

**ZONING HEARING BOARD OF WARWICK TOWNSHIP  
BUCKS COUNTY, PENNSYLVANIA**

Docket No. 26-01

Applicants: Altomonte's Italian Markets

Owner: JLL Real Estate Holding LLC  
1994 York Road, Unit 4  
Jamison, PA 18929

Subject Property: Tax Parcel No. 51-003-086 for property known as 1990, 1992 and 1994 York Road

Requested Relief: The Applicant is seeking the following variances from the Warwick Township Zoning Ordinance ("Ordinance"): §195-60.D(2) to allow a woodland resource protection ratio of 57% for non-environmentally sensitive woodland areas where 80% protection is required; §195-64 to eliminate or reduce the reforestation requirements triggered by the woodland disturbance; §195-45.C, 195-16.G(3)(a) and 195-63 to continue the existing non-conforming condition to permit parking and paving within the required buffer yard along the southern property line abutting residential uses, and/or to reduce the buffer width and landscaping requirements due to existing conditions.

Hearing History: An Application was filed in Warwick Township on January 30, 2026. The hearing was held on March 3, 2026 at the Warwick Township Administration Building.

Appearances: Sean Duffy, Esquire  
Obermayer Rebmann Maxwell & Hoppel  
2003 S. Easton Road, Suite 100  
Doylestown, PA 18901

Parties: Christopher Kephart, Esquire  
Kephart Law  
18 Campus Blvd., Suite 100-1688  
Newtown Square, PA 19073  
Representing York Town Condo Assoc.

Al Campoli  
1522 Springfield Court  
Jamison, PA 18929

Cynthia Penko  
1524 Springfield Court  
Jamison, PA 18929

Mailing Date: April 8, 2026

## DECISION

### FINDINGS OF FACT:

1. The Zoning Hearing Board of Warwick Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.

2. The Applicant is the equitable owner of the Subject Property and is therefore possessed of the requisite standing to make application to this Board.

3. The following exhibits were marked and admitted during the March 3, 2026 hearing:

#### Board Exhibits:

B-1 Application with attachments received by Warwick Township on January 30, 2026.

B-2 Proof of Publication from the Intelligencer for advertising notice on February 17, 2026 and February 24, 2026. Public Notice advertising hearing scheduled for March 3, 2026 at 7:00 pm and confirmation from the Intelligencer

B-3 Letter dated February 11, 2026 to Applicant's attorney, Kellie McGowan, Esquire from Vicki L. Kushto, Esquire advising of the hearing date

B-4 Resident mailing certification dated February 13, 2026 sent by Tom Jones, Warwick Township Zoning Officer and copy of list of property owners notified

B-5 Property Posting Certification by Tom Jones, Zoning Officer dated February 17, 2026

#### Applicant Exhibits:

A-1 Aerial Exhibit prepared by Holmes Cunningham Engineering, dated February 27, 2026

A-2 Existing Site Photographs

A-3 Zoning Plan Rendering prepared by Holmes Cunningham Engineering, dated February 27, 2026

A-4 Email from March 2, 2026 from David DeLuca on behalf of the Manor at Yorktown

Protestants Exhibits:

York Town 1 Petition dated February 27, 2026

York Town 2 Letter from Christopher Kephart, Esquire

4. The Subject Property is located in the C1 Local Commercial Zoning District. The Subject Property consists of approximately 3.04 acres and currently includes multiple buildings and uses.

5. Mr. Duffy presented a summary of the Application and the testimony as follows:

The Subject Property contains 3.04 acres and 2.74 net acres. The Subject Property is within a commercial zoning district and contains multiple structures and uses including residential homes, storage yard, storage structure, restaurant and construction office.

Exhibit A-1 is an aerial of the site. Exhibit A-2 are photos of the existing site. Exhibit A-3 is a zoning plan. The Applicant does not have a plan without the new structures overlaid on it. The Subject Property is non-conforming. A 50 foot buffer is required along the southern property line but there currently is not one making it an existing non-conformity.

Applicant proposes to construct a 7,200 square foot retail market which is a permitted use. The contracting building will be maintained and will be rented. All of the other existing structures on the Subject Property will be removed. The plans propose 79 parking spaces, a walking trail and stormwater management in the rear of the Subject Property. To the rear of the Subject Property is a Township park and to the side is the Goddard School and the York Town development.

6. Mr. Duffy presented the testimony of Jason Korczak of Holmes Cunningham Engineering which can be summarized as follows:

Mr. Korczak was accept as an expert in civil engineering. The Subject Property is irregularly shaped and the existing restaurant is only 13 feet off of the road. The current buffer along the southern boundary is only 5 feet wide. Applicant is not proposing any changes that would affect this buffer.

Mr. Korczak took the pictures that were included in Exhibit A-2. Photo 1 is looking northwest up the driveway from York Road at the southernmost driveway on the Subject Property. The photos show some evergreen and deciduous trees as part of the buffer along the southern property line. These trees would remain. Photo 2 is taken looking northwest down the southern property line. It shows an existing fence between the Subject Property and units in the York Town Condominium Association. Photo 3 shows the same fence looking in the opposite direction toward York Road. Photo 4 shows the same trees in Photo 1 just from the opposite direction toward York Road. Photo 5 is taken from a central location within the Subject Property looking northwest toward the Manor at Yorktown. Photo 6 is taken looking west towards the Township owned recreation fields. Photo 7 is taken looking northwest towards the Manor at Yorktown. Photo 8 shows the rear and side of the Subject Property looking toward the Manor at

Yorktown. Photo 9 is looking west towards the wooded area between the Subject Property and the Township owned fields.

The Subject Property currently has 3 driveways which would be reduced to 2 driveways. This will improve truck turning within the Subject Property. Under the Ordinance, 69 parking spaces would be required and the Applicant is providing 79 parking spaces. Applicant is also proposing a trail that will tie into a trail on the Township's property.

The first variance is from the resource protection standards. The only woodlands not being preserved are within the central portion of the site. The woodlands on the Subject Property consist of less than an acre. The Applicant is protecting 0.37 acres of woodlands. The only way to reasonably develop the Subject Property is by removing some of these woodlands. Currently the Subject Property has no stormwater management facilities.

The second variance is the reforestation requirement. If the Applicant had to comply with these requirements it would impair the amount of parking and stormwater management that could be provided. The Applicant could potentially plant some trees near the stormwater facility and the applicant will have to provide landscaping during the land development approval process.

The third variance relates to the buffer along the property line with the York Town Condominium Association. The current buffer is an existing non-conformity. Applicant will improve this buffer but can't comply with the 50 foot requirement. The buffer will be approximately 7.4 feet and is along the existing entrance drive.

Mr. Korczak opined that the proposed development will have no adverse impact and will in fact be an improvement of the Subject Property. There will be no impact on health, safety or welfare and the Applicant is requesting the minimal relief. In addition, the conditions were not created by the Applicant.

Applicant met with representatives of the Manor at Yorktown and the main concern was the existing trash enclosure behind the contracting business. Applicant shifted the dumpster area about 10-15 feet to move it further away from the development and agreed to install some evergreens as a buffer. Exhibit A-4 is an email from David Deluca on behalf of the Manor at Yorktown confirming the concerns and Applicant's commitment to address them.

7. Mr. Duffy presented the testimony of Vincent Grispino which can be summarized as follows:

Mr. Grispino is a representative of Altomonte's. He testified that the Applicant would have no objection to planting additional trees on other property within the Township in order to meet the requirements of §195-64. Mr. Grispino indicated that the Subject Property is not currently connected to public water but will connect to public water as part of this development.

In response to cross examination from Mr. Kephart, Mr. Grispino testified that the business is an Italian specialty market. The hours are Monday through Friday from 9:00 a.m. to 6 p.m and on Saturdays from 9:00 a.m. to 5 p.m. The relief requested does not relate to conditions caused by the Applicant. The proposed use is within the character of the

neighborhood because there are currently a lot of different uses on the Subject Property. The contracting building will be leased but a tenant has not yet been found. The parking calculations include both buildings.

In response to questions from Ms. Penko, Mr. Grispino testified that typically deliveries occur between 7:30 a.m. and 8:00 a.m. and would not occur later than 3:00 p.m. The typical trucks are box trucks and not tractor trailers.

8. Mr. Kephart provided argument on behalf of York Town Condominium Association. His argument is that the current residential homes on the Subject Property are a non-conforming use. These homes are going to be removed. It is his opinion that the non-conformity with regard to the buffer area is tied to the non-conforming use. Therefore, when the homes are removed the ability to keep the non-conforming buffer is lost as well.

9. The public comment provided can be summarized as follows:

Mr. Al Campoli asked about the parking of temporary refrigerator trucks during the holidays. Mr. Grispino indicated that he was not sure if they would be needed here but if so, he would request quiet ones.

Ms. Maureen Longstreth indicated that the buffer along the southern property line should be longer. Also the current trees are deciduous and could be replaced with evergreens. She also suggested that the trail could be shifted so that there was more room for a buffer.

Ms. Ria Nappi stated that Mr. Grispino is her brother. The business name Altomonte's is synonymous with family. They want to build something beautiful in the Township as the family lives and works here.

Ms. Donna Campoli indicated that she is concerned about the noise and not the business itself.

Ms. Natalie Capabianco works at the restaurant that is currently located on the Subject Property and she was interested in what the plans were for that building.

Ms. Kalita asked about the number of employees in both buildings.

Wendy Petro who is the manager of Yorktown Manor confirmed the concerns that the Association had and what was discussed with the Applicant.

10. The Board of Supervisors did not express a position regarding the Application.

#### **CONCLUSIONS OF LAW:**

1. Section 910.2 of the Pennsylvania Municipalities Planning Code requires that an applicant demonstrate all of the following in order to be entitled to a variance: (1) there are unique physical circumstances or conditions peculiar to the Property that impose an unnecessary hardship; (2) because of such unique physical circumstances or conditions, there is no possibility that the Property can be developed in strict conformity with the Zoning Ordinance and that the variance is

therefore necessary to enable the reasonable use of the Property; (3) such unnecessary hardship has not been created by applicant; (4) the variance will not alter the essential character of the neighborhood; and (5) the variance represents the minimum variance that will afford relief. (53 P.S. §10910.2).

2. The burden on the applicant seeking a variance is a heavy one, and the reasons for granting the variance must be substantial, serious, and compelling. *Pequea Township v. ZHB of Pequea Township*, 180 A.3d 500 (Pa. Cmwlth. 2018) (citations and internal quotations omitted).

3. The hardship must relate to the property and not the person. *Id.*

4. The Subject Property is within the C1 Local Commercial Zoning District. The current uses of the Subject Property are as a H-5 Contractor's Use, G9 Eating Place and B1 Dwellings. The proposed use is as a G3 Retail use.

5. AG3 Retail use is a permitted use within the C1 Local Commercial Zoning District.

6. The Board concludes that the Subject Property contains unique physical characteristics including the unique shape, current number of uses, and the location of the current buildings.

7. The Board concludes that because of these unique physical conditions, the Subject Property cannot be developed in strict conformity with the Zoning Ordinance and the variances requested are necessary to enable the reasonable use of the Subject Property.

8. The Board concludes that the hardship was not created by the Applicant.

9. The Board concludes, with the conditions imposed, the granting of the variances will not alter the essential character of the neighborhood or district in which the Subject Property is located.

10. The Board concludes that, with the conditions imposed, the proposed use will have a very low impact on the surrounding uses and neighbors.

11. The Board concludes, with the conditions imposed, that the variances being requested are the minimum variances that will afford relief.

12. The Board concludes that the Applicant has presented evidence of sufficient factors to warrant the grant of the variances.

13. The Board concludes that given the testimony presented, Applicant does not need a variance from §195-64 as Applicant has agreed to plant any required trees on the Subject Property or at locations within the Township as directed by the Board of Supervisors in accordance with §195-64.F.

14. Accordingly, the Warwick Township Zoning Hearing Board determined, by a majority vote, to grant the Applicant's request for variances except with regard to §195-64..

ORDER

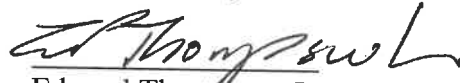
Upon consideration and after the hearing, the Zoning Hearing Board of Warwick Township hereby GRANTS the following variances from the Warwick Township Zoning Ordinance for the Subject Property: from §195-60.D(2) to allow a woodland resource protection ratio of 57% for non-environmentally sensitive woodland areas where 80% protection is required; and from §195-45.C, §195-16.G(3)(a), §195-63 to continue the existing non-conforming condition to permit parking and paving within the required buffer yard along the southern property line abutting residential uses, and/or to reduce the buffer width and landscaping requirements due to existing conditions **subject to the following conditions:** Applicant shall remove the deciduous trees and plant evergreens along the southern property line with the Goddard School from York Road to the rear parking spaces and Applicant will move the proposed loading dock to the northwest corner of the proposed building.

The relief contained herein granted is subject to compliance with all other applicable governmental ordinances and regulations, including obtaining the proper permits.

ZONING HEARING BOARD OF  
WARWICK TOWNSHIP

By:

  
Kevin Wolf, Chairman

  
Edward Thompson, Jr.

  
Matthew Manz

NOTICE TO APPLICANT

You have the right to appeal this Decision to the Court of Common Pleas of Bucks County. Such an appeal must be taken within thirty (30) days of the date the Decision was issued and mailed to you as stated above.