WHITEMARSH TOWNSHIP ZONING HEARING BOARD
PUBLIC HEARING FOR MONDAY, JUNE 22, 2020 7:00 PM
ZOOM MEETING PARTICIPATION INFORMATION

The Whitemarsh Township Zoning Hearing Board will conduct a public hearing on Monday, June 22, 2020 at 7:00 PM for the case as listed on the agenda for this date.

In response to the Governor’s Stay Home Order due to the COVID 19 health pandemic, this hearing will be conducted via ZOOM. All members of the Board, staff and public will participate remotely. The public may join this hearing by either telephone using the dial in number or entering the URL on an internet browser. Below you will find instructions on how to access and participate in the hearing:

- **Hearing Date:** Monday, June 22, 2020
- **Hearing Time:** 7:00 PM
- **Hearing URL:** [https://us02web.zoom.us/j/87419718730?pwd=ZUF4Szd6T3NNVVVFbVI4VDDcKcnRIQT09](https://us02web.zoom.us/j/87419718730?pwd=ZUF4Szd6T3NNVVVFbVI4VDDcKcnRIQT09)
- **Hearing via Zoom App:** if you have the Zoom App on your smartphone, tablet, or computer, open the program, click join a meeting, and enter the Meeting ID: 874 1971 8730
- **Hearing dial in number (no video):** 1 646 558 8656
- **Hearing ID number (to be entered when prompted):** 874 1971 8730
- **Hearing Password:** 851998

THE PUBLIC MAY ALSO SUBMIT QUESTIONS OR COMMENTS PRIOR TO THE HEARING BY U.S. MAIL ADDRESSED TO CHARLES GUTTENPLAN, ZONING OFFICER, WHITEMARSH TOWNSHIP, 616 GERMANTOWN PIKE, LAFAYETTE HILL, PA 19444 RECEIVED NO LATER THAN JUNE 18, 2020 OR BY E-MAIL TO CGUTTENPLAN@WHITEMARSHTWTP.ORG NO LATER THAN 12 NOON ON JUNE 19, 2020.

PERSONS WHO WISH TO BECOME PARTIES TO THE APPLICATION MUST DO SO DURING THE HEARING ON THE RECORD THROUGH THE ZOOM LINK AS INSTRUCTED, FOLLOWED BY WRITTEN ENTRY OF APPEARANCE FORM. PERSONS MAY ALSO REQUEST PARTY STATUS IN WRITING IN ADVANCE OF THE HEARING, BY E-MAIL TO CGUTTENPLAN@WHITEMARSHTWTP.ORG RECEIVED NO LATER THAN 12 NOON ON JUNE 19, 2020 AND THEN BEING AVAILABLE THROUGH THE ZOOM CONFERENCE LINK ON THE DATE AND TIME OF THE HEARING. A SAMPLE FORMAT FOR THE WRITTEN REQUEST FOR ENTRY OF APPEARANCE WILL BE POSTED ON THE TOWNSHIP WEBSITE.

Persons with a disability who wish to participate in the public hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Whitemarsh Township at 484-594-2625.

“*A GREAT PLACE TO LIVE AND WORK*”
I/We __________________________________________

request to be granted party status in Application ZHB #2020-___,

Applicant: ________________________________

Please Print Name and Address Below:

________________________________________
________________________________________
________________________________________
________________________________________

Please Sign Below:

________________________________________
________________________________________
________________________________________
1. CALL TO ORDER

2. ANNOUNCEMENTS & CORRESPONDENCE
   • Applicants are requested not to remove signs after the hearing at this time; Township staff will remove them once the hearing is completed.

3. ZONING HEARING BOARD APPLICATIONS
   • ZHB#2019-32: Verity Associates, LP, 6020 Cricket Road, Flourtown, PA; Parcel #65-00-02794-00-3; Block 053; Unit 046; AA-Residential District. The property is approximately 2.9 acres in size, improved with a residential dwelling, detached garage, and tennis court. The applicant proposes to subdivide the property into Parcel A, containing the existing tennis court, and Parcel B, containing the existing dwelling and garage. The applicant proposes to demolish the tennis court and construct a single family detached dwelling in the approximate location of the tennis court. Pursuant to a request to amend the application, the following relief is requested: Variance from Section 116-23.B which requires a minimum 1.5 acre lot size when either there is public water or public sewer, but not both. No public sewer is available. The proposed lot size of Parcel A is 1.01113 acres; Variance from Section 116-24.E(3)(a) which requires that an accessory structure (other than specifically listed ones) not be in the front yard and not extend in front of the front principal building plane; on proposed Parcel B, the existing detached garage is partially within the front yard setback and in front of the front principal building plane defined by the existing house. This is an existing condition. Garages are not an allowed accessory structure in this position on a lot; Variance from Section 116-169.A to permit impervious coverage of 15% on proposed Parcel A and 21% on proposed Parcel B where no more than 12% impervious coverage is permitted on lots in the AA District with a steep slope ratio of 15% to 50%. Existing impervious coverage for the entire property is 19%. Total impervious coverage will be slightly reduced; Variance from Section 116-169.B(1) to permit more than 30% of the areas with steep slopes between 15% and 25% to be regraded on Parcel A. The steep slopes are man-made and were constructed when the tennis court was installed; and a challenge to the substantive validity of Section 116.23.B which requires a 1.5 acre minimum lot size where there is no public sewer. This application was continued from the June 10, 2020 meeting.

4. ADJOURNMENT
ZHB APPEAL #2019-32
SUMMARY (AMENDMENT 2)

APPLICANT:       Verity Associates, LP
PROPERTY LOCATION: Parcel #65-00-02794-00-3
                  Block 053, Unit 046
                  6020 Cricket Road
                  Flourtown, PA 19031
ZONING DISTRICT:  AA – Residential District

SUMMARY OF RELIEF REQUEST:

The property is approximately 2.9 acres in size and in improved with an existing residential dwelling
detached garage, and a tennis court. The applicant is proposing to subdivide the property into Parcel
A, which would contain the existing tennis court, and Parcel B, which would contain the existing
dwelling and garage. The applicant then proposes to demolish the tennis court and construct a single
family detached dwelling in the approximate location of the tennis court. The following relief is
requested:

1. **Variance from Section 116-23.B.** which requires a minimum 1.5 acre lot size when either there
   is public water or public sewer, but not both. No public sewer is available. The proposed lot size
   of Parcel A is 1.01113 acres.

2. **Variance from Section 116-24.E.(3)(a)** which requires that an accessory structure (other than
   specifically listed ones) not be in the front yard and not extend in front of the front principal
   building plane; on proposed Parcel B, the existing detached garage is partially within the front
   yard setback and in front of the front principal building plane defined by the existing house.
   Garages are not one of the listed allowed accessory structures in this position on a lot.

3. **Variance from Section 116-169.A.** to permit impervious coverage of 15% on proposed Parcel A
   and 21% on proposed Parcel B where no more than 12% impervious coverage is permitted on
   lots in the AA District with a steep slope ratio of 15% to 50%.

4. **Variance from Section 116-169.B.(1)** to permit more than 30% of the areas with steep slopes
   between 15% and 25% to be regraded on Parcel A. The steep slopes are man-made that were
   constructed when the tennis court was installed.

5. **Challenge to the substantive validity of Section 116-23.B** which requires a 1.5 acre minimum
   lot size where there is no public sewer.

PRIOR DECISION:
None

Respectfully Submitted,

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer
APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

Applicant/Appellant: Verity Associates LP
Address: 6020 Cricket Road, Flourtown, PA 19031
Phone #: (610) 733-2634    Cell Number: (610) 733-2634    E-Mail: coachfink@comcast.net

Owner: Same
Address:
Phone #:    Cell Number:    E-Mail:

Location of the Property Involved: 6020 Cricket Road
Block #: 053    Unit #: 046    Parcel #: 65-00-02794-00-3

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

Please see the attached Addendum.

GROUNDs FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):
**Attach additional sheets if necessary

Please see the attached Addendum.

Legal Counsel (if represented): Marc D. Jonas, Esquire
Address: 470 Norristown Road, Suite 302, Blue Bell, PA 19422
Phone #: (215) 345-7000    E-Mail: mjonas@eastburngray.com

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

I am (We are)  □ Owner(s) of Legal Title  □ Owner(s) of Equitable Title
□ Tenant(s) with permission of Owner(s) of Title (Enclose letter attesting to same)

Date: November 20, 2019

Signature of Applicant/Appellant:
WHITEMARSH TOWNSHIP ZONING HEARING BOARD
APPLICATION ADDENDUM (Supplemental)

Applicant/Owner: Verity Associates LP

Property: 6020 Cricket Road (TP# 65-00-02794-00-3)

Zoning: AA Residential District

BACKGROUND

This is the second addendum to the application submitted in August 2019 by the Applicant, Verity Associates LP. The property is approximately 2.9 acres in size, improved with an existing residential dwelling, accessory buildings, and a tennis court. Applicant proposes to subdivide the property into Lot B, which would contain the existing residential dwelling, and Lot A, which would contain the existing tennis court. Applicant proposes to demolish the tennis court and construct a single-family detached dwelling in the approximate location of the tennis court.

REQUESTED RELIEF

Applicant requests the following relief from the requirements of the Whitemarsh Township Zoning Ordinance:

- a variance from section 116-23.B to permit a minimum lot area of 1 acre where a minimum lot area of 1.5 acres is required.

- a variance from section 116-24.E(3)(a) to permit an accessory structure that is farther forward than the front principal building plane.

*This is an existing condition which will remain unchanged.
a variance from section 116-169.A to permit impervious coverage of 21% on proposed Lot A and 15% on proposed Lot B where no more than 12% impervious coverage is permitted on lots in the AA District with a steep slope ratio of 15%-50%.

*Existing impervious coverage for the entire property is today 19%. The proposal will result in a slight reduction of impervious coverage when compared to existing conditions.*

a variance from section 116-169.B to permit more than 30% of the areas with steep slopes to be re-graded on Lot A.

*The steep slopes are man-made and were constructed when the tennis court was installed.*

Applicant challenges the substantive validity of section 116-23.B of the Zoning Ordinance. The discrepancy in required minimum lot sizes between properties served by public sewer and properties not served by public sewer is arbitrary, capricious, unreasonable, discriminatory, and confiscatory. This discrepancy has no rational relation to any legitimate health, safety, or welfare concern, nor does it further a lawfully defensible zoning purpose. One-acre properties can accommodate on-lot septic and water systems without posing any health, safety, or welfare concern to the landowner, adjacent properties, or the public. The application and enforcement of this regulation unfairly and illegally impact Applicant's property, demonstrated by the residential development of neighboring properties with private sewer systems on lots less than 1.5 acres, including 1-acre lots such as that proposed.
The proposed subdivision will result in a density of only 2 single-family dwellings on 2.9 acres.
TABLE OF CONTENTS

Tab 14 – revised site plan

Tab 15 – revised floor plans and elevation

Tab 16 – photographs of accessory structure
FIRST FLOOR PLAN
2,600 INT. S.F.  SCALE : 1/8" = 1'-0"
6020 CRICKET ROAD
BEDROOM 2
16'-8" x 14'-0"

BEDROOM 3
16'-8" x 10'-2"

BATH 2

BATH 3

STORAGE
8'-2"x3'-6"

LAUND.
8'-2"x12'-4"

STORAGE/ FLEX.
7'-8"x17'-3"

W.I.C.

CL.

SCALE : 1/8" = 1'-0"

SECOND FLOOR PLAN
1,223 INT. S.F.

6020 CRICKET ROAD
CURRICULUM VITAE

VINCENT W. FIORAVANTI, P.E., P.L.S., SEO

PRESIDENT

FIORAVANTI INC.
CIVIL ENGINEERS AND LAND SURVEYORS
618 STREET ROAD, SOUTHAMPTO PA 18966
215-322-2143

RELEVANT EXPERIENCE SUMMARY:

♦ Twenty three years of progressive experience in all aspects of Civil / Municipal Engineering. President and founder of Fioravanti, Inc. Consulting Engineers and Land Surveyors, located at 618 Street Road, Southampton Pa., established in 1990. Annual billings in excess of 1 million dollars. Personal responsibility for design, permitting and development of well over one thousand land development projects of all types including residential, industrial and commercial projects.


♦ Expert Testimony

Experienced with expert testimony relating to all aspects of land development including Zoning hearings, Curative amendment proceedings, Land development meetings before Planning Commissions and Township Supervisors / Councilmen, Zoning Hearings, Conditional use proceedings, Arbitration hearings, Construction lawsuits, and Boundary line court proceedings. Accepted as an expert witness by countless Municipalities and Courts over the last 23 years.
Land Development Engineering

Land development / Site Engineering is the majority of our work. Project work involves all aspects of engineering relating to the use and development of real estate including the analysis and mitigation of existing and proposed factors such as storm water management, use compatibility and buffering, environmental assessments and impact mitigation for wetlands, steep slopes, erosion and sedimentation control, noise, traffic, emergency access and safety, water distribution, fire protection, sanitary sewerage, wastewater generation, conveyance and treatment, septic systems, soils, storm water infiltration and best management practices, etc.

Municipal / Sanitary Engineering

Served as Municipal Engineer with involvement in the preparation of Municipal Act 537 planning studies for various townships including Easttown, Concord, Birmingham, Upper Providence, West Brandywine, and Warwick; Municipal Engineering for East Goshen, Concord, Plymouth and Radnor Townships.

Responsibilities include overall project management and/or detailed engineering design and specification of sewer systems; sewage pumping stations; Sewage treatment plants; individual and community on lot sewage disposal systems; water distribution and storage systems; water supply stations, booster pump stations and well systems.

Experienced in Municipal Authority Public Works Project Management

Experience in all phases of engineering support for municipal authorities including the following types of tasks:

1. Handling of all aspects of public works projects from initial surveying and design of improvements (if required), preparation of contract documents and project specifications (including all forms of standard AIA documents), prevailing wage determinations, taking projects out for public bid, pre bid conferences with prospective bidders, review of bids, Qualifying apparent low bidder, awarding contract, managing contract during construction, inspection of work, review of quantities and requests for escrow release, and managing project closeout, as built and record information and maintenance / performance bonds.
2. Experienced in retrofit and upgrade design work, as well as operational consulting, upgrading and retrofit projects at numerous sewage treatment facilities; feasibility and economic analysis projects; project management through construction serving as “Owners representative”.

♦ Construction Experience,

Experienced in municipal projects from all perspectives, having worked as an employee of a utility contractor on projects involving Municipal Water and Wastewater Construction Projects (10-30 million dollar range) including estimating, computerized CPM scheduling, project planning, economic analysis, systems design, and claim preparation. Fioravanti Incorporated offers construction phase surveying work for all of our projects and for many projects designed by others. We have performed construction layout work on government projects including multi million dollar Padot highway projects in Bucks and Montgomery Counties.

♦ Instrumentation and control of wastewater plants, and pumping stations

Direct responsibility for the design, permitting, construction management, inspection, testing and acceptance of treatment plants and pumping stations - too numerous to mention. Also experienced in the design and implementation of state of the art distributed process control systems for Petroleum, Chemical and Waste Processing Industries.


EDUCATION: Bachelor of Science in Engineering from Drexel University in 1983, Deans List, PHI ETA SIGMA Honor Society, TAU BETA PHI National Engineering Honor Society. Received training in computer modeling of chemical processes in Harvey Illinois in 1985. Received training in digital computer control of chemical processes in Phoenix Arizona 1986. Graduate work in finance at Drexel (no degree).

Received training in the Pretreatment of Industrial Wastewater from the
University of Toledo, 1988.


Attended Municipal Wastewater Treatment Plant and Pump Station Design course conducted by Edwin Barth, P.E., Chief of Biological Treatment Division, EPA.

Experience and training in all phases of Civil/Sanitary Engineering including Water, Wastewater, Hydraulics, Stormwater Management, and Land Development.