

**EDGMONT TOWNSHIP ZONING HEARING BOARD
REGULAR MEETING MINUTES
JANUARY 27, 2009**

1. **Open Meeting**: Thomas Lawrie called the meeting of the Zoning Hearing Board to order at 7:00 p.m. In attendance were Thomas Lawrie, chairperson; Kevin Coyne, member; Thomas Donatucci, member; J. Adam Matlawski, solicitor; Samantha Reiner, Township Manager/Zoning Officer; Susan Sharp, Recording Secretary; and approximately 4 guests. The court reporter, Maria Lairdieson O'Neill, was present to transcribe the hearings.
2. **Public Comment**: Eileen O'Neill, 2115 Pony Trail Drive, asked about the structure that had recently been placed in her neighbor's pasture. Ms. Reiner responded that it appeared to be a temporary lunge run.
3. **Reorganization**: Mr. Coyne nominated Mr. Lawrie to remain as chairperson of the Edgmont Township Zoning Hearing Board. Mr. Donatucci seconded the motion. The motion carried unanimously without further discussion. Mr. Coyne nominated Mr. Donatucci to be vice chairperson of the Edgmont Township Zoning Hearing Board. Mr. Lawrie seconded the motion. The motion carried without further discussion. Mr. Lawrie made a motion to retain Ms. Sharp as the Edgmont Township Zoning Hearing Board Recording Secretary. Mr. Coyne seconded the motion. The motion carried without further discussion.
4. **Meeting Minutes**: Mr. Coyne made a motion to approve the minutes from November 25, 2008. Mr. Lawrie seconded the motion. Mr. Donatucci abstained as he was not at the meeting
5. **New Business**
 - a. **National Realty Corporation / Paul deBotton - Edgmont Square Shopping Center, 4801-4859 West Chester Pike** - The applicant requests variances from the following Zoning Ordinance Sections to allow new signage at the shopping center: (1) 1802.C.10.a to allow directional signs of 25 square feet (ordinance limits to 2 square feet); (2) 1802.C.10.b to allow directional signs to contain advertising; (3) 1801.B.3 to allow sign to be located within the street right of way; and (4) 1801.B.6 to allow more than one free standing or ground sign per street frontage. David Malman, Esquire appeared at the request of the Edgmont Township Board of Supervisors. Mr. Malman stated that the Township had received a request from Mr. deBotton to continue the hearing until February. Mr. Coyne made a motion to continue the hearing. Mr. Donatucci seconded the motion. The motion carried unanimously.
 - b. **Mindy Chernoff - 2056 Pony Trail Drive** – The applicant requests variances from Zoning Ordinance Sections 1912.A.8.d & e,

which require structures for shelter of livestock to be located no closer than 100 feet to property line and which prohibits livestock within 10 feet of a property line) and Section 1506.B.1(a) , which prohibits structures in flood hazard area, to allow placement of a 10 ft. by 20 ft. run-in shed for horse(s) to be located approximately 10-20 feet from property line in the R-1 zoning district. The property owner, Mindy Chernoff, was present.

The following exhibits were entered into the record:

Board's Exhibits:

- B-1: The application form; a plan showing the location of the proposed run in shed. The property owner has hand drawn in the location on a development plan prepared by John Smirga, last revised February 27, 2007; a letter from Country Boy Mfg describing the proposed horse shed; a letter from Mr. & Mrs. Robert Weinrich, dated December 14, 2008; a photograph of the proposed run in shed; a deed, dated October 17, 2006, between Martin C. & Mary A. Bryce, grantors, and Joel M. & Mindy L. Chernoff, grantees.
- B-2: Proof of publication – the notice was published in the Delaware County Daily Times on January 12 and January 19, 2009.
- B-3: Look-up list and certified mail receipts for the November 25, 2008 meeting. All green cards were returned to the Township as of January 26, 2009 except for Linda Zipkin, 1255 Brighton Way, Newtown Square.

Township's Exhibits:

- T-1: Zoning Officer Report

The Zoning Officer confirmed that the property was posted.

Ms. Chernoff explained that she wanted to put the proposed ten by twenty foot run-in shed in a pasture that does not have shade. Because of the width of the pasture, the shed could not be placed where it would conform with the Zoning Ordinance. She indicated that the three-sided shed could be placed so that it was not in the floodplain area. Ms. Chernoff stated that the shed will not have a foundation and that the shed will be raised 12 inches off of the ground so that the structure would not impede any water flow, should the area flood. Although the structure could be wood, Ms. Chernoff said that she would like it to be steel so it would not rot and the horses could not chew on it. The Board heard testimony from three neighbors. Sean O'Neill, 2115 Pony Trail Drive, was primarily concerned about how the proposed structure would impact the stormwater runoff in the area, and how the riparian buffer should be protected. Colleen Bryan, 2039 Pony Trail, voiced

concerns over allowing a variance to the setback requirements. Eileen O'Neill, 2115 Pony Trail Drive, addressed concerns about whether a hardship had been established for the granting of a variance. She also asked if DEP would be involved in the permitting of the structure. Ms. Chernoff asked for the hearing to be continued until the February meeting. Mr. Coyne made a motion that the hearing be continued; Mr. Lawrie seconded the motion, which passed unanimously with no discussion. THE COMPLETE NOTES OF TESTIMONY CAN BE FOUND IN THE TRANSCRIPT IN THE ZONING HEARING FILE FOR THIS PROPERTY.

6. **Adjournment:** At 8:15 p.m., Mr. Lawrie made a motion to adjourn and Mr. Coyne seconded the motion. There was no further discussion and the motion was carried unanimously.

Susan Sharp
Zoning Hearing Board Secretary