

**West Vincent Township
Board of Supervisors**

March 20, 2023 7:00 PM - APPROVED

Attendance: Bernie Couris, Chair, Sara Shick, Vice Chair, Dana Alan, Member, John Granger, Township Manager, Max O'Keefe, Township Solicitor, Kathy Shillenn, Township Secretary, Ed Latshaw, Township Engineer. Also attending John Rice, Special Counsel for Ordinance Public Hearing

Chairman Couris called the Meeting to order at 7:05 PM

MOTION by Ms. Shick to approve the minutes of February 21, 2023; second by Mrs. Alan. Ms. Shick withdrew the first **MOTION** and made an amended **MOTION** to approve the minutes of February 21, 2023, with corrections; second by Mrs. Alan. There being no further comments or questions, *Motion carries unanimously.*

Public Hearing: Ordinance revising Article VII, RM Residential Mix District by Deleting Planned Residential Development as a Permitted Use, and by Deleting Two-Family and Multi-Family as Uses Permitted by Special Exception; Revising Article VI by Deleting Planned Residential Development as a Permitted Use in the R-2 Zoning District; Revising Article XIX, Unified Development Area Overlay District (UDA) by Deleting UDA Eligibility in the RC, R-2, R-3 and RM Zoning Districts.

John Rice, Special Counsel explained this ordinance which is a text amendment. Certain uses are being removed from certain districts. Mr. Rice gave a quick summary of the ordinance. There are five primary sections of the ordinance. Section One deletes the Planned Residential Development Use from the R-2 Residential District as a use by-right. Section Two deletes the Planned Residential Development Use permitted by-right in the RM Zoning District. Section Three revises the RM Residential District and deletes two-family and multi-family uses as uses permitted by Special Exception in the RM District. Section Four removes the PRD Development Area Overlay District from the ordinance in its entirety. Section Five modifies Article 19, the Unified Development Overlay District by deleting that use in the RC, R-2, R-3, and RM Zoning Districts. The UDA is also a high-density use which involves a mix of high-density residential uses. The Board of Supervisors propose, by this ordinance, to essentially remove the PRD use from the zoning ordinance as it stands today and eliminate the UDA Overlay District section from the Zoning Ordinance.

David Scaggs, representing Wheeler Aman discussed. Mr. Scaggs objected to passing this ordinance. It appears that Sections one through four only affects his client's farm. The only property in the overlay district is his client's farm. Mr. Scaggs stated that this is technically spot zoning. Mr. Scaggs stated this was attempted about six years ago, and the township solicitor, at the time, was opposed to this. Mr. Scaggs would like to know why this is happening again, and if there is any other property that is being affected by this. Mr. Rice attempted to explain. This is a text amendment, not change in the zoning map. In the State of Pennsylvania, no one has a right to keep zoning the same forever; this is an accepted principle. Ms. Shick stated that there is a

strong consensus in West Vincent to conserve more land and keep taxes down. Building more density requires more public services.

Wheeler Amon, Pughtown Road (son) stated everyone around the farm sold out. In the future, if the family must sell, the higher value of the property will have been taken away. Ms. Shick asked Mr. Amon if his father shared with him that there is no public water or sewer available. Mr. Amon stated that there was, it's already hooked in.

Laurie Amon, Glenmore commented that this farm has been in the family for over 200 years. Why is this only farm that is being targeted? Ms. Amon feels her father is being bullied.

Julie Braendel, 2472 Flowing Springs Road commented that she does not believe the farm is being targeted. The zoning is taken away anywhere that the zoning exists. The overlay also includes other properties; it includes part of Camp Hill as well. The overlay is being changed not the zoning.

John Eldridge, 1634 Hilltop Road stated that his land is conserved. He didn't want his children to be able to subdivide. His kids will not benefit if something goes wrong with his family.

Barry DiLibero, 1012 Pottstown Pike stated that the Amon farm is the only one affected. He is not sure if anyone has looked at the wetlands on the property which greatly limits the amount of development to be done there. Mr. DiLibero stated that this is spot zoning not in name but in spirit.

Maria Jacobs, 205 Ironstone Lane, Elverson commented that the Amon's have farmed the land for 200+ years. Taxpayer money has been spent on reviews and having this meeting.

John Jacobs, 205 Ironstone Lane, Elverson stated he is attending this meeting to support Mr. Amon's position. Mr. Jacobs also would like to know if this will affect the horseshow grounds.

Stephen Austin, 151 Ford Road stated that he is Mr. Amon's neighbor. He appreciates that this family has owned this farm for a very long time. For the last several years there have been engineers and developers on the property measuring the land.

Wheeler Amon, Pughtown Road (Father) stated that they are living on a bicentennial farm, listed in the Historic Record Books and is a land grant from William Penn. Mr. Amon discussed the map being shown. Mr. Amon asked when the overlays were put on the map. Mr. Amon also commented on the comments that Mr. Austin made and stated that Mr. Austin is wrong.

George Dulchinos, 1415 Hollow Road commented that a lot of this hinges on whether this is spot zoning. Mr. Rice commented that spot zoning is when you rezone a piece of land from everything around it.

Donna Delany, 2147 Beaver Hill Road, Chair of Environmental Advisory Commission stated that as a taxpayer and resident she is very grateful that the overlays are being removed.

Maria Jacobs, 205 Ironstone Way, Elverson read the Supreme Court definition of spot zoning and asked to clarify whether the horseshow grounds would be affected.

MOTION by Ms. Shick to adopt Ordinance 204 Revising Article VII, RM Residential Mix District by Deleting Planned Residential Development as a Permitted Use, and by Deleting Two-Family and Multi-Family as Uses Permitted by Special Exception; Revising Article VI by Deleting Planned Residential Development as a Permitted Use in the R-2 Zoning District; Revising Article XIX, Unified Development Area Overlay District (UDA) by Deleting UDA Eligibility in the RC, R-2, R-3 and RM Zoning Districts; second by Mrs. Alan.

There being no further comments or questions, *Motion carries unanimously.*

Police Report: Chief Swininger gave the report. Report acknowledged as received.

Bills List: **MOTION** by Mrs. Alan to approve the Bills List in the amount of \$249,251.22; second by Ms. Shick.

There being no comments or questions, *Motion carries 3-0.*

Treasurer's Report: Mr. Granger read the report.

John Eldridge, 1634 Hilltop Road shared his concerns regarding the February Treasurer's Report.

There being no further comments or questions, *Motion carries unanimously.*

Manager's Report – Mr. Granger gave his report and noted that he spent time working on spring events. A grant of \$250,000 was received for improvements at Opalanie Park. This is the third grant received for the park.

There being no comments or questions, *Motion carries unanimously.*

New Business:

Approval of Tom Olszanowski's Land Lease for Five-Years: **MOTION** by Ms. Shick to approve Tom Olszanowski's Land Lease for Five-Years; second by Mrs. Alan. Ms. Shick amended the **MOTION** to approve Tom Olszanowski's Land Lease for Five-Years conditioned on changes approved by the township solicitor; second by Mrs. Alan.

This lease is for 22 acres only.

George Dulchinos, 1415 Hollow Road stated that it would be nice if this stuff, the land lease, and map would be put up on the website.

There being no further comments or questions, *Motion carries unanimously.*

Approve Resolution No. 8-2023 Appoint Jacqui Guenther as Township Treasurer: **MOTION** by Mrs. Alan to approve Resolution No. 8-2023 Appoint Jacqui Guenther as Township Treasurer; second by Ms. Shick.

John Eldridge, 1634 Hilltop Road asked if the treasurer was bonded, if she has accounting experience, and if she will be working 40 hours per week in the office.

There being no further comments or questions, *Motion carries unanimously.*

Public Comment on Non-Agenda Items

George Dulchinos, 1415 Hollow Road commented that the Judge of Elections messaged the campaign workers that they would have to campaign in the parking lot and not in the lobby.

Megan Emery, 1506 Sheeder Mill Road shared her thoughts on the committee tables having to set up outside. Ms. Emery commented that this is random and disrespectful that they are not allowed to set up in the lobby.

Barry DiLibero, 1012 Pottstown Pike shared his concerns on why he doesn't agree with having the committee tables outside.

Wendy Butendijk, 906 St. Matthews Road also shared her concerns about setting up the tables outside; the township should reconsider.

Marylou Robinson, 1246 Hollow Road spoke to concerns about the neighbors using a tractor to drive up her driveway to harvest trees on the neighbors' property. She asked about rules and regulations concerning this.

Julia Braendel, 2472 Flowing Springs Road asked if there is a permit process for clearing or harvesting trees.

There being no further discussion, the **MOTION** to adjourn was brought forward by Ms. Shick; second by Mrs. Alan. *Motion carries unanimously.*

Meeting adjourned at 8:35PM.

Respectfully Submitted,
Kathy Shillenn
Township Secretary