

WARRINGTON TOWNSHIP ZONING HEARING BOARD MINUTES FOR THE DECEMBER 15, 2008, MEETING

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 6:55 p.m. on December 15, 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.

Introduction of Members: The members present were as follows:

Janice Devito	Chair
Frank Shelly	Vice Chair
Kevin Lawlor	Secretary
Wayne 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 was Sue Allen.

Executive Session: The board adjourned to Executive Session until 7:12 p.m. A time limit of 45 minutes per hearing was announced.

Public Comment: None

New Business – Hearing 1

Francis and Patricia Ercolani

Premises: 2118 Green Ridge Drive

TMP: 50-039-031

Zoning: R3

- The applicants are requesting a variance from Section 855.1.A.(1)(b) of the Warrington Township Zoning Ordinance to built an addition which will encroach into the side yard setback.

Parties Representing the Applicant: **Christen G. Pionzio, Attorney**
Patty & Frank Ercolani, Property Owners
Mathew Pietrowski, Architect

Parties Requesting Party Status: None

Exhibits: ZHB 1 – Application

ZHB 2 – All notices provided for the hearing

ZHB 3 – Current Zoning Ordinance of Warrington Township

Ex. A1 – Plan provided with the application – Ercolani Residence by Mathew Pietrowski, Sheet 1 of 1, page Z-1

Ex. A2 – Letter from Adjacent Property Owner on side of encroachment

Christen Pionzio gave a brief outline, and summarized Ms. Ercolani's testimony that they had moved to this property in 1992, and that Patty's mom and aunt were currently living in hospital beds in their living room. They introduced a letter as exhibit A2, which is from the adjacent property owner who they stated does not oppose the addition. Mathew Pietrowski was introduced as a witness. Boardmember Shelly questioned why the addition could not be slid back to meet setbacks. Mr. Pietrowski gave all the reasons he thought that would not work, including that they were trying to make the hallways accessible for people with disabilities. Ms. Pionzio and Mr. Pietrowski confirmed that the exterior materials would match the existing house, and that permits would be obtained. Boardmember Lawlor wanted to know the setback to the adjacent house. The site plan in the Township's street file showed a required 12.5 foot setback with additional space before the house. Other questions from the Board were addressed. Vice Chair Shelly moved to grant the variance with the conditions as stated by the Solicitor. Boardmember Bullock seconded the motion and amended it to include that the addition will be substantially similar to the plans the applicants presented tonight. The motion passed with all in favor.

New Business – Hearing 2

Metro PCS

Premises: 2647 County Line Road

TMP: 50-15-4 and 50-15-6

Zoning: PRD-M

- The applicants are requesting a Special Exception pursuant to Section 2301.3.B of the Warrington Township Zoning Ordinance to extend the existing nonconforming telecommunications tower an additional 10 feet.

Parties Representing the Applicant:

Edward M. Wild, Attorney

Bruce Hoffmaster, Site Rep., Metro PCS

Bill Blessing, Radio Frequency Engineer

Michael Bohlinger, Project Engineer

Parties Requesting Party Status: None

Exhibits: ZHB 1 – Application

ZHB 2 – All notices provided for the hearing

ZHB 3 – Current Zoning Ordinance of Warrington Township

Ex. A1 – Application

Ex. A2 – Plans

Ex. A3 – Deed

Ex. A4 – Lease Agreement

Ex. A5 – Tower License

Ex. A6 – Tower Structural Analysis Report

Ex. A7 – FAA Determination of No Hazard

Ex. A8 – Metro PCS FCC License

Ex. A9 – Conditional Use Decision dated May 11, 2004

Ex. A10 – Conditional Use Decision dated January 26, 1999

Ex. A11 – Conditional Use Decision dated February 12, 2002

Ex. A12 – ZHB decision dated August 18, 2008

Ex. A13 – Conditional Use Decision dated September 18, 2008

Edward Wild pointed out that he had recently been here on behalf of Verizon, asking for an additional 10 feet in height for this tower. He introduced his outline of evidence and the packet of exhibits, A1-13. The Board members asked about the original Conditional Use, and pointed out the site on the location map is not even in Warrington Township. The witnessestestimony was summarized, and included that the proposed site met the criteria except for the height requirement. The applicant is also pursuing a Conditional Use Permit as required, and they confirmed that the tower could handle the additional load. Boardmember Lawlor asked when it would not be sound. Mr. Bohlinger stated that a height of three to five feet over this proposal would require reinforcement in the legs of the tower. Chair Devito asked where the cabinets were going, and Mr. Bohlinger stated they would be in the middle of the existing fenced compound. Other questions were asked about other carriers. Vice Chair Shelly moved that the request for special exception to extend the existing tower 10 feet be granted, subject to obtaining Conditional Use approval and meeting all criteria. Chair Devito seconded the motion, and the motion passed unanimously.

New Business – Hearing 3

Stone Manor Corporate Center

Premises: Pad Site G at Stone Manor Corporate Center, Kelly Road and Easton Road

TMP: 50-26-45-G

Zoning: OI

- The applicant is requesting an interpretation as to whether the variance granted by the Warrington Township Zoning Hearing Board in January 2002, which allowed a hotel to be constructed within the Stone Manor Corporate Center property (Pad Site C), is applicable to the entire Stone Manor Corporate Center property which would allow the Applicant to construct a second hotel on Pad Site G without the need to obtain another use variance from the Warrington Township Zoning Hearing Board. In the alternative, the Applicant requests an amendment to the Zoning Hearing Board's prior decision to permit the construction of two hotels within the Stone Manor Corporate Center property, consisting of the existing hotel on Pad Site C and the proposed hotel to be constructed on Pad Site G. In the second alternative request, the Applicant requests a variance from Sections 400.1 and 1402 of the Warrington Township Zoning Ordinance to allow the Applicant to construct a second hotel within the Stone Manor Corporate Center. The Applicant also requests the Warrington Township Zoning Hearing Board to interpret whether Ordinance No. 2004-0-8 supersedes Section 1405.5 of the Zoning Ordinance which requires a twenty-foot setback between the proposed hotel building and the

adjacent parking area. In the alternative Applicant asks for a variance from Section 1405.5 of the Warrington Township Zoning Ordinance to allow a setback of ten feet between the proposed hotel building and the adjacent parking areas.

Parties Representing the Applicant: **Robert Gundlach, Jr., Attorney**
Walter Smerconish, President of Stone Manor Corporate Center Inc.
William McNaney, Civil Engineer, VanCleef Eng.
Raj Mehta, Owner/Operator of existing and proposed hotels at Stone Manor

Parties Requesting Party Status: None

Exhibits: ZHB 1 – Application

- ZHB 2 – All notices provided for the hearing**
- ZHB 3 – Current Zoning Ordinance of Warrington Township**
- Ex. A1 – VanCleef Engineering Associates drawings, Pages 2-5 of 15, dated July 11, 2008, revised 10-24-08 per CKS letter**
- Ex. A2 – Prior ZHB Decision, dated January 2002**
- Ex. A3 – Aerial photograph of Stone Manor Corporate Center**
- Ex. A4 – Ordinance 2004-0-7**
- Ex. A5 – HCA letter, dated 10/24/08, showing trip generation comparisons**

Robert Gundlach, Jr., introduced several exhibits. William McNaney testified about the Stone Manor Corporate Center and the approvals received. Pad site G had been approved for a Day Care use. He also discussed the parking setback history. Questions were raised about the changes from the originally approved development and the proposed development in regard to parking setbacks, stormwater, and quantity of parking. Vice Chair Shelly pointed out that on exhibit A3 the north arrow is incorrect. Raj Mehta, the owner and operator of the hotel at Stone Manor Corporate Center testified. He discussed the demand for hotels, which he felt would support the proposed extended-stay Homewood Suites hotel. Chair Devito confirmed that both buildings are or would be five stories. The next witness was Robert Sigety, owner and operator of Houlihan's Restaurant. He stated that the existing hotel was helpful for his business, and he supported the second hotel. Walter Smerconish, President of Stone Manor Corporate Center, Inc. pointed out all the things Stone Manor has done for the Township, and stated that day care is compatible with B office space, but not high-end office space. He also pointed out with the current vacancy rates, building more office space is not economically viable. He stated why he felt a hotel use was compatible with the site.

Vice Chair Shelly gave some history of the approval of the project, and stated that he felt the proposal needed to be approved by a zone change, not a variance. More of the history of the project was discussed.

Vice Chair Shelly moved to deny the variance for the relief requested in respect to the second hotel. Boardmember Gaines seconded the motion, and the motion passed with all in favor.

Boardmember Gaines made a motion in response to Section 2101 of the Zoning Ordinance, stating that any construction in the OI zone have setbacks of 10 feet to the building [from

parking & driveways]. Section 2101 would apply and the relief requested is granted. Boardmember Bullock seconded the motion, and it passed unanimously.

New Business – Hearing 4

Mark Neill

Premises: 2152 Street Road

TMP: 50-023-139-001

Zoning: C2

- The applicant is requesting a Special Exception pursuant to Sections 2316 and 1102.N of the Warrington Township Zoning Ordinance to build a detached garage 15 feet by 60 feet for storage with a second floor with habitable space, or in the alternative a variance from Section 1102 of the Warrington Township Zoning Ordinance.

Parties Representing the Applicant: **Mark Neill, Property Owner**

Parties Requesting Party Status: **Ruben Ramirez and Mario Carmona, 2156 Street Road**

Exhibits: ZHB 1 – Application

ZHB 2 – All notices provided for the hearing

ZHB 3 – Current Zoning Ordinance of Warrington Township

Ex. A1 – Settlement Papers – Purchased from Donald Langford, 11/7/2008

Mark Neill provided his settlement papers in lieu of a deed, since he recently purchased the property. He stated that he intends to put in an accessory apartment above the garage. Vice Chair Shelly stated that this was an expansion of a nonconforming use (residential use) and shouldn't be allowed. Ms. Gruwell explained the Township's reasoning in allowing a garage for the house. Ruben Ramirez testified that he had spent some time fixing up his house, and felt that the proposed garage was out of scale and would change the character of the neighborhood. He brought forward the final decision of the Zoning Hearing Board a year ago to deny his request to have two units, and pointed out that the reasoning applied in that decision ought to be used to deny this request also. Vice Chair Shelly moved that the special exception for construction of a residential use above the garage be denied. Secretary Lawlor seconded the motion and it passed with all in favor.

Minutes: The minutes of November 17, 2008 were unanimously passed as written.

Adjournment: The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Kevin Lawlor
Recording Secretary