WHITPAIN TOWNSHIP PLANNING COMMISSION
DECEMBER 2015

A work session of the Whitpain Township Planning Commission was held on Tuesday, December 8, 2015 at 7:00 PM at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA for the purpose of reviewing the agenda of the public meeting to be held that evening. Chairman Kenneth Corti presided with Commission members Richard Shorin, Penelope Gerber, Tory Meitner and Edward McLaughlin present. Township Engineer James Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus, Recording Secretary Karen Dolga and Gregory Monte were also present. Planning Commission members Bradley Tate and Otis Hightower were absent.

1. Review current zoning hearing board applications.

   1.) **NO. 2054-15: RHODA G. ROSENFELD** requests a variance and/or modification of conditions from Condition 4 of the Whitpain Township ZHB Decision #192-71; or alternatively, a variance from Article VII, Section 160-30 regarding Use Regulations in the R-2 Residential District to permit a dental laboratory use. Additionally, applicant requests variance from Article XXXI, Section 160-241 relating to expiration of variance to permit applicant to obtain a building permit or use and occupancy permit within one year of the grant of variance for property located at 890 Belfrey Drive – 1635 Skippack Pike in the Township's R-2 Residence Districts.

   Mr. Rieker provided a brief summary of the requested relief, stating that it was first submitted in August and it requested a multitude of uses. He commented that he was not in support of this and wanted the requested use to be specified. Mr. Rieker noted that the current relief is specific to a dental lab.

   The Planning Commission discussed the number of employees, adequate parking, and if this was stretching the definition of a home use occupation.

   2.) **NO. 2060-15: AMOS HEARD & JEANNIE STEFANSKI HEARD** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VI, Section 160-38 relating to placement of accessory structures; and (2) Article XXVIII, Section 160-202 relating to projections into front yards. Applicant proposes to allow a 12 feet by 24 feet shed within the front yard along Wagon Road on the property located at the corner of West Skippack Pike and Wagon Road, 1077 West Skippack Pike, in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow the shed within the front yard along Wagon Road where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the front yard.

   Mr. Blanch gave a brief summary of the requested relief, stating that despite the garage door the applicant has no intent to build a driveway.

Mr. McManus mentioned that the shed is already at that location. He added that the applicant will be moving in a year and possibly taking the shed with them.

The Planning Commission discussed if the shed was replaced in the future would a permit be required. Mr. McManus explained that if it was the same location, same footprint, same height, and within one year then a permit is not required.

3.) **NO. 2061-15: TIMOTHY & AURORA HUGHES** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XII, Section 160-62 relating to location of accessory structures; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to allow a 946 square feet 3 car detached garage within the side yard of the property located at 500 Lewis Lane in the Township's R-5 Agricultural/Rural Residence District. Applicant's requested variance relief, if granted, will allow the garage within the side yard of the property with a side yard setback of 115.5 feet and a rear yard setback in excess of 580 feet where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the side yard.

The Planning Commission discussed the visibility of the garage on such a large lot and the preferable possibility of only one home with one driveway will be built as opposed to past plans for two homes and two driveways.

4.) **NO. 2062-15: BENJAMIN & LISA MURPHY** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-38 relating to the location of accessory structures; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to allow a 550 square feet detached garage within the side yard of the property located at 70 Norristown Road in the Township's R-2 Residence District. Applicant's requested variance relief, if granted, will allow the garage within the side yard of the property with a 23 feet setback where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the side yard.

Mr. McManus gave a brief summary of the requested relief, stating that this request is similar to the neighbor's recent garage and noted that the applicant will be using the same contractor.

5.) **NO. 2063-15: AARON & JESSICA HOEKMAN** requests variance relief from Article XXVIII, Section 160-204.D of the Whitpain Township Zoning Ordinance, as amended, relating to location of accessory buildings. Applicant proposes to replace an existing deck with a new 388 square feet deck with roof in the rear yard of the house on the property located at 257 Batleson Road in the Township's R-1 Residence District. Applicant's requested variance relief, if granted, will

allow the proposed deck to be located within 4 feet 11 7/8 inches of an existing accessory building (pool) where a minimum separation of 10 feet is required under the Ordinance.

2. Review of pertinent planning issues.

There were no pertinent planning issues to be discussed.

The work session adjourned at 7:30 PM, at which time the Planning Commission members left for the public meeting.

Respectfully submitted,

Karen M. Dolga

Karen M. Dolga, Recording Secretary

WHITPAIN TOWNSHIP PLANNING COMMISSION MEETING
DECEMBER 2015

The eleventh meeting of the Whitpain Township Planning Commission for the year 2015 was held on Tuesday, December 8, 2015 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Kenneth Corti presided with Commission members Richard Shorin, Penelope Gerber, Otis Hightower, Tory Meitner and Edward McLaughlin present. Township Engineer James Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus, Recording Secretary Karen Dolga and Gregory Monte were also present. Planning Commission member Bradley Tate was absent.

Chairman Corti called the meeting to order at 7:32 PM. The members of the Planning Commission and Township Staff introduced themselves to the public that were present.

1. Approval of minutes.

Chairman Corti called for any comments or questions on the November meeting minutes from the audience. There being none, Mrs. Gerber made a motion, seconded by Mr. Meitner, to approve the minutes of the November 10, 2015 meeting of the Planning Commission. The motion passed 6-0.

2. Review of current Zoning Hearing Board applications.

1.) **NO. 2054-15: RHODA G. ROSENFELD** requests a variance and/or modification of conditions from Condition 4 of the Whitpain Township ZHB Decision #192-71; or alternatively, a variance from Article VII, Section 160-30 regarding Use Regulations in the R-2 Residential District to permit a dental laboratory use. Additionally, applicant requests variance from Article XXXI, Section 160-241 relating to expiration of variance to permit applicant to obtain a building permit or use and occupancy permit within one year of the grant of variance for property located at 890 Belfrey Drive – 1635 Skippack Pike in the Township's R-2 Residence Districts.

Present for the applicant: Bernadette Kearney, Hamburg Maxwell Lupin
Dr. Rosenfeld, Applicant

Ms. Kearney provided a brief summary of the requested relief, stating that the applicant originally filed a zoning application when the Planning Commission does not meet in August. She noted that the applicant requested relief for a variety of uses. Ms. Kearney stated that the Board of Supervisors asked the applicant to come back when they have a purchaser so they can specify the exact use. She commented that Dr. Rosenfeld is retiring and that he owns the property at 890 Belfry Drive. Ms. Kearney also stated that Dr. Rosenfeld received a variance in 1971 to operate his practice. She further commented that there is a couple that lives in Whitpain, who operates National Aesthetics Dental Lab in Villanova, PA. Ms. Kearney informed the Planning Commission that the new owners would like to take over Dr. Rosenfeld's place of business to operate a

dental lab. She stated that a customer will come to the dental lab once (1) or twice (2) a year for dental fittings. They have four (4) employees currently including the two (2) owners. Ms. Kearney stated that they request to modify the condition # 4 allowing only a physician to operate. She also informed the Planning Commission that their hours of operation are 8am-5pm Monday through Friday, and occasionally on Saturdays.

Mr. Shorin asked what the parking situation is. Ms. Kearney commented that a plan from the 1970s showed twelve (12) parking spaces. She also stated that there is an apartment on the top floor, which will remain as is. Ms. Kearney noted that one of the conditions in the 1971 decision is only one family can live there. Ms. Kearney commented that they would need two (2) parking spaces for the apartment and the remaining ten (10) would be used for the dental lab, which is not striped. Chairman Corti asked Mr. Blanch if the Planning Commission could ask the applicant to stripe the parking spaces. Mr. Blanch replied yes.

Mr. Shorin inquired about signage. Ms. Kearney informed the Planning Commission that Dr. Rosenfeld has a sign, which the new owners would change.

Mr. Shorin asked about the landscaping and if the neighbors would be able to see the parking. Ms. Kearney replied that it would probably be the way it is today. Dr. Rosenfeld added that when he originally built the building, it was in the plans that there would be a grove of trees between his property and the adjacent property. Dr. Rosenfeld also noted that there are spruce trees that are 20' or 30' feet high.

Ms. Gerber questioned if there are any chemicals that they use that would concern the neighbors. Ms. Kearney replied that the operation would not need any hazardous pick up or anything to that nature.

Chairman Corti asked for clarification that the owners of the dental lab will not be the residents that live above the lab. Ms. Kearney replied no, the current tenant has been there several years and will remain.

Mr. Blanch stated that there was a concern regarding on street parking. Ms. Kearney responded that since they only have four (4) employees that they would not be parking on the street. Ms. Kearney stated that the Board of Supervisors had some concern that someone is currently parking along Belfry and it is impacting traffic visibility.

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications.

Dr. Rosenfeld asked if a no parking sign will be installed. Ms. Kearney asked if Belfry Drive is a Township road. Mr. Blanch replied yes. Mr. Rieker stated that the Township could erect the sign, but an ordinance may be needed.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application, but commented that they do not want on-street parking for the dental lab.

2.) **NO. 2060-15: AMOS HEARD & JEANNIE STEFANSKI HEARD** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VI, Section 160-38 relating to placement of accessory structures; and (2) Article XXVIII, Section 160-202 relating to projections into front yards. Applicant proposes to allow a 12 feet by 24 feet shed within the front yard along Wagon Road on the property located at the corner of West Skippack Pike and Wagon Road, 1077 West Skippack Pike, in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow the shed within the front yard along Wagon Road where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the front yard.

Present for the applicant: Joseph Pizonka, Esq., Representative for the Applicant

Mr. Pizonka provided a brief summary of the requested relief, stating that the property is a corner property at Skippack Pike and Wagon Road. He noted the applicant built an accessory building in what they believed was the rear yard; however it is the front yard along Wagon Road.

Mr. Shorin inquired if the applicant would be installing landscaping. Mr. Pizonka responded that there is a 6' high fence, which screens the shed from every angle.

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application.

3.) **NO. 2061-15: TIMOTHY & AURORA HUGHES** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XII, Section 160-62 relating to location of accessory structures; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to allow a 946 square feet 3 car detached garage within the side yard of the property located at 500 Lewis Lane in the Township's R-5 Agricultural/Rural Residence District. Applicant's requested variance relief, if granted, will allow the garage within the side yard of the property with a side yard setback of 115.5 feet and a rear yard setback in excess of 580 feet where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the side yard.

Present for the applicant: Ed Hughes, Esq., Representative for the Applicant
Timothy Hughes, Applicant

Mr. Ed Hughes provided a brief summary of the requested relief, stating the applicant has bought an eleven (11) acre site on 500 Lewis Lane. He mentioned that the applicant plans to build a house and has a plan that shows the detached garage in the side yard, which is not permitted. Mr. Ed Hughes noted that accessory structures can be within 10' of the property lines in the rear yard. The applicant proposes to have it in the side yard.

Chairman Corti stated that the Planning Commission is pleased that the property will be one (1) lot instead of two (2) lots. Mr. Ed Hughes noted that the applicant is currently not 100% committed. Chairman Corti noted that the Planning Commission believed that the applicant was committed to deed restricting a portion of the property so only one (1) lot would be built.

Mr. Ed Hughes stated that the property can have two (2) lots, but one has to take access from the easement over the Glassman Property. Chairman Corti suggested that the applicant check with the county regarding open space and deed restrictions.

In addition, Mr. Tim Hughes commented that he has lived in Whitpain Township for 24 years. Mr. Tim Hughes informed the Planning Commission that he is 99% sure that they will put the second lot in a conservation easement next year. Chairman Corti asked if the applicant would include the Wissahickon Valley Watershed Association in the conservation easement. Mr. Hughes responded yes.

Mr. Ed Hughes stated that the WVWA has a conservation easement that allows two (2) two houses. He noted that they will give up one (1) house and WVWA would be the sponsor.

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application.

4.) **NO. 2062-15: BENJAMIN & LISA MURPHY** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-38 relating to the location of accessory structures; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to allow a 550 square feet detached garage within the side yard of the property located at 70 Norristown Road in the Township's R-2 Residence District. Applicant's requested variance relief, if granted, will allow the garage within the side yard of the property with a 23 feet setback where the Ordinance permits accessory structures in the rear yard only and prohibits projections into the side yard.

Present for the applicant: Benjamin Murphy, Applicant
Lisa Murphy, Applicant

Mr. Shorin inquired if the applicant had spoken to his neighbor who built a similar garage. Mr. Murphy responded yes and the neighbor directed him to the same builder. Mr. Murphy added that his garage will match his house and fit in with the character of the neighborhood.

Mr. Hightower asked if the neighbors have any concerns. Mr. Murphy responded that he has not heard that there are any issues.

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application.

5.) **NO. 2063-15: AARON & JESSICA HOEKMAN** requests variance relief from Article XXVIII, Section 160-204.D of the Whitpain Township Zoning Ordinance, as amended, relating to location of accessory buildings. Applicant proposes to replace an existing deck with a new 388 square feet deck with roof in the rear

yard of the house on the property located at 257 Batleson Road in the Township's R-1 Residence District. Applicant's requested variance relief, if granted, will allow the proposed deck to be located within 4 feet 11 7/8 inches of an existing accessory building (pool) where a minimum separation of 10 feet is required under the Ordinance.

Chairman Corti noted for the record that the applicant was not present for the meeting.

Mr. Shorin asked Mr. Blanch to confirm that the property backs up to the creek. Mr. Blanch stated yes. Mr. Shorin stated that you cannot build too far back because of the floodplain. Mr. Blanch stated that the applicant would need to obtain separate relief.

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application.

3. Pertinent Planning Issues

There were no pertinent planning issues to be discussed.

There being no further business to come before the Commission, a motion was made by Mrs. Gerber, and seconded by Mr. McLaughlin to adjourn. The meeting adjourned at 7:51 PM.

Respectfully submitted,

Richard Shorin, Secretary