



WARRINGTON TOWNSHIP ZONING HEARING BOARD MINUTES FOR THE MAY 31, 2018 MEETING

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:00 p.m. on May 31, 2018 at the Township Building located at 852 Easton Road, Warrington PA, 18976.

Pledge of Allegiance: The meeting opened with a pledge to the flag.

Introduction of Members: The members present were as follows:

Frank Shelly, Chair	Present
Janice DeVito, Vice-Chair	Present
Kevin Lawlor, Member	Present
Dennis Gordon, Member	Present
Thomas Watkins, Member	Present
Richard Alsdorf, Alternate Member (non-voting)	Present
Thomas E. Panzer, Esq., Solicitor	Present
Roy W. Rieder, P.E., Zoning Officer	Present

Stenographic Record: A stenographic record of the meeting will provide a record of the proceedings. Copies of the stenographic record may be purchased from Blum-Moore Reporting Services Inc.

Approval of Minutes

Ms. DeVito made a motion, seconded by Mr. Watkins to approve the minutes of April 23, 2018. The motion passed unanimously.

Hearing #1 – Application ZHB #18-08, Donald Yacovella

Subject Property: 3516 Limekiln Pike

TMP: 50-004-050

Zoning: RA

Donald Yacovella appeared before the Board represent by Kelly McGowan, Esq. Ms. McGowan questioned Mr. Rieder, the zoning officer, concerning the issuance of an Enforcement Action in January 2018 and the application prepared by Mr. Yacovella. He testified that the Enforcement Action was based on a complaint by a neighbor; the main issues of the complaint were noise and paint fumes. Mr. Rieder also testified that there was no record of a zoning permit in the property file allowing a home occupation. Ms. McGowan questioned Mr. Rieder concerning the three types of home occupations allowed in the zoning ordinance and the distinctions between them.

There was significant discussion regarding the difference between a non-professional home occupation that is permitted by special exception and a no-impact home occupation that is permitted in all residential districts by right. No-impact home occupations must meet 15 criteria that are established by the Municipalities Planning Code. Of most interest, was Standard #13 which prohibits a business activity from using any equipment or process which created noise, vibration, glare, fumes, odors, or electrical or electronic interference which is detectable in the neighborhood.

Ms. McGowan then questioned Mr. Yacovella regarding the nature of the business and the impacts on the neighborhood. Mr. Yacovella testified that he has changed the way he conducts his work by confining it to the interior of the existing accessory structure on the property. He testified that performing the work inside with the doors closed lowered the noise level and that he had installed an exhaust fan and filter designed to remove particulate material from air being discharged to the atmosphere.

Edward Hejna, 3506 Limekiln Pike stated that he objected to the noise of the planer and also stated that he was afraid that fumes from the paint and polyurethane applications may affect his health.

John Pileggi, 3502 Limekiln Pike, stated that he had no objection to the operation of the business, but also stated that the planer was very noisy.

At the conclusion of testimony, Mr. Panzer asked Mr. Hejna if he requested party status. Mr. Panzer explained the effects of becoming a party to the application. Mr. Hejna responded that he did not want to request party status.

After hearing the testimony and deliberating, Mr. Gordon made a motion, seconded by Mr. Lawlor, to grant a special exception to allow a no-impact home occupation and also to grant a variance of Standard #13, mentioned above, subject to the following conditions:

1. All painting must be done indoors with the filtration system in operation.
2. All power tools must be operated inside the building with the doors closed.
3. The applicant must comply with the environmental standards contained in Section 2318 of the Warrington Township Zoning Ordinance.
4. Work hours shall be limited to the hours of 8:00 am to 5:00 pm, daily.

The motion passed by a vote of 5-0.

Hearing #2 – Application WT 18-09, Charles and Laura Smouse

Subject Property: 118 Green Ash Lane

TMP: 50-048-061

Zoning: RA

Charles and Laura Smouse appeared on their own behalf to explain their reasons for wanting increased impervious cover in order to construct a pool. They argued that many of their surrounding neighbors had pools and similar amount of impervious cover. Therefore, their request would not be out of character with the remainder of the neighborhood. The

application submitted by the applicants included 26.3 percent impervious area. During the course of the hearing, the applicants proposed a plan that required only 24.9 percent impervious area. This was done to be less than the maximum allowed impervious area at the time of construction even though that standard is no longer applicable.

After hearing the testimony and after deliberating, Mr. Gordon made a motion, seconded by Mr. Lawlor, to grant a variance to allow a maximum impervious area of 25 percent. The motion passed by a vote of 5-0.

Hearing #3 – Application WT 18-10, Kathryn and Jeremy Benza

Subject Property: 1126 Arabian Road

TMP: 50-037-013-039

Zoning: R-3

Ms. Benza appeared on her own behalf. She testified that she has resided in the home for eight years and has an existing wooden deck that is deteriorating and which has been an attraction to wild animals such as raccoons, moles, and other small animals. She also has three small children which are at risk due to the wooden deck and the presence of the animals. She testified that the amount of impervious area on her property at the time of occupation was 24.9 percent where 25 percent is the maximum allowable impervious area for the R-3 zoning district in which the property is situated.

After hearing the testimony and deliberating, Mr. Gordon made a motion, seconded by Mr. Watkins, to grant a variance to allow 720 square feet of impervious area (27.8 percent) on the condition that the applicant maintain and mitigate stormwater runoff generated by the impervious area which is greater than 25 percent. Such design must be approved by the zoning officer. The motion passed by a vote of 5-0.

Adjournment

The meeting adjourned at 10:15 PM.

Next Meeting

The next meeting is scheduled for June 14, 2018.