

**WILLISTOWN TOWNSHIP AGRICULTURAL SECURITY AREA COMMITTEE**

**688 SUGARTOWN ROAD, MALVERN, PA, AND VIA ZOOM**

**THURSDAY, JUNE 2, 2022, AT 4:00 PM**

**Call to Order** - The regular meeting of the Willistown Township Agricultural Security Area Committee came to order at 4:00 PM. The following members were present: Mike Devine, Eric Hetzel, Supervisor Robert Lange, and Ted Leisenring. Also present were Sally Slook, Township Manager, Bob Smiley, Director of Planning and Zoning, Bill Christman, Township Solicitor, and Jennifer Jacobs, Assistant to the Township Manager.

Supervisor Lange led the Pledge of Allegiance and a moment of silence for military personnel, first responders, and all front-line workers in the current pandemic.

**Announcements** – none.

**New Business**

**Minutes** – Mr. Leisenring moved to approve the meeting minutes of February 17, 2022. Mr. Devine seconded the motion. There were no comments from the Committee or the public, and the motion carried 4-0.

**ASA Application of 623 S. Warren Ave** - Solicitor Christman introduced the application of 623 S. Warren Ave. The applicant has been reviewed by the Willistown Planning Commission and the Chester County Planning Commission. Both commissions recommended denial to the ASA. The Willistown Agricultural Security Area Committee needs to review this application independently of the other reviewing agencies and make a recommendation to the Board of Supervisors.

The counsel for the applicant, Susan Bucknum, introduced herself to the Committee. She stated the applicant is in the RA zone, which is a permitted by right use for agriculture, and is already cultivating herbs for essential oil. The applicant plans to use the essential oils to produce candles which will be sold online and through off-site sales. Ms. Bucknum cited a case where the application doesn't have to be in production to be considered enrollment in an ASA. The property is conducive to agricultural use. Since the property is under 10 acres, the ASA requires an anticipated yearly income of at least \$2000 from agricultural production, which the applicant will be able to meet. Ms. Bucknum also cited a case where existing protection for agricultural use is not a criterion for rejecting an ASA application. A Court precedent was set that all factors do not need to be satisfied to join an ASA. However, 623 S. Warren meets all criteria for joining an ASA, including the appropriate soil classifications, the Township's Comprehensive plan, and the zoning requirements for agricultural use and viable agricultural land. The applicant plans to improve the property, including adding a greenhouse structure to engage in production all year round. A recent trend in agriculture is for farmers to use smaller acreage to farm.

Supervisor Lange asked for the square footage of the lot used in production. The applicant, Mr. Conicella, replied they are in the experimental phase and are testing different types of lavender in small plantings to see what grows best in the area. The applicant plans to start with an approx. 20' X 40' hoop house and then add a greenhouse of similar size. Mr. Hetzel asked if the property is an island or adjacent to any other ASA parcels. Ms. Bucknum replied she is not sure, but it is not required to be part of a contiguous area to be admitted into the ASA. She also pointed out that in Chester County, there are almost 300 parcels of 1-9 acres. Mr. Smiley stated there are 84 parcels in the Willistown ASA, and 27 are under 10 acres. The average lot size in the Willistown ASA is 4.7 acres. This lot would be an island and not in a contiguous area.

Supervisor Lange asked if the applicant wanted to join the ASA to be protected from nuisance ordinances. Ms. Bucknum pointed out that the ASA benefits are similar to the Right to Farm Act and preclude nuisance actions against farming practicing, whether in an ASA or not. The ASA provides the Township can't limit farming practices or farming structures.

The applicant said he would like to be included in the ASA because he feels there has recently been turmoil in

Willistown over agriculture. If he invests in property improvements, he'd like the extra layer of protection.

Mr. Leisenring asked the applicant if he had talked to his neighbors about his plans. Mr. Conicella said he has talked to 3 of his seven neighbors. Supervisor Lange suggested Mr. Conicella talk to all neighbors in person before proceeding.

Solicitor Christman gave a brief rundown on the criteria to be admitted to an ASA:

- Yearly anticipated income of \$2000 or more if the parcel is under 10 acres
- The parcel must contain soils conducive to agricultural
- Use of the land proposed shall be compatible with the Township Comprehensive Plan, and the zoning permits agricultural use
- The parcel contains viable agricultural land
- Additional factors to be considered include the extent and nature of farm improvements, anticipated trends in agriculture, and other matters that may be relevant

Mr. Leisenring moved to deny admitting to the application to the ASA to the Board of Supervisors. Mr. Devine seconded. Supervisor Lange said he supports the application and thinks the Committee should give the applicant a chance. Mr. Leisenring does not support the application because it is an urban area, and the applicant has not talked to his neighbors. Mr. Devine commented he recommends denial, but the applicant can grow lavender and build a hoop house or greenhouse as permitted by zoning without being admitted to the ASA. Mr. Hetzel also recommends denial because the parcel is not adjacent to larger parcels in the ASA. This parcel is an island in a residential neighborhood, but zoning allows agricultural uses. Ms. Bucknum pointed out that the need to enroll in an ASA is determined by the landowner and not the municipality, and the regulations provide the parcels don't have to be contiguous. There was no further comment from the Committee or the public. The motion was denied with a vote of 1-3.

Ms. Slook will send a written denial from the Agricultural Security Area Committee to the Board of Supervisors.

#### **Citizens Comments**

None.

#### **Adjournment**

Seeing no further business, the meeting adjourned.

Respectfully Submitted,



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Robert Smiley, Director of Planning and Zoning