

East Bradford Township Zoning Hearing Board Meeting Minutes June 19, 2023

The June 19, 2023 Zoning Hearing Board meeting was held in the McCardle Meeting Room in the Township Building, 676 Copeland School Road, West Chester. The meeting agenda was posted to the Township website and at the Township Building on June 13, 2023. Copies of the agenda were also available for attendees.

Zoning Hearing Board members present:
Kamil-Ali Jackson, Chair
Andy Schaum, Vice Chair
Seth Whitelaw, alternate member

Staff/Professionals present:
Tom Oeste, Esquire, Zoning Hearing Board Solicitor
Andrea Campisi, Director of Planning and Zoning/Zoning Officer

Others in attendance:
Mark Haggerty, Matthew McKeon, Andrea Turley, John Turley, Jim Fritsch, Ryan Jennings, Mark Lucas, Rich Phifer, Christine Troxel and Bruce Laverty.

CALL TO ORDER: The meeting was called to order at 7:01 p.m. by Zoning Hearing Board Chair Kamil Ali-Jackson.

PUBLIC COMMENT: None

MEETING MINUTES:

May 15, 2023 minutes: Dr. Whitelaw made a motion to recommend approval of the minutes. Mr. Schaum seconded the motion. All members were in favor. The motion carried.

OLD BUSINESS:

1. None

NEW BUSINESS:

Property: 979 Regimental Drive, Parcel #51-7-162
Applicants: John and Andrea Turley

The applicants requested the following variance from the Code and any all relief necessary to construct a pool and an additional paved area on the Property:

- Section 115-15C.5 to add impervious surface totaling 24.2% where 15% is permitted.

Mr. Oeste entered four exhibits into the record on behalf of the Zoning Hearing Board. There were no members of the public present to request party status to the hearing. Mr. McKeon was present on the applicant's behalf and presented exhibit packages to the Zoning Hearing Board members, including

but not limited to proof that neighbors were notified, and that the property was posted as required by the Zoning Ordinance. Mr. Schaum indicated that he is a neighbor of the property and received the notice but stated that he believes that he can make an objective decision on the application.

Mr. McKeon presented testimony on behalf of the applicant. He questioned two witnesses, Mrs. Turley and Jim Fritsch, the engineer that prepared the site plan. Following the testimony, the Board deliberated. After deliberating, Mr. Oeste read the following motion on the Board's behalf: A motion to approve the variance subject to conditions. Ms. Ali-Jackson moved to approve the motion. Mr. Schaum seconded the motion. All members were in favor and the motion carried. The variance was approved.

Property: 998 Lenape Road, 972 Tighe Road, Class I, HR# 139, Parcels 51-7-137.2A, 51-7-137.2 and 51-7-135

Applicant: East Bradford Township

The applicant seeks the following variances to construct the following improvements on the properties:

- An 11-space parking lot with access from Lenape Road;
 - An eight (8) foot wide paved trail that connects via a proposed crosswalk to an existing trail in the open space at Darlington Ridge along Tighe Road. The portion of this trail next to the parking lot contains a pedestrian barrier since it is located on top of the block retaining wall.
 - Construction of a five-foot-wide paved trail connecting the eight-foot-wide paved trail to the Heritage Center in the barn;
 - A prefabricated steel truss pedestrian bridge with a 50' span to carry the pedestrian trail over Plum Run;
 - Construction of a 12" wide block retaining wall;
 - Construction of two stormwater infiltration basins.
1. Section 115-45.3D.1.j: to permit the proposed trails and retaining wall to encroach into riparian buffer areas 1 and 2 without having a registered landscape architect prepare a plan to be approved by the Township's landscape architect showing the enhancement and/or conversion of the area between the trails and the top of the stream to a forested riparian buffer area.
 2. Section 115-45.3D.1.d: to remove native vegetation to install the trails and parking area.

At their meeting on June 1, 2023, the Board of Supervisors granted relief from the Zoning Ordinance to allow the parking lot to be located in Riparian Buffer area 2 per the following section:

115-45.3D.2.c: Parking area for public open space or a municipal park that is constructed of crushed stone and/or roadway stabilization fabrics or standard pavement if approved by the Board of Supervisors. The construction of the parking area shall comply with the provisions of § [115-42](#), Floodplain District regulations, if located within a flood hazard area.

There were no members of the public present to request party status to the hearing. Mr. Oeste entered exhibits into the record on behalf of the applicant. Ryan Jennings, the solicitor for East Bradford Township, was present on the Township's behalf along with Mark Lucas, Township Engineer, Rich Phifer, Director of Property and Recreation and Christine Troxel, the project engineer with CDR Maguire Engineering. Mr. Jennings submitted exhibit packages into the record including but not limited to those demonstrating that neighbors were notified, and the property was posted as required by the Zoning Ordinance.

Mr. Schaum said he received the notice since he resides nearby the subject properties. Mr. Oeste noted that Mr. Schaum has been involved in the planning for this project. However, Mr. Oeste stated that based on conversations he had with Mr. Schaum, Mr. Schaum believes he can consider the application and variances objectively even though he is an adjoining property owner and is a member of the Township's Trails Committee.

Mr. Jennings presented testimony on behalf of the applicant and questioned two witnesses, Rich Phifer and Christine Troxel. Following the testimony, the Board deliberated. After the deliberations, Mr. Oeste read the following motion on the Board's behalf: A motion to approve the relief under Zoning Ordinance Section 115-45.3D.1.j subject to the Board's standard conditions. Ms. Ali-Jackson moved to accept the motion. Mr. Schaum seconded the motion and Dr. Whitelaw was opposed to the motion. The motion carried two to one. Mr. Oeste read the following motion on the Board's behalf: A motion to approve the relief under Zoning Ordinance Section 115-45.3D.1.d subject to the Board's standard conditions. Ms. Ali Jackson moved to accept the motion. Mr. Schaum seconded the motion. All members were in favor and the motion carried.

NEXT MEETING: The next Zoning Hearing Board meeting will be held on July 17, 2023.

ADJOURNMENT / CONTINUANCE: The meeting adjourned at 9:54 p.m.

Meeting minutes recorded by: Andrea Campisi, Zoning Officer