



MINUTES
WARRINGTON TOWNSHIP ZONING HEARING BOARD (ZHB)
October 24, 2022 – 7:00 P.M.

Introduction of Members: The members present were as follows:

Frank Shelly, Chair	Present
Janice DeVito, Vice-Chair	Present
Richard Alsdorf, Member	Present
Dennis Gordon, Member	Present
Harry Chess, Member	Present
Kevin Lawlor, Alternate Member	Excused
Thomas E. Panzer, Esq., Solicitor	Present
Roy W. Rieder, Zoning Officer	Present
Doreen Curtin, Deputy Zoning Officer	Present
Christian Jones, Assistant Twsp Mgr	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 Donna DeAngelis

1. Call to Order

2. Pledge of Allegiance

3. Approval of Minutes

- a. September 26, 2022

4. Old Business

- a. ZHB #22-10, Crestwald Terrace Group, LLC, regarding Tax Parcel No. 50-024-001.001 which is located at the intersection of Route 611 and Oakfield Road, in the BZ, Business Zone Zoning District of Warrington Township. Applicant seeks to develop an unimproved parcel into two retail stores. In so doing, Applicant requests the following variance: (1) from §503.f and §503.G, to permit preservation of less than the required amount of steep slopes, forest areas, and forest areas in environmentally sensitive areas.

For the Applicant:

Robert Gundlach – Attorney

Chirag Thakkar, PE Engineer with Arna Engineering

Peter Miller – Owner

Herb Hickmott - arborist

Solicitor Panzer entered Township exhibits into evidence. He noted there were several continuance requests on behalf of the Applicant, one on July 25, 2022, continued to September 26, 2022, and finally to this hearing date of October 24, 2022.

Mr. Gundlach reviewed the original application for a drive-thru restaurant noting that many revision attempts failed to satisfy the ordinance requirements without more variance requests than the Planning Commission would support. He also noted that the residents of the neighboring residential district had several concerns about how traffic for a restaurant use would be managed. Due to the noted concerns, the Applicant revised the

proposed plan and submitted one that conformed to all ordinances except the issue of forested areas from which relief was being requested. Mr. Gundlach testified the request for relief from the woodland buffer requirement was due to amount of property that contained steep slopes as defined by the Township ordinances adding that restrictions due to steep slopes and disturbance of existing vegetation would make it difficult to develop the lot. He noted that their intent during the development of the lot was to preserve the most valuable trees, removed trees would be replaced and additionally, sidewalks would be installed. He testified that the amount of relief requested was minimal.

Mr. Gundlach submitted a packet of exhibits for supporting evidence. He discussed the presented exhibits and supportive information as they applied to the application for relief.

Mr. Thakkar, a licensed engineer, was established as an expert in land planning and civil engineering and discussed the various existing features of the property. Photographs were presented to illustrate the nature of the site and neighboring properties.

Mr. Gundlach, noting the commercial nature of the property, discussed the plans of the proposed building noting the use as retail. He reiterated the intent to preserve as many trees as possible. Mr. Thakkar highlighted the buffer area on the plan, showing the existing trees and plans to enhance the existing buffer. He discussed the access and egress plan and the proposed fence for the neighboring properties. He presented CT revision 18, noting that many plans were presented to the PC, PennDOT, CKS and McMahon. After many staff and PC meetings they revised the plan so that all but one variance would be needed. Mr. Gundlach testified the revised plan was in strict compliance with the Zoning Ordinance (ZO) except for the request for relief from the conditions of the ordinance for forested areas. Further discussion ensued regarding the plan showing steep slopes and the wooded/forested areas, and it was noted that only 4500 square feet of the parcel was not covered by woodlands. Mr. Gundlach noted that the proposed plan did not utilize the maximum impervious coverage allowed for development and that the overall disturbance was only a little more than a quarter of an acre so as to preserve the wooded lot.

Mr. Gundlach reviewed the Municipal Planning Code (MPC) conditions for establishing a hardship. Mr. Thakkar discussed the hardship noting the unique features of the property including steep slopes, a corner lot, excess vegetation due to neglect, PennDOT requirements for egress and the residential zone behind the commercial zone none of which were caused by the Applicant. Mr. Gundlach reviewed additional hardships including the small size of the commercial lot and noted that it would be difficult to develop that particular site for any use in total compliance with the ZO. Mr. Thakkar confirmed that the relief requested was the minimal amount needed to develop the lot.

It was noted a proposed fence would be 20' from the property to the physical residential home. There was additional discussion about the size of the store and how that would affect the need for a variance, the orientation of the driveway, PennDOT requirements pertaining to the driveway HOP and how the development of the driveway would be affected by trying to minimize disturbance further while working around existing slopes.

There was some concern about trees that had been recently cut down and Mr. Gundlach testified that only brush was cleared, and large trees were not cut down. They worked with an arborist who reviewed the property to determine what should not be cut.

Mr. Shelly commented that the commercial building being proposed was larger than the restaurant and asked about the intended number of tenants to which Mr. Gundlach replied the building was designed for 2 tenants.

Mr. Shelly confirmed that the original plan that had a drive-thru and driveway were not

being included on the revised plan. He asked about impervious cover noting that 70% was permitted and confirmed the Applicant was only proposing 46% coverage. Mr. Shelly asked about site distance for cars coming out of development and Mr. Thakkar noted trees could be pruned to improve site distance if necessary and did not need to be removed. Mr. Gordon asked if the driveway was designed per PennDOT standards and Mr. Thakkar noted it was. A discussion ensued regarding the Oakfield access.

Mr. Hickmott, a professional arborist was established as an expert witness and testified about the overall condition of the existing trees and other vegetation on the site. He noted the large amount of invasive and noxious understory vegetation, the species of existing good trees and verified historically the property was not well maintained. He testified that trees were adversely affected by weather events, there were a number of dead trees, and the lot was used as an illegal dump. He noted that while dead trees were removed, nothing in the 50-foot buffer was touched. He discussed manually planting additional trees to fill out the buffer and that the removal of poor quality trees and invasive species would not have a negative impact on the existing buffer. He believed that a managed plan for the buffer would have a positive impact on the area.

Mr. Miller testified that the planting buffer would be left to include the invasive species at the request of the neighboring property owner and added that he worked with the neighboring property owners to develop a plan for enhancing buffering to include fencing. He discussed his commitment to maintain the buffer as proposed.

There was some public comment regarding traffic management concerns.

After deliberation, Mr. Gordon made the motion to grant the variance for the forested area as it was presented on the engineered plan CP revision 18. The motion was seconded by Mr. Chess and carried unanimously.

5. New Business

- a. ZHB #22-13, Trusevich, regarding Tax Parcel No. 50 026 160, 828 Princeton Dr, request for variance for excess impervious cover.

For the Applicant:
Igor Trusevich - Owner

Solicitor Panzer entered Township exhibits into evidence.

Mr. Shelly asked about the stormwater plan being proposed and asked for clarification on how water would drain from downspouts to the seepage bed. Applicant was not able to answer questions about the presented engineered plan.

Solicitor Panzer presented information to the Applicant asking if he understood he would have to do the stormwater management plan and the Applicant said he did and agreed to the terms of the variance if granted.

Mr. Gordon made motion to approve the variance request based on plan from Woodrow and Associates, Civil Engineers, to increase the impervious coverage to 33.01 percent with the following conditions:

1. Design and install and maintain a structural stormwater best management practice BMP to be reviewed approved and inspected by the CKS, the Township Engineer,
2. Enter into a Stormwater and Maintenance Agreement and Easement to be prepared by the Township solicitor at the applicant's expense.

3. Reimburse Warrington Township for the cost of filing the Stormwater and Maintenance Agreement and Easement with the Bucks County Recorder of Deeds.
4. The plan is to be reviewed by CKS.

The motion was seconded by Mr. Alsdorf and carried unanimously.

- b. ZHB #22-14, Elite Plaza, LLC, regarding Tax Parcel No. 50 022 036, 1248 Easton Road, request for two variances and one special exception.

For the Applicant:
William Benner – Attorney
Negota Lirim – Owner

Solicitor Panzer entered Township exhibits into evidence.

Mr. Benner provided exhibit packages and presented a summary of the project. He presented pertinent information about the owner and the business and described the owner's need for a larger space with plans to renovate the building. He testified that consultations and sales were conducted at resident's homes with only design work done on site. He stated that product is shipped assembled to the client with no on-site assembly or manufacturing. He described the business plan, presented photographs and client reviews, and testified that the nature of the business should have little or no impact on neighboring site with no significant traffic impact. A preliminary independent zoning review was prepared by Phillips and Donovan Architects which showed a review of the zoning ordinances and highlighted existing nonconformities. Mr. Benner presented a site plan for parking and the remodeling plans for two one-bedroom apartments. TPD Traffic Engineers presented information showing the parking requirement for the Owner's specific use would be satisfied with only 15 spaces, the actual site had 20 spaces, but the Zoning Ordinance stated the required spaces for the use should be 32. Another nonconformity involved the existing setbacks. It was noted that the expansion of the nonconforming structure did not alter the footprint, only the volume. Finally, Mr. Benner provided letters of support from the Planning Commission (PC) and the Board of Supervisors (BOS) with notes regarding some conditions to which the Applicant agreed to comply. Mr. Negota Lirim testified that the presentation summarized was true and would be his testimony.

There was some discussion regarding prior occupancy, neighboring uses, the driveway, and buffering. There were no objections to the proposed project by neighboring property owners.

Mr. Gordon made the motion with the note that the PC wanted the land development to show the interconnected drive to grant the Special Exception to structurally expand the nonconforming structure with no increase in the nonconformities, and to grant relief for parking from 32 to 20 spaces, and to adhere to the conditions requested by the PC letter (sidewalk and ingress and egress). The motion was seconded by Ms. DeVito and carried unanimously.

- c. ZHB #22-15, Shivaramaiah, regarding Tax Parcel No. 50-010-062-026 which is located at 624 Meehan Drive, in the RA-OD2e Zoning District of Warrington Township. Applicant seeks to construct an in-ground swimming pool on the subject property. Post construction impervious surface coverage on site is proposed at 38.2%. §370-408.4.D(4) permits a maximum impervious surface coverage of 35%. Applicant seeks a variance accordingly.

For the Applicant:
Mr. Shivaramaiah – Owner
Mr. _____ - Project Designer

Solicitor Panzer entered Township exhibits into evidence and discussed the SWM system required to mitigate the additional impervious area.

A discussion ensued about the seepage pit details and the Applicant noted that the intent was to capture the water from the existing paver patio. Noted the water will flow to the pit by grade.

Mr. Gordon made the motion to grant to increase impervious cover to 38.2 percent with the following conditions:

5. Design and install and maintain a structural stormwater best management practice BMP to be reviewed approved and inspected by the CKS, the Township Engineer,
6. Enter into a Stormwater and Maintenance Agreement and Easement to be prepared by the Township solicitor at the applicant's expense.
7. Reimburse Warrington Township for the cost of filing the Stormwater and Maintenance Agreement and Easement with the Bucks County Recorder of Deeds.

Mr. Alsdorf seconded the motion and the motion carried unanimously.

The Elbow Lane project requested additional time to apply for permits. After variances were approved, the Mr. Lester (Owner) worked on the plans with an Engineer with no success. The Engineer was let go and the new Engineer requested more time to review the project. Mr. Lester requested a 6-month extension to obtain the necessary permits.

Mr. Alsdorf made the motion to extend the granted relief for 6 months. Mr. Gordon seconded the motion and the motion carried unanimously.

6. Additional Business - none

Mr. Alsdorf made motion to adjourn. Mr. Gordon seconded the motion and the motion carried unanimously.

7. Next Meeting

- a. Monday, November 28, 2022, 7:00 PM