

## WHITPAIN TOWNSHIP PLANNING COMMISSION NOVEMBER 2016

A work session of the Whitpain Township Planning Commission was held on Wednesday, November 9, 2016 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 Bradley Tate, Richard Shorin, Tory Meitner, Penelope Gerber and Edward McLaughlin present. Township Engineer James Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus and Recording Secretary Gregory Monte were also present. Planning Commission member Otis Hightower was absent.

1. Review of a Subdivision Plan for 350 Skippack Pike (S-1-16). This application involves a 2-lot subdivision of approximately 2.57 acres. The existing home would be located on one of the lots and the barn would be on the other lot.

Mr. Blanch provided a brief explanation of the application. He noted that the applicant has submitted revised plans for the application.

The Planning Commission had a discussion regarding the fence on the property along Skippack Pike as well as the zoning relief that was granted by the Zoning Hearing Board.

Chairman Corti mentioned that if the Planning Commission decides to recommend approval to the Board of Supervisors, both structures on the property should be maintained.

2. Review current zoning hearing board applications.

- 1) **NO. 2093-16: JENNIFER AND SHAWN CONNAGHAN** request a variance from Article VII, Section 160-34 relating to side yards for single family dwellings and Article XXVIII, Section 160-203 relating to projections into side yards to allow construction on the property located at 15 Whitpain Drive, Ambler, PA 19002 in the Township's R-2 Residential District of a 19' by 27', two story addition to the rear of the residence. Applicants requested variance relief, if granted, will (1) allow the Applicant to construct the said two story addition projecting into the side yard of the Property where the Ordinance prohibits same and (2) will reduce the aggregate side yard width to 53' when the Ordinance requires at least 60' and will reduce the width of one side yard to 18' feet where the Ordinance requires a minimum of 25' in width.

The Planning Commission commented that they felt that the application was benign.

- 2) **NO. 2094-16: KARYA PROPERTIES, LLC** requests a variance from Article V, Section 160-21 relating to accessory buildings or structures for single family dwellings and Article XXVIII, Section 160-203 relating to projections into side

yards and a determination that no alluvial soils are present pursuant to Article XXV, Section 160-170.B relating to boundary disputes and appeals in a Flood Plain Conservation District to allow construction on the property located at 450 Penllyn Blue Bell Pike, Blue Bell, PA 19422 in the Township's R-1 Residential and FP Floodplain Conservation Districts of a detached garage. Applicants requested variance relief, if granted, will: (1) allow the Applicant to construct the said detached garage in a side yard when the Ordinance only permits accessory structures to be constructed in the rear yard and (2) result in a determination that no alluvial soils are present at or upon the subject property so that the detached garage may be constructed thereon when the Ordinance prohibits such construction if alluvial soils are present.

Chairman Corti asked why the applicant is requesting relief after they have already broke ground. Mr. Blanch responded that they have a rain garden that they would like to move further back on the site. Mr. McManus mentioned that they are also requesting relief to construct a detached garage in the side yard.

3. Review of pertinent planning issues.

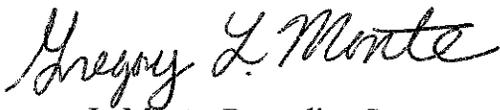
There were no pertinent planning issues to discuss.

4. History of the Liberty Bell Trolley: Whitpain's High-Speed Rail Presentation

Chairman Corti announced that following tonight's Planning Commission meeting, there will be a presentation on the History of the Liberty Bell Trolley. He mentioned that Mr. Andrew McGinnis and Mr. Michael Szilagyi will be the speakers for the presentation.

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

Respectfully submitted,



Gregory L. Monte, Recording Secretary

## WHITPAIN TOWNSHIP PLANNING COMMISSION MEETING NOVEMBER 2016

The eighth meeting of the Whitpain Township Planning Commission for the year 2016 was held on Wednesday, November 9, 2016 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Kenneth Corti presided with Commission members Bradley Tate, Richard Shorin, Tory Meitner, Penelope Gerber, and Edward McLaughlin present. Township Engineer James Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus and Recording Secretary Gregory Monte were also present. Planning Commission member Otis Hightower was absent.

Chairman Corti called the meeting to order at 7:30 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 October meeting minutes from the audience. There being none, Mr. Meitner made a motion, seconded by Mrs. Gerber, to approve the minutes of the October 11, 2016 meeting of the Planning Commission. The motion passed: 6-0.

### 2. Review of a Subdivision Plan for 350 Skippack Pike (S-1-16). This application involves a 2-lot subdivision of approximately 2.57 acres. The existing home would be located on one of the lots and the barn would be on the other lot.

Present for the Applicant: Carl Primavera Esq., Klehr, Harrison, Harvey, Branzburg  
Henry O' Reilly, Applicant  
Timothy Brouse, P.E., Alta Design Associates

Mr. Primavera provided a summary of the application stating that the original farmhouse is historic, and currently there is a tenant occupying it. He noted that Mr. O'Reilly received zoning approval for his mother-in-law to live in the barn on the property. He added that Mr. O'Reilly's mother-in-law passed away, and Mr. O'Reilly currently lives in a different area so the barn is now available as a residence. Mr. Primavera mentioned that the original application was to either subdivide the property or to allow the restriction on the barn to be removed so the applicant can rent it to a third party. He added that the applicant proceeded with the option of allowing the restriction on the barn to be removed, which was denied by the ZHB. Mr. Primavera noted that a purchaser wanted to buy the property and sell the farmhouse to the tenant through a subdivision. He added that the zoning hearing board approved the dimensional variances for the subdivision. Mr. Primavera mentioned that the applicant has been through a series of reviews and felt that the technical aspects have been resolved in terms of engineering and SALDO. He stated that they are requesting that the subdivision be approved so it can be recorded. He added that the easement that has been servicing the house and the barn will be a more formally recorded easement so that each home will be accessed by the easement.

Chairman Corti asked if the applicant will have two driveways, one for the barn and one for the farmhouse. Mr. Brouse replied that one driveway is proposed that will be shared. Mr. Shorin asked if there is an easement for the driveway. Mr. Brouse responded that they have written up all of the meets and bounds for the easement and will work with township staff to insert language and record the easement.

Mrs. Gerber asked where the easement will be on the property. Mr. Rieker replied that it will be along the existing driveway.

Mr. Shorin mentioned that there is some concern being that the property is historic, and asked if the applicant would be willing to maintain it as a historic property. Mr. O'Reilly replied that he has tried to maintain the property and the person who is interested in buying the farmhouse is a historian for old properties. Mr. Primavera added that they cannot speak to the barn, but the tenant who wants to buy the farmhouse is a committed preservationist.

Mr. Tate questioned if there is anything that was discussed during the Zoning Hearing Board meeting that was memorialized. Mr. Brouse responded that the major item that was discussed was the driveway easement and how it cuts through the property. Mr. Tate added that the front of the property has a fence that is falling down along Skippack Pike. He asked if there are any thoughts of improving the fence and the landscaping around it. Mr. O'Reilly commented that he could not speak for the tenant that wants to buy the farmhouse on his intentions for the fence. Mr. Tate noted that it would be nice to try to improve the fence and landscaping.

#### Audience Comments

Dennis Callaghan – 960 Maldon Court – Mr. Callaghan mentioned that he had not received notification for the first and second meeting regarding this application. He mentioned there is an underground creek that runs through Mr. O'Reilly's property to his property. He asked what will happen to creek when they build houses. Chairman Corti replied that the applicant is not proposing to build houses on the lots, just a subdivision separating the house from the barn. Mr. Rieker mentioned that there will be 2 lots with 1 existing structure on each lot. Mr. Rieker added that the existing dwelling and the barn were a subject of an application of the zoning hearing board for dimensional relief. He added that as part of the testimony that there would only be 2 lots and the same structures will survive the subdivision and become a part of the community. ***(Subsequent to the Planning Commission Meeting, Assistant Zoning Officer William McManus conducted a file search of which properties and associated owners were notified by the Township. Summary: nearly all were notified except for the homeowner located at 900 Galston Court. At the time notices were mailed, the property was owned by Fannie Mae, who was notified. Please see attached map and mailing list for ZHB Case #2070-16).***

Mr. Meitner asked if there has been discussion to tear down the barn and making it a separate lot. Mr. O'Reilly responded that the person that wants to buy the farmhouse

wants to live in the farmhouse and the person that wants to rent the barn can renovate the barn.

Mr. Brouse mentioned that the barn could be torn down and another structure could be built but it would have to come through the township to receive the proper permits.

Mr. Callaghan mentioned that he has lived in his house for 30 years and has seen the driveway taken off Skippack Pike and put on Galston Court. He added he has seen the barn transformed into an in-law suite to a rental property. Mr. Callaghan added that he did not know that the barn was rented until he met the tenant of the barn. He felt it was difficult to believe that the person that moves in will keep everything status quo.

Chairman Corti mentioned that the Planning Commission meets the second Tuesday of each month. He added that the Planning Commission will make a recommendation to the Board of Supervisors and they will choose to approve or not approve the application.

Michael Dickson – 985 Galston Court – Mr. Dickson mentioned that he attended the Zoning Hearing Board meeting in April, and it was determined at the time that the barn was being rented out illegally. He added that Mr. O'Reilly did not have the proper paperwork for the renovation of the barn. Mr. Dickson noted that when the Zoning Hearing Board denied the request to turn the barn into a rental property; therefore there should not be anyone living in the barn. Mr. Dickson explained that Mr. O'Reilly wants to turn the property into two non-conforming lots. He mentioned that no one knows if the barn has been renovated legally. Mr. Dickson mentioned that he is against the subdivision and felt that the applicant should not be rewarded for not following what the Zoning Hearing Board said to do.

Mr. Shorin mentioned that the Planning Commission makes a recommendation to the Board of Supervisors who have the ultimate approval of the application.

Chairman Corti mentioned that the Board of Supervisors meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month. He asked Mr. Dickson to check the agenda to see when the application will come before the Board of Supervisors.

Michael Patitucci - 930 Galston Court – Mr. Patitucci explained that he was at the Zoning Hearing Board on April 21<sup>st</sup> where it was determined that Mr. O'Reilly was renting on the property illegally.

Jane Patitucci – 930 Galston Court – Mrs. Patitucci mentioned that she was at the Zoning Hearing Board meeting on April 21<sup>st</sup>. She mentioned that the property had an agreement of sale. Mrs. Patitucci wanted to know why the property is no longer for

sale. Mr. Rieker replied that the landowner is the beneficiary of any relief by the Zoning Hearing Board.

David Cawley – 935 Maldon Court – Mr. Cawley mentioned that this is the first time that he has heard of the application. He expressed a fear that if the property is split into two lots the property value will increase under the guise of new construction. Mr. Cawley asked if the existing properties could be knocked down and new construction built or could new construction be built in addition to the existing properties. He strongly recommended that the Planning Commission not recommend approval of the application.

Roger Romero – 905 Maldon Court – Mr. Romero mentioned that he is new to the neighborhood. He noted that this is the first time that he is hearing of the application. Mr. Romero mentioned that his major concern was if it is subdivided already. Chairman Corti responded that the property has not been subdivided yet and the Zoning Hearing Board granted the dimensional variances. Mr. Romero asked the Planning Commission to please consider not recommending this application until the neighbors who are directly affected are given more information.

Meghan Roberts – 900 Galston Court – Ms. Roberts mentioned that her property is right next to the barn. She added that the applicant's driveway is right next her driveway. Ms. Roberts noted that she just moved into her property in July and feels concerned being that she and her husband just invested into their property and put a lot of money into it. She expressed a concern that property value may come down. Ms. Roberts explained that part of the driveway on Galston Court is on her property line. She noted she wants to see everything related to the driveway. Mr. Brouse replied that the driveway is not on the neighbor's property.

Jennifer Dudinak – 985 Galston Court – Ms. Dudinak thanked the Planning Commission for giving the neighbors an opportunity to speak. She hoped that it was made clear that the neighbors were not clear on the application. Ms. Dudinak mentioned that she understands that some decisions have been made, but there are facts that should bear on how this application plays out in the future. She requested that the neighbors should have the opportunity to catch up. She expressed concern that property values will be brought down. Ms. Dudinak also expressed a concern that the property could affect the underground stream, which would have a downstream effect on the cul-de-sac. She expressed that the property has been a transient lot. Ms. Dudinak requested that they have the chance to look at this application further to make sure that it done right for the neighbors and the community.

Mr. Primavera mentioned that the Zoning Hearing Board case from 1987 approved the residence in the barn for his client's mother. He mentioned that all of the permits required for occupancy were issued, with no violations on the property. Mr. Primavera explained that the applicant came before the Planning Commission on the

original request for the Zoning Hearing Board to remove the restriction limiting the occupancy. He mentioned that at the recent Zoning Hearing Board meeting in July, the chairman of the Zoning Hearing Board mentioned that there are two structures that exist, the farmhouse and the barn on one lot and that the only thing that will happen is the farmhouse will be on one lot and the barn will be on the other lot.

The Planning Commission did not entertain a motion to recommend that the Board of Supervisors either approve or not approve the Subdivision Plan Application for 350 Skippack Pike. The Planning Commission highly suggested that the applicant and the neighbors have a meeting with Township staff to resolve issues and concerns regarding the application, and may return for the December 13th meeting of the Planning Commission.

3. Review of current Zoning Hearing Board applications.

- 1) **NO. 2093-16: JENNIFER AND SHAWN CONNAGHAN** request a variance from Article VII, Section 160-34 relating to side yards for single family dwellings and Article XXVIII, Section 160-203 relating to projections into side yards to allow construction on the property located at 15 Whitpain Drive, Ambler, PA 19002 in the Township's R-2 Residential District of a 19' by 27', two story addition to the rear of the residence. Applicants requested variance relief, if granted, will (1) allow the Applicant to construct the said two story addition projecting into the side yard of the Property where the Ordinance prohibits same and (2) will reduce the aggregate side yard width to 53' when the Ordinance requires at least 60' and will reduce the width of one side yard to 18' feet where the Ordinance requires a minimum of 25' in width.

Present for the Applicant: Shawn Connaghan, Applicant

Chairman Corti asked if the applicant has talked to his neighbors. Mr. Connaghan replied that he has.

Mr. Shorin commented that this application is consistent with what the applicant's neighbors have done in Broad Axe Village.

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.

- 2) **NO. 2094-16: KARYA PROPERTIES, LLC** requests a variance from Article V, Section 160-21 relating to accessory buildings or structures for single family dwellings and Article XXVIII, Section 160-203 relating to projections into side yards and a determination that no alluvial soils are present pursuant to Article XXV, Section 160-170.B relating to boundary disputes and appeals in a Flood Plain Conservation District to allow construction on the property located at 450 Penllyn Blue Bell Pike, Blue Bell, PA 19422 in the Township's R-1 Residential and FP Floodplain Conservation Districts of a detached garage. Applicants requested variance relief, if granted, will: (1) allow the Applicant to construct the said detached garage in a side yard when the Ordinance only permits accessory structures to be constructed in the rear yard and (2) result in a determination that no alluvial soils are present at or upon the subject property so that the detached garage may be constructed thereon when the Ordinance prohibits such construction if alluvial soils are present.

Present for the Applicant: Ameer Farrell Esq., Kaplin Stewart  
Bala Balasubramanian, Applicant  
James Kilduff, Kilduff Development Co.

Ms. Farrell mentioned that the applicant has submitted for a short form process about the movement of alluvial soils.

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. Pertinent Planning Issues

There were no pertinent planning issues to discuss.

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 8:23 PM.

#### 5. History of the Liberty Bell Trolley: Whitpain's High-Speed Rail Presentation

Presenters: Andrew W. Maginnis, SEPTA (38 years) & Pennsylvania Department of  
Highway (13 years)  
Michael Szilagyi, Transportation Engineer, Michael Baker International

Following the regular meeting of the Planning Commission, Mr. Maginnis and Mr. Szilagyi gave a presentation on the history of the Liberty Bell Trolley. They introduced themselves to the Planning Commission and the audience. Mr. Maginnis explained that he worked for SEPTA for 38 years and the Pennsylvania Department of Highway for 13 years. Mr. Szilagyi noted that he currently works for Michael Baker International.

Respectfully submitted,

  
Richard Shorin, Secretary

# ArcGIS Web Map



March 15, 2016

WhitpainParcelsMailingLabel

WhitpainParcels

1:5,000



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

#2070-16

OREILLY HENRY F III & SUZY L  
424 W SPRINGFIELD AVE  
PHILADELPHIA, PA 19118 ✓

WISSAHICKON SCHOOL DISTRICT  
601 KNIGHT RD  
AMBLER, PA 19002 ✓

CARSON GEORGE D & PATRICIA G  
902 DEERPATH RD  
BLUE BELL, PA 19422 ✓

CARL PRIMNVERA ESQ.  
1855 MARKET STREET  
PHILADELPHIA, PA 19103 ✓

MCNAUGHTON JAMES R & KRISTIN S  
932 DEERPATH RD  
BLUE BEL, PA 19422 ✓

CAWLEY JULIE S & DAVID J  
935 MALDON CT  
BLUE BELL, PA 19422 ✓

PATITUCCI MICHAEL & JANE A  
930 GALSTON CT  
BLUE BELL, PA 19422 ✓

WINGS FIELD PRESERVATION ASSO. LP  
1501 NARCISSA RD  
BLUE BELL, PA 19422 ✓

DUDINAK JENNIFER & DICKSON  
MICHAEL  
985 GALSTON CT  
BLUE BELL, PA 19422 ✓

GRACE BAPTIST CHURCH  
PO BOX 122  
BLUE BELL, PA 19422 ✓

*900 Galsten*

FANNIE MAE  
14221 DALLAS PKWY STE 1000  
DALLAS, TX 75254 ✓

BUGIS SHELLI & FRED K TRUSTEES FRED  
& SHELLI BUGIS TRUST  
965 GALSTON CT  
BLUE BELL, PA 19422 ✓

MORAN JOSEPH P & JOANNE R  
965 MALDON CT  
BLUE BELL, PA 19422 ✓

CALLAGHAN DENNIS J & HELEN M  
960 MALDON CT  
BLUE BELL, PA 19422 ✓

PIERSON ROBERT S & MARY E  
970 GALSTON CT  
BLUE BELL, PA 19422 ✓

BAAS PETER W  
315 DUNDEE DR  
BLUE BELL, PA 19422 ✓

SCHEMPP DANIEL S & SARAH E  
921 DEERPATH RD  
BLUE BELL, PA 19422 ✓

PADULA MELISSA & SCHORN PHILIP  
440 SKIPPACK PIKE  
BLUE BELL, PA 19422 ✓

ROMERO ROGER & LAUREN DOVIK  
905 MALDON CT  
BLUE BELL, PA 19422 ✓

KAUFFMANN THOMAS J JR & LISA M  
980 MALDON CT  
BLUE BELL, PA 19422 ✓

MCFADDEN JEFFREY & JULIA  
323 DUNDEE DR  
BLUE BELL, PA 19422 ✓

MILLER ROSS W & DIANE M  
365 WOOD DR  
BLUE BELL, PA 19422 ✓