



WARRINGTON TOWNSHIP ZONING HEARING BOARD MINUTES FOR THE JANUARY 25, 2021 MEETING

A meeting of the Warrington Township Zoning Hearing Board was called to order at 7:00 p.m. on January 25, 2021 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	Excused
Janice DeVito, Vice-Chair	Present
Richard Alsdorf, Member	Present (via remote access)
Dennis Gordon, Member	Excused
Harry Chess, Member	Present
Kevin Lawlor, Alternate Member	Present
Thomas E. Panzer, Esq., Solicitor	Present (via remote access)
Roy W. Rieder, P.E., Zoning Officer	Present
Christian R. Jones, Deputy Zoning Officer	Present (via remote access)

Stenographic Record: A stenographic record of the meeting will provide a record of the proceedings. Copies of the stenographic record may be purchased from Donna DeAngelis-

Reorganization

- a. Nomination and election of chairperson
Mr. Lawlor made a motion to nominate Frank Shelly as chairperson; Mr. Chess seconded. The motion passed 4-0.

- b. Nomination and election of vice-chairperson
Mr. Lawlor made a motion to nominate Janice DeVito as vice-chairperson; Mr. Chess seconded. The motion passed 4-0.

- c. Nomination and election of secretary
Mr. Lawlor made a motion to nominate Dennis M. Gordon as secretary; Mr. Chess seconded. The motion passed 4-0.

- d. Appointment of Zoning Hearing Board Solicitor.
Mr. Lawlor made a motion to appoint Thomas E. Panzer, Esq., as the Zoning Hearing Board Solicitor; Mr. Chess seconded. The motion passed 4-0.

e. Appointment of Hearing Officer(s)

Mr. Lawlor made a motion to appoint any member of the Warrington Township Zoning Hearing Board as Hearing Officer. Mr. Chess seconded. The motion passed 4-0.

Approval of Minutes

December 28, 2020

Mr. Chess made a motion, seconded by Mr. Lawlor, to approve the minutes; the motion passed 4-0.

ACTION ITEM: Continuance Requests

a. ZHB 20-09, Rodgers, 279 Folly Road, to be continued until March 21, 2021.

Mr. Lawlor made a motion to continue, Mr. Chess seconded. The motion passed 4-0.

b. ZHB 20-20, 382 Easton Road, LLC, 382 Easton Road, to be continued until March 21, 2021.

Mr. Lawlor made a motion to continue, Mr. Chess seconded. The motion passed 4-0.

NEW BUSINESS

HEARING #1

WT ZHB #20-17: Application of John Shihadeh

Subject Property: 2357 Tohickon Lane, Warrington, PA

TMP #: 50-023-141-001

Zoning: R2-I

Mr. Shihadeh appeared represented by John A. VanLuvanee, Esq. Mr. Shihadeh testified that he has lived on the subject property since 1999. He testified that Tohickon Lane, a township street, is not a paved street and is only 10 feet wide. Mr. Shihadeh stated that the Warrington Township Director of Emergency Services supported keeping the excess impervious area on Mr. Shihadeh's property provided that Mr. Shihadeh grant an easement allowing his driveway for a turn around for township emergency equipment and keep the easement area clear.

Terry Suozzo, 513 Grady Avenue, an adjoining property owner, requested party status. She stated that there was already a stormwater problem in the area. Mr. Panzer stated that Mr. Suozzo was granted party status.

Debbie Edwards, 503 Grady Avenue, a neighbor across Grady Avenue, requested party status. Her property does not front on Tohickon Lane. She is concerned that adding impervious area will worsen the stormwater problem in the area.

Eric Thompson, 291 Folly Road, observed that there have been no stormwater studies presented by the applicant. He stated that the applicant must prove that there will be no impact on adjoining properties. He stated that the applicant has not demonstrated that he has

met the five conditions required under the Municipalities Planning Code for granting a variance. He requested that the Zoning Hearing Board not grant the variance.

Upon hearing all testimony, the Mr. Lawlor made a motion, seconded by Mr. Chess to grant the requested variance with the conditions that the applicant comply with the following requirements contained in the Township Solicitor's letter dated January:

1. The applicant shall grant an easement, in a form prepared by the township solicitor's office, granting the use of the circular drive on Lot 1 by emergency vehicles and prohibiting the applicant from obstructing access to the circular drive by parking vehicles within the turn-around area; and
2. The applicant shall provide, in a manner satisfactory to the township engineer, adequate stormwater detention facilities on either Lot 1 or Lot2 to accommodate the additional 1,700 square feet of impervious area that will remain on Lot 1. In assessing the stormwater issues and mitigation measures, the parties are reminded to focus on and address any stormwater runoff flowing toward Grady Avenue
The Board also requested that the township be conscious of all stormwater being directed onto Grady Avenue.

The motion passed 3-1, with Mr. Alsdorf dissenting.

Hearing #2

WT ZHB #20-27: Application of Joseph and Rosemarie Cardamone

Subject Property: 2325 Deer Path Drive, Warrington, PA

TMP #: 50-004-071 and 50-004-071-001

Zoning: RA

Mr. Cardamone was represented by Robert W. Gundlach, Jr, Esq.

Glen Dracopulous 3557 Pickertown Road, requested party status. He lives across the road from the Cardamone property. Michael Dempsey, 785 Stump Road, requested party status. Both were granted party status.

Mr. Gundlach stated that Mr. Cardamone had submitted an 18-lot subdivision as a conditional use for a Conservation Residential Development. After meeting neighboring objections, Mr. Cardamone developed a plan consisting of five lots of three acres or more. The plan presented tonight had been reviewed by the Board of Supervisors who imposed a condition that the non-conforming nursery business terminate within ten years of recording an approved subdivision plan for five lots. If Mr. Cardamone receives zoning relief, he will require conditional use approval and subdivision approval from the Board of Supervisors.

Robert L. Showalter, P.E., testified that he was familiar with the property. He describe the area as being bounded by two roads surrounded by residential properties and open space. The

property is bisected by a stream running to the northeast. Existing features on the property consisted of wooded areas, the bisecting stream, the driveway to Pickertown Road and heavily wooded areas to the east. The properties currently contain two residences and a landscape contractor's shop. The landscaping business has been on the property for the last 36 years.

Mr. Showalter stated that it is impossible to configure the lots without the use of shared driveways. He also testified that it was impossible to attain a minimum of three acres without counting the staff of the flag lots. He stated that the business was not being expanded, but was being located on a smaller lot. He also stated that the reduced lot size resulted in higher impervious areas on that lot without increasing the actual area of the impervious area. Mr. Showalter stated that the lengths of the flag staffs complied with the ordinance with the exception of Lot 4. He also stated that a 50-foot buffer is required between a residential and non-residential use. He stated that there is adequate vegetation to screen the existing business use from the proposed residential use. He said that the plan is to conserve as much existing vegetation as possible. The buffering will be provided by keeping the natural buffer vegetation and by removing the business use within 10 years of the recording of the subdivision plan.

Mr. Cardamone stated that he has resided on the property since 1984. He has operated the business since 1985. He has met with the surrounding neighbors and they are supportive of the plan proposed by Mr. Cardamone. Mr. Cardamone agrees with the conditions requested by the Board of Supervisors including the extinguishment of the current 18-lot plan.

Glen Dracopolous stated that he could not ask for a better neighbor than Mr. Cardamone and has been very communicative with the neighbors regarding his plans. He felt that the impacts would be greatest on his property and stated that vehicles were very careful regarding noise and dust. He said that he has attended a large number of meetings regarding the properties and feels that the township is gaining quite a lot.

Michael Dempsey said that his business has never been a problem and has sought his advice on the best way to develop the property. He feels that the requested variances will enable construction of a few 3-acre lots that will be more consistent with the surrounding properties. He stated that the overall plan with 3-acre lots is more beneficial to the township.

Neil Halbe, 131 Kings Court, felt that this is a good plan.

Upon hearing the testimony, Mr. Chess made a motion to grant the relief request with the following conditions:

1. The landscape contracting use shall terminate and the property shall no longer be used for any commercial purpose (other than a permitted home occupation) no later than 10 years after the date the subdivision plan is recorded or upon the conveyance of Lot 3 to someone other than a family member; and

2. Upon approval of the proposed 5-lot subdivision plan by the Board of Supervisors, the Applicant will extinguish the previous Zoning Hearing Board Approval permitting a conservation residential subdivision on the Property; and
3. A note shall be added to the Plans and a Declaration of Covenants, Easements, and Restrictions be recorded with regard to Condition 1 above; and
4. A note shall be added to the Land Development Plan stating that the buffer between the non-residential and residential lots does not strictly comply with the Township requirements; and
5. Execution and recording of a Declaration of Easement, Covenants and Restriction stating the same.

The motion passed unanimously.

ADDITIONAL BUSINESS

- a. Review and, if appropriate, approve the 2020 Warrington Township Zoning Hearing Board Annual Report. Mr. Lawlor made a motion seconded by Mr. Chess to table the report until the February meeting. The motion passed 4-0.
- b. Determine a date for the December 2021 Zoning Hearing Board Meeting. Mr. Lawlor made a motion seconded by Mr. Chess to table determination of a December meeting date until the February meeting. The motion passed 4-0.

The meeting adjourned at 9:45 pm.

Next Meeting

February 22, 2021 at 7:00 pm.