

**WARRINGTON TOWNSHIP ZONING HEARING BOARD
MINUTES FOR THE AUGUST 18, 2008, MEETING**

The regular meeting of the Warrington Township Zoning Hearing Board was called to order at 7:07 p.m. on August 18, 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	Chair
Frank Shelly	Vice Chair
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 Carol Angiolillo.

Continued Hearing 1
T-Mobile Northeast LLC
Portion of the PECO right-of-way north of Greensward South
TMP 50-021-132
Zoning: R-2

It was announced that T-Mobile had withdrawn the application.

New Business Hearing 2
Arvind and Hemlata A. Bhakta
2527 Bristol Road
TMP: 50-27-34
Zoning: C-2

- The Applicant is appealing the determination of the Zoning Officer that the Special Exception previously granted by the Zoning Hearing Board on June 19, 2006 prohibits the construction of a four-story assisted living facility at their property. In the alternative they are requesting an amendment to the previously granted Special Exception to allow the construction of a four-story

building instead of a three-story building pursuant to Section 1104.C of the Warrington Township Zoning Ordinance.

Exhibits: ZHB 1 – Application

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

ZHB 3 – Current Zoning Ordinance of Warrington Township

**Parties Representing the Applicants: Thomas J. Smith, III, Attorney, Harris and Harris
Nicholas T. Rose, Engineer, ProTract Engineering Inc.
Arvind & Hemlata Bhakta, Owners**

Parties Requesting Party Status: Terry and Daniel Marks

The applicants attorney reviewed the history of the Bhakta Assisted Living Facility proposal, including that a Special Exception was approved by the Zoning Hearing Board on June 19, 2006, and that the proposal had been reviewed by the Planning Commission. He read Michael Mrozinski's July 16, 2008, letter stating that before the proposal went to the Board of Supervisors he needed clarification from the Zoning Hearing Board as to whether the proposed four-story building was substantially similar to what they had approved. The applicants agreed to have their case heard by only three board members, and allowed Boardmember Gaines to sit on the case, even though he had disclosed that he was also with the Forest Glen Condominium Association. Mr. Smith pointed out the Special Exception decision does not specify a height or number of stories, and he withdrew his request for the alternative of an amendment to the Special Exception. Mr. Rose was called to testify to his role in the project and was questioned regarding standard practices in designing a project, and how this project had been developed. Exhibit A-1 is the resume for Nicholas Rose, and Exhibit A-2 is a copy of the original exhibit A-1 referred to in the June 19, 2006, decision. After more questions, the Board went into Executive Session. Solicitor Baldi determined the applicants and the parties to the decision would agree to a clarification to the 2006 decision that would add a section F, "The facility shall not be more than four stories." After some further questions, Boardmember Gaines moved, seconded by Vice Chair Shelly that the order of June 19, 2006, be clarified at the request of the parties and is amended to add a section F. The facility will not be more than four stories. The vote was two in favor, with Chair Devito opposed.

Adjournment: The public portion of the meeting was adjourned at 8:32 p.m.

Executive Session: The Board met in Executive Session.

Respectfully submitted,

Kevin Lawlor
Recording Secretary