area is already high density. Mr. Fisher stated that this amended plan is more in line with the Strategic Plan of the Township than the other one since it offers smaller retail smaller residential. The Sustainability Committee should be happy to hear that all of Hankin's buildings have been certified leed buildings. The Stormwater will have to go by the newest DEP standards. Ms. Damsgaard asked if there was a timeline. Mr. Fisher stated that there are goals set and some interested companies but it does not happen quickly. Eagleview has been built over the last 30 years. Ms. Shick is concerned that the plan is not community friendly. Mr. Sladky asked about the Brandywine Trail that is mentioned in the PRPC Review letter. This is a large trail that connects rails to trails. Brian Curry, 512 Black Horse Road stated that Brandywine Trail is private and is for members only. Maria Jacobs, 2351 Beaverhill Road stated that the Weatherstone residents want this. Mr. Jacobs stated that he has heard all the things that people have said and he does not want West Vincent Township to become like Upper Uwchlan Township or West Whiteland Township. Mr. Brown stated that after reviewing the PRPC Review letter, and nothing against the Hankin Group, he feels that the plan is inconsistent and understands that the zoning is preempted, but he does not want to change it. Mr. Brown called for a vote. Mr. Jacobs voted Yes, Mr. Schneider voted Yes, Mr. Brown voted No. Motion carried.

Eagle Farms Subdivision/Toll Bros.: Toll Bros. has requested Surety Reductions on a Performance Surety Bond and Cedarville Engineering is recommending their release. This is for the Sanitary Sewer improvements and Upper Uwchlan Township has previously approved this release. Mr. Schneider made the motion to approve Release #10, Sanitary Improvements, Phase 1/2A in the total amount of \$474,512.99. Mr. Jacobs seconded the motion, there was no public comment and the motion carried unanimously.

Fox Hollow Subdivision: Southdown Homes have requested their final release of escrow. Cedarville Engineering has recommended approval for this in the total amount of \$495,361.70 in their letter dated November 11, 2016. Jim Helm, 2563 Veronica Drive stated that they own part of the open space for this subdivision. He is concerned that the detention pond is not working as it should. He would hate for this to be an HOA problem if the Township took dedication of it while it did not work correctly. Mr. Jacobs asked if this would be a problem if this was delayed another meeting. Ms. Batdorf stated that the developer would like to get this wrapped up. Mr. Jacobs asked if she would meet with the solicitor, the HOA and the Township Engineer and see what can be done. Mr. McGrory would like to review HOA documents and it may be just a matter of enforcement and inspection rights. This was tabled until the next Board meeting.

New Business:

Corrective Easement: The trail easement in the Fox Hollow Subdivision, specifically Tax Parcel 25-10-1 is not as per the plan. During construction, it was necessary to do field changes. The easement does not reflect the correct metes and bounds. Mr. Schneider made the motion that the Board approve the changing of the easement areas on Tax Parcel 25-10-1 pursuant to this

document to replace the metes and bounds descriptions set forth in the Legal Description attached to the Prior Easement as Exhibit "A" and that the Chairman is authorized to sign for the Township. Mr. Jacobs seconded the motion. This easement is on Jim and Jane Helm's property. They have agreed to the easement change. Mr. Helm asked when the trail will be built. Ms. Batdorf informed him that it is a committee of resident Bill Holderness, the Public Works Department and the Township Engineer. They needed the dedication to happen before any work could be done. Mr. Brown called for a vote which carried unanimously.

New Zoning Hearing Application: A new Zoning Hearing Application was received from Zoe Perkins, 1714 Birchrun Road. The hearing will be on January 17, 2017. Ms. Perkins is seeking a variance for setbacks to construct a carport since her property is within the 150' buffer of the Birchrun. Mr. Brown made the motion that the Board do not take any action in this matter. Mr. Schneider seconded the motion which carried unanimously.

Committee Volunteers: Mr. Jacobs stated that he would like the positions be advertised on the Township website. Mr. Schneider made the motion that the volunteer positions be placed on the Township website and that all interested parties send in letters of interest. Mr. Jacobs seconded the motion which carried unanimously.

Public Comment:

Harriet Stone, 1645 Birchrun Road commented on the lovely job the police did when a tree fell down across the road near her property.

Jennifer Farnham, 2665 S. Chester Springs Road stated that she heard that the gate at the intersection of S. Chester Springs Road and Eagle Farms Road was under discussion and she wanted an update. She added that in 2013 the Board agreed to the road closure with a gate. The concept that hadn't gotten far enough was how trash trucks turn around. Ms. Batdorf stated that the Township is working on a solution. Mr. Brown stated that at the last meeting the Board directed Ms. Batdorf to gather all the information and report back to them.

Artie Ewell, 972 Fellowship Road asked the Board to consider revising the Zoning Ordinance definition of auto/mechanical workshop. As he reads it, it is not a permitted use and he has worked on his automobiles for several years. He feels that this should be an approved use and the only thing that would need to be changed was the definition. The Board will consider this at the next revision.

Brian Curry, 512 Black Horse Road discussed the Sewer Budget and the systems that may not cover their budgets. He asked if the Township can subsidize those accounts, could the sewer system funds be placed in the General Fund. Mr. McGrory stated that each sewer plant has their own agreement. Ms. Batdorf stated that ideally, all sewer funds remain in the appropriate account.

The Duey obstacle course was discussed. A neighbor has seen functions with about 15 people and wanted to know if there was an agreement with them yet. Mr. McGrory stated that they have been permitted to work on the current structures. Ms. Batdorf stated that a complaint came in to the office today with pictures of new structures being built. Mr. McGrory stated that this will have to

be straightened out and a compromise must found. He added that he is keeping the residents attorney informed of the issues.

Meeting adjourned 9:15 PM.

Respectfully Submitted,

Tammy Swavely
Township Secretary