

**EDGMONT TOWNSHIP ZONING HEARING BOARD  
REGULAR MEETING MINUTES  
NOVEMBER 25, 2008**

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1. **Open Meeting**: Thomas Lawrie called the meeting of the Zoning Hearing Board to order at 7:20 p.m. In attendance were Thomas Lawrie, chairperson; Kevin Coyne, member; Neil Wasserstein, alternate member; J. Adam Matlawski, solicitor; Samantha Reiner, Township Manager/Zoning Officer; Susan Sharp, Recording Secretary; and approximately 6 guests. The court reporter, Maria Lairdieson O'Neill, was present to transcribe the hearings.
2. **Public Comment**: There was no public comment.
3. **Meeting Minutes**: Mr. Coyne made a motion to approve the minutes from October 28, 2008. Mr. Wasserstein seconded the motion. The motion carried unanimously without further discussion.
4. **Old Business**
  - a. **NextG Networks of NY, Inc.** – The applicant requested a variance from the requirements of section 1920 to provide wireless telecommunications services by attaching its facilities to 3 identified existing utility poles, each located within the public right-of-way. The three wooden poles are situated as follows:
    - (1) Site N148, PECO pole on Valley Road between Stackhouse Mill Road and Thornbird Way;
    - (2) Site N152, Verizon pole on West Chester Pike, east of Providence Road; and
    - (3) Site N155, PECO pole on Middletown Road, southeast of Farmers LaneSites N148 and N155 are located in the R-1 zoning district and site N152 is located in the C-2 zoning district. This meeting was closed in October. Peter Broy, Director of Northeast Real Estate, was present on behalf of the applicant. Kevin Coyne made a motion to grant the variance, with the condition that the applicant comply with all federal, state and local codes and ordinances and obtain all required permits. Mr. Wasserstein seconded the motion, which carried without further discussion.
  - b. **David S. Jarjisian – 470 Gradyville Road** – The applicant requested a variance from Section 402, which limits the height of structures to 35 feet, in order to permit installation of a residential windmill of 40 feet,  $\frac{3}{4}$  inches in height in the R-1 zoning district. The property owner, Mr. Jarjisian was present. This hearing was closed in October. Mr. Coyne made a motion to deny the variance request, as the windmill did not appear to be an accessory structure to the property on which it was to be erected. Discussions ensued between the board members and Mr. Jarjisian. Mr. Matlawski suggested Mr. Jarjisian could consider granting the board an extension of time to render their

decision. He stated that the decision would be rendered on February 24, 2009. By that time, the Edgmont Township Board of Supervisors may have adopted the windmill ordinance that is presently before them. Mr. Jarjisian agreed. Mr. Coyne withdrew his motion. This hearing will be continued on February 24, 2009, at which time it will either be reopened for additional testimony after notification of neighbors, or a decision will be rendered based on the proposed ordinance.

## **5. New Business**

- a. Patrick & Agne O'Connor 1588 Meadow Lane – The applicants have requested a variance from section 1909.D.4.b to allow the placement of a swimming pool in the side yard with a 25 foot setback in the R-1 zoning district. A 40 foot setback is required. The applicant, Mr. O'Connor was present, along with Dominic J. Dicesare, the general manager of Blue Haven Pools.

The following exhibits were entered into the record:

### Board's Exhibits:

- B-1: The application form; a pool permit plan dated September 24, 2008 and revised October 30, 2008, prepared by Mesko Engineering, sheet 1 of 1; a copy of the front page of the grading permit application submitted to Edgmont Township by Blue Haven Pools; a letter from the Edgmont Township Building Department Administrator to Blue Haven Pools returning the pool grading permit application; a copy of the Edgmont Township Zoning Officer's review of the pool grading permit application providing the reasons that the permit did not meet the Township zoning requirements; a deed, dated June 29, 2004, between Dixon Homes LLC and Patrick & Agne O'Connor.
- B-2: Proof of publication – the notice was published in the Delaware County Daily Times on November 10 and November 17, 2008
- B-3: Look-up list and certified mail receipts for the November 25, 2008 meeting. All green cards were returned to the Township.

### Township's Exhibits:

- T-1: Zoning Officer Report

### Applicant's Exhibits:

- A-1: Twenty-four photographs of the O'Connor property

The Zoning Officer confirmed that the property was posted.

Mr. O'Connor explained why he wanted to place the pool in the location shown on the plan. His septic system is on one side of his backyard, and his lot is heavily wooded on the other. There is a flag between his lot and the adjoining lot, providing another 50 feet of buffer, along with the 25 feet that the pool will be set back from the property line. During Ms. Reiner's Zoning Officer report, it was noted that the plan appeared to show the pool in the front yard, as defined in the Edgmont Township Zoning Ordinance. There was discussion between the board, Mr. O'Connor and Mr. Dicesare about what constitutes a front yard. Mr. O'Connor agreed to push the pool back further, or make the pool smaller, so that it did not encroach into the front yard. There was no comment from neighbors. THE COMPLETE NOTES OF TESTIMONY CAN BE FOUND IN THE TRANSCRIPT IN THE ZONING HEARING FILE FOR THIS PROPERTY. After a short recess, Mr. Coyne made a motion to close the hearing and accept all exhibits. Mr. Wasserstein seconded the motion, which passed without further discussion. Mr. Wasserstein made a motion to grant the variance, with the conditions that the applicant obtain grading and building permits from the Township; the pool shall be located so as to not encroach in the "front yard" as defined by the Zoning Ordinance; the applicant shall submit a landscape plan for the area surrounding the pool and obtain approval of same by the Township's landscaping consultant; and the applicant shall comply with all federal, state and local codes and ordinances and obtain all required permits. Mr. Coyne seconded the motion. The motion passed unanimously without further discussion.

6. **Adjournment**: At 8:25 p.m., Mr. Coyne made a motion to adjourn and Mr. Wasserstein seconded the motion. There was no further discussion and the motion was carried unanimously.

Susan Sharp  
Zoning Hearing Board Secretary