

**WARRINGTON TOWNSHIP ZONING HEARING BOARD
MINUTES FOR THE FEBRUARY 25, 2008, MEETING**

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:08 p.m. on February 25, 2008, at the Township Building located at 852 Easton Road, Warrington PA 18976.

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

Public Comment: None

Introduction of Members: The members present were as follows:

Janice Devito	Chairman
Frank Shelly	Vice Chairman
Kevin Lawlor	Secretary
Wayne S. Bullock	Member
Fred Gaines	Member
Robert Baldi, Esq.	Solicitor
Meg Gruwell	Plng. & Zng. Admin.

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. The court stenographer for this meeting is Sue Allen.

Continued Hearing 1

Frank Palazzo
1335 Shadow Creek Lane
TMP 50-037-010-001
Zoning: R-2

Mr. Baldi reported that the applicant's attorney had a conflict and requested a continuance. He entered the signed continuance form as Exhibit ZHB 3. One person in the audience was there for the hearing. Mr. Baldi announced that the continued hearing at the March 17, 2008 meeting would not be readvertised.

Continued Hearing 2

Charles A. and Kristen M. Giovanni
57 Poplar Road
TMP 50-034-017
Zoning: R-2

The applicants have requested that this item be continued until the next meeting. The signed form requesting the continuance was entered as exhibit ZHB-4. The item was continued until March 17, 2008, and no further advertising will be done.

**New Business - Hearing 3:
James P. and Lori A. Zoolalian
2685 Fawn Lane
TMP 50-18-66
Zoning: R-2**

- **The applicant is seeking variances to allow the construction of a swimming pool and deck, including variances to the following: 1) Section 805.2.A.(5), which limits impervious coverage to not more than 15%; 2) Section 805.3.B.(1)(d), which incorporates other sections of the ordinance including 805.2.A(5); 3) Section 805.3.B.(1)(c) which requires the rear yard to be not less than thirty (30) feet; and 4) Section 806.2 which requires screening and buffering along each side or rear property line which adjoins an existing residence or residential district.**

**Exhibits: ZHB 1 – Application
ZHB 2 – Notices of the hearing, newspaper advertisement and posting.
ZHB 3 – Current Zoning Ordinance of Warrington Township
ZHB 4 – January 25, 2008 letter from attorney requesting original application be revised**

**Parties Representing the Applicant: James P. Zoolalian, applicant
Randolph Scott, Attorney
Timothy Brouse, ALTA Design Inc., Pool Designer**

Parties Requesting Party Status: None

Mr. Randolph Scott called his witnesses and put forward his case. Mr. Baldi and the Board members asked questions. Several photographs were submitted as Exhibits A1 through A6, showing the lot. Exhibit A7 is a copy of the plan, with lot 13 being the subject property. Ralph Arnold of 2466 Pinecone Road raised concerns about noise and privacy. Vice Chairman Shelly moved, seconded by Boardmember Bullock to approve the requested variance regarding impervious coverage and encroachment into the buffer with the condition that there be a heavy planting of evergreen-type trees along the wall+outside the required fencing, so that visibility into the pool area is blocked and hopefully sound is too. The planting shall be a mixture of pine and arbor-vitae with a minimum of a double row. The project shall meet other applicable ordinances and be consistent with the Subdivision and Land Development Ordinance. Also the motion incorporates the applicants amendments. Further clarifying that the planting shall be outside of the wall and or the fence, whichever is outermost. Boardmember Bullock seconded the motion. The motion passed with Boardmember Gaines opposing.

**New Business - Hearing 3:
Central Bucks School District
For Tamanend Middle School**

1492 Stuckert Road
TMP 50-26-80
Zoning: R-2

- **The applicant is requesting variances to allow it to construct three building additions including four tennis courts and a modification to the parking area, including adding school bus parking. Variances are requested from the following sections of the Zoning Ordinance: 1) Section 2503 requiring a transportation impact study; 2) Section 805.2.C.2 requiring a front yard setback of 100 feet as they wish to construct new tennis courts within this setback; 3) Section 2319.1.A prohibiting fences in the front yard as they propose to fence in the tennis courts; 4) Section 2319.1.B limiting the height of fences along side and rear property lines to no more than 6 feet, as they propose a 12-foot high chain link fence around the tennis courts; 5) Section 806.2 requiring a buffer planting not less than 30 feet in depth as they propose a 15-foot buffer planting including sidewalks and accessways along the easterly property line; 6) Section 2101.9 requiring parking areas to be screened; 7) Section 2105.A, requiring residential parking and loading areas to have a planting strip no less than 20 feet in depth; 8) Section 2307.1.A requiring a buffer zone with a minimum width of 50 feet between residential use and nonresidential use; 9) Section 2307.3A, requiring a planting strip of not less than 30 feet along a rear property line where a nonresidential use adjoins an existing residence or residential district; 10) Section 2307.3.B requiring a 15-foot wide planting strip including a 5-foot wide sidewalk along each street line where a nonresidential use adjoins an existing residence or residential district; 11) Section 2302 requiring Conditional Uses to be heard and approved by the Board of Supervisors. The applicant requests the Zoning Hearing Board to conclude that a Conditional Use Application will not be necessary because this is a continuation of the existing Conditional Use, previously approved by the Board of Supervisors.**

Exhibits: ZHB 1 – Application

ZHB 2 – Notices of the hearing, newspaper advertisement and posting.

ZHB 3 – Current Zoning Ordinance of Warrington Township

A1 – Black and White Zoning Sketch Plan dated January 9, 2008, sheet 1 of 1, by Boucher & James, Inc. for Tamanend Middle School Expansion

Parties Representing the Applicant: Douglas Maloney, CBSD Attorney

Frank Monti, Boucher & James, Inc., Professional Engineer
Dennis Gentilin, CBSD Staff and Project Manager

Parties Requesting Party Status: None

Vice Chairman Shelly stated that he had relatives living across highway 611 who had received notice, but that he felt he could be impartial. The School District representatives had no objection to him hearing their case. The School District presented their proposal for the Tamanend Middle School expansion. They emphasized that there was a heavily wooded buffer around three sides of the school. Along Stuckert Road they would like to keep it open so that the Police can see what is happening at the school as they patrol. They also pointed out that

younger children use the fields on the weekends, so the fences proposed along Stuckert Road will help protect these younger children from running into the road after balls. The School District also clarified that they currently had no plans for overnight bus parking at the site. Boardmembers had many questions about the proposed project. Two neighbors, Ellen and Philip Burg who live along Deer Path Drive commented on the project with concerns about trees that have been removed over time, drainage, and traffic congestion.

1. Vice Chairman Shelly moved to deny a variance request from Section 2503 which requires a Transportation Impact Study. The vote was all in favor.
2. Vice Chairman Shelly moved, Secretary Lawlor seconded, to deny a variance request from Section 805.2.C.2 which requires a minimum front yard setback of 100 feet, to allow the tennis courts within the setback area. The vote was four in favor, with Boardmember Bullock opposed.
3. Vice Chairman Shelly moved, Chairman Devito seconded, to grant a variance request from Section 2319.1.A which prohibits fences in front yards with the condition that the fence be split rail with chicken wire and be for the soccer fields and baseball field. The vote was all in favor.
4. Vice Chairman Shelly moved, Chairman Devito seconded, to grant a variance request from Section 2319.1.B which limits the height of fences along side and rear property lines to no more than 6 feet, in the event that the tennis courts move back to meet the required 100 foot setback, in which case the fence around the tennis courts could be 12 feet tall. The vote was all in favor.
5. Vice Chairman Shelly moved to grant a variance to Section 806.2 which requires a buffer planting not less than 30 feet in depth to allow the applicants to provide a 15-foot buffer planting including sidewalks and accessways along the easterly property line (Stuckert Road). This variance is for Stuckert Road only. Boardmember Bullock seconded, and the vote was all in favor.
6. Vice Chairman Shelly moved to grant a variance from Section 2101.9 which requires parking areas to be screened, only for the new staff parking areas at the rear of the building. There was discussion about whether this would apply to the new tennis court overflow parking and bus parking along Stuckert Road. The motion was passed with the variance only being for the staff parking shown on the plan.
7. Vice Chairman Shelly moved, Chairman Devito seconded, to grant the variance from Section 2105.A which requires residential parking and loading areas to have a planting strip no less than 20 feet in depth. The vote was all in favor.
8. Vice Chairman Shelly moved, Boardmember Bullock seconded, to grant a variance from Section 2307.1.A which requires a buffer zone with a minimum width of 50 feet between residential use and nonresidential use to allow the fields to remain as they are, but not allowing any bleachers, fences or structures within the 50-foot buffer zone. The vote was all in favor.
9. Vice Chairman Shelly moved, Secretary Lawlor seconded, to not grant the variance from Section 2307.3.A which requires a planting strip of not less than 30 feet along a rear property line where a nonresidential use adjoins an existing residence or residential district. The vote was all in favor to deny the variance request.
10. Vice Chairman Shelly moved, Boardmember Bullock seconded, to grant a variance from Section 2307.3.B which requires a planting strip of not less than 15 feet, but to grant the

variance only along Stuckert Road (the front of the property) only. The vote was all in favor.

11. The variance request from Section 2302, which requires Conditional Uses to be heard and approved by the Board of Supervisors, has been withdrawn by the applicant, because this is a continuation of the existing conditional use, previously approved by the Board of Supervisors.

Approval of Minutes: Vice Chairman Shelly moved, Secretary Lawlor seconded, to approve the minutes of January 21, 2008. The vote was all in favor.

Announcements: None

Adjournment: The meeting was adjourned.

Respectfully submitted,

Kevin Lawlor
Recording Secretary