

WHITEMARSH TOWNSHIP  
ZONING HEARING BOARD AGENDA  
March 11<sup>th</sup>, 2026  
6:30 PM

\_\_\_ Behr \_\_\_ Doran \_\_\_ Nester \_\_\_ Tone \_\_\_ Weinstein

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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 #2025-38:** Cadence Development Partners, LLC; 318 Whitemarsh Valley Road, Fort Washington, PA 19034; Parcel #65-00-12916-00-6; Block 049D, Unit 009; AAA-Residential District; The Applicant is proposing to construct a new single-family home and related improvements on this vacant lot approved as a building lot by agreement between record owner and Whitemarsh Township in 1997. The following relief is requested: **Special Exceptions pursuant to Sections 116-31.1.A. and 116-31.1.B.** to allow a portion of the proposed detention/retention facility between the front lot line and front principal building plane and a portion of said facility within a required side yard; **Special Exception pursuant to Section 116-166.B.** to allow a detention basin (rain garden) to be located in the Floodplain Conservation District or Riparian Corridor Conservation District; **Variance from Section 116-259.A.** to allow required front yards, side yards and rear yards within the Riparian Conservation District and to permit the proposed single family home and related accessory improvements (as shown on the plans) to be located within the Riparian Corridor Conservation District; **Variance from Section 116-259.C.** to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District; **Variance from Section 116-259.C.(4)** to permit residential accessory structures (as shown on the plans) greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District; **Variance from Section 116-260.A.** to permit the applicant to not show all of the existing vegetation in the area to be cleared for the proposed single family home development and to allow clearing as proposed on the plans; **Variance from Section 116-260.I.** which prohibits stormwater basins, berms and outfall structures in Zone 2 of the Riparian Corridor Conservation District to permit the stormwater basin, berms and outfall structures to be designed and installed as proposed on the plans. *[Please Note: At the meeting on January 14, 2025, a continuance to March 11, 2026 was announced.]*
- The Ordinances, applications, plans, and any explanatory material are available for examination by the public at the Whitemarsh Township Municipal Building, 616 Germantown Pike, Lafayette Hill, PA 19444, Monday thru Friday between the hours of 8:30A.M. and 4:30P.M. The public is invited to attend and be heard. Persons with a disability who wish to attend the public hearing and require an auxiliary aid, service, or other accommodation to participate in the hearing should contact Whitemarsh Township at 610-825-3535.

4. ADJOURNMENT

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## PUBLIC PARTICIPATION

It is the practice of the Zoning Hearing Board to hear public comment and entertain questions on each application at the public meeting. However, any person or entity who wishes to obtain formal party status in any application before the Zoning Hearing Board shall fill out a 'Request for Entry of Appearance as a Party' form, available on the Township website or at the public meeting. The completed form should be presented to the Board when the application is called by the Chair for consideration at the public hearing. A determination will be made at the public hearing as to whether party status will be granted. Party status will be generally explained at the public meeting, but those who have more specific questions regarding party status should consult with an attorney.

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WHITEMARSH TOWNSHIP ZONING HEARING BOARD  
REQUEST FOR ENTRY OF APPEARANCE AS A PARTY

I request to be granted party status in Application No. \_\_\_\_\_

Applicant: \_\_\_\_\_

Please print name, address, phone number, and email address below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please sign below:

\_\_\_\_\_

ZHB APPEAL #2025-38  
SUMMARY

**APPLICANT:** Cadence Development Partners, LLC

**PROPERTY LOCATION:** Parcel #65-00-12916-00-6  
Block 049D, Unit 009  
318 Whitemarsh Valley Road  
Fort Washington, PA 19034

**ZONING DISTRICT:** AAA-Residential District

**SUMMARY OF RELIEF REQUEST:**

The Applicant is proposing to construct a new single-family home and related improvements on this vacant lot approved as a building lot by agreement between record owner and Whitemarsh Township in 1997. The following relief is requested:

- (1) **Special Exceptions pursuant to Sections 116-31.1.A. and 116-31.1.B.** to allow a portion of the proposed detention/retention facility between the front lot line and front principal building plane and a portion of said facility within a required side yard.
- (2) **Special Exception pursuant to Section 116-166.B.** to allow a detention basin (rain garden) to be located in the Floodplain Conservation District or Riparian Corridor Conservation District.
- (3) **Variance from Section 116-259.A.** to allow required front yards, side yards and rear yards within the Riparian Conservation District and to permit the proposed single family home and related accessory improvements (as shown on the plans) to be located within the Riparian Corridor Conservation District.
- (4) **Variance from Section 116-259.C.** to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.
- (5) **Variance from Section 116-259.C.(4)** to permit residential accessory structures (as shown on the plans) greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.
- (6) **Variance from Section 116-260.A.** to permit the applicant to not show all of the existing vegetation in the area to be cleared for the proposed single family home development and to allow clearing as proposed on the plans.
- (7) **Variance from Section 116-260.I.** which prohibits stormwater basins, berms and outfall structures in Zone 2 of the Riparian Corridor Conservation District to permit the stormwater basin, berms and outfall structures to be designed and installed as proposed on the plans.

**PRIOR DECISIONS:**

ZHB#2021-02: Variance to continue validity of zoning approvals granted in ZHB #2017-22.

ZHB#2017-22: Special exception & variances to allow single family dwelling.

Respectfully Submitted,



Charles L. Guttenplan, AICP  
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD  
WHITEMARSH TOWNSHIP  
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: 2025-38

Applicant/Appellant: Cadence Development Partners, LLC

Address: c/o Eric F. Wert, Esq., Dischell Bartle Dooley, 1800 Pennbrook Parkway, Suite 200, Lansdale, PA 19446

Phone #: (215) 362-2474 Cell Number: \_\_\_\_\_ E-Mail: ewert@dbdlaw.com

Owner: Pat Sparango, Inc.

Address: 508 Bethlehem Pike, Fort Washington, PA 19034

Phone #: \_\_\_\_\_ Cell Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Location of the Property Involved: 318 Whitemarsh Valley Road

Block #: 49D Unit #: 9 Parcel #: 65-00-12916-00-6

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):

single family home on vacant 3.7 acre tract

see attached

GROUND(S) FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):

**\*\*Attach additional sheets if necessary**

see attached

Legal Counsel (if represented): Eric F. Wert

Address: 1800 Pennbrook Parkway, Suite 200, Lansdale, PA 19446

Phone #: 215-362-2474 E-Mail: ewert@dbdlaw.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:

RECEIVED  
AUG 21 2025

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)

WHITEMARSH TOWNSHIP  
ZONING & ENGINEERING

Date: 8/21/25



Signature of Applicant/Appellant:

Signature of Applicant/Appellant:

**CADENCE DEVELOPMENT PARTNERS, LLC – 318 WHITEMARSH VALLEY ROAD**  
**WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA**

**ZONING SUMMARY**

Equitable Owner and Applicant: Cadence Development Partners, LLC  
c/o Eric F. Wert, Esq.  
Dischell Bartle Dooley  
1800 Pennbrook Parkway, Suite 200  
Lansdale, PA 19446

RECEIVED  
AUG 21 2025

Property: 318 Whitemarsh Valley Road

WHITEMARSH TOWNSHIP  
ZONING & ENGINEERING

Zoning District: AAA

Proposal: The construction of a single family home on the vacant property which was approved as a building lot by agreement between the Applicant and Whitemarsh Township in 1997.

Requested Relief: Relief is requested as follows:

(1) a special exception pursuant to Zoning Ordinance Section 116-31.1.A. and .B to permit a portion of the proposed detention/retention facility between the front lot line and front principal building plane and a portion of said facility within a required side yard;

(2) a special exception pursuant to Zoning Ordinance Section 116-166.B. to allow a detention basin (rain garden) to be located in the Floodplain Conservation District or Riparian Corridor Conservation District;

(3) a variance from Zoning Ordinance Section 16-259.A to allow required front yards, side yards and rear yards within the Riparian Conservation District and to permit the proposed single family home and related accessory improvements (as shown on the attached plans) to be located within the Riparian Corridor Conservation District;

(4) a variance from Zoning Ordinance Section 16-259.C to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District;

(5) a variance from Zoning Ordinance Section 116-259.C(4) to permit residential accessory structures (as shown on the attached Plans) greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District;

(6) a variance from Zoning Ordinance Section 116-260.A to permit applicant to not show all of the existing vegetation in the area to be cleared for the proposed single

family home development and to allow clearing as shown on the attached plans; and

(7) a variance from Zoning Ordinance Section 116-260.I which prohibits stormwater basins, berms and outfall structures in Zone 2 of the Riparian Corridor Conservation District to permit the stormwater basin, berms and outfall structures to be designed and installed as shown on the attached plans.

Reason for  
Relief:

The Subject Property has existed as a building lot since 1997. Applicant proposes a single family home which is permitted by the Zoning Ordinance – no use relief is necessary.

Recent changes to the Township's Zoning Ordinance would prohibit any use or development of the Subject Property. As shown on the attached plans, the Zone 1 and Zone 2 Riparian Corridor Conservation District takes up almost the entirety of the Subject Property. The Subject Property contains the hardships of being an oddly shaped lot which contains Floodways drainage channel, and a sewer easement. Given the requirements of the Zoning Ordinance it cannot be developed for any use other than as an open field without the granting of zoning relief. The development of the Subject Property with a single family home is consistent with the surrounding properties and will not detrimentally effect the general public or that of the adjacent and surrounding properties/neighborhood.

The Single family home has been designed to be in keeping with the surrounding properties and has been located to have the least impact on the Subject Property and surrounding neighbors. The relief requested represents the minimum relief necessary for the reasonable use of the Subject Property.

The Property was the subject of a 2017 application to this Zoning Hearing Board for relief that is identical to what is currently requested. In Application No. 2017-22, this Zoning Hearing Board granted the necessary relief to construct the proposed single family home. In Application No. 2021-02, then applicant Pat Sparango, Inc. applied for and received the necessary relief to extend the relief received in 2017. Copies of the Decisions and Orders for these matters is included with this Application.

Because of the financial conditions in the global economy that existed at the time, the previous applicant was unable to move forward with the project and allowed the zoning relief to expire. Current applicants, Cadence Development Partners, LLC, now seek the relief necessary to construct a similar single family home in essentially the same location as was permitted by this Zoning Hearing Board in the previous applications.



# STANDARD AGREEMENT FOR THE SALE OF VACANT LAND

This form recommended and approved for, but not restricted to use by, the members of the Pennsylvania Association of Realtors® (PAR)

ASVL  
WHITEMARSH TOWNSHIP  
ZONING & ENGINEERING

RECEIVED  
AUG 21 2025

## PARTIES

BUYER(S): Cadence Development Partners LLC  
or Assignee

SELLER(S): Pat Sparango Inc.

BUYER'S MAILING ADDRESS:

SELLER'S MAILING ADDRESS:

## PROPERTY

See Property Description Addendum

ADDRESS (including postal city) 318 whitemarsh valley rd  
Fort washington PA ZIP 19034  
in the municipality of \_\_\_\_\_, County of Montgomery  
in the School District of COLONIAL, in the Commonwealth of Pennsylvania.  
Tax ID #(s): 65-00-12916-00-6 and/or  
Identification (e.g., Parcel #; Lot, Block; Deed Book, Page, Recording Date; Control #): \_\_\_\_\_

## BUYER'S RELATIONSHIP WITH PA LICENSED BROKER

No Business Relationship (Buyer is not represented by a broker)

Broker (Company) KW Empower  
Company License # RB069820  
Company Address 728 S Broad Street  
Philadelphia PA 19146  
Company Phone (215) 627-3500  
Company Fax \_\_\_\_\_

Licensee(s) (Name) Sean Killen  
State License # \_\_\_\_\_  
Direct Phone(s) (610) 505-2281  
Cell Phone(s) \_\_\_\_\_  
Email seankillen@kw.com

Broker is (check only one):  
 Buyer Agent (Broker represents Buyer only)  
 Dual Agent (See Dual and/or Designated Agent box below)

Licensee(s) is (check only one):  
 Buyer Agent (all company licensees represent Buyer)  
 Buyer Agent with Designated Agency (only Licensee(s) named above represent Buyer)  
 Dual Agent (See Dual and/or Designated Agent box below)

Transaction Licensee (Broker and Licensee(s) provide real estate services but do not represent Buyer)

## SELLER'S RELATIONSHIP WITH PA LICENSED BROKER

No Business Relationship (Seller is not represented by a broker)

Broker (Company) Isbell Enterprises  
Company License # \_\_\_\_\_  
Company Address \_\_\_\_\_  
Company Phone \_\_\_\_\_  
Company Fax \_\_\_\_\_

Licensee(s) (Name) Jim Isbell  
State License # RS345283  
Direct Phone(s) (610) 731-5724  
Cell Phone(s) \_\_\_\_\_  
Email \_\_\_\_\_

Broker is (check only one):  
 Seller Agent (Broker represents Seller only)  
 Dual Agent (See Dual and/or Designated Agent box below)

Licensee(s) is (check only one):  
 Seller Agent (all company licensees represent Seller)  
 Seller Agent with Designated Agency (only Licensee(s) named above represent Seller)  
 Dual Agent (See Dual and/or Designated Agent box below)

Transaction Licensee (Broker and Licensee(s) provide real estate services but do not represent Seller)

## DUAL AND/OR DESIGNATED AGENCY

A Broker is a Dual Agent when a Broker represents both Buyer and Seller in the same transaction. A Licensee is a Dual Agent when a Licensee represents Buyer and Seller in the same transaction. All of Broker's licensees are also Dual Agents UNLESS there are separate Designated Agents for Buyer and Seller. If the same Licensee is designated for Buyer and Seller, the Licensee is a Dual Agent.

By signing this Agreement, Buyer and Seller each acknowledge having been previously informed of, and consented to, dual agency, if applicable.

Buyer Initials: CDPL

Seller Initials: [Signature]

1. By this Agreement, dated 06/25/2025,  
Seller hereby agrees to sell and convey to Buyer, who agrees to purchase, the identified Property.

2. PURCHASE PRICE AND DEPOSITS (1-16)

(A)



(B) All funds paid by Buyer, including deposits, will be paid by check, cashier's check or wired funds. All funds paid by Buyer within 30 DAYS of settlement, including funds paid at settlement, will be by cashier's check or wired funds, but not by personal check.

(C) Deposits, regardless of the form of payment and person designated as payee, will be paid in U.S. Dollars to Broker for Seller (unless otherwise stated here: \_\_\_\_\_), who will retain deposits in an escrow account in conformity with all applicable laws and regulations until consummation or termination of this Agreement. Only real estate brokers are required to hold deposits in accordance with the rules and regulations of the State Real Estate Commission. Checks tendered as deposit monies may be held uncashed pending the execution of this Agreement.

3. SELLER CONCESSIONS (8-24)

(A) Buyer Broker Fee

In addition to any cooperating compensation negotiated between the brokers using the Cooperating Broker Compensation Agreement (PAR Form CBC) or via some other agreement, Seller will pay the following fee to Broker for Buyer on behalf of Buyer at settlement. \$ \_\_\_\_\_ or \_\_\_\_\_ % of Purchase Price (0 if not specified)

(B) Closing Cost Assistance

Seller will pay the following amount towards Buyer's closing costs other than a brokerage fee payable to Broker for Buyer, as permitted by the mortgage lender, if any. Seller is only obligated to pay up to the amount or percentage which is approved by mortgage lender. \$ \_\_\_\_\_ or \_\_\_\_\_ % of Purchase Price (0 if not specified)

4. SETTLEMENT AND POSSESSION (1-16)

(A) Settlement Date is 9/29/25, or before if Buyer and Seller agree.

(B) Settlement will occur in the county where the Property is located or in an adjacent county, during normal business hours, unless Buyer and Seller agree otherwise.

(C) At time of settlement, the following will be pro-rated on a daily basis between Buyer and Seller, reimbursing where applicable: current taxes; rents; interest on mortgage assumptions; water and/or sewer fees, together with any other lienable municipal service fees. All charges will be pro-rated for the period(s) covered. Seller will pay up to and including the date of settlement and Buyer will pay for all days following settlement, unless otherwise stated here: \_\_\_\_\_

(D) For purposes of prorating real estate taxes, the "periods covered" are as follows:

- 1. Municipal tax bills for all counties and municipalities in Pennsylvania are for the period from January 1 to December 31.
- 2. School tax bills for the Philadelphia, Pittsburgh and Scranton School Districts are for the period from January 1 to December 31.
- School tax bills for all other school districts are for the period from July 1 to June 30.

(E) Conveyance from Seller will be by fee simple deed of special warranty unless otherwise stated here: \_\_\_\_\_

(F) Payment of transfer taxes will be divided equally between Buyer and Seller unless otherwise stated here: \_\_\_\_\_

(G) Possession is to be delivered by deed, existing keys and physical possession to a vacant Property free of debris, with all structures broom-clean, at day and time of settlement, unless Seller, before signing this Agreement, has identified in writing that the Property is subject to a lease.

(H) If Seller has identified in writing that the Property is subject to a lease, possession is to be delivered by deed, existing keys and assignment of existing leases for the Property, together with security deposits and interest, if any, at day and time of settlement. Seller will not enter into any new leases, nor extend existing leases, for the Property without the written consent of Buyer. Buyer will acknowledge existing lease(s) by initialing the lease(s) at the execution of this Agreement, unless otherwise stated in this Agreement.

5. DATES/TIME IS OF THE ESSENCE (2-12)

(A) Written acceptance of all parties will be on or before: 06/27/2025

(B) The Settlement Date and all other dates and times identified for the performance of any obligations of this Agreement are of the essence and are binding.

(C) The Execution Date of this Agreement is the date when Buyer and Seller have indicated full acceptance of this Agreement by signing and/or initialing it. For purposes of this Agreement, the number of days will be counted from the Execution Date, excluding the day this Agreement was executed and including the last day of the time period. All changes to this Agreement should be initialed and dated.

Buyer Initials: CDPL

Seller Initials: [Signature]

32. HEADINGS (1-16)

The section and paragraph headings in this Agreement are for convenience only and are not intended to indicate all of the matter in the sections which follow them. They shall have no effect whatsoever in determining the rights, obligations or intent of the parties.

33. SPECIAL CLAUSES (2-12)

(A) The following are part of this Agreement if checked:

- Sale & Settlement of Other Property Contingency Addendum (PAR Form SSP)
- Sale & Settlement of Other Property Contingency with Right to Continue Marketing Addendum (PAR Form SSPCM)
- Sale & Settlement of Other Property Contingency with Timed Kickout Addendum (PAR Form SSPTKO)
- Settlement of Other Property Contingency Addendum (PAR Form SOP)
- Short Sale Addendum to Agreement of Sale (PAR Form SHS)
- Appraisal Contingency Addendum (PAR Form ACA)
- \_\_\_\_\_
- \_\_\_\_\_

(B) Additional Terms:

60-day due diligence period begins on 6/30/25.

All deposit monies are fully refundable during due diligence period.

All documentation with regard to Township zoning approval, and subsequent permit approvals must be released to buyer with 2 days of contract execution.

Seller will provide full site access to buyer during due diligence period

Buyer and Seller acknowledge receipt of a copy of this Agreement at the time of signing.

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and which counterparts together shall constitute one and the same Agreement of the Parties.

NOTICE TO PARTIES: WHEN SIGNED, THIS AGREEMENT IS A BINDING CONTRACT. Parties to this transaction are advised to consult a Pennsylvania real estate attorney before signing if they desire legal advice.

Return of this Agreement, and any addenda and amendments, including return by electronic transmission, bearing the signatures of all parties, constitutes acceptance by the parties.

CDPL Buyer has received the Consumer Notice as adopted by the State Real Estate Commission at 49 Pa. Code §35.336.

CDPL Buyer has received a statement of Buyer's estimated closing costs before signing this Agreement.

CDPL Buyer has received the Deposit Money Notice (for cooperative sales when Broker for Seller is holding deposit money) before signing this Agreement.

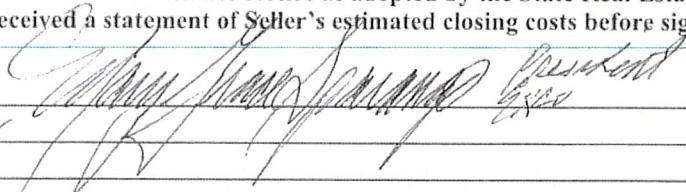
BUYER  DATE 6/25/2025 | 11:13 PDT

BUYER \_\_\_\_\_ DATE \_\_\_\_\_

BUYER \_\_\_\_\_ DATE \_\_\_\_\_

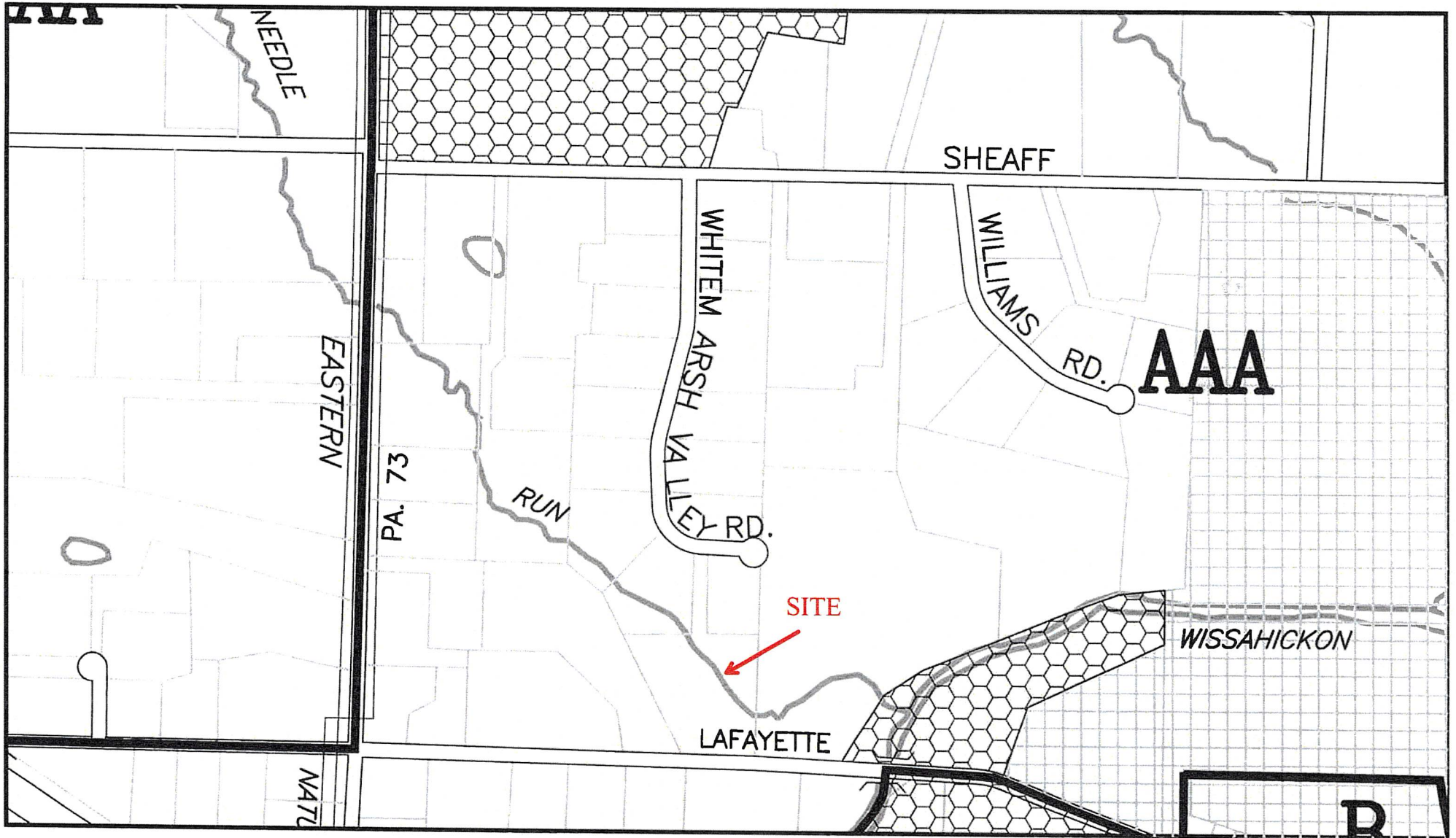
Seller has received the Consumer Notice as adopted by the State Real Estate Commission at 49 Pa. Code § 35.336.

Seller has received a statement of Seller's estimated closing costs before signing this Agreement.

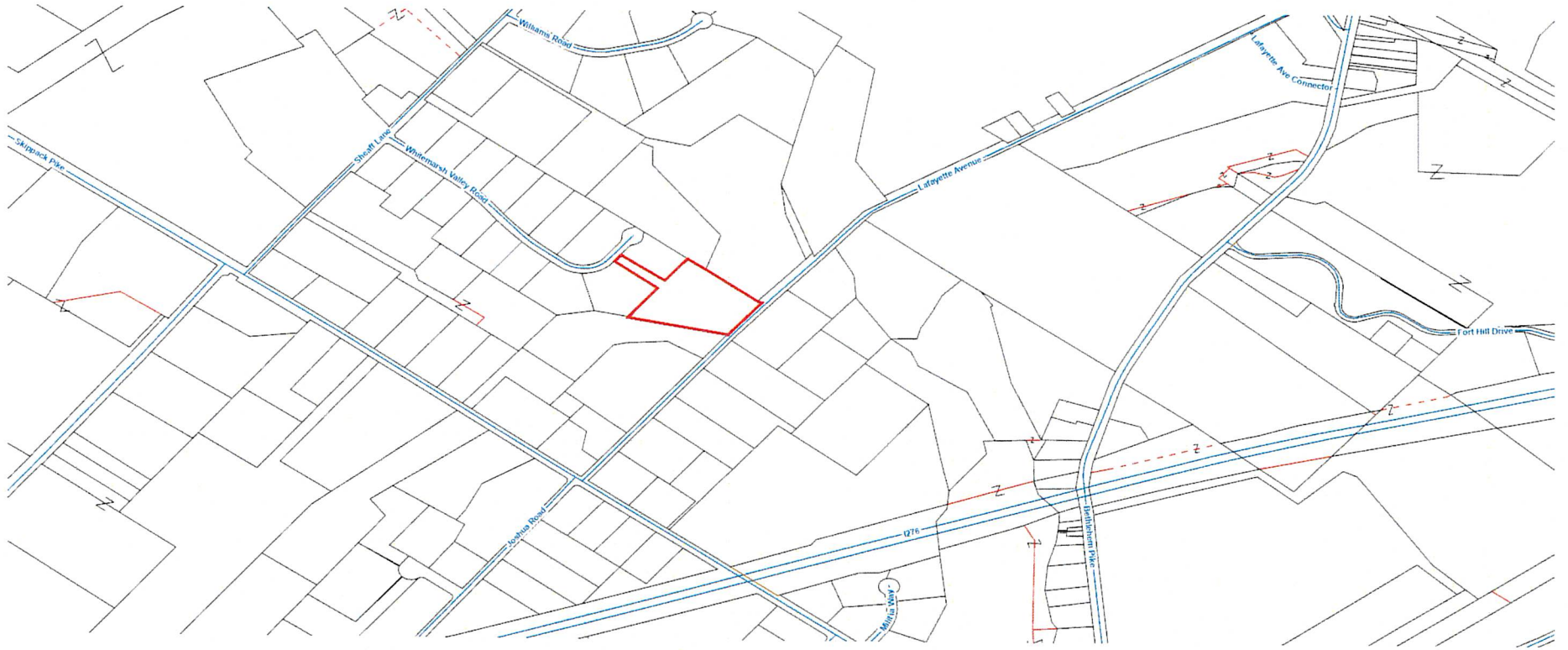
SELLER  DATE 6/25/2025 4:45 pm

SELLER \_\_\_\_\_ DATE \_\_\_\_\_

SELLER \_\_\_\_\_ DATE \_\_\_\_\_



Tax Map - 318 Whitemarsh Valley Road - 65-00-12916-00-6





**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

401 Plymouth Road, Suite 150  
Plymouth Meeting, PA 19462  
610.489.4949  
Fax 610.489.8447  
www.gilmore-assoc.com

### **MEMORANDUM**

**Date:** October 3, 2025  
**To:** Charles L. Guttenplan, AICP - Director of Planning and Zoning  
**From:** Krista Heinrich, P.E., Township Engineer  
**Reference:** 318 Whitemarsh Valley Road  
ZHB #2025-38  
G&A Project No. 2021-01088

In reference to the above-mentioned property, we have reviewed the application prepared by the applicant and offer the following comments for your consideration.

The granting of any relief should be conditioned that:

1. Any structures, including fencing and mechanical equipment, shall be elevated and/or adequately anchored to prevent flotation, collapse, or lateral movement.
2. Any new construction must be in full compliance with 44 CFR 60.3(a) through (d) of the National Flood Insurance Program regulations.
3. Any new construction must be in full compliance with Chapter 101 'Floodplain Management' of the Whitemarsh Township Code.
4. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
5. Within any floodway area, no new construction or development shall be allowed, unless the appropriate approvals are obtained from the Army Corps of Engineers, Federal Emergency Management Agency, Pennsylvania Department of Environmental Protection and approved by the Township.
6. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
7. In accordance with Section 101-32(F) of the Township Code, the applicant is hereby notified that (1) The granting of any variance may result in increased premium rates for flood insurance. (2) Such variances may increase the risks to life and property.

Please note, the applicant will require an Earth Disturbance Permit as required by Ordinance Section 58-13(A)(4), since the increase in impervious surfaces would exceed 1,000 square feet. These comments are only in reference to impacts of the proposed features within the Floodplain and Riparian Corridor Conservation Districts and do not reflect engineering considerations related to the Subdivision and Land Development, Chapter 58 and or any other aspect of the Township Code.

Should you have any questions or need further information regarding this matter, please do not hesitate to contact me at this office.

**LEGEND**

- CENTERLINE
- TRACT BOUNDARY
- PROPERTY LINE
- LEGAL R.O.W., EASEMENTS
- REQUIRED R.O.W.
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING WATER LINE
- EXISTING SAN. SEWER LINE
- EXISTING TELEPHONE LINE
- EXISTING GAS LINE
- EXISTING ELECTRIC LINE
- EXISTING STORM SEWER/INLET
- PROPOSED STORM SEWER/INLET
- PROPOSED WATER LINE
- PROPOSED SAN. SEWER LINE
- PROPOSED ELECTRICAL LINE
- PROPOSED TELEPHONE LINE
- PROPOSED GAS LINE
- EXISTING MANHOLE
- PROPOSED MANHOLE
- EXISTING CURBLINE
- PROPOSED CURBLINE
- UTILITY POLE
- EXISTING VALVE, VENT. CO.
- PROPOSED HOUSE
- IMPERVIOUS PAVING DRIVEWAY
- POROUS PAVING DRIVEWAY
- GRASS PAVER SHOULDER
- PROPOSED CONCRETE WALK

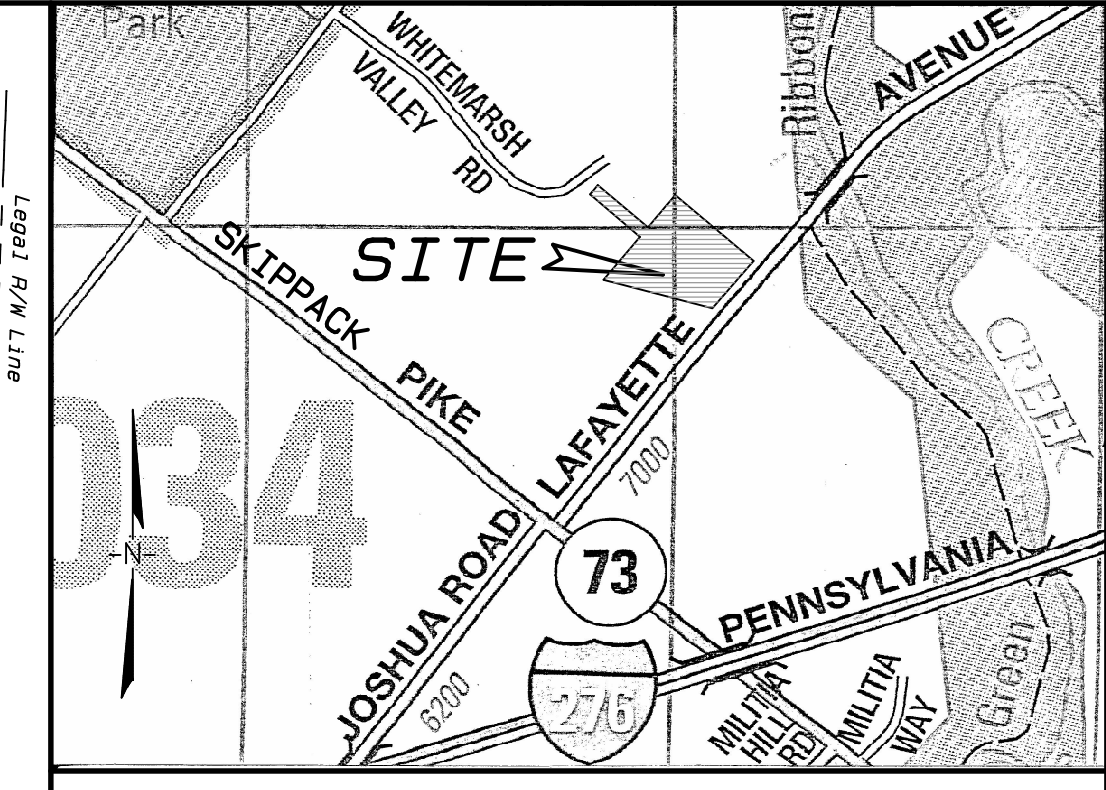
**STEEP SLOPE LEGEND**

- 8-15% SLOPES (176 SF)
- 15-25% SLOPES (225 SF)
- + 25% SLOPES (4,702 SF)

**STEEP SLOPE RATIO:**  
 TOTAL STEEP SLOPE AREA= 5,103 SF  
 LOT AREA= 154,712 SF = 3.3 %

**STEEP SLOPE AREAS TO BE DISTURBED:**  
 STEEP SLOPE AREAS DISTURBED= 0 SF = 0%

**FLOODPLAIN CONSERVATION OVERLAY DISTRICT BOUNDARY**



**LOCATION MAP**  
 SCALE: 1" = 800'

**ZONING DATA**

DISTRICT: AAA RESIDENTIAL  
 USE: SINGLE-FAMILY DETACHED

**REQUIREMENTS:**

REQUIREMENTS:	REQUIRED	PROVIDED
LOT AREA:	1,000 AC (MIN)	3,5517 AC
LOT WIDTH @ B.S.B.L.:	175 FT (MIN)	300.6 FT
FRONT YARD:	50 FT (MIN)	233.8 FT
SIDE YARD:	50 FT (MIN)	50.0 FT
REAR YARD:	50 FT (MIN)	60.0 FT
BUILDING HEIGHT:	35 FT (MAX)	35 FT
BUILDING COVERAGE:	15 % (MAX)	3 %

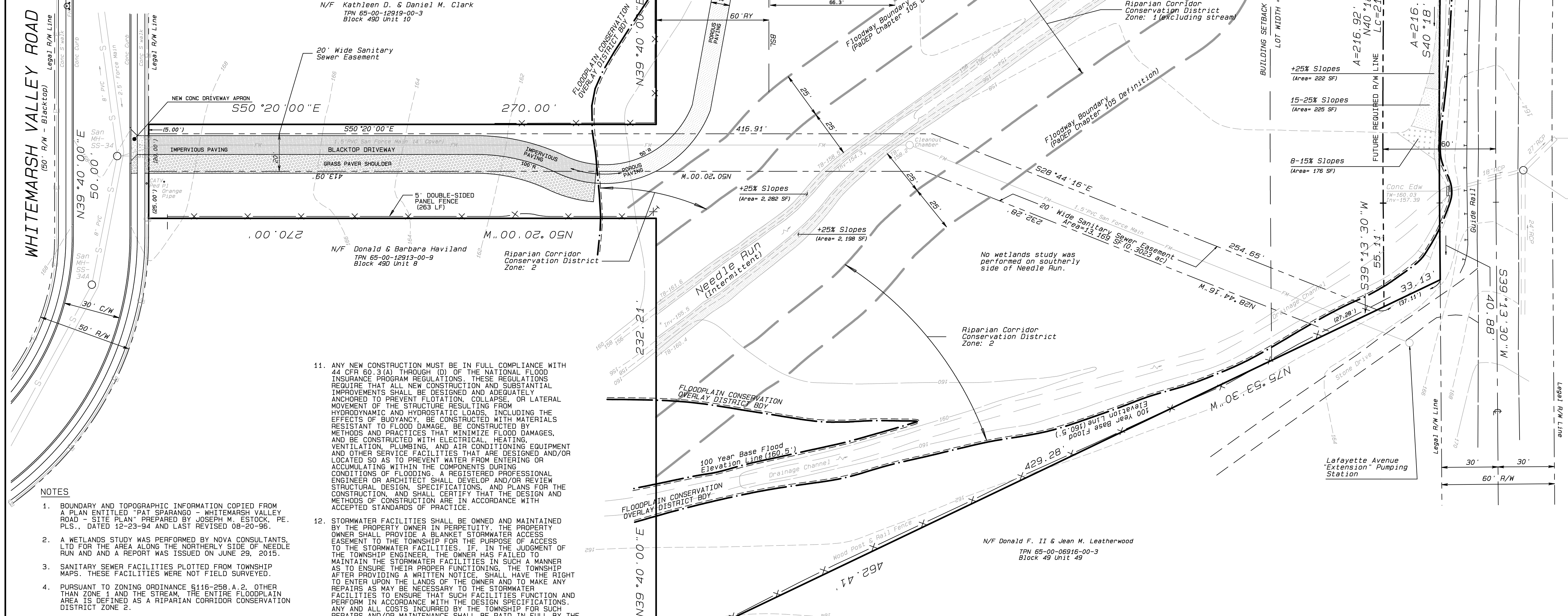
**SITE DATA**

OWNER OF RECORD: PAT SPARANGO, INC.  
 508 BETHLEHEM PIKE  
 FORT WASHINGTON, PA 19034  
 (215) 643-1298

PREMISES: TAX MAP BLOCK 490 UNIT 9  
 PARCEL NO. 65-00-12916-00-6  
 DEED BOOK 3367 PAGE 952

LOT AREA: 3.7341 ACRES (GROSS)  
 3.5517 ACRES (NET)

EQUITABLE OWNER: CADENCE DEVELOPMENT PARTNERS, LLC  
 ATTN: SEAN KILLEEN  
 13 SPRINGHOUSE LANE  
 HAVERTOWN, PA 19083  
 (610) 505-2281  
 SEAN@CADENCEDP.COM



11. ANY NEW CONSTRUCTION MUST BE IN FULL COMPLIANCE WITH 44 CFR 60.3(A) THROUGH (D) OF THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS. THESE REGULATIONS REQUIRE THAT ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE DESIGNED AND ADEQUATELY ANCHORED TO PREVENT FLOTATION, COLLAPSE, OR LATERAL MOVEMENT OF THE STRUCTURE RESULTING FROM HYDRODYNAMIC AND HYDROSTATIC LOADS, INCLUDING THE EFFECTS OF BUOYANCY. BE CONSTRUCTED WITH MATERIALS RESISTANT TO FLOOD DAMAGE. BE CONSTRUCTED BY METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGES, AND BE CONSTRUCTED WITH ELECTRICAL, HEATING, VENTILATION, PLUMBING AND AIR CONDITIONING EQUIPMENT AND OTHER SERVICE FACILITIES THAT ARE DESIGNED AND/OR LOCATED SO AS TO PREVENT WATER FROM ENTERING OR ACCUMULATING WITHIN THE COMPONENTS DURING CONDITIONS OF FLOODING. A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SHALL DEVELOP AND/OR APPROVE STRUCTURAL DESIGN, SPECIFICATIONS, AND PLANS FOR THE CONSTRUCTION, AND SHALL CERTIFY THAT THE DESIGN AND METHODS OF CONSTRUCTION ARE IN ACCORDANCE WITH ACCEPTED STANDARDS OF PRACTICE.

12. STORMWATER FACILITIES SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER IN PERPETUITY. THE PROPERTY OWNER SHALL PROVIDE A BLANKET STORMWATER ACCESS EASEMENT TO THE TOWNSHIP FOR THE PURPOSE OF ACCESS TO THE STORMWATER FACILITIES. IF, IN THE JUDGMENT OF THE TOWNSHIP ENGINEER THE OWNER HAS FAILED TO MAINTAIN THE STORMWATER FACILITIES IN SUCH A MANNER AS TO ENSURE THEIR PROPER FUNCTIONING, THE TOWNSHIP AFTER PROVIDING A WRITTEN NOTICE, SHALL HAVE THE RIGHT TO ENTER UPON THE LANDS OF THE OWNER AND TO MAKE ANY REPAIRS AS MAY BE NECESSARY TO THE STORMWATER FACILITIES TO ENSURE THAT SUCH FACILITIES FUNCTION AND PERFORM IN ACCORDANCE WITH THE DESIGN SPECIFICATIONS. ANY AND ALL COSTS INCURRED BY THE TOWNSHIP FOR SUCH REPAIRS AND/OR MAINTENANCE SHALL BE PAID IN FULL BY THE OWNER. A LIEN OR LIENS MAY BE PLACED AGAINST THE PROPERTY IF THE OWNER FAILS TO REMIT PAYMENT WITHIN SIXTY (60) DAYS.

13. THE STORMWATER PERMIT HOLDER WILL NOTIFY THE TOWNSHIP ENGINEER IN ORDER TO PERMIT INSPECTIONS AT LEAST 48 HOURS BEFORE THE INSPECTIONS IS TO BE MADE FOR INITIAL INSPECTION, ROUGH GRADING, DRAINAGE FACILITIES, BMPs, SPECIAL STRUCTURES AND FINAL INSPECTION.

14. I CERTIFY THAT THE PROPOSED FACILITY IS NOT UNDERLAIN BY LIMESTONE.

15. FIRE PROTECTION NOTES

A. WHITEMARSH TOWNSHIP HAS ADOPTED AND ENFORCES THE 2015 INTERNATIONAL CODES, IN THE 2015 INTERNATIONAL FIRE CODE, CHAPTER 5, FIRE SERVICE FEATURES, SECTION 503, FIRE APPARATUS ACCESS ROADS, SUBSECTION 503.2.1 DIMENSIONS, STATES: FIRE APPARATUS ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FEET EXCLUSIVE OF SHOULDERS, EXCEPT FOR APPROVED SECURITY GATES IN ACCORDANCE WITH SECTION 503.6, AND AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".

B. IN THE 2009 INTERNATIONAL FIRE CODE, APPENDIX D, FIRE APPARATUS ACCESS ROADS, SECTION D102 REQUIRED ACCESS, SUBSECTION D102.1 ACCESS AND LOADING, STATES: FACILITIES, BUILDINGS OR PORTIONS OF BUILDINGS HEREAFTER CONSTRUCTED SHALL BE ACCESSIBLE TO FIRE DEPARTMENT APPARATUS BY WAY OF AN APPROVED FIRE APPARATUS ACCESS ROAD WITH ASPHALT, CONCRETE, OR OTHER APPROVED DRIVING SURFACE CAPABLE OF SUPPORTING THE IMPOSED LOADS OF FIRE APPARATUS WEIGHING AT LEAST 75,000 POUNDS.

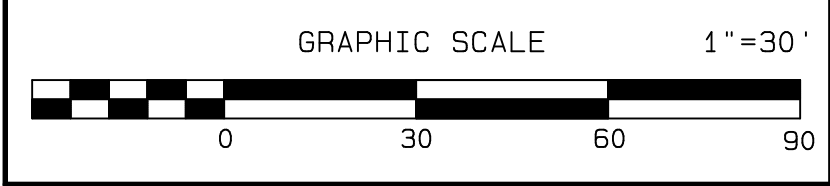
**VARIANCES GRANTED**

THE FOLLOWING RELIEF WAS GRANTED BY THE ZONING HEARING BOARD IN ZHB #2017-22.

- SPECIAL EXCEPTIONS PURSUANT TO SECTIONS 116-91.1.A. AND 116-91.1.B. TO ALLOW THE PROPOSED DETENTION/RETENTION FACILITY BETWEEN THE FRONT LOT LINE AND FRONT PRINCIPAL BUILDING PLANE AND A PORTION OF SAID FACILITY WITHIN A REQUIRED SIDE YARD.
- SPECIAL EXCEPTION PURSUANT TO SECTION 116-166.B. TO PERMIT A BASIN FACILITY WITHIN THE TOWNSHIP'S FLOODPLAIN CONSERVATION DISTRICT.
- VARIANCE FROM SECTION 116-259.A. TO ALLOW REQUIRED FRONT YARDS, SIDE YARDS AND REAR YARDS WITHIN THE RIPARIAN CONSERVATION DISTRICT AND TO PERMIT THE PROPOSED SINGLE FAMILY HOME AND RELATED ACCESSORY IMPROVEMENTS TO BE LOCATED WITHIN THE RIPARIAN CORRIDOR CONSERVATION DISTRICT.
- VARIANCE FROM SECTION 116-259.C. TO PERMIT THE PROPOSED RESIDENTIAL DWELLING USE TO BE LOCATED WITHIN ZONE 20F OF THE RIPARIAN CORRIDOR CONSERVATION DISTRICT.
- VARIANCE FROM SECTION 116-259.C. (4) TO PERMIT RESIDENTIAL ACCESSORY STRUCTURES GREATER THAN 200 SQUARE FEET TO BE LOCATED WITHIN ZONE 2 OF THE RIPARIAN CORRIDOR CONSERVATION DISTRICT.
- VARIANCE FROM SECTION 116-260.A. TO PERMIT THE APPLICANT TO NOT SHOW ALL OF THE EXISTING VEGETATION IN THE AREA TO BE CLEARED FOR THE PROPOSED SINGLE FAMILY HOME DEVELOPMENT AND TO ALLOW CLEARING AS PROPOSED.

- NOTES**
- BOUNDARY AND TOPOGRAPHIC INFORMATION COPIED FROM A PLAN ENTITLED "PAT SPARANGO - WHITEMARSH VALLEY ROAD - SITE PLAN" PREPARED BY JOSEPH M. ESTOCK, P.E., PLS., DATED 12-23-94 AND LAST REVISED 08-20-96.
  - A WETLANDS STUDY WAS PERFORMED BY NOVA CONSULTANTS, LTD FOR THE AREA ALONG THE NORTHERLY SIDE OF NEEDLE RUN AND A REPORT WAS ISSUED ON JUNE 29, 2015.
  - SANITARY SEWER FACILITIES PLOTTED FROM TOWNSHIP MAPS. THESE FACILITIES WERE NOT FIELD SURVEYED.
  - PURSUANT TO ZONING ORDINANCE §116-258.A.2. OTHER THAN ZONE 1 AND THE STREAM, THE ENTIRE FLOODPLAIN AREA IS DEFINED AS A RIPARIAN CORRIDOR CONSERVATION DISTRICT ZONE 2.
  - FLOODPLAIN DATA OBTAINED FROM THE FEMA FIRB PANEL 288 OF 451 MAP REVISED MARCH 2, 2016 AND WAS CONVERTED TO NGVD-29 DATUM.
  - ELEVATIONS REFER TO NGVD-29 DATUM BASED UPON FEMA BENCHMARK KV-1994.  
 ELEV=175.51 NGVD-29  
 ELEV=174.55 NAVD-88
  - THE PERMANENT REMOVAL OF TOPSOIL FROM LAND WITHIN THE TOWNSHIP IS PROHIBITED.
  - THE APPLICANT SHALL PROVIDE A LETTER OF AVAILABILITY AND SUPPLY OF WATER FOR THE SITE FROM THE APPROPRIATE WATER AUTHORITY.
  - THE APPLICANT MUST OBTAIN APPROVAL OF THE WHITEMARSH TOWNSHIP AUTHORITY WITH REGARD TO THE PROPOSED CONNECTION TO THE SANITARY SEWER, THE LOCATION OF PROPOSED FEATURES WITHIN THE EXISTING SANITARY SEWER EASEMENT AND THE AVAILABILITY AND CAPACITY TO SERVE THE PROPOSED NEW RESIDENTIAL BUILDING.
- ALL PUBLIC SANITARY SEWERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH WHITEMARSH TOWNSHIP AUTHORITY SPECIFICATIONS. SUCH SEWERS SHALL BE LOCATED OR CONSTRUCTED SO AS TO ELIMINATE POSSIBILITY OF FLOOD DAMAGE.
10. NO USE, ACTIVITY OR DEVELOPMENT SHALL ADVERSELY AFFECT THE CAPACITY OF THE CHANNELS OR THE FLOODWAY OF ANY WATER COURSE.

DATE	REVISIONS	REVISION NO.
08-15-25	REVISE BUILDING FOOTPRINT	
03-29-22	REV NOTES	
02-15-22	PER 01-13-21 GILMORE LETTER	
05-22-17	REV PER TWP. REVIEW-ZHB APPLICATION	
03-17-17	ADD RAIN GARDEN	



**PROJECT TITLE:**  
**318 WHITEMARSH VALLEY ROAD**  
 WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

**DRAWING TITLE:**  
**SITE PLAN**

**PREPARED BY:**  
**JOSEPH M. ESTOCK**  
 Consulting Engineers & Land Surveyors

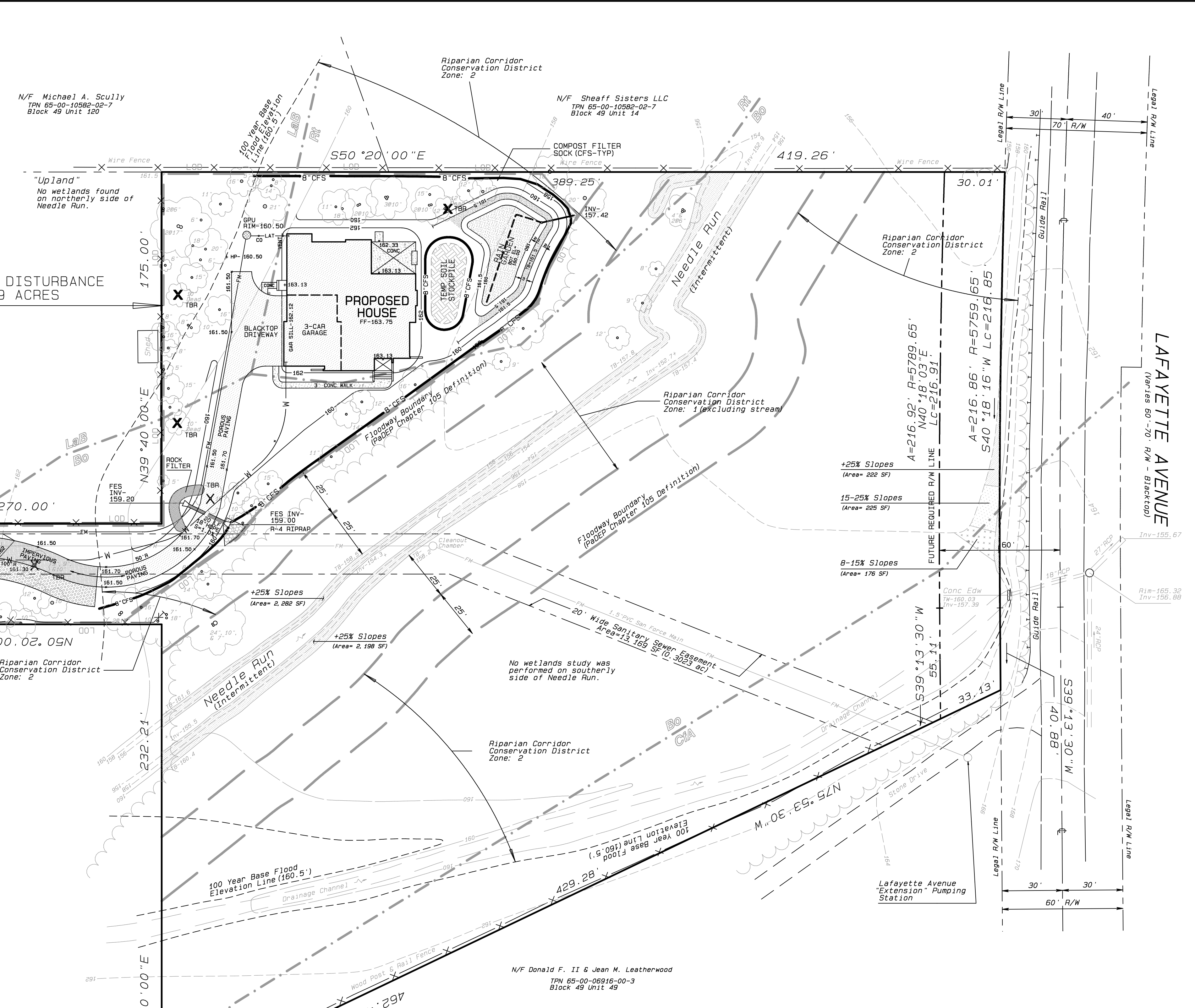
933 Mystic Lane  
 Eagleville, PA 19403-3614  
 (610) 666-0257  
 joe@josephmestock.com

**SCALE:** 1" = 30'  
**DATE:** 08 MARCH 2017  
**FILE NO.:** 93089  
**FIELD BOOK:** 251, 260, 342  
**SHT. NO.:** 1 of 7

**LEGEND**

---	CENTERLINE
---	TRACT BOUNDARY
---	PROPERTY LINE
---	LEGAL R.O.W. EASEMENTS
---	REQUIRED R.O.W.
---	EXISTING CONTOUR
---	PROPOSED CONTOUR
---	EXISTING WATER LINE
---	EXISTING SAN. SEWER LINE
---	EXISTING TELEPHONE LINE
---	EXISTING GAS LINE
---	EXISTING ELECTRIC LINE
---	EXISTING STORM SEWER/INLET
---	PROPOSED STORM SEWER/INLET
---	PROPOSED WATER LINE
---	PROPOSED SAN. SEWER LINE
---	PROPOSED ELECTRIC LINE
---	PROPOSED TELEPHONE LINE
---	PROPOSED GAS LINE
---	EXISTING MANHOLE
---	PROPOSED MANHOLE
---	EXISTING CURBLINE
---	PROPOSED CURBLINE
---	UTILITY POLE
---	EXISTING VALVE, VENT, CO.

[Pattern]	PROPOSED HOUSE
[Pattern]	IMPERVIOUS PAVING DRIVEWAY
[Pattern]	POROUS PAVING DRIVEWAY
[Pattern]	GRASS SHOULDER
[Pattern]	PROPOSED CONCRETE WALK
[Pattern]	RIPRAP APRON
[Symbol]	GRINDER PUMP UNIT
[Symbol]	TO BE REMOVED



**EROSION & SEDIMENT CONTROL LEGEND**

[Symbol]	ROCK CONSTRUCTION ENTRANCE
[Symbol]	INLET PROTECTION
[Symbol]	TOPSOIL STOCKPILE
[Symbol]	FILTER FABRIC FENCE (18" HIGH)
[Symbol]	FILTER FABRIC FENCE (30" HIGH)
[Symbol]	SUPER FILTER FABRIC FENCE
[Symbol]	TREE PROTECTION FENCE
[Symbol]	COMPOST FILTER SOCK (SIZE)
[Symbol]	LIMIT OF DISTURBANCE LINE

**SOILS LEGEND**

SYMBOL	DESCRIPTION
Bo	Bowmansville-Knauers Silt Loams Depth to Bedrock: 72-99 Inches Depth to Water Table: 0-18 Inches
CIA	Chalfont Silt Loam, 3-8 % Slopes Depth to Bedrock: 15-30 Inches Depth to Water Table: 6-18 Inches
LAB	Lansdale Silt Loam, 3-8 % Slopes Depth to Bedrock: 42-60 Inches Depth to Water Table: More than 80 Inches
RM	Rowland Silt Loam, Terrace Depth to Bedrock: 60-99 Inches Depth to Water Table: 12-36 Inches

**STEEP SLOPE LEGEND**

[Pattern]	8-15% SLOPES (176 SF)
[Pattern]	15-25% SLOPES (225 SF)
[Pattern]	+25% SLOPES (4,702 SF)

**STEEP SLOPE RATIO:**  
TOTAL STEEP SLOPE AREA= 5,103 SF  
LOT AREA= 154,712 SF = 3.3 %

**STEEP SLOPE AREAS TO BE DISTURBED:**  
STEEP SLOPE AREAS DISTURBED= 0 SF = 0 %

- CONSTRUCTION SEQUENCE:**
1. INSTALL ROCK CONSTRUCTION ENTRANCE.
  2. INSTALL TREE PROTECTION FENCING.
  3. INSTALL ALL COMPOST FILTER SOCK, EXCEPT THAT COMPOST FILTER SOCK AROUND THE TOPSOIL STOCK PILE, AND PLACE ALL TREE PROTECTION FENCING.
  4. CLEAR AND GRUB SITE OF VEGETATION IN CONFLICT WITH CONSTRUCTION ACTIVITY.
  5. STRIP AND STOCKPILE TOPSOIL. PROTECT STOCKPILE WITH COMPOST FILTER SOCK.
  6. INSTALL PIPE CULVERT CROSSING THE DRIVEWAY.
  7. PLACE ROCK FILTER UPSTREAM OF PIPE CULVERT.
  8. PLACE RIPRAP APRON AT OUTLET OF STORM PIPE.
  9. COMMENCE WITH BASEMENT EXCAVATION AND SUBSEQUENT BUILDING CONSTRUCTION.
  10. ROUGH GRADE ENTIRE SITE TO SUBGRADE ELEVATIONS.
  11. INSTALL ALL UTILITY SERVICES AND CONNECTIONS.
  12. INSTALL RAIN GARDEN AND RAINWATER CONDUCTORS.
  13. COMPLETE ALL PAVING OPERATIONS, EXCEPT FINAL WEARING COURSE.
  14. FINISH GRADE AND TOPSOIL ALL DISTURBED AREAS.
  15. SEED AND MULCH ALL DISTURBED AREAS AND ESTABLISH PERMANENT VEGETATIVE COVER. DO NOT PROCEED TO THE NEXT ITEM IN THE SEQUENCE UNTIL PERMANENT STABILIZATION IS ACHIEVED.
  16. REMOVE ALL REMAINING TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES.
  17. PLACE WEARING COURSE ON ALL PAVED SURFACES.

**EGS OWNERSHIP, OPERATIONS AND MAINTENANCE PROCEDURES**

**I. GENERAL STATEMENT**

THIS PROJECT IS KNOWN AS 318 WHITEMARSH VALLEY ROAD IN WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA. THE PROJECT CONSISTS OF A SINGLE FAMILY DETACHED DWELLING, A DRIVEWAY AND ACCESSORY USES.

THE EXISTING CONDITION AND PRESENT LAND USE OF THIS SITE AN UNDEVELOPED LOT, BEING WOODED AND TRAVERSED BY AN INTERMITTENT STREAM KNOWN NEEDLE RUN.

THE PROPERTY CONTAINS 3.7341 ACRES OF LAND.

THE LANDOWNER OF RECORD IS PAT SPARANGO, INC. C/O MARY GRACE SPARANGO, 506 BETHLEHEM PIKE, FORT WASHINGTON, PA 19034. THIS PLAN HAS BEEN PREPARED BY JOSEPH M. ESTOCK, P.E., PLS., 395 S. HENDERSON ROAD, KING OF PRUSSIA, PA 19406.

**II. TEMPORARY BMP OPERATION & MAINTENANCE PROGRAM**

TEMPORARY BMPs MUST BE ADEQUATELY MAINTAINED BY THE CONTRACTOR DURING CONSTRUCTION AND UNTIL PERMANENT UNIFORM VEGETATIVE COVER IS ESTABLISHED ON THE ENTIRE SITE. THESE TEMPORARY BMPs, SUCH AS, ALL SILT FENCING, ALL COMPOST FILTER SOCKS, TREE PROTECTION FENCING, THE ROCK CONSTRUCTION ENTRANCE, INLET PROTECTION, TOPSOIL STOCKPILE, TEMPORARY SEEDING, ETC. THE TEMPORARY BMPs MUST BE INSPECTED AFTER EACH STORM EVENT OF MEASURABLE PRECIPITATION AND MUST FUNCTION IN A MANNER AS ORIGINALLY INTENDED BY THE APPROVED EROSION & SEDIMENT CONTROL PLAN.

THE CONTRACTOR MUST PROVIDE A WRITTEN REPORT DOCUMENTING EACH INSPECTION. SAID REPORT MUST INCLUDE THE DATE OF SAID INSPECTION AND A LIST OF THOSE BMPs INSPECTED ALONG WITH AN INDICATION OF ANY BMP FAILURES AND CORRECTIVE MEASURES TAKEN TO REMEDIATE FAILURE.

FOR AN EARTH DISTURBANCE ACTIVITY OR ANY STAGE OR PHASE OF AN ACTIVITY TO BE CONSIDERED PERMANENTLY STABILIZED, THE DISTURBED AREA SHALL BE COVERED BY A MINIMUM UNIFORM 70% PERENNIAL VEGETATIVE COVER, WITH A DENSITY CAPABLE OF RESISTING ACCELERATED EROSION AND SEDIMENTATION.

**EGS OWNERSHIP, OPERATIONS AND MAINTENANCE PROCEDURES**

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DATE	REVISIONS	REVISION NO.
08-15-25	REVISE BUILDING FOOTPRINT	
03-29-22	REV SANITARY SEWER	
02-15-22	PER 01-13-21 GILMORE LETTER	
03-17-17	ADD RAIN GARDEN	

**GRAPHIC SCALE** 1"=30'

**UNDERGROUND UTILITIES**  
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION (1-800-242-1776)  
DATE: 02-15-2022 SERIAL NO.: 20220461891

**JOSEPH M. ESTOCK**  
REGISTERED PROFESSIONAL ENGINEER  
PE037320E  
PENNSYLVANIA

**PROJECT TITLE:**  
**318 WHITEMARSH VALLEY ROAD**  
WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

**DRAWING TITLE:**  
**EROSION AND SEDIMENT CONTROL PLAN**

**PREPARED BY:**  
**JOSEPH M. ESTOCK**  
Consulting Engineers & Land Surveyors

933 Mystic Lane  
Eagleview, PA 19403-3514  
(610) 666-0257  
joe@josephmestock.com

**SCALE:** 1" = 30'  
**DATE:** 08 MARCH 2017  
**FILE NO.:** 93089  
**FIELD BOOK:** 251, 260, 342  
**SHT. NO.:** 2 of 7

**EROSION AND SEDIMENTATION CONTROL NOTES**

- A. GENERAL NOTES**
- EROSION AND SEDIMENT BMP'S MUST BE CONSTRUCTED, STABILIZED AND FUNCTIONAL BEFORE SITE DISTURBANCE BEGINS WITHIN THE TRIBUTARY AREAS OF THOSE BMP'S.
  - STORMWATER INLETS WHICH DO NOT DISCHARGE TO SEDIMENT TRAPS OR BASINS, MUST BE PROTECTED UNTIL THE TRIBUTARY AREAS ARE STABILIZED.
  - STOCKPILE HEIGHTS MUST NOT EXCEED 35 FEET. STOCKPILE SLOPES MUST BE 2:1 OR FLATTER.
  - AFTER FINAL SITE STABILIZATION HAS BEEN ACHIEVED, TEMPORARY EROSION AND SEDIMENT BMP CONTROLS MUST BE REMOVED. AREAS DISTURBED DURING REMOVAL OF THE BMP'S MUST BE STABILIZED IMMEDIATELY.
  - VEHICLES AND EQUIPMENT MUST ENTER DIRECTLY TO AND EXIT FROM THE SITE AT THE POINT WHERE THE ROCK CONSTRUCTION ENTRANCE HAS BEEN PLACED.
  - ONLY LIMITED DISTURBANCE WILL BE PERMITTED TO PROVIDE ACCESS TO THE CONTROLS FOR GRADING AND ACQUIRING BORROW TO CONSTRUCT THOSE CONTROLS.
  - AT LEAST THREE DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES, ALL CONTRACTORS INVOLVED IN THESE ACTIVITIES SHALL NOTIFY THE PENNSYLVANIA ONE CALL SYSTEM INCORPORATED AT 1-800-242-1776 FOR BURIED UTILITY LOCATIONS.
  - ALL EARTH DISTURBANCE ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCE. EACH STAGE SHALL BE COMPLETED BEFORE ANY FOLLOWING STAGE IS INITIATED. CLEARING AND GRUBBING SHALL BE LIMITED TO THOSE AREAS DESCRIBED IN EACH STAGE.
  - THE PROJECTS RECEIVING WATERCOURSE IS NEEDLE RUN FLOWING TO THE WISSAHICKON CREEK, WHOSE CHAPTER 93 CLASSIFICATION IS 1SF, MF, WITHIN THE SCHUYLKILL RIVER WATERSHED, WHOSE CHAPTER 93 CLASSIFICATION IS WMF, MF.

- B. FILTER FABRIC FENCING & STRAW BALE BARRIERS**
- FILTER FABRIC FENCING AND STRAW BALE BARRIERS MUST BE INSTALLED AT LEVEL GRADE. BOTH ENDS OF EACH FENCE OR BARRIER SECTION MUST EXTEND 5 FEET UP SLOPE AT 45 DEGREES TO THE ALIGNMENT OF THE MAIN FENCE OR BARRIER.
  - SEDIMENT MUST BE REMOVED WHERE ACCUMULATIONS REACH 1/3 THE ABOVE GROUND HEIGHT OF FILTER FABRIC FENCING OR 1/3 THE ABOVE GROUND HEIGHT OF STRAW BALE BARRIERS.
  - ANY FILTER FABRIC FENCING OR STRAW BALE BARRIER WHICH HAS BEEN UNDERMINED OR TOPPED MUST BE IMMEDIATELY REPLACED WITH ROCK FILTER OUTLETS.
  - STRAW BALE BARRIERS SHOULD NOT BE USED FOR MORE THAN 3 MONTHS.

- C. SEDIMENT REMOVAL**
- SEDIMENT MUST BE REMOVED FROM STORM WATER INLET PROTECTION AFTER EACH RUNOFF EVENT.
  - ALL SILT AND FOREIGN MATTER SHALL BE REMOVED FROM THE TOP OF THE BINDER COURSE AND PROPERLY DISPOSED OF BEFORE WEARING SURFACE IS INSTALLED.
  - ALL PUMPING OF SEDIMENT LADEN WATER SHALL BE THROUGH A SEDIMENT CONTROL BMP, SUCH AS A PUMPED WATER FILTER BAG DISCHARGING TO A DRAINAGE PATTERN.
  - SEDIMENT REMOVED FROM BMP'S SHALL BE DISPOSED OF IN LANDSCAPED AREAS OUTSIDE OF STEEP SLOPES, WETLANDS, FLOODPLAINS OR DRAINAGE SNALES AND IMMEDIATELY STABILIZED OR PLACED IN TOPSOIL STOCKPILES.

- D. OPERATOR'S RESPONSIBILITY**
- MAINTENANCE OF ALL SEDIMENT AND EROSION CONTROL DEVICES IS THE RESPONSIBILITY OF THE OPERATOR DURING CONSTRUCTION.
  - THE RETENTION/SEDIMENT BASIN WILL BE CONSTRUCTED AND MAINTAINED BY THE OPERATOR. THE MAINTENANCE OF THIS BASIN WILL BE TRANSFERRED TO THE PERMITTEE UPON THE COMPLETION OF FINAL STABILIZATION.
  - THE OPERATOR IS RESPONSIBLE FOR PROVIDING EROSION TRENCHES, EROSION CHECKS, BEAMS, ETC., OR OTHER MEANS OF ACCURATE PRACTICE AS REQUIRED ON THE SITE TO PREVENT ACCELERATED RUNOFF AND EROSION, WHICH MAY NOT BE INDICATED, BUT IS WITHIN THE INTENT OF THIS PLAN.
  - THE OPERATOR MUST INSURE THE PROPER OPERATION OF THE DEVICES IS NOT HINDERED DUE TO EXCESSIVE SEDIMENT BUILD-UP OR UNAUTHORIZED ACTS OF THIRD PARTIES.
  - SHOULD ANY MEASURES CONTAINED WITHIN THIS PLAN PROVE INCAPABLE OF ADEQUATELY REMOVING SEDIMENT FROM ON-SITE FLOWS PRIOR TO DISCHARGE OR OF STABILIZING THE SURFACES INVOLVED, ADDITIONAL MEASURES MUST BE IMMEDIATELY IMPLEMENTED BY THE OPERATOR TO ELIMINATE ALL SUCH PROBLEMS.
  - UNTIL THE SITE IS STABILIZED, ALL EROSION AND SEDIMENT BMP'S MUST BE MAINTAINED PROPERLY. MAINTENANCE MUST INCLUDE INSPECTIONS OF ALL EROSION AND SEDIMENT CONTROL BMP'S AFTER EACH RUNOFF EVENT AND ON A WEEKLY BASIS. ALL PREVENTATIVE AND REPAIR/REPLACEMENT WORK, INCLUDING AN OUT-REPAIR, REPAIR, REPLACEMENT, REGRADING, RESEEDING, RE-MULCHING, AND BENEFITING MUST BE PERFORMED IMMEDIATELY. IF EROSION AND SEDIMENT CONTROL BMP'S FAIL TO PERFORM AS EXPECTED, REPLACEMENT BMP'S OR MODIFICATIONS TO THOSE INSTALLED WILL BE IMMEDIATELY IMPLEMENTED BY THE OPERATOR.
  - THE OPERATOR SHALL REMOVE FROM THE SITE, RECYCLE OR DISPOSE OF ALL BUILDING MATERIALS AND WASTES IN ACCORDANCE WITH THE DEPARTMENT'S SOLID WASTE MANAGEMENT REGULATIONS PER 25 PA. CODE 271.141 ET SEQ. THE CONTRACTOR SHALL NOT ILLEGALLY BURY, DUMP OR DISCHARGE ANY BUILDING MATERIAL OR WASTES AT THIS SITE.
  - IT IS THE INTENT OF THIS PLAN TO MEET REQUIREMENTS OF SOIL EROSION CONTROL.
  - THE OPERATOR IS ADVISED TO BECOME THOROUGHLY FAMILIAR WITH THE PROVISIONS OF APPENDIX 5A, EROSION CONTROL RULES AND REGULATIONS, TITLE 25, PART 69, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUB-PART C, PROTECTION OF NATURAL RESOURCES, ARTICLE II, WATER RESOURCES, CHAPTER 102 EROSION CONTROL.
  - A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN MUST BE AVAILABLE AT THE PROJECT SITE AT ALL TIMES.
  - AT ANY TIME PRIOR TO STABILIZATION SHOULD ANY E & S PROBLEMS OCCUR WHICH REQUIRE ADDITIONAL MEASURES, IMMEDIATE ACTION MUST BE TAKEN TO CORRECT THE PROBLEM.
  - THE OPERATOR SHALL ASSURE THAT THE APPROVED EROSION AND SEDIMENT CONTROL PLAN IS PROPERLY AND COMPLETELY IMPLEMENTED.
  - IMMEDIATELY UPON DISCOVERING UNFORESEEN CIRCUMSTANCES POSING THE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION, THE OPERATOR SHALL IMPLEMENT APPROPRIATE BEST MANAGEMENT PRACTICES TO ELIMINATE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION.
  - ONLY LIMITED DISTURBANCE WILL BE PERMITTED TO PROVIDE ACCESS TO BMP'S FOR GRADING AND ACQUIRING BORROW TO CONSTRUCT THOSE BMP'S.
  - AT STREAM CROSSINGS, 50 FOOT STREAM BANK BUFFER AREAS SHOULD BE MAINTAINED. ON BUFFERS, CLEARING, SOIL DISTURBANCES, EXCAVATION, AND EQUIPMENT TRAFFIC SHOULD BE MINIMIZED. ACTIVITIES SUCH AS STACKING CUT LIES, BURNING CLEARED BRUSH, DISCHARGING RAINWATER FROM TRENCHES, WELDING PIPE SECTIONS, REFUELING AND MAINTAINING EQUIPMENT SHOULD BE ACCOMPLISHED OUTSIDE OF BUFFERS.

- E. MULCHING**
- MULCHING OF DISTURBED OR SEEDING AREA SHALL BE FURNISHED, PLACED, ANCHORED AND MAINTAINED IN ACCORDANCE WITH PENNDOT PUBL. 408, SECTION 809.
  - MULCHING SHALL BE PLACED IMMEDIATELY AFTER SEEDING OR WITHIN 48 HOURS AFTER SEEDING IS COMPLETE.
  - HAY OR STRAW SHALL BE UNIFORMLY PLACED IN A CONTINUOUS BLANKET, AT A MINIMUM RATE OF 3.0 TONS PER ACRE.
  - MULCH WITH MULCH CONTROL NETTING OR EROSION CONTROL BLANKETS SHOULD BE INSTALLED ON ALL SLOPES 3:1 OR STEEPER.
  - STRAW MULCH SHOULD BE APPLIED IN LONG STRANDS, NOT CHOPPED OR FINELY BROKEN

- F. SEEDING**
- SEEDING SHALL BE PLACED IN ACCORDANCE WITH PENNDOT PUBL. 408, SECTION 804.

- 4. SOIL SUPPLEMENTS MAY BE ADDED IN ACCORDANCE WITH SECTION 804 OR AS FOLLOWS:**
- FERTILIZER - STANDARD QUALITY  
 0-20-20 BASIC FERTILIZER 200 LBS. PER 1000 S.Y.  
 10-10-10 STARTER FERTILIZER 100 LBS. PER 1000 S.Y.
- LIME - AGRICULTURAL LIMESTONE  
 90% MINIMUM OF CARBONATES 500 LBS. PER 1000 S.Y.
- FORMULA B SHALL BE USED TO ESTABLISH FINAL VEGETATION IN LAWN AREAS, FORMULA D SHALL BE USED TO ESTABLISH FINAL VEGETATION IN BROUGH AREAS, AND FORMULA E SHALL BE USED TO ESTABLISH TEMPORARY VEGETATION. FORMULAS C, L, AND M SHALL BE USED AS SPECIFICALLY INDICATED ON THE PLAN.

- 6. SEEDING AND MULCHING SCHEDULE**
- THE DIVERSIONS, CHANNELS, SEDIMENT BASINS, SEDIMENT TRAPS, AND STOCKPILES, WHEN USED, MUST BE STABILIZED IMMEDIATELY.
  - IMMEDIATELY AFTER EARTH DISTURBANCE ACTIVITIES CEASE, THE OPERATOR SHALL STABILIZE ANY AREAS DISTURBED BY THE ACTIVITIES. DURING NON-GERMINATING PERIODS, MULCH MUST BE APPLIED AT THE SPECIFIED RATES. DISTURBED AREAS WHICH ARE NOT AT FINISHED GRADE AND WHICH WILL BE REDISTURBED WITHIN ONE YEAR MUST BE STABILIZED IN ACCORDANCE WITH THE TEMPORARY VEGETATIVE STABILIZATION SPECIFICATIONS. DISTURBED AREAS WHICH ARE AT FINISHED GRADE OR WHICH WILL NOT BE REDISTURBED WITHIN ONE YEAR MUST BE STABILIZED IN ACCORDANCE WITH THE PERMANENT VEGETATIVE STABILIZATION SPECIFICATIONS.
  - AN AREA SHALL BE CONSIDERED TO HAVE ACHIEVED FINAL STABILIZATION WHEN IT HAS A MINIMUM VEGETATION COVER OF 70% PERCENT. VEGETATIVE COVER OR OTHER PERMANENT NON-VEGETATIVE COVER WITH A DENSITY SUFFICIENT TO RESIST ACCELERATED SURFACE EROSION AND SUBSURFACE CHARACTERISTICS SUFFICIENT TO RESIST SLIDING AND OTHER MOVEMENTS.

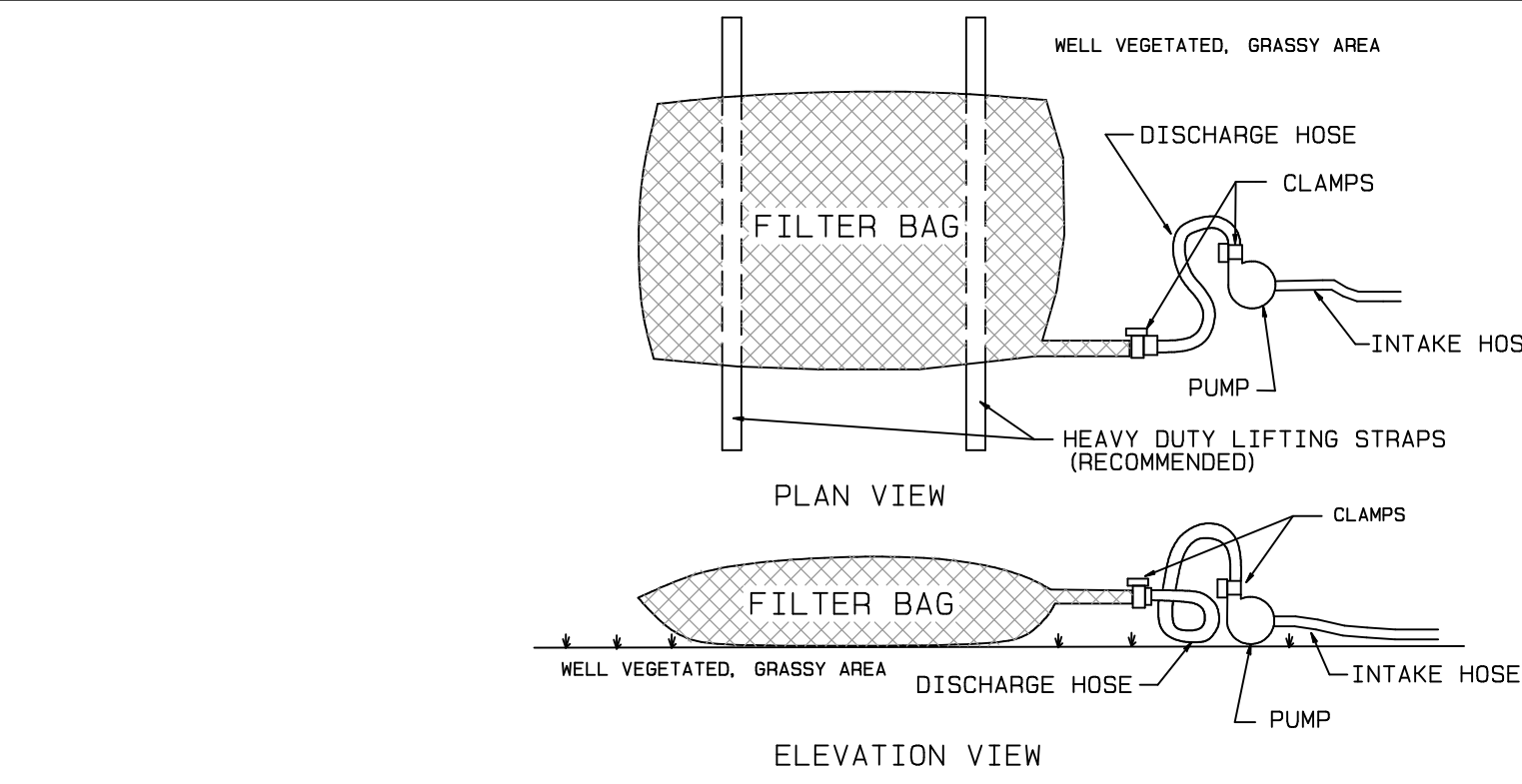
- H. UTILITY LINE TRENCH EXCAVATION**
- CONSTRUCTION REQUIREMENTS
    - LIMIT ADVANCE CLEARING AND GRUBBING OPERATIONS TO A DISTANCE EQUAL TO TWO TIMES THE LENGTH OF PIPE INSTALLATION THAT CAN BE COMPLETED IN ONE DAY.
    - WORK CREWS AND EQUIPMENT FOR TRENCHING, PLACEMENT OF PIPE, PLUG CONSTRUCTION AND BACKFILLING WILL BE SELF CONTAINED AND SEPARATE FROM CLEARING AND GRUBBING AND SITE RESTORATION AND STABILIZATION OPERATIONS.
    - LIMIT DAILY TRENCH EXCAVATION TO THE LENGTH OF PIPE PLACEMENT, PLUS INSTALLATION AND BACKFILLING THAT CAN BE COMPLETED IN THE SAME DAY.
    - WATER WHICH ACCUMULATES IN THE OPEN TRENCH WILL BE COMPLETELY REMOVED BY PUMPING BEFORE PIPE PLACEMENT AND/OR BACKFILLING BEGINS. WATER REMOVED FROM THE TRENCH SHALL BE PUMPED THROUGH A FILTRATION DEVICE.
    - ON THE DAY FOLLOWING PIPE PLACEMENT AND TRENCH BACKFILLING, THE DISTURBED AREA WILL BE GRADED TO FINAL CONTOURS AND IMMEDIATELY STABILIZED.
    - ALL SOIL EXCAVATED FROM THE TRENCH WILL BE PLACED ON THE UPHILL SIDE OF THE TRENCH.
    - SOILS EXCAVATED FROM EXISTING SURFACE LAYER SHOULD BE STOCKPILED SEPARATELY AND RETURNED AS FINAL SURFACE LAYER FOLLOWING TRENCH BACKFILLING.
  - TRENCH PLUGS WILL BE SPACED IN ACCORDANCE WITH AND BE CONSTRUCTED OF THE MATERIALS AS INDICATED ON THE TRENCH PLUG DETAIL.

- (1) AT ALL CROSSINGS OF WATERS OF THE COMMONWEALTH, TRENCH PLUGS WILL BE INSTALLED AT THE BANKS AFTER TRENCH EXCAVATION. THE PLUGS MAY BE TEMPORARILY REMOVED WHEN PLACING THE PIPE, BUT THEN REPLACED.**
- (2) CONSTRUCTION OF THE CROSSING WILL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE "PIPELINES AND UTILITY LINE PROJECTS" SECTION OF THE EROSION AND SEDIMENT POLLUTION CONTROL PROGRAM MANUAL.**
- 2. EXCEPTIONS**
- IN CERTAIN CASES TRENCHES CANNOT BE BACKFILLED UNTIL THE PIPE IN HYDROSTATICALLY TESTING AND THE COMPLETE BACKFILLING OF THE OPEN TRENCH MUST BE COMPLETED BY THE SEVENTH WORKING DAY.
- 1C. DAILY BACKFILLING OF THE TRENCH MAY BE DELAYED FOR SIX DAYS. ALL PRESSURE TESTING AND THE COMPLETE BACKFILLING OF THE OPEN TRENCH MUST BE COMPLETED BY THE SEVENTH WORKING DAY.**
- 1E. IF DAILY BACKFILLING IS DELAYED, THE DISTURBED AREA WILL BE GRADED TO FINAL CONTOURS, APPROPRIATE TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES/FACILITIES WILL BE INSTALLED, AND THE AREAS SEEDED AND MULCHED WITHIN THE NEXT TWO CALENDAR DAYS.**

- 1. CLEAN FILL**
- IF THE SITE WILL NEED TO IMPORT OR EXPORT MATERIAL FROM THE SITE, THE RESPONSIBILITY FOR PERFORMING ENVIRONMENTAL DUE DILIGENCE AND DETERMINATION OF CLEAN FILL WILL REST WITH THE CONTRACTOR.
  - CLEAN FILL IS DEFINED AS: UNCONTAMINATED, NON-WATER SOLUBLE, NON-DECOMPOSABLE, INERT, SOLID MATERIAL. THE TERM INCLUDES SOIL, ROCK, STONE, DREGGED MATERIAL, USED ASPHALT, AND BRICK, BLOCK OR CONCRETE FROM CONSTRUCTION AND DEMOLITION ACTIVITIES THAT IS SEPARATE FROM OTHER WASTE AND IS RECOGNIZABLE AS SUCH. THE TERM DOES NOT INCLUDE MATERIALS PLACED IN OR ON THE WATERS OF THE COMMONWEALTH UNLESS OTHERWISE AUTHORIZED. (THE TERM "USED ASPHALT" DOES NOT INCLUDE MILLED ASPHALT OR ASPHALT THAT HAS BEEN PROCESSED FOR RE-USE).
  - CLEAN FILL AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE: FILL MATERIALS AFFECTED BY SPILL OR RELEASE OF A REGULATED SUBSTANCE SHALL QUALIFY AS CLEAN FILL PROVIDED THE TESTING REVEALS THAT THE FILL MATERIAL CONTAINS CONCENTRATIONS OF REGULATED SUBSTANCES THAT ARE BELOW THE RESIDENTIAL LIMITS IN TABLES FP-1A AND FP-1B FOUND IN THE DEPARTMENT'S POLICY "MANAGEMENT OF FILL".
  - ANY PERSON PLACING CLEAN FILL THAT HAS BEEN AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE MUST USE FORM FP-001 TO IDENTIFY THE ORIGIN OF THE FILL. MATERIAL AND THE RESULTS OF THE ANALYTICAL TESTING TO QUALIFY THE MATERIAL AS CLEAN FILL. FORM FP-001 MUST BE RETAINED BY THE OWNER OF THE PROPERTY RECEIVING THE FILL. A COPY OF FORM FP-001 CAN BE FOUND AT THE END OF THESE INSTRUCTIONS.
  - ENVIRONMENTAL DUE DILIGENCE: THE APPLICANT MUST PERFORM ENVIRONMENTAL DUE DILIGENCE TO DETERMINE IF THE FILL MATERIALS ASSOCIATED WITH THE PROJECT QUALIFY AS CLEAN FILL. ENVIRONMENTAL DUE DILIGENCE IS DEFINED AS: INVESTIGATIVE TECHNIQUES, INCLUDING, BUT NOT LIMITED TO, VISUAL PROPERTY INSPECTIONS, MINIMIZED ACTIVITIES SUCH AS STACKING CUT LIES, BURNING CLEARED BRUSH, DISCHARGING RAINWATER FROM TRENCHES, WELDING PIPE SECTIONS, REFUELING AND MAINTAINING EQUIPMENT SHOULD BE ACCOMPLISHED OUTSIDE OF BUFFERS. ANALYTICAL TESTING, ENVIRONMENTAL ASSESSMENTS OR AUDITS, ANALYTICAL TESTING IS NOT A REQUIRED PART OF DUE DILIGENCE UNLESS VISUAL INSPECTION AND/OR REVIEW OF THE PAST LAND USE OF THE PROPERTY INDICATES THAT THE FILL MAY HAVE BEEN SUBJECT TO A SPILL OR RELEASE OF A REGULATED SUBSTANCE. IF THE FILL MAY HAVE BEEN AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE, IT MUST BE TESTED TO DETERMINE IF IT QUALIFIES AS CLEAN FILL. TESTING SHOULD BE PERFORMED IN ACCORDANCE WITH APPENDIX A OF THE DEPARTMENT'S POLICY "MANAGEMENT OF FILL".
  - FILL MATERIAL THAT DOES NOT QUALIFY AS CLEAN FILL IS REGULATED FILL. REGULATED FILL IS WASTE AND MUST BE MANAGED IN ACCORDANCE WITH THE DEPARTMENT'S MUNICIPAL OR RESIDUAL WASTE REGULATIONS BASED ON 25 PA. CODE CHAPTERS 287 RESIDUAL WASTE MANAGEMENT OR 271 MUNICIPAL WASTE MANAGEMENT, WHICHEVER IS APPLICABLE. THESE REGULATIONS ARE AVAILABLE ON-LINE AT [www.pacode.com](http://www.pacode.com).

- 2. SEED FORMULAS:**
- | FORMULA AND SPECIES                      | % PURITY | MIN. % WT | MIN. % SEEDING RATE | MAX. % SEEDING RATE | SEEDING RATE PER 1000 SQ. YDS. |
|--|----------|-----------|---------------------|---------------------|--------------------------------|
| <b>FORMULA B</b>                         |          |           |                     |                     | 21.0 TOTAL                     |
| * PERENNIAL RYEGRASS MIXTURE             | 20       | 98        | 90                  | 0.15                | 4.0                            |
| * CREEPING RED FESCUE OR CHEWINGS FESCUE | 30       | 98        | 85                  | 0.15                | 6.0                            |
| * KENTUCKY BLUEGRASS MIXTURE             | 50       | 98        | 80                  | 0.20                | 11.0                           |
| <b>FORMULA C</b>                         |          |           |                     |                     | 9.0 TOTAL                      |
| * CROWNVEITCH ANNUAL RYEGRASS            | 45       | 99        | 70                  | 0.10                | 4.0                            |
| * ANNUAL RYEGRASS                        | 55       | 99        | 90                  | 0.15                | 5.0                            |
| <b>FORMULA D</b>                         |          |           |                     |                     | 21.0 TOTAL                     |
| * TALL FESCUE                            | 70       | 98        | 85                  | 0.15                | 15.0                           |
| * CREEPING RED FESCUE OR CHEWINGS FESCUE | 30       | 98        | 80                  | 0.15                | 6.0                            |
| <b>FORMULA E</b>                         |          |           |                     |                     | 10.0 TOTAL                     |
| * ANNUAL RYEGRASS                        | 100      | 98        | 90                  | 0.15                | 10.0                           |
| <b>FORMULA L</b>                         |          |           |                     |                     | 24.0 TOTAL                     |
| * HARD FESCUE MIXTURE                    | 55       | 98        | 85                  | 0.15                | 13.0                           |
| * CREEPING RED FESCUE                    | 10       | 98        | 80                  | 0.15                | 2.5                            |
| * ANNUAL RYEGRASS                        | 10       | 98        | 90                  | 0.15                | 2.5                            |
| <b>FORMULA M</b>                         |          |           |                     |                     | 10.5 TOTAL                     |
| * TALL FESCUE                            | 70       | 98        | 85                  | 0.15                | 7.5                            |
| * BUDROOT FESCUE MIXTURE                 | 10       | 98        | 80                  | 0.15                | 2.0                            |
| * REDTOP                                 | 10       | 92        | 80                  | 0.15                | 1.0                            |
- \* MINIMUM 20% HARD SEED AND 60% NORMAL SPROUTS

- 3. APPLICATION DATES:**
- FORMULA B, D, & L - MARCH 15 TO JUNE 15  
 AUGUST 1 TO OCTOBER 15
- FORMULA C - RYEGRASS PORTION: MARCH 1 TO OCTOBER 15
- FORMULA C - CROWNVEITCH PORTION: ANYTIME EXCEPT SEPTEMBER & OCTOBER
- FORMULA E - MARCH 15 TO OCTOBER 15
- FORMULA N - APRIL 1 TO JUNE 15  
 AUGUST 15 TO SEPTEMBER 15



**STANDARD CONSTRUCTION DETAIL #3-16 PUMPED WATER FILTER BAG (NTS)**

LOW VOLUME FILTER BAGS SHALL BE MADE FROM NON-WOVEN GEOTEXTILE MATERIAL SEWN WITH HEAVY DUTY LIFTING STRAPS TO FACILITATE REMOVAL. BAGS SHALL BE MADE FROM APPROVED PARTICLES LARGER THAN 150 MICRONS. HIGH VOLUME FILTER BAGS SHALL BE MADE FROM APPROVED PARTICLES LARGER THAN 150 MICRONS. BAGS SHALL BE MADE FROM APPROVED PARTICLES LARGER THAN 150 MICRONS. BAGS SHALL BE MADE FROM APPROVED PARTICLES LARGER THAN 150 MICRONS. BAGS SHALL BE MADE FROM APPROVED PARTICLES LARGER THAN 150 MICRONS.

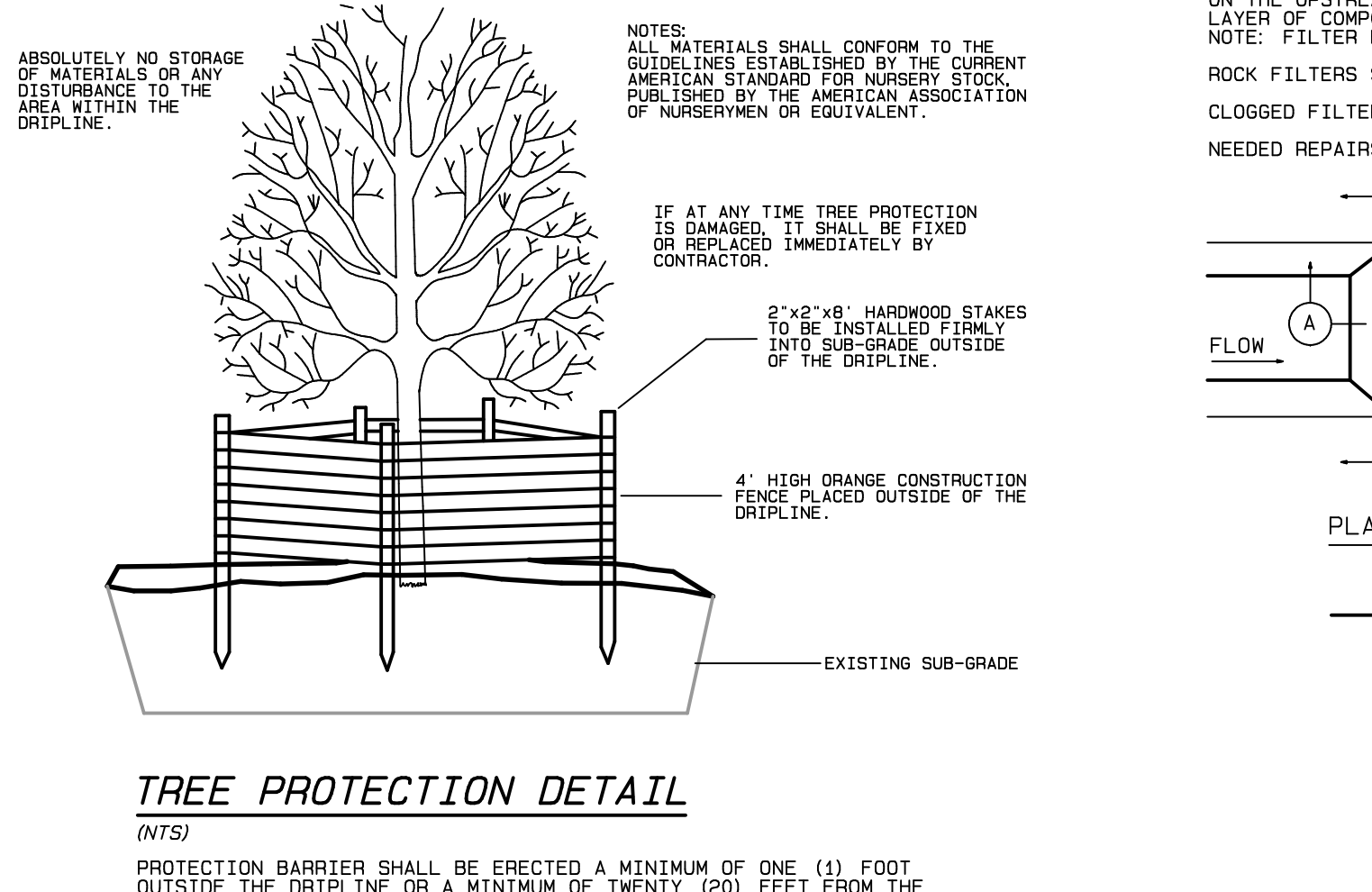
A SUITABLE MEANS OF ACCESSING THE BAG WITH MACHINERY REQUIRED FOR DISPOSAL OF WASTE SHALL BE PROVIDED. BAGS SHALL BE PLACED ON STRAPS TO FACILITATE REMOVAL UNLESS BAGS COME WITH LIFTING STRAPS ALREADY ATTACHED.

BAGS SHALL BE LOCATED IN WELL-VEGETATED GRASSY AREAS, AND DISCHARGE ONTO STABLE FLOORS. BAGS SHALL NOT BE PLACED ON SLOPES GREATER THAN 2:1 (OR 3:1 SLOPES GREATER THAN 2:1). CLEAN ROCK OR OTHER NON-ERODIBLE AND NON-POLLUTING MATERIAL MAY BE PLACED UNDER THE BAG TO REDUCE SLOPE STEEPNESS.

NO DOWNSLOPE SEDIMENT BARRIER IS REQUIRED FOR MOST INSTALLATIONS. COMPOST BEHM OR COMPOST FILTER SOCK SHALL BE INSTALLED BELOW BAGS LOCATED IN 40 OR 60 WATERSHEDS WITHIN 50 FEET OF ANY RECEIVING SURFACE WATER OR WHERE GRASSY AREA IS NOT AVAILABLE.

NO DISCHARGE HOSE SHALL BE INSTALLED TO THE BANK BY THE MANUFACTURER SPECIFIED BY THE MANUFACTURER AND SECURELY CLAMPED. A PIECE OF PVC PIPE IS RECOMMENDED FOR THE PUMPING RATE SHOULD BE NO GREATER THAN 750 GPM OR 1/2 THE MAXIMUM SPECIFIED BY THE MANUFACTURER, WHICHEVER IS LESS. PUMP INTAKES SHOULD BE FLOATING.

FILTER BAGS SHALL BE INSPECTED DAILY. IF ANY PROBLEM IS DETECTED, PUMPING SHALL CEASE IMMEDIATELY AND NOT RESUME UNTIL THE PROBLEM IS CORRECTED.

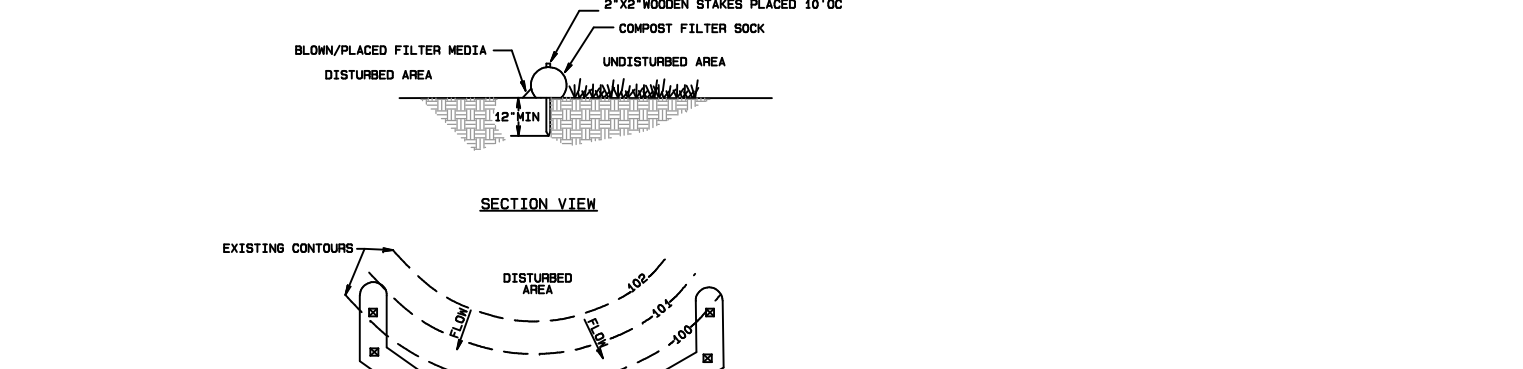


**TREE PROTECTION DETAIL (NTS)**

PROTECTION BARRIER SHALL BE ERECTED A MINIMUM OF ONE (1) FOOT OUTSIDE THE DRIPLINE OR A MINIMUM OF TWENTY (20) FEET FROM THE TREE'S TRUNK, WHICHEVER IS GREATER, ON ALL SIDES OF THE TREES OR TREE MASSES PRIOR TO MAJOR CLEARING OR CONSTRUCTION.

**TREE PROTECTION STANDARDS**

- PROTECTIVE FENCING MUST BE PLACED AROUND TREES ON THE PROPERTY AND AROUND TREES IMMEDIATELY ADJACENT TO THE PROPERTY LINES PRIOR TO CONSTRUCTION.
- A PRE-CONSTRUCTION CONFERENCE WITH THE TOWNSHIP SHADE TREE COMMISSION IS REQUIRED PRIOR TO THE START OF CONSTRUCTION.



**STANDARD CONSTRUCTION DETAIL #4-14 ROCK FILTER (RF)**

SOCK FABRIC SHALL MEET STANDARD OF TABLE 4.1. COMPOST SHALL MEET THE STANDARDS OF TABLE 4.2.

COMPOST FILTER SOCK SHALL BE PLACED AT EXISTING LEVEL GRADE. SOCKS SHALL BE EXTENDED AT LEAST 8 FEET UP SLOPE AT 45 DEGREES TO THE MAIN SOCK ALIGNMENT (FIGURE 4.1). MAIN SOCKS SHALL BE PLACED ON SLOPES GREATER THAN 2:1. SOCKS SHALL BE INSTALLED IMMEDIATELY DOWNSLOPE OF THE SOCK IF 30 SPECIFIED BY THE MANUFACTURER.

TRAFFIC SHALL NOT BE PERMITTED TO CROSS FILTER SOCKS.

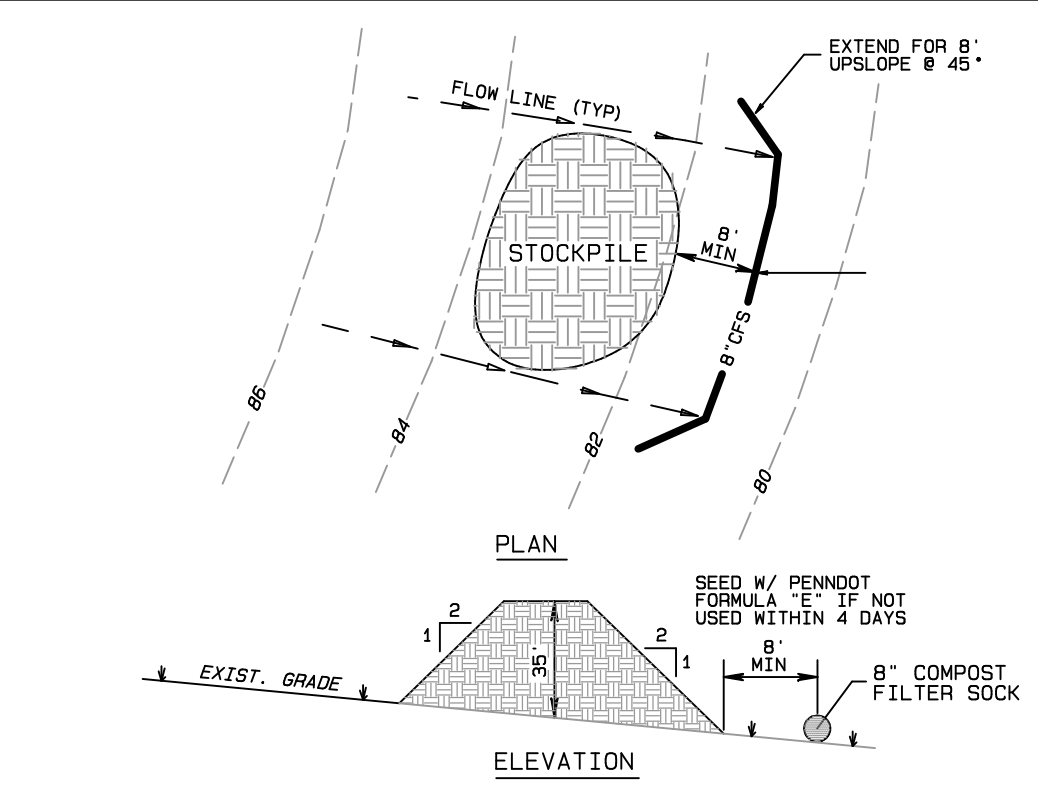
ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT REACHES THE ABOVEGROUND HEIGHT OF THE SOCK AND DISPOSED IN THE MANNER DESCRIBED ELSEWHERE IN THE PLAN.

SOCKS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT. DAMAGED SOCKS SHALL BE REPLACED IMMEDIATELY WITHIN 24 HOURS OF INSPECTION.

BIODEGRADABLE FILTER SOCKS SHALL BE REPLACED AFTER 6 MONTHS. PHOTOBIODEGRADABLE SOCKS AFTER 1 YEAR. POLYPROPYLENE SOCKS SHALL BE REPLACED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.

UPON STABILIZATION OF THE AREA TRIBUTARY TO THE SOCK, STAKES SHALL BE REMOVED. THE SOCK MAY BE LEFT IN PLACE AND VEGETATED OR REMOVED. IN THE LATTER CASE, THE WEIR SHALL BE CUT OPEN AND THE MULCH SPREAD AS A SOIL SUPPLEMENT.

**COMPOST FILTER SOCK STANDARD CONSTRUCTION DETAIL #4-1 (NTS)**



**TEMPORARY SOIL STOCKPILE AND MAINTENANCE DETAIL (NTS)**

REMOVE TOPSOIL PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE. EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.

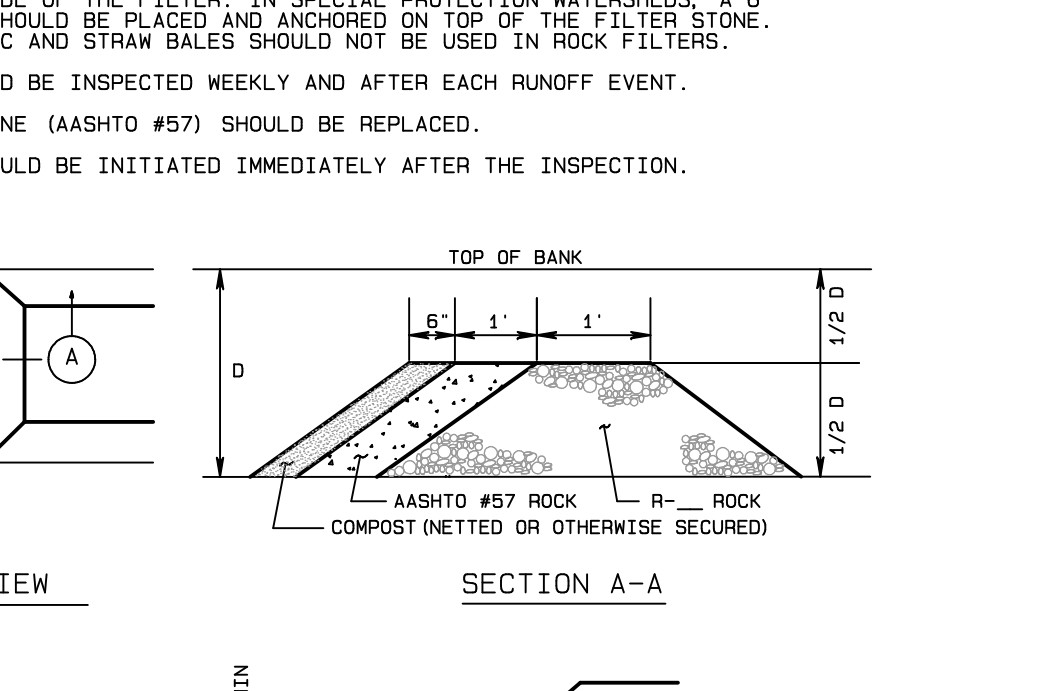
RUNOFF SHALL BE DIVERTED FROM ROADWAY TO A SUITABLE SEDIMENT REMOVAL BMP PRIOR TO ENTERING ROCK ENTRANCE.

MOUNTABLE BEHM SHALL BE INSTALLED WHEREVER OPTIONAL GULVERT PIPE IS USED AND PROPER PIPE COVER AS SPECIFIED BY MANUFACTURER IS NOT OTHERWISE PROVIDED. PIPE SHALL BE SIZED APPROPRIATELY FOR SIZE OF DITCH BEING CROSSED.

**MAINTENANCE:**

ROCK CONSTRUCTION ENTRANCE THICKNESS WILL BE CONSTANTLY MAINTAINED TO THE SPECIFIED DIMENSIONS BY ADDING ROCK. A STOCKPILE OF ROCK MATERIAL SHALL BE MAINTAINED ON THE SITE FOR THIS PURPOSE. ANY SEDIMENT LOCATED ON THE ROCK SURFACE SHALL BE REMOVED IMMEDIATELY AND RETURNED TO THE CONSTRUCTION SITE.

**STANDARD CONSTRUCTION DETAIL #3-1 ROCK CONSTRUCTION ENTRANCE (NTS) (RCE)**



**STANDARD CONSTRUCTION DETAIL #9-1 RIPRAP APRON AT PIPE OUTLET WITH FLARED END SECTION OR ENDWALL (NTS)**

A ONE FOOT THICK LAYER OF AASHTO #57 (OR SMALLER) STONE SHOULD BE PLACED ON THE UPSTREAM SIDE OF THE FILTER. IN SPECIAL PROTECTION WATERSHEDS, A 6" LAYER OF COMPOST SHOULD BE PLACED AND ANCHORED ON TOP OF THE FILTER STONE. NOTE: FILTER FABRIC AND STRAW BALES SHOULD NOT BE USED IN ROCK FILTERS.

ROCK FILTERS SHOULD BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT. CLOGGED FILTER STONE (AASHTO #57) SHOULD BE REPLACED. NEEDED REPAIRS SHOULD BE INITIATED IMMEDIATELY AFTER THE INSPECTION.

SEDIMENT SHALL BE REMOVED WHEN ACCUMULATIONS REACH 1/2 THE HEIGHT OF THE FILTER.

IMMEDIATELY UPON STABILIZATION OF EACH CHANNEL, INSTALLER SHALL REMOVE ACCUMULATED SEDIMENT, REMOVE ROCK FILTER, AND STABILIZE DISTURBED AREAS.

**STANDARD CONSTRUCTION DETAIL #4-14 ROCK FILTER (RF)**

LOCATION	OUTLET NO.	PIPE DIA (IN)	RIPRAP SIZE (R-)	THICK RT (IN)	LENGTH A1 (FT)	APRON INITIAL WIDTH A1W (FT)	TERMINAL WIDTH A1TW (FT)
DRIVEWAY	FES	18	R4	18	10	4-1/2	14-1/2

**PROJECT TITLE :**  
**318 WHITEMARSH VALLEY ROAD**  
 WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

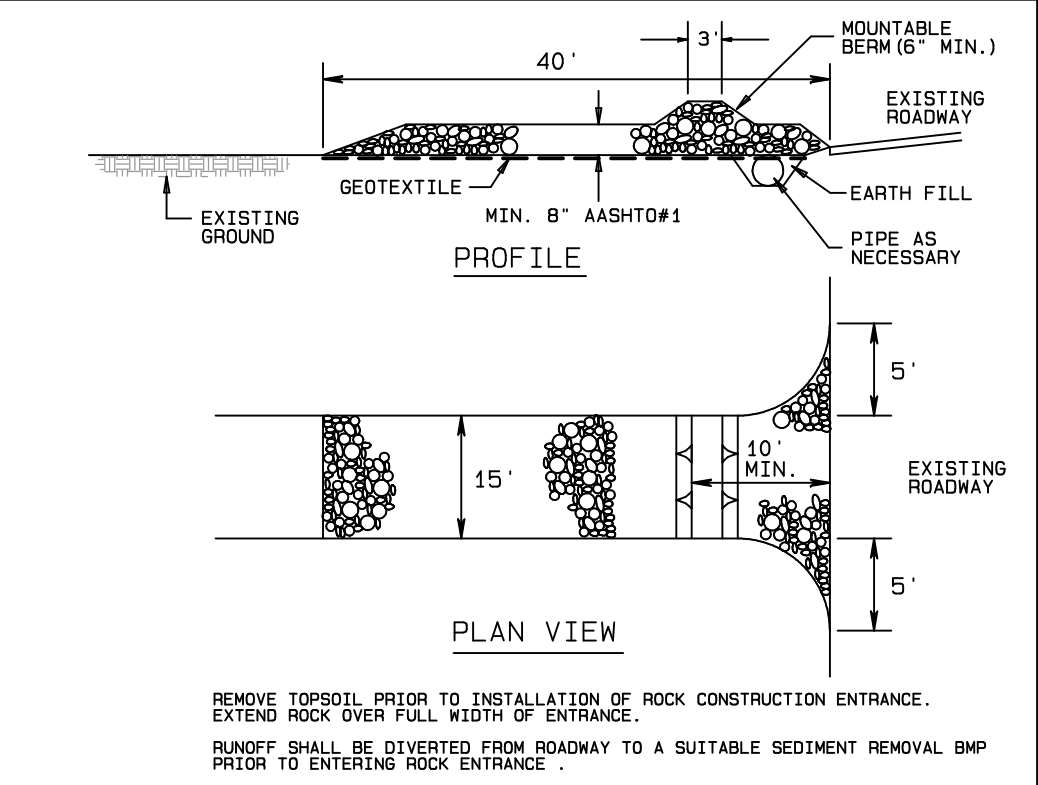
**DRAWING TITLE :**  
**EROSION AND SEDIMENT CONTROL NARRATIVE AND DETAILS**

**PREPARED BY :**  
**JOSEPH M. ESTOCK**  
 Consulting Engineers & Land Surveyors

933 Mystic Lane  
 Eagleville, PA 19403-3614  
 (610) 666-0257  
 joe@josephmestock.com

DATE	REVISIONS	REVISION NO.
08-15-20	REVISE BUILDING FOOTPRINT	
03-29-22	REV SHEET NO. - NO CHANGES	
02-15-22	PER 01-13-21 GILMORE LETTER	
03-17-17	ADD RAIN GARDEN	

UNDERGROUND UTILITIES  
 PA. ACT 187 OF 1996-ONE CALL NOTIFICATION (1-800-242-1776)  
 DATE: 02-15-2022 SERIAL NO.: 20220461891



**STANDARD CONSTRUCTION DETAIL #3-1 ROCK CONSTRUCTION ENTRANCE (NTS) (RCE)**

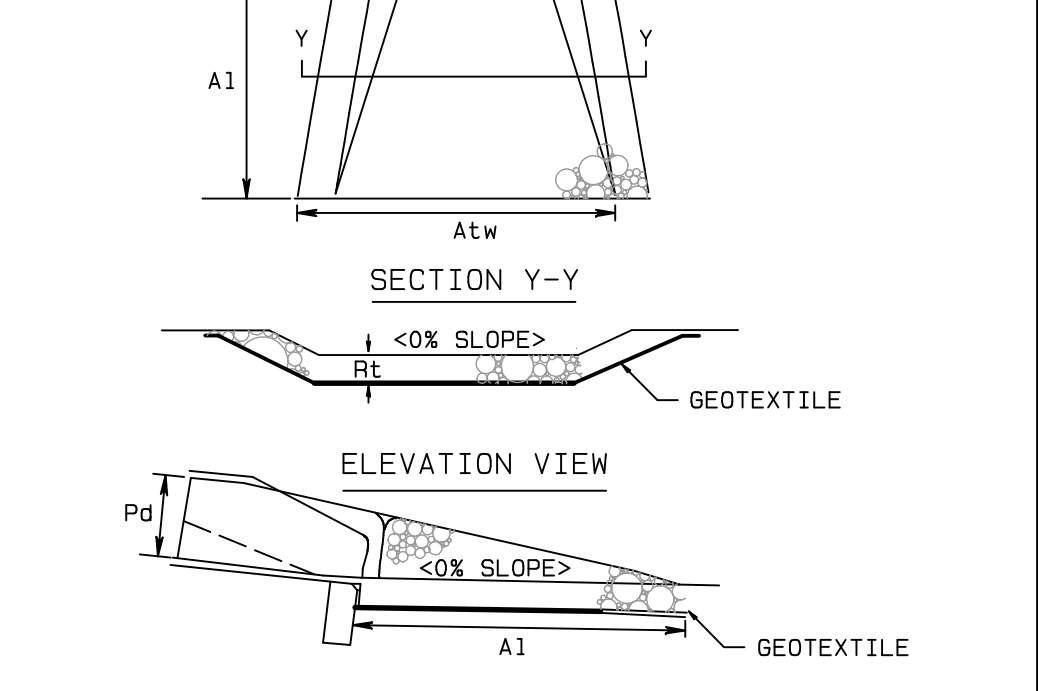
REMOVE TOPSOIL PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE. EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.

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**MAINTENANCE:**

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**STANDARD CONSTRUCTION DETAIL #9-1 RIPRAP APRON AT PIPE OUTLET WITH FLARED END SECTION OR ENDWALL (NTS)**

LOCATION	OUTLET NO.	PIPE DIA (IN)	RIPRAP SIZE (R-)	THICK RT (IN)	LENGTH A1 (FT)	APRON INITIAL WIDTH A1W (FT)	TERMINAL WIDTH A1TW (FT)
DRIVEWAY	FES	18	R4	18	10	4-1/2	14-1/2

**STANDARD CONSTRUCTION DETAIL #4-14 ROCK FILTER (RF)**

**PROJECT TITLE :**  
**318 WHITEMARSH VALLEY ROAD**  
 WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

**DRAWING TITLE :**  
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**LEGEND**

---	CENTERLINE	---	PROPOSED HOUSE
---	TRACT BOUNDARY	---	IMPERVIOUS PAVING DRIVEWAY
---	PROPERTY LINE	---	POROUS PAVING DRIVEWAY
---	LEGAL R.O.W. EASEMENTS	---	GRASS PAVER SHOULDER
---	REQUIRED R.O.W.	---	PROPOSED CONCRETE WALK
---	EXISTING CONTOUR	---	RIPRAP APRON
---	PROPOSED CONTOUR	---	GRINDER PUMP UNIT
---	EXISTING WATER LINE	---	TO BE REMOVED
---	EXISTING SAN. SEWER LINE	---	
---	EXISTING TELEPHONE LINE	---	
---	EXISTING GAS LINE	---	
---	EXISTING ELECTRIC LINE	---	
---	EXISTING STORM SEWER/INLET	---	
---	PROPOSED WATER LINE	---	
---	PROPOSED SAN. SEWER LINE	---	
---	PROPOSED ELECTRIC LINE	---	
---	PROPOSED TELEPHONE LINE	---	
---	PROPOSED GAS LINE	---	
---	EXISTING MANHOLE	---	
---	PROPOSED MANHOLE	---	
---	EXISTING CURBLINE	---	
---	PROPOSED CURBLINE	---	
---	UTILITY POLE	---	
---	EXISTING VALVE, VENT, CO.	---	

**FLOODPLAIN CONSERVATION OVERLAY DISTRICT BOUNDARY**

**GENERAL SANITARY SEWER NOTE:**  
 ALL PUBLIC SANITARY SEWERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH WHITEMARSH TOWNSHIP AUTHORITY SPECIFICATIONS. SUCH SEWERS SHALL BE LOCATED OR CONSTRUCTED SO AS TO ELIMINATE POSSIBILITY OF FLOOD DAMAGE.

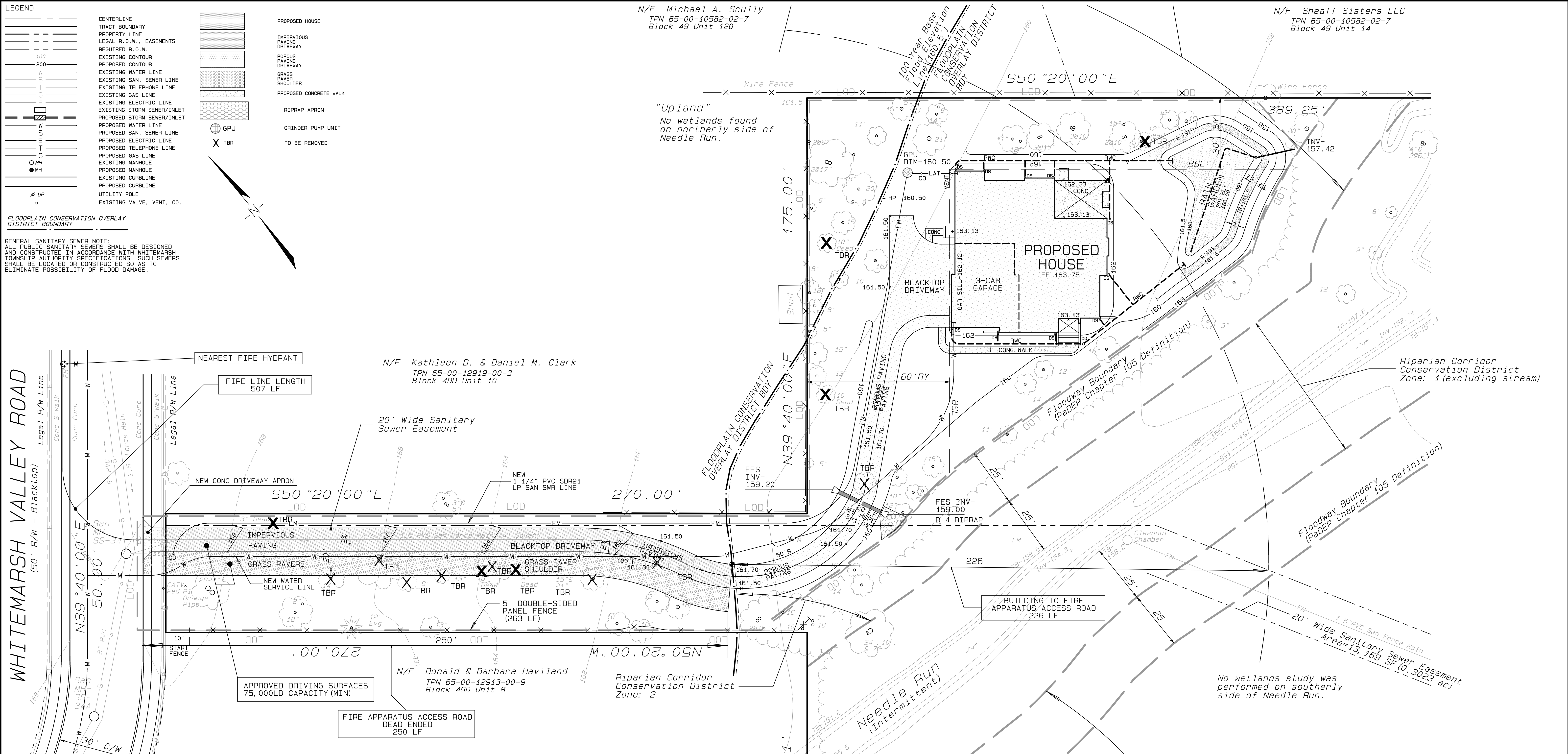
N/F Michael A. Scully  
 TPN 65-00-10582-02-7  
 Block 49 Unit 120

N/F Sheaff Sisters LLC  
 TPN 65-00-10582-02-7  
 Block 49 Unit 14

N/F Kathleen D. & Daniel M. Clark  
 TPN 65-00-12919-00-3  
 Block 49D Unit 10

N/F Donald & Barbara Haviland  
 TPN 65-00-12913-00-9  
 Block 49D Unit 8

**WHITEMARSH VALLEY ROAD**  
 (50' R/W - Blacktop)



**LONG-TERM OWNERSHIP, OPERATIONS AND MAINTENANCE SCHEDULE:**

**I. GENERAL STATEMENT**  
 THIS PROJECT IS KNOWN AS 318 WHITEMARSH VALLEY ROAD IN WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA. THE PROJECT CONSISTS OF A SINGLE FAMILY DETACHED DWELLING, A DRIVEWAY AND ACCESSORY USES.

THE EXISTING CONDITION AND PRESENT LAND USE OF THIS SITE AN UNDEVELOPED LOT, BEING WOODED AND TRAVERSED BY AN INTERMITTENT STREAM KNOWN NEEDLE RUN. THE PROPERTY CONTAINS 3.7341 ACRES OF LAND.

THE LANDOWNER OF RECORD IS PAT SPARANZO, INC. C/O MARY GRACE SPARANZO, 806 BETHLEHEM PIKE, FORT WASHINGTON, PA 19034. THIS PLAN HAS BEEN PREPARED BY JOSEPH M. ESTOCK, PE, PLS. 395 S. HENDERSON ROAD, KING OF PRUSSIA, PA 19406.

**II. OWNERSHIP**  
 THE PROPERTY OWNER OF SUBJECT PARCEL IS RESPONSIBLE FOR THE PERPETUAL OWNERSHIP, OPERATION AND MAINTENANCE OF ALL POST CONSTRUCTION STORMWATER FACILITIES ON SITE.

THE PROPERTY OWNER SHALL HAVE THE RESPONSIBILITY FOR THE PERPETUAL MAINTENANCE OF THE PERMANENT STORMWATER MANAGEMENT FACILITIES. NO CHANGES SHALL BE MADE TO THE STORMWATER MANAGEMENT FACILITIES OR FINISH GRADING WITHOUT PRIOR WRITTEN APPROVAL FROM THE MUNICIPALITY. THE MUNICIPALITY HAS THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER THE PROPERTY TO PERFORM ANY REQUIRED MAINTENANCE WHICH HAS NOT BEEN PROPERLY PERFORMED IN A TIMELY MANNER. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE COST OF ANY MAINTENANCE WHICH IS PERFORMED BY THE MUNICIPALITY. THE MUNICIPALITY SHALL LIEN THE PROPERTY FOR SAID COSTS UNTIL THE MUNICIPALITY HAS BEEN REIMBURSED IN FULL.

IT IS UNLAWFUL TO ALTER OR REMOVE ANY PERMANENT STORMWATER BMP REQUIRED BY AN APPROVED BMP OPERATIONS AND MAINTENANCE PLAN (OPSM PLAN), OR TO ALLOW THE PROPERTY TO REMAIN IN A CONDITION WHICH DOES NOT

CONFORM TO AN APPROVED BMP OPERATIONS AND MAINTENANCE PLAN, UNLESS AN EXCEPTION IS GRANTED IN WRITING BY THE MUNICIPALITY.

THE APPLICANT MUST SIGN A BMP OPERATIONS AND MAINTENANCE AGREEMENT WITH THE MUNICIPALITY TO COVER ALL STORMWATER BMP'S THAT ARE TO BE PRIVATELY OWNED.

THE BMP OPERATIONS AND MAINTENANCE PLAN AND RELATED AGREEMENTS MUST BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS FOR COUNTY WITH THE OPERATIONS AND MAINTENANCE PLAN, BMP OPERATIONS AND MAINTENANCE AGREEMENT AND EASEMENTS.

**III. STORMWATER MANAGEMENT EASEMENTS**  
 A BLANKET STORMWATER MANAGEMENT EASEMENT SHALL BE PROVIDED OVER THE ENTIRE PROPERTY GRANTING THE MUNICIPALITY THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER AND IMPROVE STORMWATER FACILITIES. THIS EASEMENT SHALL PROVIDE THE MUNICIPALITY ACCESS FOR INSPECTION AND MAINTENANCE AND/OR PRESERVATION OF THE STORMWATER MANAGEMENT BMP FACILITIES, INCLUDING, BUT NOT LIMITED TO, THE UNDERGROUND STORMWATER DETENTION SYSTEM, ALL STORM SEWER PIPING AND THE RELATED STRUCTURES AND BMP'S.

**IV. LONG-TERM BMP OPERATION & MAINTENANCE PROGRAM**  
 THE POST CONSTRUCTION STORMWATER MANAGEMENT CONTROLS/DEVICES AND OTHER BMP'S MUST BE ADEQUATELY MAINTAINED BY THE PROPERTY OWNER IN PERPETUITY. THESE BMP'S MUST FUNCTION IN A MANNER AS ORIGINALLY INTENDED BY THE APPROVED "POST CONSTRUCTION STORMWATER MANAGEMENT PLAN".

**V. STORM SEWER SYSTEM**  
 THE DRIVEWAY CULVERT SHALL BE INSPECTED ONCE A YEAR AND AFTER EACH STORM EVENT GREATER THAN 1 YEAR TO ENSURE THE PIPE IS NOT CLOGGED. THE CULVERT SHALL BE FLUSHED EVERY YEAR TO PREVENT BUILDUP OF DEBRIS AND SEDIMENT. THIS SEDIMENT SHALL BE DISPOSED OF AT AN APPROVED SITE.

**VI. RAIN GARDEN MAINTENANCE NOTES**  
 THE PROPOSED RAIN GARDEN HAS BEEN DESIGNED TO FUNCTION AS A STORMWATER BEST MANAGEMENT PRACTICE TO IMPROVE WATER QUALITY OF THE RUNOFF GENERATED BY THE PROPOSED LAND DEVELOPMENT. THIS DESIGN HAS BEEN INCORPORATED TO THE STORMWATER MANAGEMENT PLAN TO SATISFY REQUIREMENTS SET FORTH BY THE

**VI. RAIN GARDEN MAINTENANCE NOTES**  
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1. WHILE VEGETATION IS BEING ESTABLISHED, PRUNING AND WEEDING MAY BE REQUIRED. WEEDS SHOULD BE REMOVED THEREAFTER BY HAND.
2. DEBRIS MAY ALSO NEED TO BE REMOVED APPROXIMATELY TWICE PER YEAR. PERENNIAL PLANTINGS MAY BE CUT DOWN AT THE END OF THE GROWING SEASON.
3. MULCH SHOULD BE RE-SPREAD WHEN EROSION IS EVIDENT AND BE REPLISHED ANNUALLY. ONCE EVERY 2 TO 3 YEARS THE ENTIRE AREA MAY REQUIRE MULCH REPLACEMENT.
4. BIO-RETENTION AREAS SHOULD BE INSPECTED AT LEAST 2 TIMES PER YEAR FOR SEDIMENT BUILD-UP, EROSION, VEGETATIVE CONDITIONS, ETC.
5. DURING PERIODS OF EXTENDED DROUGHT, BIO-RETENTION AREAS MAY REQUIRE WATERING.
6. BIO-RETENTION AREAS SHOULD NOT BE MOWED ON A REGULAR BASIS.
7. TREES AND SHRUBS SHOULD BE INSPECTED TWICE PER YEAR TO EVALUATE HEALTH.

**VII. PERMEABLE PAVING OPERATIONS & MAINTENANCE NOTES**

1. PROTECTION
  - a. PROTECT COMPLETED WORK FROM DAMAGE DUE TO SUBSEQUENT CONSTRUCTION ACTIVITY ON THE SITE.
2. PERMEABLE JOINT AGGREGATE MATERIAL REFILLING
  - a. REMOVE ALL DEBRIS FROM JOINT AND PROVIDE ADDITIONAL PERMEABLE JOINT AGGREGATE MATERIAL AFTER 120 DAYS AND BEFORE 150 DAYS AFTER DATE OF SUBSTANTIAL COMPLETION/PROVISIONAL ACCEPTANCE.

(LANDOWNER)

1. FILL PERMEABLE JOINT AGGREGATE MATERIAL FULL TO THE LIP OF THE PAVEMENT.
- (NOTE: THIS PREVENTATIVE MAINTENANCE REQUIREMENT IS VERY IMPORTANT TO INCLUDE IN YOUR SPECIFICATION TO HELP INCREASE THE LONG TERM FUNCTION OF THE SYSTEM. THIS IS A GOOD ITEM TO MENTION DURING THE PREBID MEETING.)
3. LIFE CYCLE ACTIVITIES
  - a. PAVEMENT CLEANING: CLEAN PERMEABLE CONCRETE PAVERS AS NEEDED TO REMOVE STAINING, DIRT, DEBRIS, ETC.
4. MAINTENANCE: PERMEABLE JOINT AGGREGATE MATERIAL.
  - a. ANNUALLY INSPECT PERMEABLE JOINT AGGREGATE MATERIAL FOR AREAS CLOGGED WITH DEBRIS.
  - b. VACUUM OR SWEEP AS NECESSARY TO RESTORE SURFACE INFILTRATION.
  - c. REMOVE DEBRIS BY VACUUMING OR SWEEPING PERMEABLE JOINT AGGREGATE
  - d. REPLENISH REMOVED PERMEABLE JOINT AGGREGATE MATERIAL WITH CLEAN AGGREGATE MATERIAL FLUSH TO PAVEMENT LIP.
  - e. SWEEP EXCESS MATERIAL FROM PAVEMENT SURFACE.
5. VIII. LANDOWNER'S CERTIFICATION  
 THE STORMWATER MANAGEMENT FACILITIES AND BMP'S ARE FIXTURES THAT CAN BE ALTERED OR REMOVED ONLY AFTER APPROVAL BY THE MUNICIPALITY.

08-15-25	REVISE BUILDING FOOTPRINT	
03-29-22	REV SANITARY SEWER, ADD NOTE	
02-15-22	PER 01-13-21 GILMORE LETTER	
05-22-17	REV PER TWP. REVIEW-2ND APPLICATION	
03-17-17	ADD RAIN GARDEN	
DATE	REVISIONS	REVISION NO.

GRAPHIC SCALE 1"=20'

0 20 40 60

UNDERGROUND UTILITIES  
 PA. ACT 187 OF 1996-ONE CALL NOTIFICATION (1-800-242-1776)  
 DATE: 02-15-2022 SERIAL NO.: 20220461891

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE LOCATION AND DEPTH OF ANY EXISTING UTILITIES AND HAS NOTED ANY DISCREPANCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE OF UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

JOSEPH M. ESTOCK  
 ENGINEER  
 PE037320E  
 PENNSYLVANIA

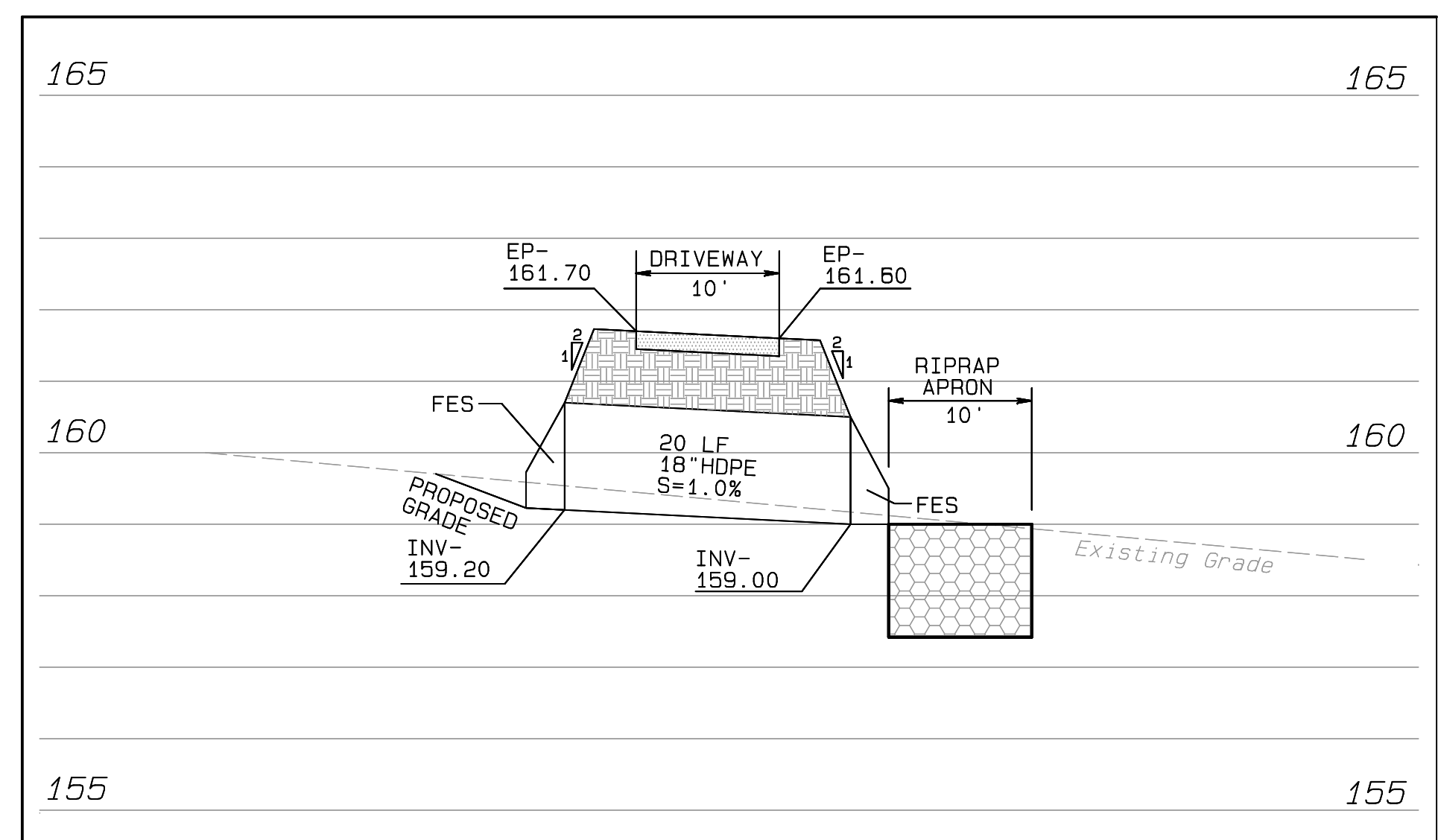
**PROJECT TITLE:**  
**318 WHITEMARSH VALLEY ROAD**  
 WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

**DRAWING TITLE:**  
**POST CONSTRUCTION STORMWATER MANAGEMENT PLAN**

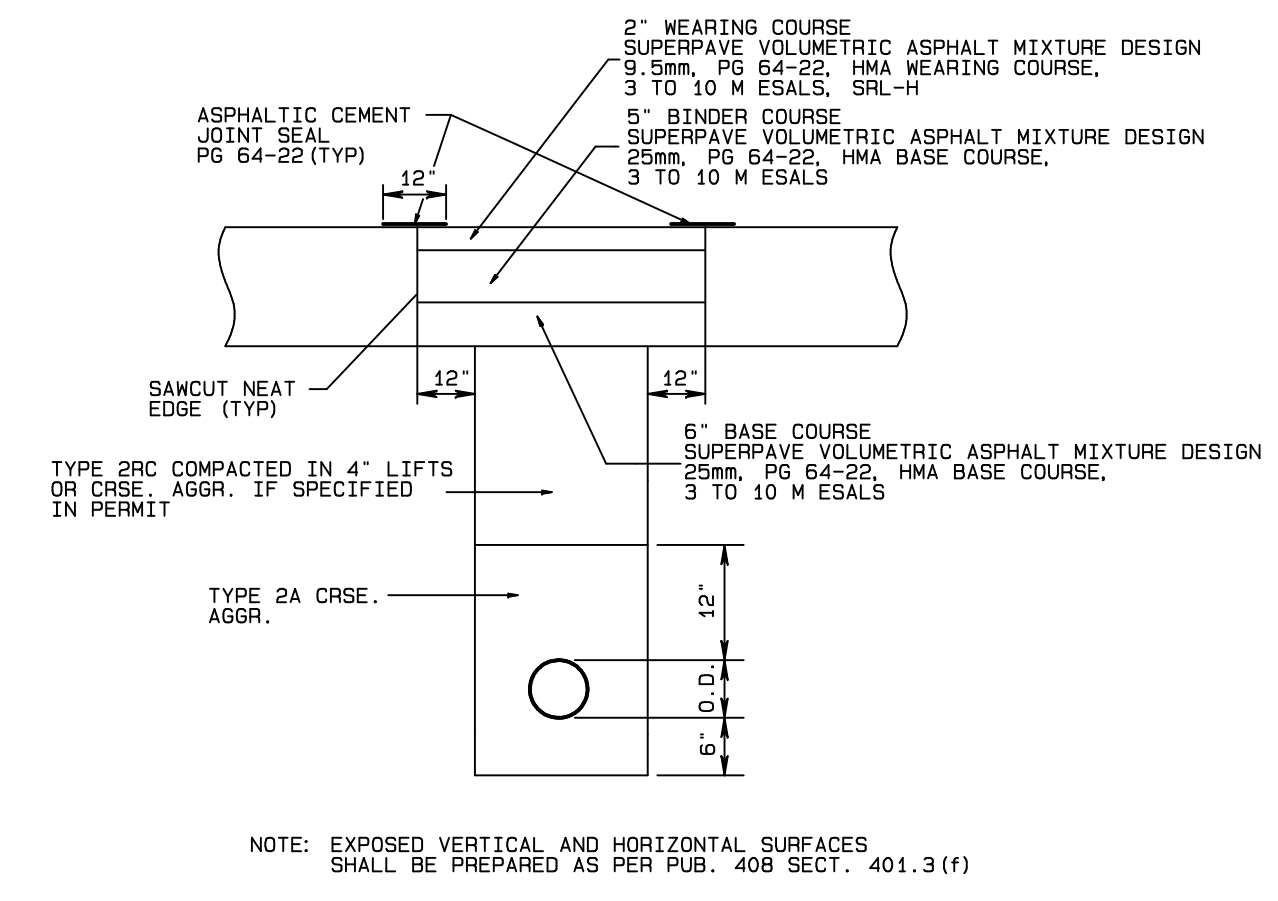
**PREPARED BY:**  
**JOSEPH M. ESTOCK**  
 Consulting Engineers & Land Surveyors

933 Mystic Lane  
 Eagleville, PA 19403-3614  
 (610) 666-0257  
 joe@josephmestock.com

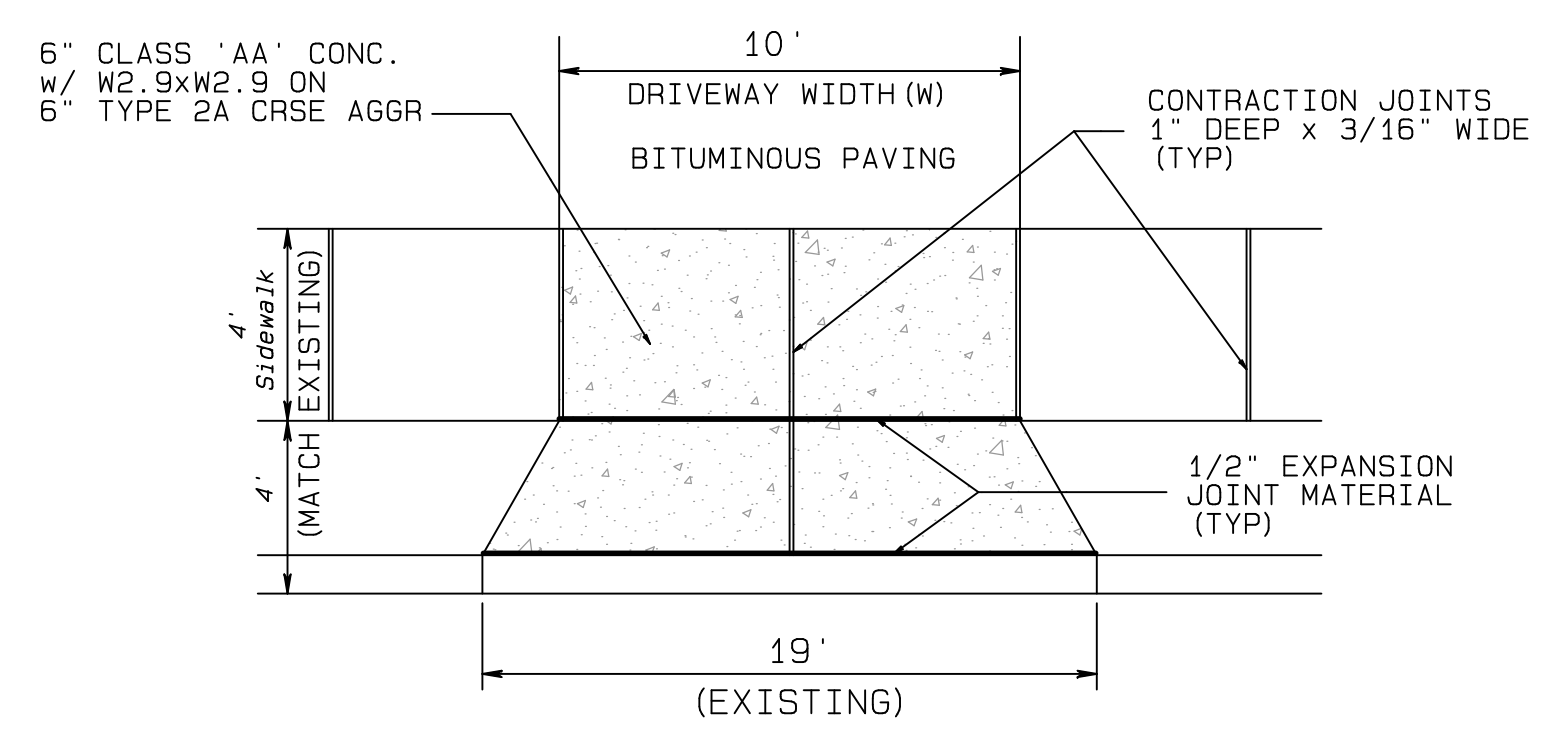
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**DATE:** 08 MARCH 2017  
**FILE NO.:** 93089  
**FIELD BOOK:** 251, 260, 342  
**SHT. NO.:** 4 of 7



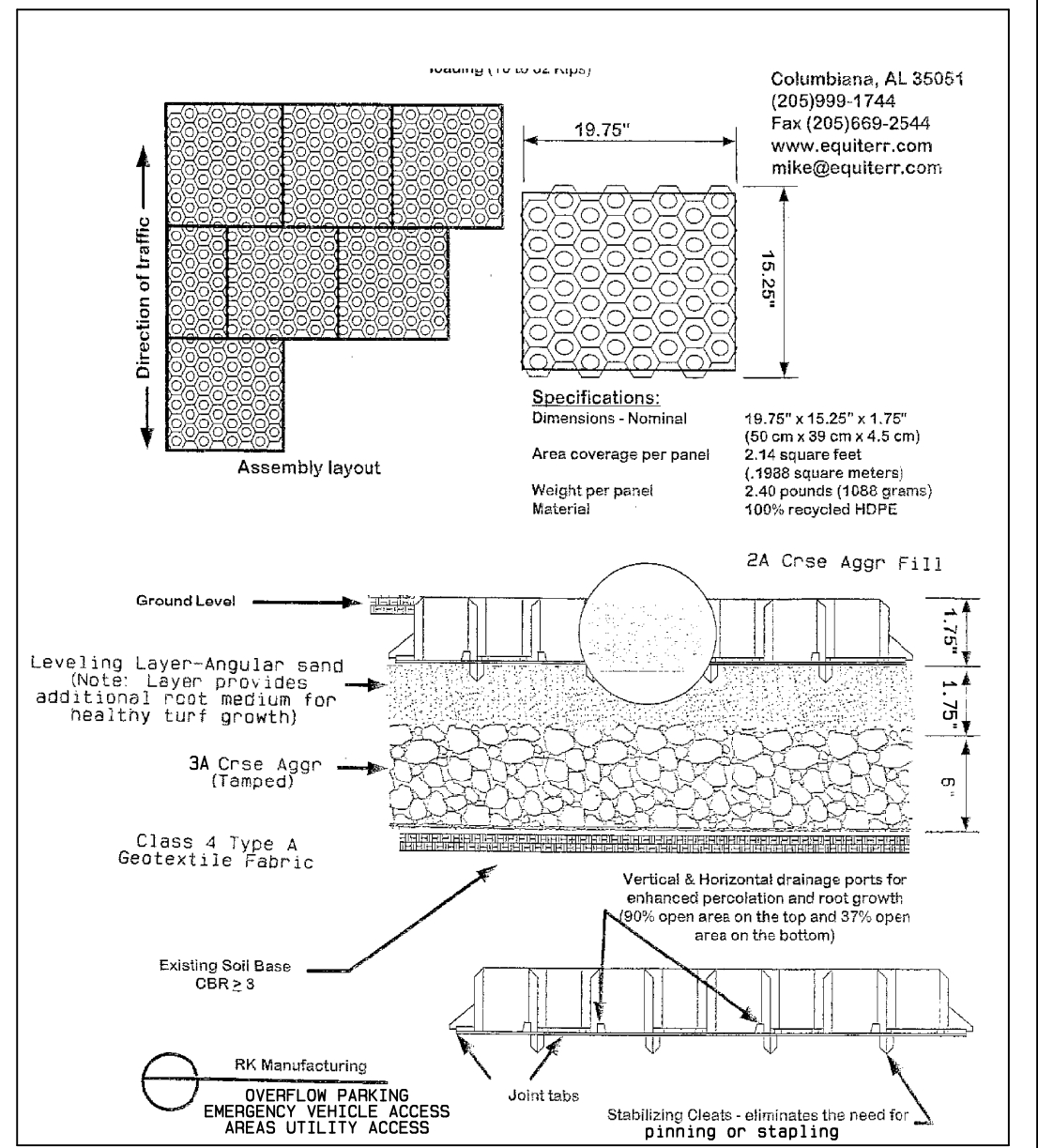
**CULVERT PROFILE**  
SCALE: 1" = 10' HORIZ  
1" = 2' VERT



**FLEXIBLE PAVEMENT RESTORATION**  
(NTS)



**CONCRETE DRIVEWAY APRON**  
(NTS)

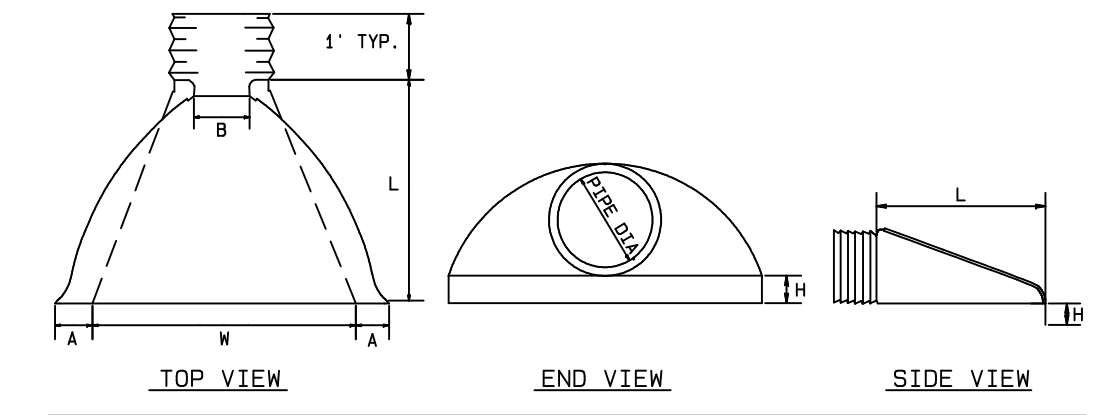


**CONCRETE SIDEWALK**  
(NTS)

**NDS 6" ATRIUM GRATE DETAIL**

Part No.	Description	Color	Qty	Vol. (cu. ft.)	Product Class	Specifications
80	6" Atrium Grate	Green	10	0.82	10KMG	Flak-Top Structural Foam Polyethylene Atrium Grate with UV inhibitor. Open surface area 23.40 square inches, 60.56 GPM.
81	6" Atrium Grate	Grey	10	0.82	10KMG	
82	6" Atrium Grate	Black	10	0.82	10KMG	
83	6" Atrium Grate	Sand	10	0.82	10KMG	

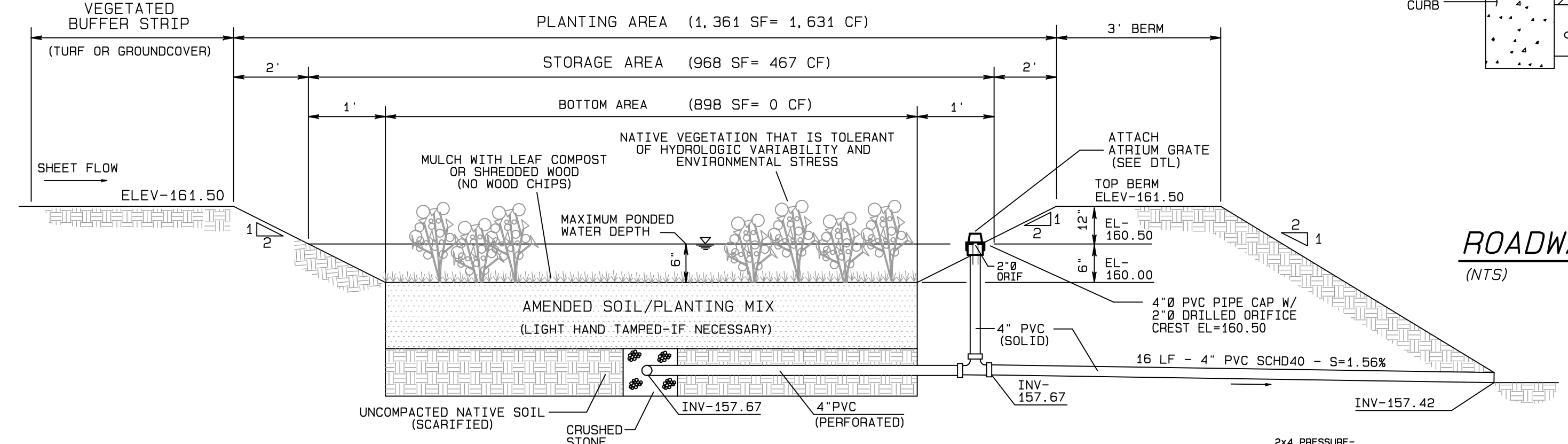
File Specs: 1/2" Beam, 6" Spacer and Drain Pipe & Fittings, 6" Corrugated Pipe.



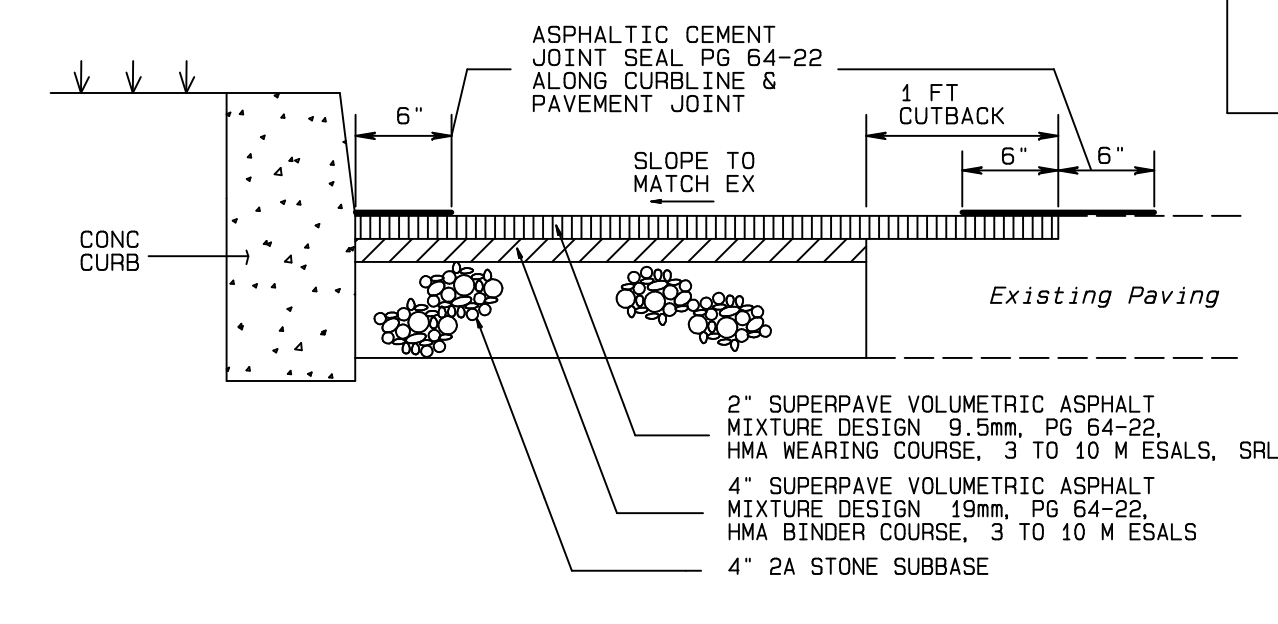
**DIMENSIONS (INCHES)**

PIPE DIAMETER	PART NUMBER	A (1 +/-)	B MAX	H (1 +/-)	L (1/2 +/-)	M (2 +/-)
18"	1810 NP	7.5	15	6.5	30	35

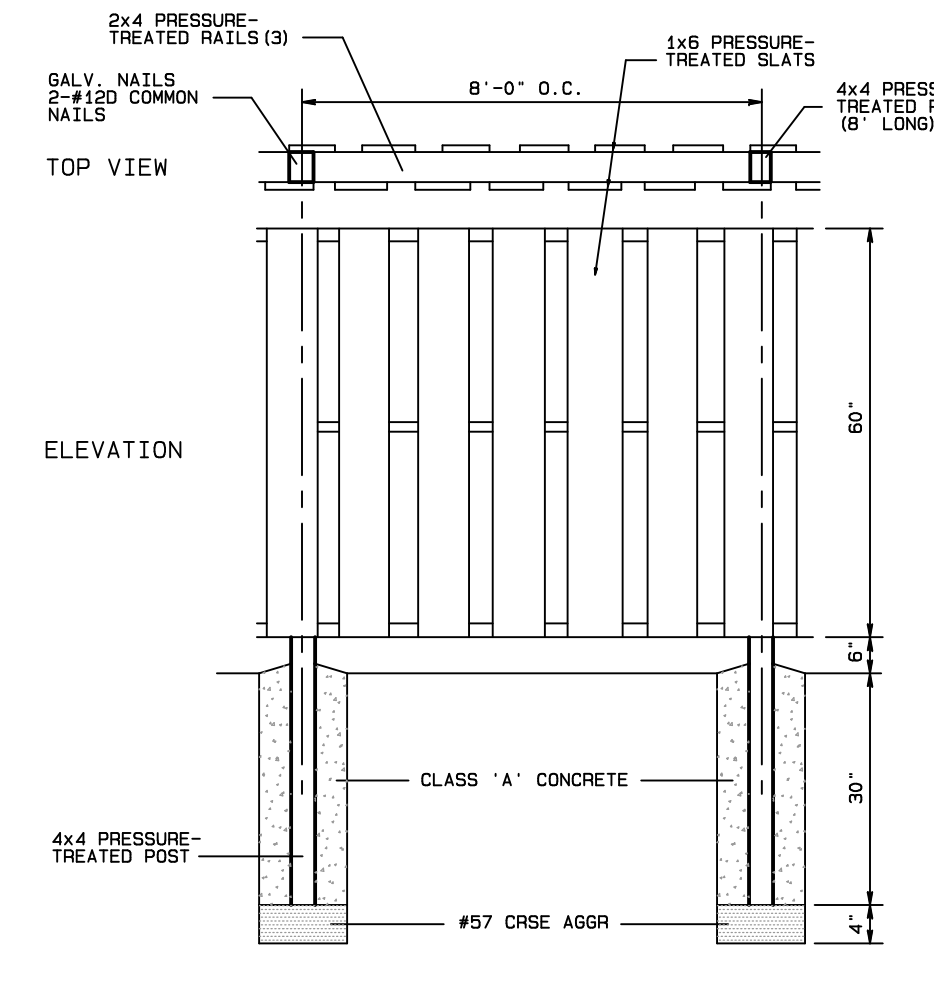
**FLARED END SECTION HIGH DENSITY POLYETHYLENE PIPE (HDPE)**  
(NTS)



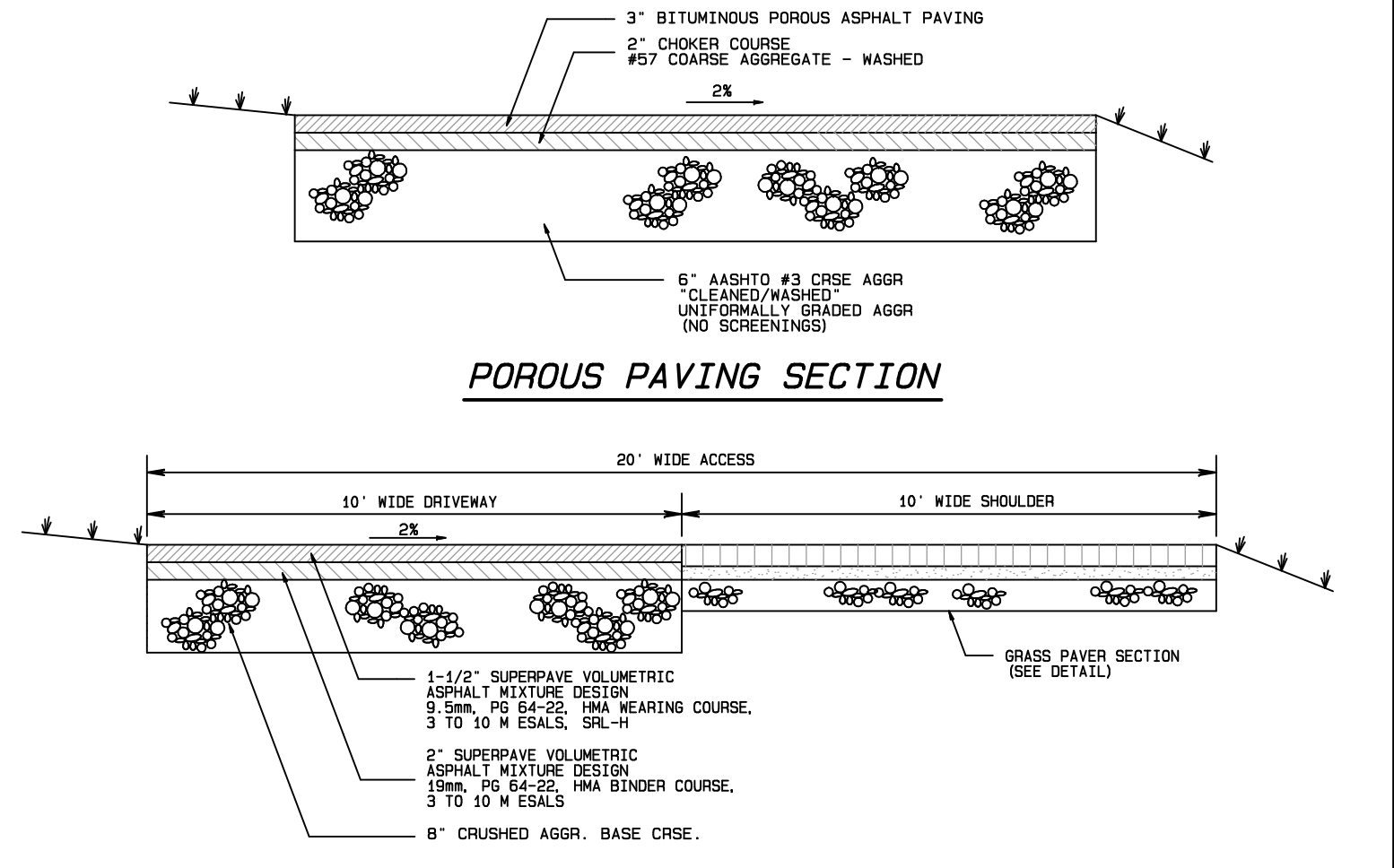
**RAIN GARDEN/BIORETENTION DETAIL**  
(NTS)



**ROADWAY RESTORATION DETAIL**  
(NTS)

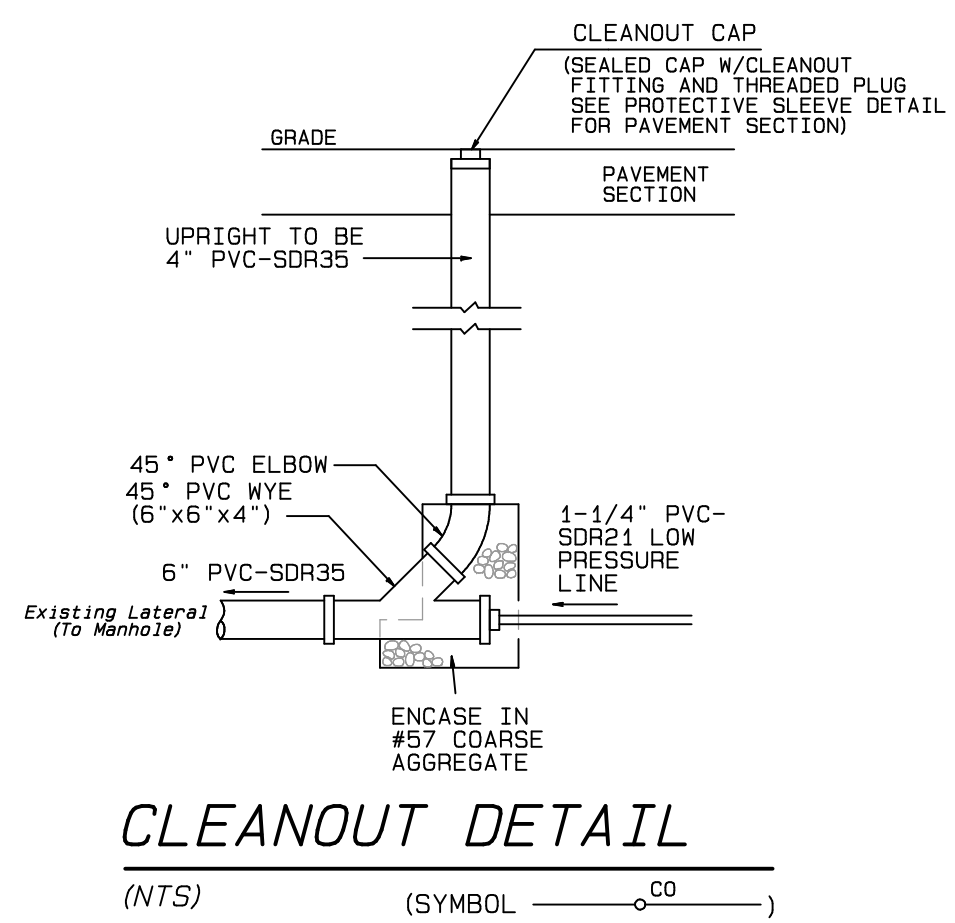
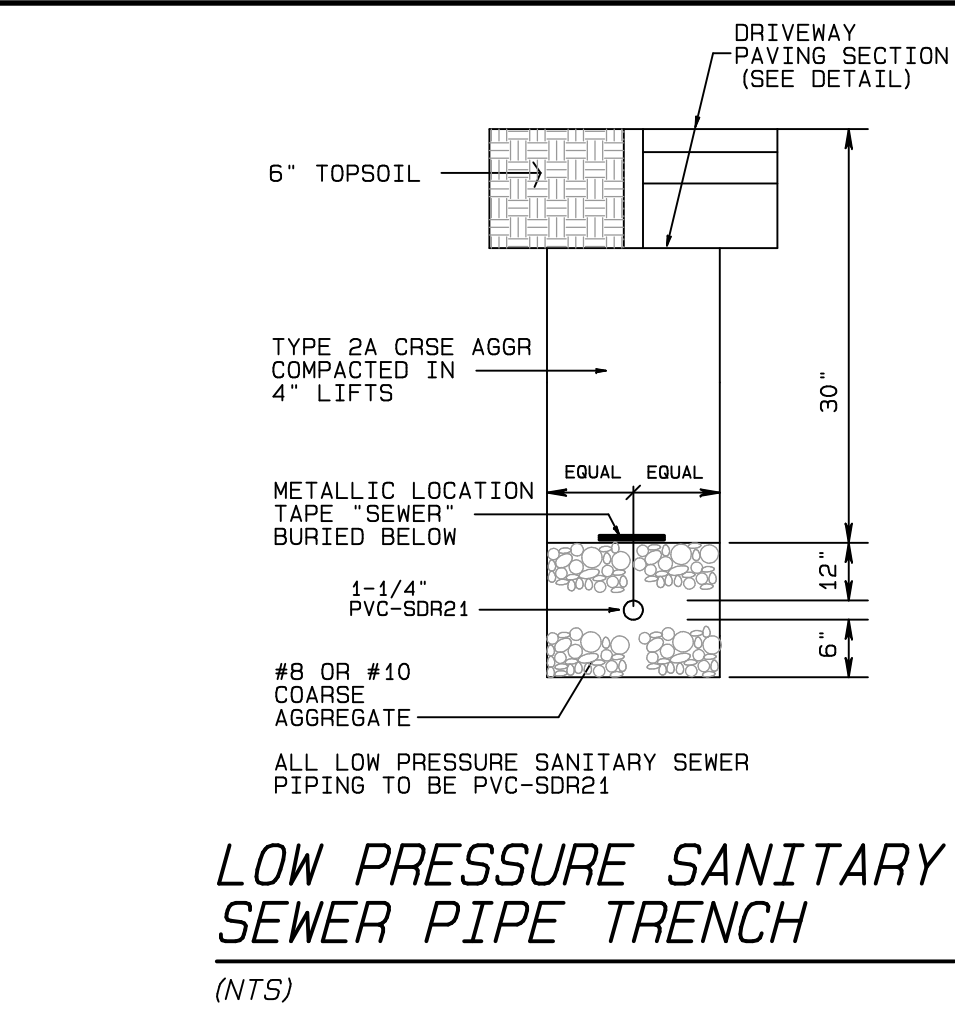


**DOUBLE-SIDED PANEL FENCE**  
(NTS)

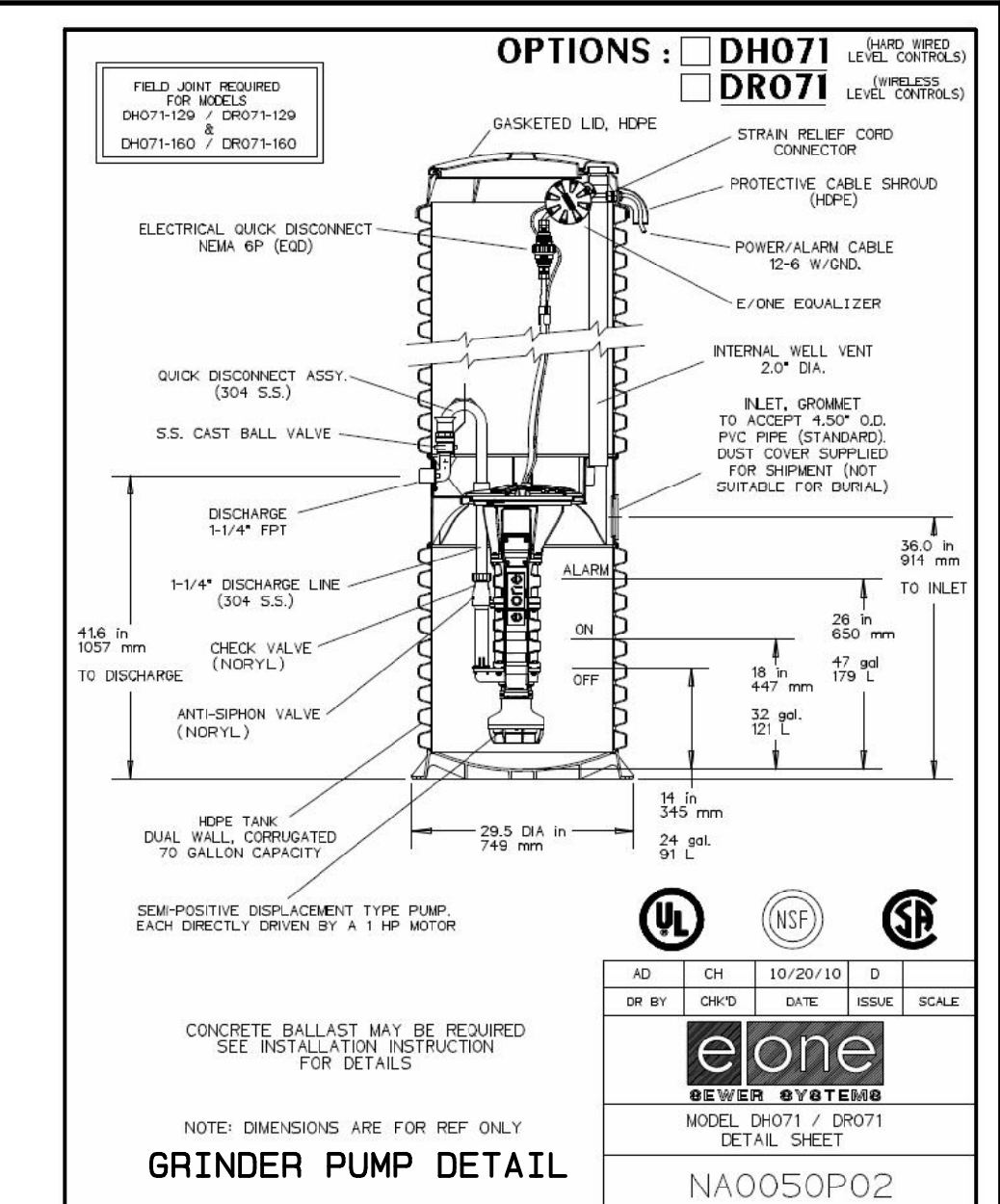
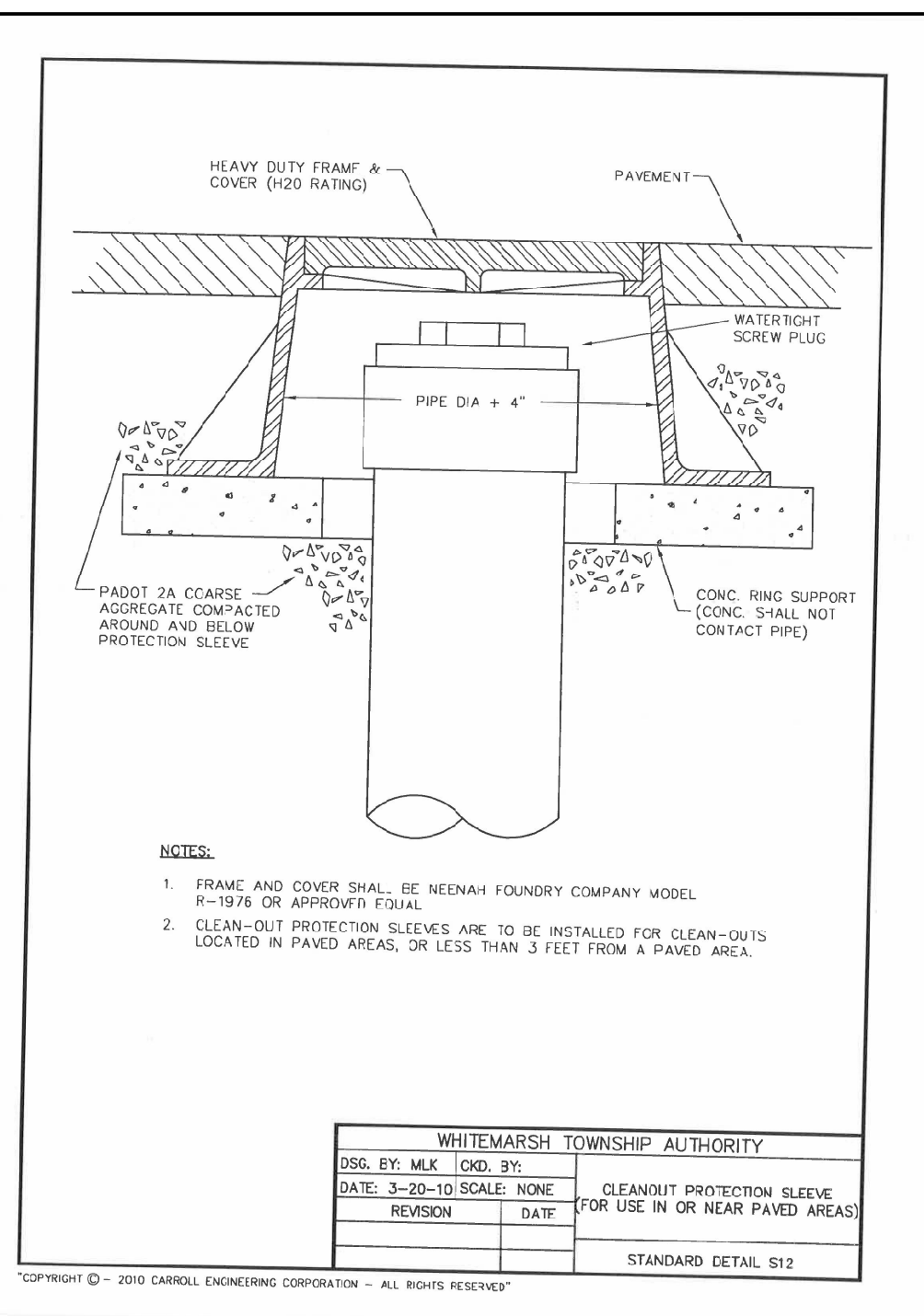
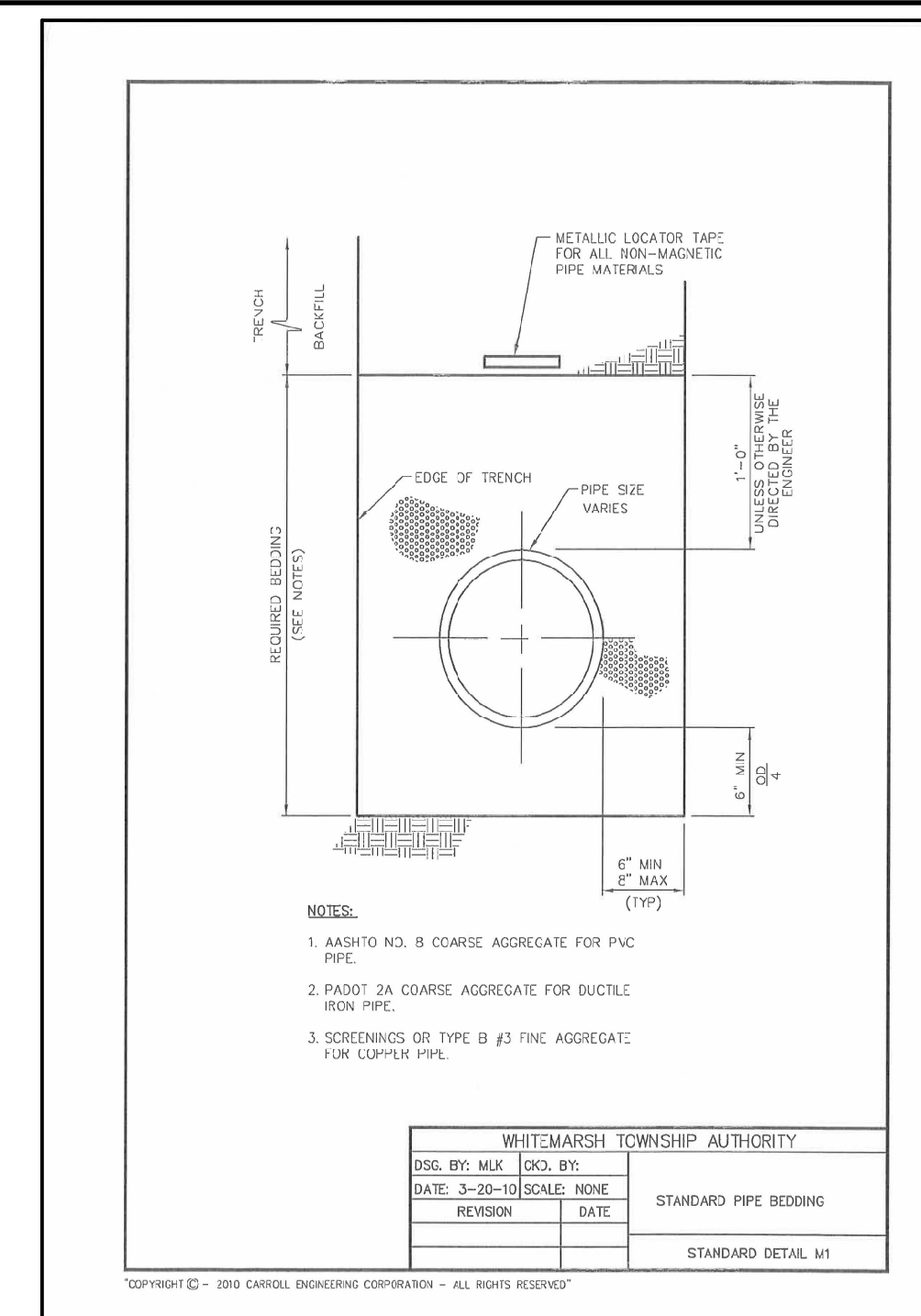


**POROUS PAVING SECTION**  
**IMPERVIOUS PAVING SECTION**  
**DRIVEWAY PAVING DETAILS**  
(NTS)

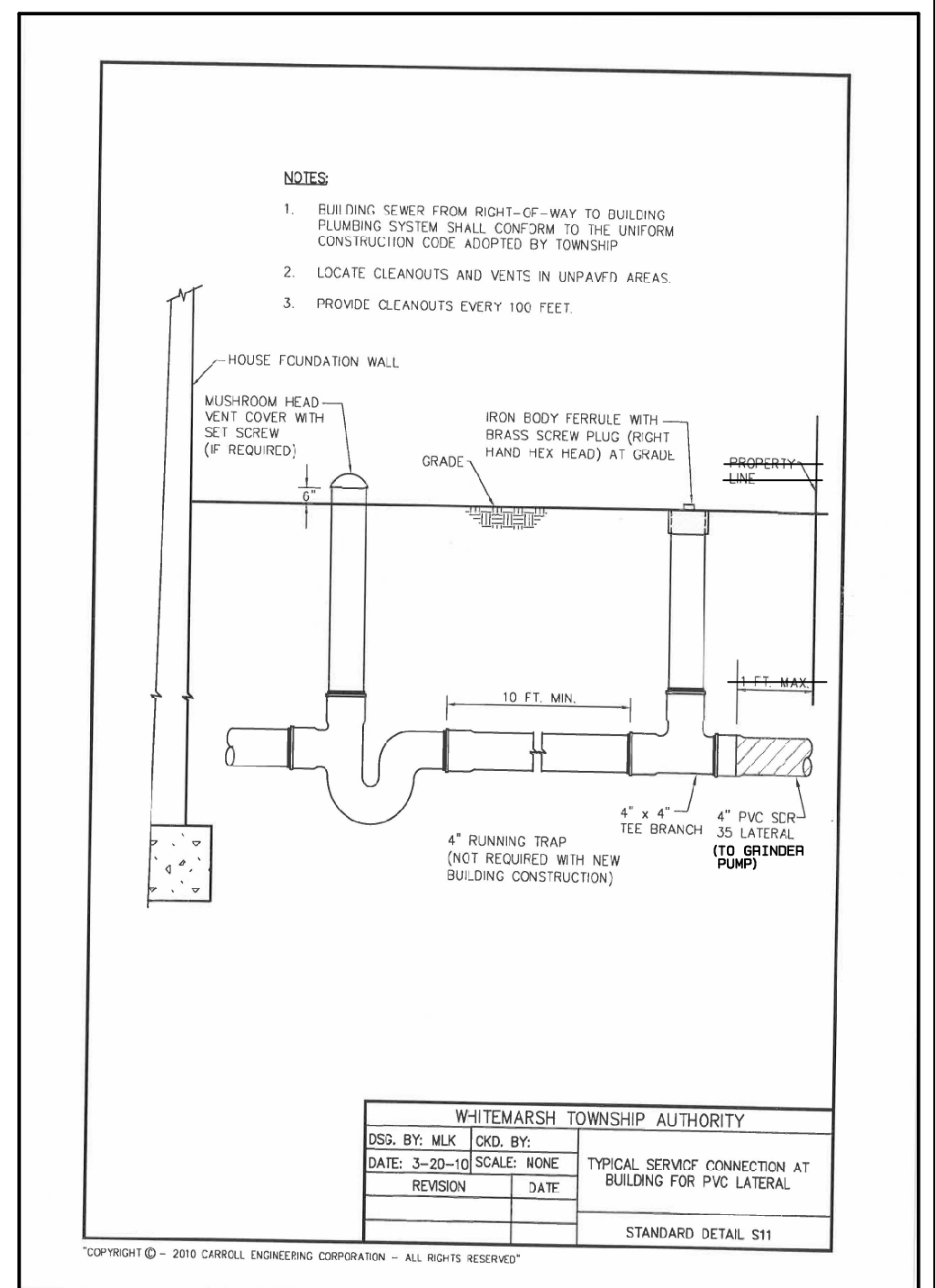
08-15-25 REVISE BUILDING FOOTPRINT 03-29-22 REVISE DETAILS 02-15-22 PER 01-13-21 GILMORE LETTER 03-17-17 ADD RAIN GARDEN		REVISION NO. REVISIONS	PROJECT TITLE: <b>318 WHITEMARSH VALLEY ROAD</b> WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA
UNDERGROUND UTILITIES PA. ACT 187 OF 1996-ONE CALL NOTIFICATION (1-800-242-1776) DATE: 02-15-2022 SERIAL NO.: 20220461891		REVISION NO. REVISIONS	DRAWING TITLE: <b>CONSTRUCTION DETAILS</b>
ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. THE USER SHALL BE RESPONSIBLE FOR LOCATION AND DEPTH OF ANY UNRECORDED EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.		PREPARED BY: <b>JOSEPH M. ESTOCK</b> Consulting Engineers & Land Surveyors	933 Mystic Lane Eagleville, PA 19403-3614 (610) 666-0257 joe@johmestock.com
SCALE AS NOTED	DATE 08 MARCH 2017	FILE NO. 93089	FIELD BOOK 251, 260, 342
		SHT. NO. 5 of 7	



**GENERAL SANITARY SEWER NOTE:**  
ALL PUBLIC SANITARY SEWERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH WHITEMARSH TOWNSHIP AUTHORITY SPECIFICATIONS. SUCH SEWERS SHALL BE LOCATED OR CONSTRUCTED SO AS TO ELIMINATE POSSIBILITY OF FLOOD DAMAGE.



THE GRINDER PUMP UNITS TO BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING DOCUMENTS:  
● E/ONE EXTREME DH071 - TYPICAL INSTALLATION INSTRUCTIONS  
● E/ONE EXTREME TYPICAL SPECIFICATIONS



DATE	REVISIONS	REVISION NO.
08-15-25	REVISE BUILDING FOOTPRINT	
02-15-22	PER 01-13-21 GILMORE LETTER	
03-17-17	ADD RAIN GARDEN	

**PROJECT TITLE:**  
**318 WHITEMARSH VALLEY ROAD**  
WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

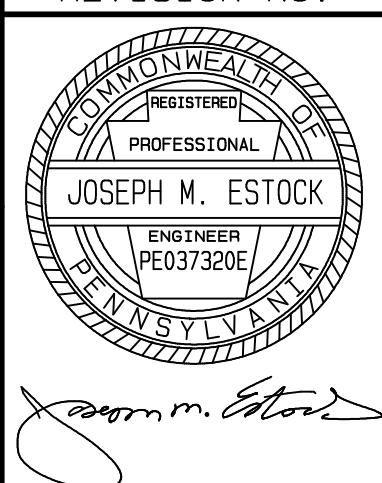
**DRAWING TITLE:**  
**SANITARY SEWER CONSTRUCTION DETAILS**

**PREPARED BY:**  
**JOSEPH M. ESTOCK**  
Consulting Engineers & Land Surveyors

**SCALE:** AS NOTED  
**DATE:** 08 MARCH 2017  
**FILE NO.:** 93089  
**FIELD BOOK:** 251, 260, 342  
**SHT. NO.:** 6 of 7

**UNDERGROUND UTILITIES**  
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION (1-800-242-1776)  
DATE: 02-15-2022 SERIAL NO.: 20220461891

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. THE EXISTENCE OR DEPTH OF UTILITIES AND DEPTH OF UNDERGROUND UTILITIES ARE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTENCE OF UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.



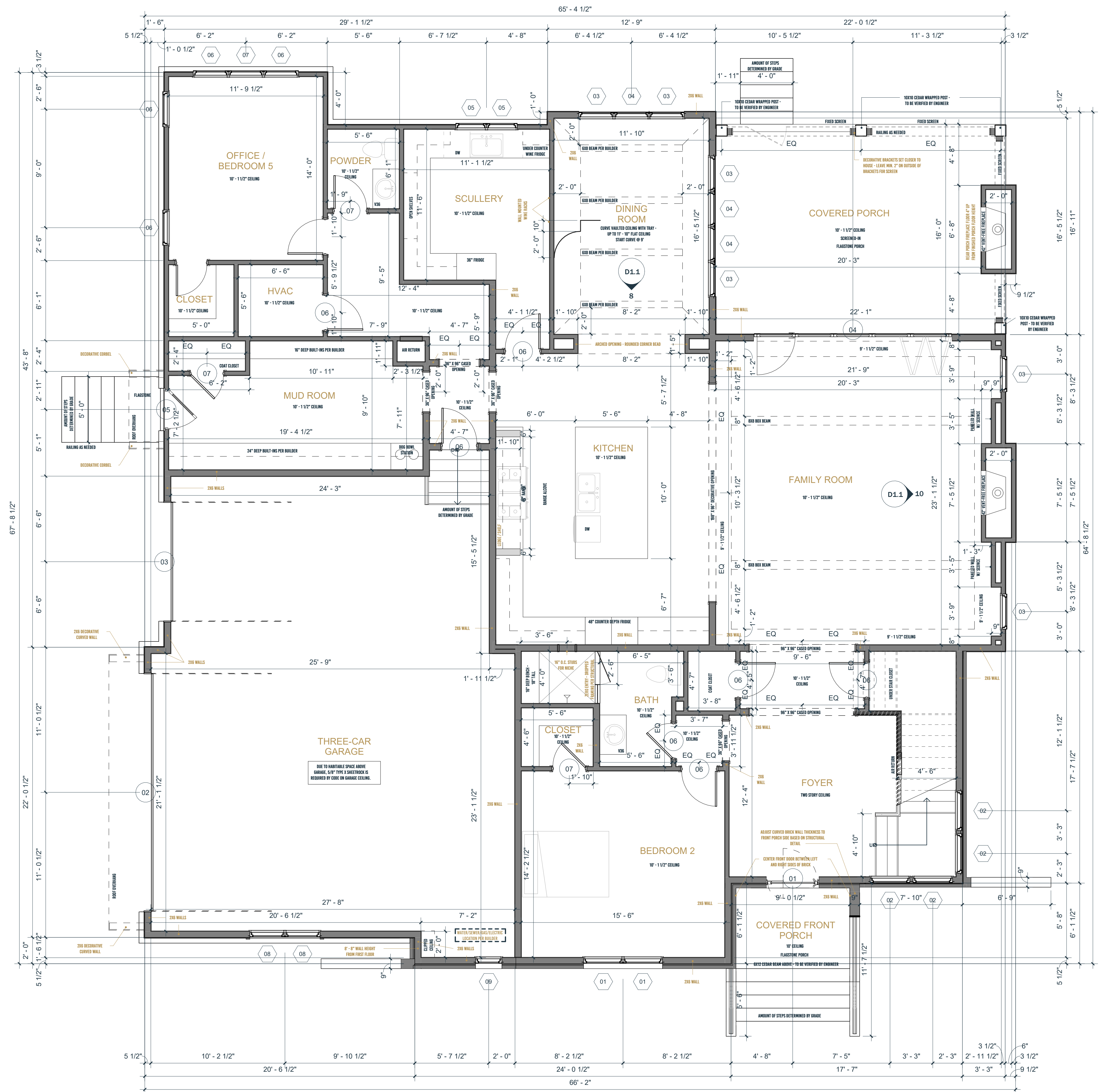
933 Mystic Lane  
Eagleville, PA 19403-3614  
(610) 666-0257  
joe@josephmestock.com



DOOR SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	COMMENTS
01	1	4'-0"	8'-0"	PIVOT FRONT DOOR
02	1	18'-0"	8'-0"	DOUBLE GARAGE DOOR
03	1	9'-0"	8'-0"	SINGLE GARAGE DOOR
04	1	15'-0"	8'-0"	5 PANEL FOLDING DOOR
05	1	3'-0"	8'-0"	SIDE ENTRY
06	14	2'-8"	8'-0"	SINGLE - PANELED
07	9	2'-6"	8'-0"	SINGLE - PANELED
08	2	2'-4"	8'-0"	SINGLE - PANELED
09	1	2'-8"	8'-0"	SINGLE - PANELED
10	1	2'-4"	8'-0"	SINGLE - PANELED
11	1	2'-8"	8'-0"	SINGLE - PANELED

SAFETY GLAZING SHALL BE INSTALLED IN HAZARDOUS LOCATIONS AND SHALL MEET THE REQUIREMENTS OF NRCR R308.

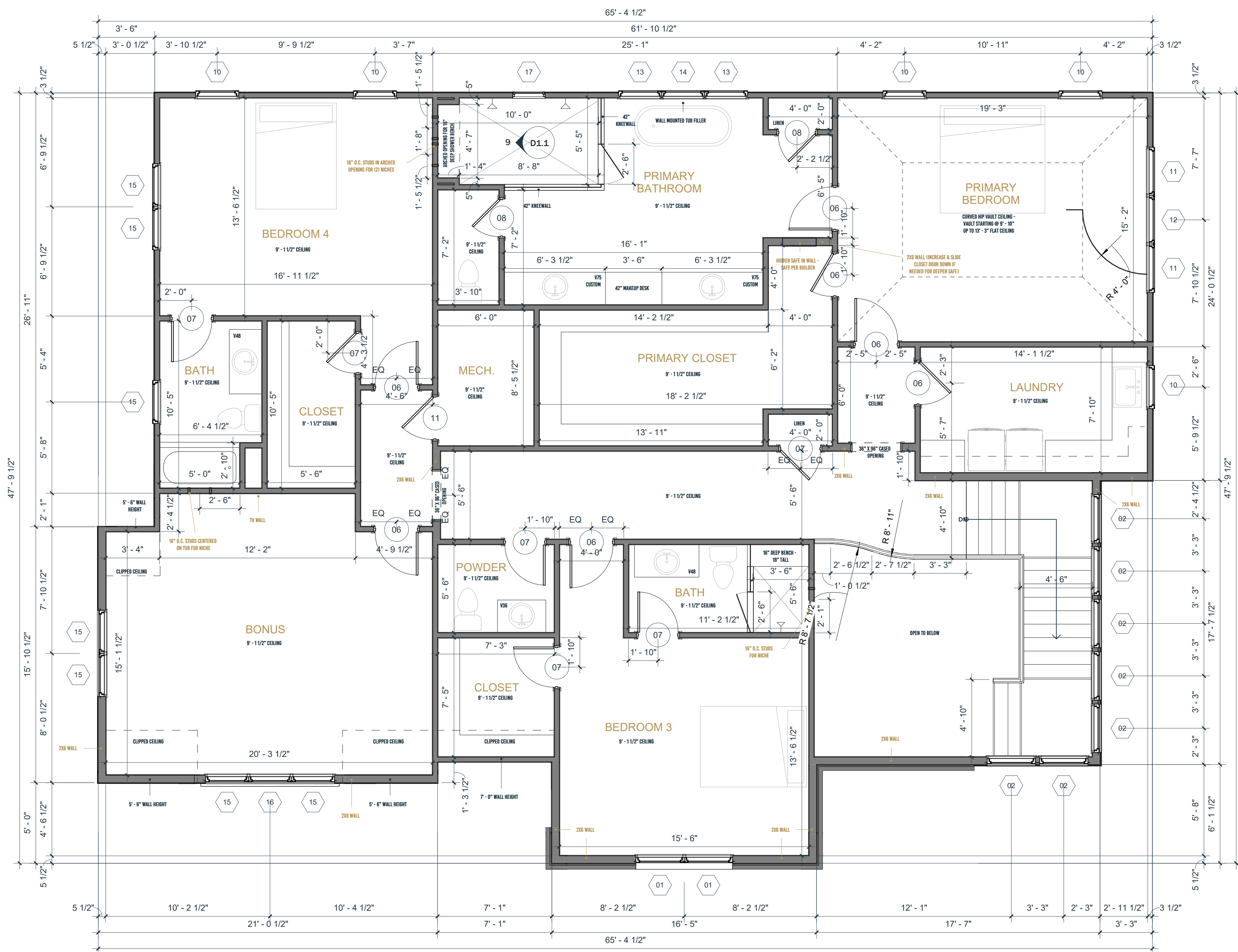
WINDOW SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	COMMENTS
01	4	3'-0"	7'-0"	CASEMENT
02	11	3'-0"	7'-0"	FIXED
03	6	2'-8"	8'-0"	CASEMENT
04	3	2'-8"	8'-0"	FIXED
05	2	2'-4"	4'-6"	CASEMENT
06	4	2'-8"	7'-0"	<varies>
07	1	2'-8"	7'-0"	FIXED
08	2	2'-8"	5'-6"	CASEMENT
09	1	2'-0"	4'-6"	CASEMENT
10	5	2'-8"	4'-6"	CASEMENT
11	2	3'-0"	6'-0"	CASEMENT
12	1	3'-0"	6'-0"	FIXED
13	2	2'-8"	4'-0"	CASEMENT
14	1	2'-8"	4'-0"	FIXED
15	7	2'-8"	5'-0"	CASEMENT
16	1	2'-8"	5'-0"	FIXED
17	1	2'-0"	2'-0"	FIXED - CIRCLE



DOOR SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	COMMENTS
01	1	4' - 0"	8' - 0"	PIVOT FRONT DOOR
02	1	18' - 0"	8' - 0"	DOUBLE GARAGE DOOR
03	1	9' - 0"	8' - 0"	SINGLE GARAGE DOOR
04	1	15' - 0"	8' - 0"	5 PANEL FOLDING DOOR
05	1	3' - 0"	8' - 0"	SIDE ENTRY
06	14	2' - 8"	8' - 0"	SINGLE - PANELED
07	9	2' - 6"	8' - 0"	SINGLE - PANELED
08	2	2' - 4"	8' - 0"	SINGLE - PANELED
09	1	2' - 8"	8' - 0"	SINGLE - PANELED
10	1	2' - 4"	8' - 0"	SINGLE - PANELED
11	1	2' - 8"	8' - 0"	SINGLE - PANELED

SAFETY GLAZING SHALL BE INSTALLED IN HAZARDOUS LOCATIONS AND SHALL MEET THE REQUIREMENTS OF NRC R308.

WINDOW SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	COMMENTS
01	4	3' - 0"	7' - 0"	CASEMENT
02	11	3' - 0"	7' - 0"	FIXED
03	6	2' - 8"	8' - 0"	CASEMENT
04	3	2' - 8"	8' - 0"	FIXED
05	2	2' - 4"	4' - 6"	CASEMENT
06	4	2' - 8"	7' - 0"	<varies>
07	1	2' - 8"	7' - 0"	FIXED
08	2	2' - 8"	5' - 6"	CASEMENT
09	1	2' - 0"	4' - 6"	CASEMENT
10	5	2' - 8"	4' - 6"	CASEMENT
11	2	3' - 0"	6' - 0"	CASEMENT
12	1	3' - 0"	6' - 0"	FIXED
13	2	2' - 8"	4' - 0"	CASEMENT
14	1	2' - 8"	4' - 0"	FIXED
15	7	2' - 8"	5' - 0"	CASEMENT
16	1	2' - 8"	5' - 0"	FIXED
17	1	2' - 0"	2' - 0"	FIXED - CIRCLE



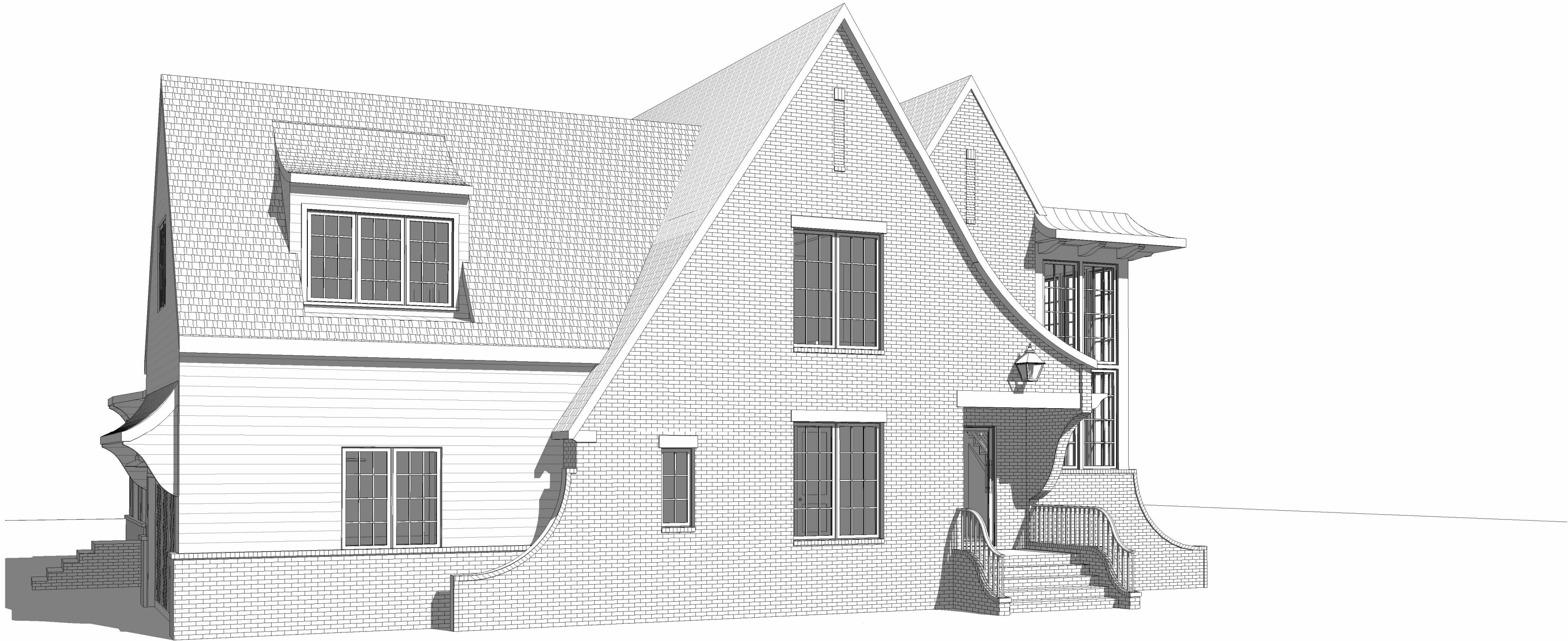
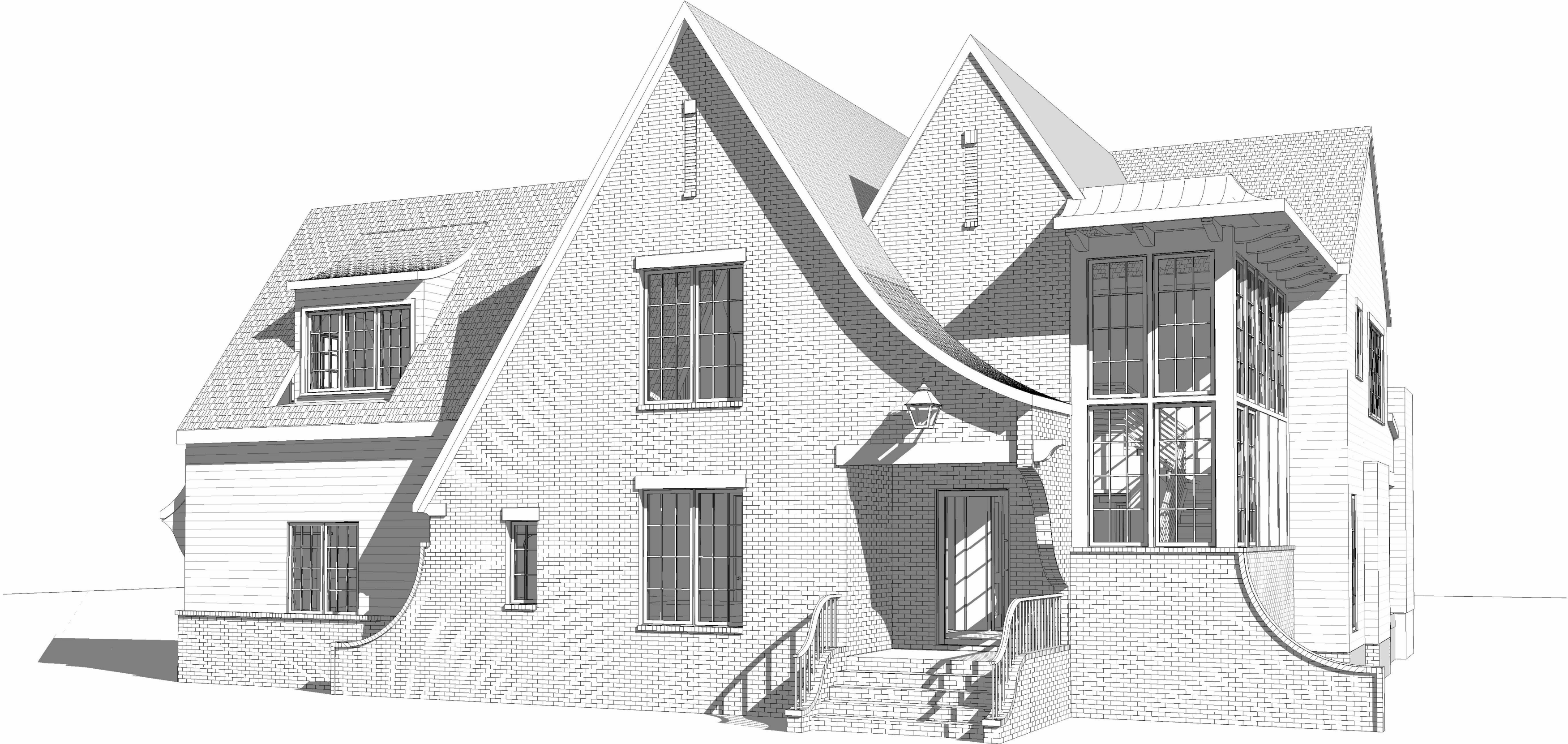
DATE:	08/12/2025	050	DATE
PROJECT NO.			
REVISION			

**LENEX**  
318 WHITEMARSH VALLEY RD.  
FORT WASHINGTON, PA 19034

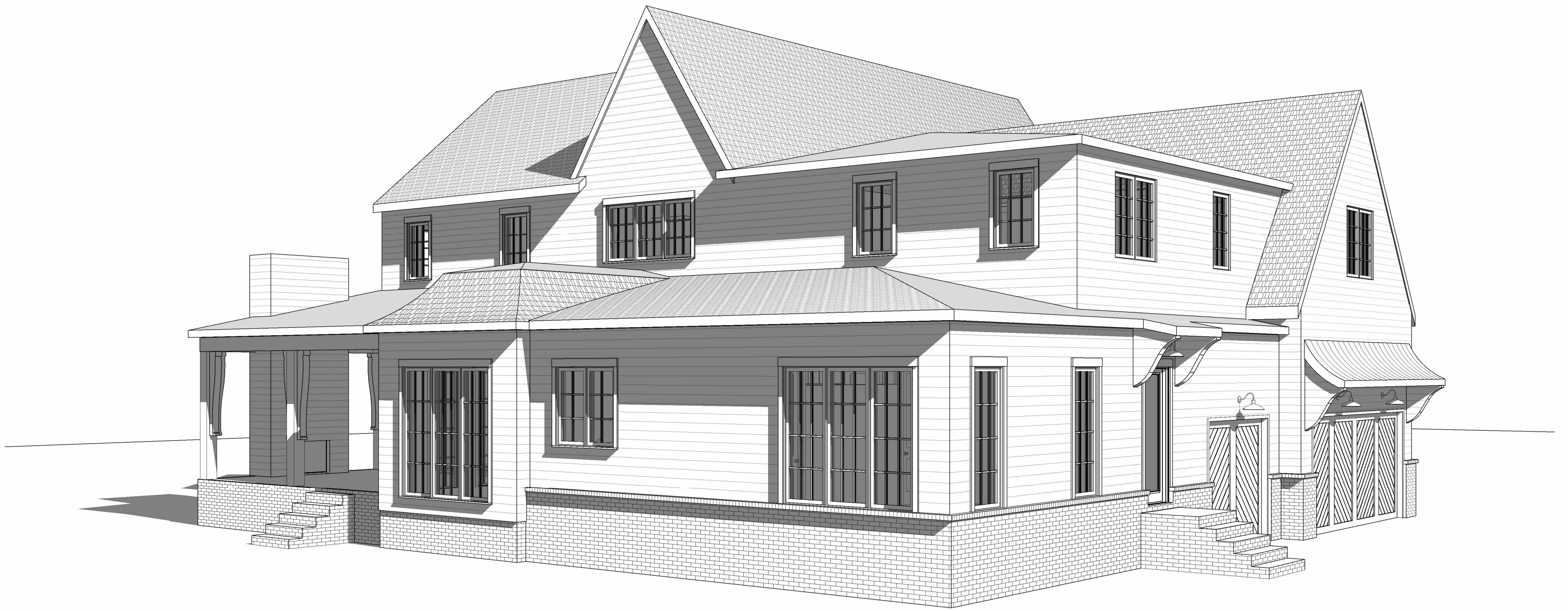
**SECOND FLOOR**

**A1.2**  
SCALE: 1/4" = 1'-0"  
DRAWN BY: PIKE

3D VIEWS



# 3D VIEWS



318 Whitemarsh Road

Parcel No. 65-00-12916-00-6

Photographs of Existing Conditions

RECEIVED  
AUG 21 2025

WHITEMARSH TOWNSHIP  
ZONING & ENGINEERING



WHITEMARSH TOWNSHIP  
ZONING & ENGINEERING

BEFORE THE ZONING HEARING BOARD OF WHITEMARSH TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: APPLICATION OF PAT SPARANGO, INC.

NO. 2021-02

**DECISION**

**I. BACKGROUND**

The Applicant, Pat Sparango, Inc. (“Applicant”) filed an application with the Whitemarsh Township Zoning Hearing Board (“Board”) regarding the continued validity of the zoning relief received from the Board in Application No. 2017-22, related to the planned construction a single-family home and related improvements on an approximately 3.7 acre vacant lot located at 318 Whitemarsh Valley Road, Whitemarsh Township, Montgomery County, Pennsylvania, in the AAA-Residential District. The property is impacted by the Floodplain Conservation Overlay District and the Riparian Corridor Conservation Overlay District. Public hearings were conducted on March 10, 2021, March 18, 2021 and May 12, 2021. The Board engaged in public discussion and conducted a vote in this matter on June 2, 2021.

In Application No. 2017-22, after hearings conducted on July 12, 2017 and September 27, 2017, the Board voted on September 27, 2017, and issued Findings of Fact, Conclusions of Law, Decision and Order on November 2, 2017. In the Decision and Order for Application No. 2017-22, Board granted the Applicant the following zoning approvals and relief:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard.
2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township’s Floodplain Conservation District.
3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements, to be located within the Riparian Corridor Conservation District.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.
5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.
6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed, provided that the Applicant provides mitigation as required by the Township.
7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation.

In the Decision and Order for Application No. 2017-22, the Board imposed the following conditions:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.
2. The Applicant shall apply for and obtain all permits required by the Township Codes in a timely manner.
3. The Applicant shall comply with all requirements of the Township Engineer's Letter dated June 29, 2017, and any other requirements of the Township Engineer with respect to storm water controls.
4. The Applicant shall provide for vegetation mitigation as directed by the Township.
5. The Applicant shall provide to the objectors herein copies of the plans submitted to the Township in relation to the Application for the Earth Disturbance Permit.
6. All construction shall be in compliance with the National Flood Insurance Program regulations.

In the Decision and Order in Application No. 2017-22, the Board noted the following provisions from the Zoning Code:

As required by Section 116-227. D of the Zoning Ordinance, the Applicant is on notice that:  
Certain relief from floodplain requirements may result in increased premium rates for flood insurance and/or may increase the risks to life and property.

Section 116-223 of the Zoning Ordinance provides as follows:

Expiration of granted appeals. Unless otherwise specified by the Board, all approvals granted by the Zoning Hearing Board shall automatically expire 365 days after the date of the decision unless: (1) the applicant has acted upon the approval by obtaining the required permit(s) and paying the prescribed fees for same, or (2) the Zoning Hearing Board decision is on appeal to the courts, at which point, the approval, if upheld on appeal, shall expire 365 days after final determination on appeal.

The Zoning Hearing Board may extend the expiration date of approvals for a 180 day period upon request by the applicant, provided that the applicant is, in the opinion of the Zoning Hearing Board, diligently pursuing governmental and/or regulatory approvals as required. Requests for extensions shall be in writing and submitted to the Zoning Hearing Board at least 30 days before any applicable expiration date. Only one (1) extension may be provided for any application.

The Applicant takes the position that the approvals and relief have not expired as determined by the Zoning Officer, however, in an abundance of caution, has requested a variance from Section 116-223 for relief from the expiration provisions of the Zoning Ordinance reflected in the Decision and Order for Application No. 2017-22, so that the approvals and relief shall not expire until December 31, 2021. In the alternative, the Applicant requests a determination that the Applicant has a vested right, is entitled to a variance by estoppel, or is entitled to the application of the doctrine of equitable estoppel, in support of a determination that the relief granted in Application No. 2017-22 remains valid and has not expired.

The Zoning Hearing Board members participating in the hearings were Robert A. Bacine, who served as Chair, James Behr, Stanley A. Casacio, William E. Kramer, and Marc Weinstein. The Applicant was represented by Eric Wert, Esquire. The following neighboring property owners elected to enter appearance as parties: Donald E. Haviland, Esquire, an attorney representing himself, Christine Vlahos, pro se, and Donald Leatherwood, pro se, and John Weber, pro se.

The witnesses were duly sworn or affirmed and Notes of Testimony for the hearings were transcribed and are hereby made a part of this record. After the hearings and public discussion, on

June 2, 2021, the Board voted to grant the Application in part, and deny the Application in part, as reflected in the Decision and Order attached. The Board hereby issues Findings of Fact and Conclusions of Law in support of the Decision and Order.

## II. FINDINGS OF FACT

1. The Applicant is Pat Sparango, Inc. ("Applicant"), the legal owner of the property in question located at 318 Whitemarsh Valley Road, Block 049D, Unit 009, Whitemarsh Township, Montgomery County, Pennsylvania. (Exhibit A-1)

2. The following Exhibits were marked and duly admitted into evidence:

**Township Exhibits:**

T-1A	Proof of Publication
T-1B	Meeting Notification
T-1C	Posting of Notice
T-2	Zoning Map
T-3	Tax Map
T-4	Prior Decision: ZHB Decision 2017-22

**Applicant's Exhibits:**

A-1	Zoning Application
A-2	2017 Plan
A-3	ZHB Decision 2017-22
A-4	Montgomery County Court of Common Pleas Dockets No. 2017-28033
A-5	PA Commonwealth Court Dockets Nos. 615 CD 2018 and 616 CD 2018
A-6	Emails -- Applicant and Zoning Officer
A-7	ZHB Solicitor Letter dated May 18, 2020
A-8	Emails -- Applicant and Zoning Officer
A-9	Earth Disturbance Permit Application
A-10	Applicant Letter to Neighbors with Permit Application
A-11	Emails -- Applicant and Zoning Officer

**Objectors' Exhibits:**

Haviland-1	Emails -- Applicant and Zoning Officer
Haviland-2	Subdivision Plan of Pat Sparango, 1965

Haviland-3	Whitemarsh Township Comprehensive Plan, November 2020
Haviland-4	Historical Views - Whitemarsh Valley Road and Lafayette Avenue, 1965, 1970, 2005
Haviland-5	Montgomery County Parcel Information - Parcel on Lafayette Avenue
Haviland-6	Photo 318 Whitemarsh Valley Road, August 2020
Haviland-7	Photo 318 Whitemarsh Valley Road, August 2020
Haviland-8	Photo 318 Whitemarsh Valley Road, August 2020
Haviland-9	Excerpt from Transcript, September 27, 2017 with Objector Exhibits

3. As reflected in Decision No. 2017-22, the Applicant proposes to construct a single-family house and accessory improvements on a vacant lot located at 318 Whitemarsh Valley Road, Whitemarsh Township, Montgomery County, PA, which lot was created by subdivision in the 1960's, and measures approximately 3.7 acres. (Exhibit T-4).

4. The 1965 subdivision plan designated the lot as "Possible Future Recreation Area", which note did not specifically restrict the lot to open space or recreational use. (Exhibit T-4).

5. The Applicant had originally planned to hold the lot as an unimproved lot, but in October 1997, after negotiations, the Applicant and the Township entered into an agreement whereby the Applicant granted to the Township a sanitary sewer easement, after which the lot was assessed for public sewer service. (Exhibit T-4)

6. On May 14, 1998, the Township amended the Floodplain Conservation District Ordinance to permit dwellings in the floodway fringe area of the District and, in a letter dated May 27, 1998, the Township acknowledged that the lot could be developed for a single-family dwelling. (Exhibit T-4)

7. In March of 2003, the Township adopted the Riparian Corridor Conservation District Ordinance which prohibited single-family dwellings in the Riparian Corridor.

8. At the hearings in 2017, the Applicant presented the testimony of a licensed civil

engineer, Joseph M. Estock, P.E., P.L.S., who holds a Master's Degree in Civil Engineering, with a specialty in water resources engineering, and who was qualified as an expert in civil engineering and land surveying ("Engineer"). (Exhibit T-4)

9. The Engineer had calculated the base flood elevation and also received a certification that there are no wetlands in the portion of the lot where the house will be located. (Exhibit T-4)

10. The lot has a 50-foot wide fee simple strip of land leading out to Whitemarsh Valley Road, with a driveway curb cut located on Whitemarsh Valley Road. (Exhibit T-4)

11. The house was proposed to be located on the lot so as to minimize encroachment into both the Floodplain and the Riparian Corridor, on an elevated portion on the lot, above the base flood elevation. (Exhibit T-4)

12. Based on the testimony of the Engineer, the Board determined that it is not possible to build a single-family dwelling on this lot in any area outside the Riparian Corridor, and that the Engineer designed the location of the house and improvements so as to not have any adverse impact on the Floodplain Conservation District or the Riparian Corridor. (Exhibit T-4)

13. At the time, the Township Engineer provided a letter approving of the development and stating no objections to construction of the proposed improvements within the Floodplain Conservation District, as long as the Applicant demonstrated compliance with all floodplain regulations and obtains an Earth Disturbance Permit. (Exhibit T-4)

14. The Board found that the Township had recognized the lot as a building lot for a single-family residence, but there is no buildable area on the lot on which to place the house without a variance, and that the development was proposed to be in compliance with the National Flood Insurance Program. (Exhibit T-4)

15. The Board determined that the Applicant presented competent, and uncontroverted

expert testimony and evidence that the property cannot be used for the only reasonable and feasible permitted use of a single family residence without variance relief, that the criteria for variance relief had been established, that the development will not have an adverse impact on the floodplain, riparian corridor or the surrounding neighborhood, that the Applicant's proposal met the objective criteria of the Ordinance to be entitled to the special exception approvals requested, and finally that the proposed use would not be contrary to the health, safety and welfare of the community. (Exhibit T-4)

16. As a result of the testimony and evidence submitted by the Applicant at the hearings in 2017, the Board granted the approvals and relief noted above, over the objections of the Objectors, Donald E. Haviland, Esq. George Vlahos and Donald Leatherwood at the time. (Exhibit T-4)

17. On December 1, 2017, Objector Haviland filed a Notice of Appeal with the Montgomery County Court of Common Pleas, and then attempted to amend the Notice of Appeal by filing an Amended Notice of Appeal on December 4, 2017 to add the other Objectors; then after a Motion to Quash was filed by the Board, the Objectors attempted to file another Amended Notice of Appeal on January 5, 2018, all of which Notices were determined to be invalid by the Court, ultimately granting the Board's and Applicant's Motions to Quash the appeals on March 28, 2018. (Exhibit A-4)

18. With virtually no chance of success on appeal, the Objectors nevertheless filed appeals to the PA Commonwealth Court, which Honorable Court affirmed the Decision of the Montgomery County Court of Common Pleas on May 6, 2019. (Exhibit A-6)

19. In the meantime, the Applicant's buyer for the lot lost interest in pursuing the purchase of the lot and construction of the home. (N.T. 03/10/21, p. 40)

20. In accordance with Section 116-223 of the Whitemarsh Township Zoning Ordinance

quoted above, the Applicant had until May 5, 2020 to obtain whatever permit(s) the Township determined had to be obtained (the "required permit[s]"), or request a 180 day extension of the zoning approvals.

21. The Board takes notice that a global pandemic occurred in March of 2020, causing the issuance of Declarations of Disaster Emergency by state and local authorities, the unprecedented closure of businesses, the imposition of stay-at-home orders, and issuance of shut-down orders regarding construction activities in the Commonwealth of Pennsylvania; the Declarations of Disaster Emergency related to the pandemic are still in effect to this day.

22. By email dated March 26, 2020, as result of an inquiry from the Applicant regarding the impending expiration of the approvals, the Zoning Officer determined and so advised the Applicant that the Grading Permit (also known as an Earth Disturbance Permit) was the permit the Applicant was required to obtain in order to fulfill the requirements of Section 116-223, and that during the 180 day extension period from May 6, 2020: "You would then be advised to obtain your grading permit within that six-month period..." (Exhibit A-11)

23. In the midst of this global pandemic, and without knowing when such a pandemic may at any time subside, the Applicant requested the 180 day extension as anticipated by the Zoning Ordinance.

24. As a result of a timely request therefore, and citing the extraordinary situation regarding the pandemic, the Board met virtually on May 13, 2020 as authorized by Act 15 of 2020, and granted a 180-day extension of the approvals to November 1, 2020; such was confirmed by correspondence of the Zoning Hearing Board Solicitor. (Exhibit A-7)

25. As of late September of 2020, the Applicant had not yet applied for the Grading Permit/Earth Disturbance Permit as instructed by the Zoning Officer in the email exchange of March

26, 2020, and, by email dated September 25, 2020, the Applicant inquired of the Zoning Officer as to the requirements to further extend the 180 day extension granted by the Board in May of 2020. (Exhibits A-6, A-8, A-11, Haviland-1)

26. Consistent with the email exchange in March of 2020, and in response to the inquiry by the Applicant via emails in late September, 2020, the Zoning Officer advised the Applicant that an application to the Zoning Hearing Board would be required for further relief from the expiration of the zoning approvals if additional time is required with respect to the Permit. (Exhibits A-6, A-8, A-11, Haviland-1)

27. On April 20, 2020, Act 15 of 2020 was enacted, tolling the time limitations on approvals pending at the time of the Declaration of Disaster Emergency in Pennsylvania on March 6, 2020 through the date which was thirty (30) days after the effective date of Act 15, hence May 20, 2020.

28. For approvals, applications, plans, and submissions pending on March 6, 2020, such as the one under consideration, Act 15 tolled the running of time limitations for review, hearing and decision on such actions pending at the time of the Declaration of Disaster Emergency (March 6, 2020) through May 20, 2020 (30 days after the effective date of the Act), thus granting Townships and Zoning Hearing Boards an additional 76 days to review, hear and decide on applications for approvals.

29. The Board determines that since the Townships and Zoning Hearing Boards were granted, by statute, an additional 76 days to hear, decide and grant any approval as a result of the tolling provisions of Act 15, the landowners and applicants were afforded an additional 76 days to obtain such approvals.

30. During the email exchanges in late September of 2020 regarding the impending

expiration of the zoning approvals, the Applicant was advised by the Zoning Officer, after consultation with the Zoning Hearing Board Solicitor, of the operation of Act 15 of 2020 with respect to the approvals, thus extending the validity of same from November 1, 2020 to January 16, 2021 by operation of law. (Exhibits A-6, A-8, A-11, Haviland-1)

31. The Zoning Officer advised the Applicant in the email exchanges in September of 2020 to apply for the variance no later than November 25, 2020, so that a hearing on the variance request could be scheduled in early January of 2021, before the expiration of the extended deadline of January 16, 2021. (Exhibits A-6, A-8, A-11, Haviland-1)

32. In the email exchanges in September of 2020, there was no change to the instructions provided by the Zoning Officer in the emails of March of 2020 for the Applicant to apply for and obtain the Grading Permit/Earth Disturbance Permit – only that the Applicant had more time to do so, but if the Applicant needed more time, the Applicant should apply for a variance by November 25, 2020. (Exhibits A-6, A-8, A-11, Haviland-1)

33. The Applicant did not apply for the variance by November 25, 2020 as directed, but rather on December 8, 2020 again inquired of the Zoning Officer via email as to what action should be taken regarding the impending expiration of the zoning approvals. (Exhibits A-6, A-8, A-11, Haviland-1)

34. In a phone call with the Applicant, the Zoning Officer again advised the Applicant to apply for the Grading Permit/Earth Disturbance Permit (“Permit”), but by that point, and since no applications had been filed for the variance or the Permit, the Zoning Officer indicated that as long as the Applicant filed the application for the Permit and was diligently pursuing the Permit, the Zoning Officer would act consistently with reference to similar applications, and consider that action sufficient to maintain the validity of the zoning approvals. (N.T. 03/10/21, pp. 51-53)

35. The Applicant's representative testified that she relied on the Zoning Officer's indications, but, as of December 8, 2020, the Applicant had taken no different action based on those indications, and by that point, having not applied for the variance or the Permit, welcomed the Zoning Officer's interpretation regarding continued validity, eventually filing the application for the Permit on December 22, 2020, apparently hoping to have the permit issued by January 16, 2021.

36. When it was apparent that the Permit would not be issued by January 16, 2021 as often occurs as a result of the review process, the Applicant filed the instant application for the variance on January 14, 2021 – therefore, not actually relying on the Zoning Officer's interpretation regarding the continued validity of the zoning approvals.

37. The zoning approvals granted in Application No. 2017-22 all relate to the development of the lot and therefore, the Board adopts the determination of the Zoning Officer that the Grading Permit/Earth Disturbance Permit was the "required permit" to seek and obtain under Section 116-223 to maintain the validity of the zoning approvals; other outside agency approvals and the actual building permit for the house need not have been applied for or obtained prior to the expiration of the zoning approvals.

38. The Board takes notice that the process of obtaining a Grading Permit/Earth Disturbance Permit is quite involved, and, at times, takes months to obtain, and therefore, it is understandable that the Township takes the position that submitting the application for the required Permit and diligently pursuing the same would be sufficient to maintain the validity of the zoning approvals.

39. The Applicant applied for the Grading Permit/Earth Disturbance Permit on December 22, 2020. (N.T. 03/10/21, pp. 53-54, Exhibit A-9)

40. The Decision and Order in Application No. 2017-22 required the Applicant to

provide copies of the Grading Permit/Earth Disturbance Permit plans to the Objectors. (Exhibit T-4)

41. The Applicant provided the copies of such plans on January 4, 2021, causing the Objectors to take the position that the zoning approvals had expired. (N.T. 03/10/21, pp. 53-56, Exhibit A-10)

42. The Township Engineer's review letter regarding the Grading Permit/Earth Disturbance Permit Application dated January 13, 2021 apparently made it clear to the Applicant that the Permit would not be issued before the expiration date of January 16, 2021, and no doubt as a result of the issues raised by the Objectors at that time, the Applicant decided to file the instant application for a variance from Section 116-223, which filing occurred on January 14, 2021, prior to the January 16, 2021 expiration date of the zoning approvals. (N.T. 03/10/21, pp. 56-57, Exhibits A-1 and Haviland-1)

43. The Objectors have been on notice of the determinations of the Zoning Officer noted above, and have not appealed the determinations under Section 909.1 of the PA Municipalities Planning Code within thirty (30) days from such notice, or when they knew or should have known that the determinations had been made, as provided by Section 914.1 of the PA Municipalities Planning Code.

44. Therefore, the determinations of the Zoning Officer are not subject to challenge and are binding.

45. The Board therefore adopts the Township's position supporting the Zoning Officer's determination that the zoning approvals did not expire because of the timely filing of the Application for the Grading Permit/Earth Disturbance Permit. (N.T. 05/12/21, pp. 57-58)

46. Zoning relief runs with the land, and only because of expiration provisions in the Zoning Ordinance does any particular relief expire.

47. But, Section 116-223 of the Whitemarsh Township Zoning Ordinance specifically authorizes the Board to “otherwise specif[y]” the expiration of any zoning approval.

48. When the hearings were held with respect to Application No. 2017-22, the Applicant could have requested, and the Board could have specified, for example, a five-year validity of the approvals as the Ordinance specifically authorizes the Board to do so.

49. If the Applicant had been able to anticipate that the matter would involve appeals to the Courts for a year and one-half, and then a Declaration of Disaster Emergency related to a global pandemic, the Applicant, no doubt, would have so requested an extended validity period.

50. The Objectors oppose the extension of the validity of the zoning approvals for “years”, while at the same time, the Objectors’ unsuccessful appeals were the cause of the delay for one and one-half of those years. (N.T. 05/12/21, pp. 40, 50)

51. Clearly, the Objectors are wishing to re-litigate the Board’s Decision at Application No. 2017-22, because the Objectors failed to file a valid and timely appeal of the Board’s Decision, and now view the pending application as a way to accomplish this goal. (N.T. 05/12/21, p. 22, 29)

52. The zoning approvals granted in Application No. 2017-22 are final and not subject to appeal on substantive grounds by the Objectors, and the Board finds that the testimony and evidence submitted by the Objectors regarding the underlying zoning approvals are not relevant to the current inquiry.

53. With reference to the Objectors’ argument that the Board lacks jurisdiction, because the 1965 subdivision plan requires amendment approval by the Board of Supervisors, the Board finds as follows:

A. As reflected in the Decision and Order for Application No. 2017-22, the note on the subdivision plan merely designated the lot as a possible future recreation area, there was no

covenant designating it as open space prohibiting future development, and there was no evidence produced that open space was even required in order to subdivide at the time. (Exhibit T-4)

B. As noted in the Decision and Order for Application No. 2017-22, the Board of Supervisors determined this lot to be a building lot for a single-family residence and confirmed same in writing to the Applicant, and therefore no amendment of the subdivision plan was required. (Exhibit T-4)

C. The relief requested relates to a Zoning Ordinance provision as it applies to the zoning approvals for this particular lot, not the subdivision as a whole, and therefore the Board has jurisdiction. (N.T. 05/12/21, pp. 59-60)

54. Section 116-223 of the Zoning Ordinance specifically permits the Board to “otherwise specif[y]” an expiration date regarding zoning approvals, and therefore the Board may grant relief from such a provision contained in the Zoning Ordinance.

55. After the appellate litigation concluded, and the Applicant had lost its buyer for the planned house on the lot, the pandemic which resulted in the declarations of disaster emergency, and the imposition of business and construction shut-down orders and stay-at-home orders, created an unprecedented and unnecessary hardship upon the Applicant with reference to the development of the lot.

56. As this inquiry is limited to relief from a time restriction in the Zoning Ordinance, and the fact that the use and dimensional approvals and relief have already been granted, not subject to appeal and therefore final, it would be appropriate for the Board to adopt a relaxed level of scrutiny in granting the variance on a hardship basis, as if considering a dimensional variance.

57. In reviewing the variance requested, and considering Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following:

- A. There was, and still is, a unique condition affecting the timing of the development of the lot, particularly the unprecedented global pandemic impacting every aspect of the development process, all creating an unnecessary hardship which justifies the granting of the variance.
- B. The property cannot be reasonably developed without the minor variance relief now requested.
- C. The hardship created by the litigation pursued by the Objectors, causing the Applicant to lose its buyer for the lot, and then the effects of the pandemic, surely has not been created by the Applicant.
- D. The granting of the variance will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood. This expiration provision of the Ordinance anticipated the litigation previously pursued by the Objectors, but never anticipated the unprecedented pandemic lasting now well in excess of an entire year. It is also not anticipated that neighbors would contest the grant of additional time to pursue governmental approvals; such concerns are usually raised by the municipality itself, which, in this case, has supported the decisions of the Zoning Officer, and has not stated an objection to the granting of relief.
- E. The variance requested is the minimum variance to afford relief. The Board is not granting an unlimited extension – only a reasonable extension recognizing the reality of the fairly involved, detailed and extended review and approval process related to obtaining a Grading Permit/Earth Disturbance Permit, in the midst of ongoing pandemic and under protest from the Objectors herein.

58. As a result, the Applicant sustained its burden of establishing a hardship in order to be granted a variance from the expiration provision of the Zoning Ordinance.

59. It is also clear from the record that the Objectors' goal is that the lot never be developed (N.T. 05/12/21, p. 34)

60. The Objector's position that the Applicant is required to apply for the same relief previously granted is undoubtedly rooted in the desire of the Objectors to once again appeal the relief, which would only delay, and cause additional expense, in order to discourage the ultimate development of the lot. (N.T. 05/12/21, p. 22, 29)

61. Indulging the Objectors in such an endeavor would create hardship upon hardship for the Applicant.

62. But, since the Ordinance permits the Board to “otherwise specif[y]” an expiration date other than as provided in the Ordinance, the Board also determines that the variance requested from the expiration provision in the Zoning Ordinance is a de minimis variance request, which the Board may grant without any showing of hardship, because rigid compliance is not required to protect the public policies of the Ordinance.

63. With reference to the Applicant’s request for a vested right, the Board finds as follows:

A. The Township did not issue any permit in error, in fact, no permit was issued.

B. The Objectors argue that the Applicant could have demonstrated a more urgent level of due diligence during the 180 day extension, but it is recognized that such diligence was made difficult by the pandemic having an adverse effect on all real estate activities, thus justifying the relief granted herein. (N.T. 03/10/21, pp. 45-46, 66-83). The uncertainty related to the pandemic, and the fact that the expenditures to obtain the Permit would be substantial, the Applicant desired a more definitive timeline prior to pursuing the Permit. So, although the level of due diligence by this Applicant does not rise to the level of entitlement to a finding of vested right, nevertheless, the extraordinary situation of the pandemic justifies the relief granted herein.

C. The Applicant acted good faith in this matter.

D. The Applicant spent a great deal of funds to obtain and maintain on appeal the zoning approvals granted (in excess of \$90,000), but, the funds expended to obtain the Grading Permit/Earth Disturbance Permit had to be expended, not just in reliance on anything that the Zoning Officer advised, unless the Applicant wished to abandon the zoning approvals, (which is clearly not

the case), and such expenditures were not substantial, only amounting to approximately \$6,000 by the time of the hearings in March of 2021 (\$225 permit application fee, \$3,000 Township escrow, and \$3,000 for engineering and legal costs). (N.T. 03/18/21, pp. 10-24) Furthermore, the Applicant did not just rely on the communications from the Zoning Officer, but rather, has now filed the instant application to confirm continued validity of the zoning approvals.

E. The criteria related to expiration of the applicable appeal period relates back to a permit issued in error, which, of course, did not occur in this situation, so is not relevant.

F. Confirming the validity of the zoning approvals, and granting an extension of the validity of the zoning approvals will cause no harm whatsoever to the public interest.

64. With reference to the Applicant's request for a variance by estoppel, the Board finds as follows:

A. There was no long period of municipal failure to enforce the law when the municipality knew or should have known of the Applicant's violation of the Township Code.

B. The Applicant acted good faith in this matter.

C. The Applicant believed that the use was permitted, and it was so permitted, but the expenditures in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial, as noted above. In addition, the Applicant did not just rely on the Zoning Officer's indications, but has filed the instant application so that the expenditure of substantial funds in the future would not be for naught.

D. Denial of the variance would impose an unnecessary hardship on the Applicant, but, as also noted, not only is the variance request for relief justified on the basis of a hardship analysis, the request is de minimis in nature.

65. With reference to the Applicant's request for relief based on equitable estoppel, the

Board finds as follows:

A. The criteria for vested right or variance by estoppel have not been established for multiple reasons as noted above.

B. The Township has clearly not acted improperly at all, nor is the Applicant seeking relief that goes beyond the protection of its use. The Applicant could have sought the advice of counsel and acted with an abundance of caution rather than relying on the interpretations communicated by the Township.

### III. DISCUSSION

There are two types of variances, a "dimensional" variance and a "use" variance. Differing standards apply to use and dimensional variances. One who advances a dimensional variance seeks to adjust zoning regulations so that the property may be used in a manner consistent with the zoning regulations. In contrast, a use variance seeks to use the property in a way that is inconsistent with the zoning regulations. In Hertzberg v. Zoning Bd. of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (1998), the Supreme Court of Pennsylvania determined that, in evaluating a hardship for a dimensional variance, the Zoning Hearing Board should consider various factors, including economics, and the characteristics of the surrounding neighborhood, in determining whether a variance would be appropriate. The Court also held that, when considering a dimensional variance, a Zoning Hearing Board should adopt a somewhat more relaxed standard of scrutiny than when the Board is considering a use variance. Society Hill Civic Association v. Philadelphia Zoning Board of Adjustment, 42 A.3d 1178 (Pa. Cmwlth. 2012)

In Marshall v. City of Philadelphia and Zoning Board of Adjustment, 626 Pa. 385, 97 A.3d 323 (2014), the Supreme Court recognized that a property does not have to be valueless in order to

obtain a use variance. The Court further indicated that economic considerations may be considered in a use variance case, if the property can only be brought into conformance at a prohibitive expense. The Supreme Court reiterated in the Hertzberg and Marshall cases, that an Applicant need not prove that the property cannot be used for any other permitted use in order to be entitled to a variance.

It is recognized that an applicant seeking a variance on the basis of hardship must prove that unnecessary hardship will result if the variance is denied, and must also prove that the proposed use is not contrary to the public interest. Valley View Civic Association v. Zoning Board of Adjustment, 501 Pa. 550, 462 A.2d 637 (1983). “The burden on an applicant seeking a variance is a heavy one, and the reasons for granting the variance must be substantial, serious and compelling.” Singer v. Zoning Board of Adjustment, 29 A.3d 144, 149 (Pa. Cmwlth. 2011). In addition, even though economic considerations are now appropriate for variance cases under Hertzberg and Marshall, the applicable case law still holds that variances cannot be granted for solely economic reasons. Dunn v. Middletown Township Zoning Hearing Board, 143 A.3d 494 (Pa. Cmwlth. 2016).

A Zoning Hearing Board is the sole determiner of the credibility of witnesses. Taliaferro v. Darby Township Zoning Hearing Board, 873 A.2d 807 (Pa. Cmwlth. 2005), Tri-County Landfill, Inc. v. Pike Township Zoning Hearing Board, 83 A.3d 488 (Pa. Cmwlth. 2014). The Zoning Hearing Board has discretionary power to determine whether a party has met its burden of proof. Broussard v. Zoning Board of Adjustment, 831 A.2d 764 (Pa. Cmwlth. 2003), affirmed on appeal @ 589 Pa. 71, 907 A.2d 494 (2006), Cohen v. Zoning Board of Adjustment of the City of Philadelphia, 276 A.2d 352 (Pa. Cmwlth. 1971). The Zoning Hearing Board determines that the Applicant has carried the burden of proof so as to be entitled to the relief, and such determination must be afforded great weight in the event of an appeal.

Act 15 of 2020 provides as follows:

Action.—For an action required by law in consideration of any application, plat, plan or other submission for an approval or for an action on an appeal or curative amendment, the following shall apply:

- (1) Notwithstanding any provision of law, for an approval, application, plat, plan, submission, appeal or curative amendment received or pending as of the date of or during the Governor's declaration of a disaster emergency related to COVID-19, the number of days provided to satisfy statutory time limits in review, hearing and decision shall be suspended and tolled as of the date of the disaster or emergency declaration or as of the date received if received during the disaster or emergency declaration, and shall resume 30 days after the effective date of this section.

The Objectors argue that the zoning approvals granted in Application No. 2017-22 were not the type of approvals defined in and covered by the Development Permit Extension Act, and therefore not covered by Act 15 of 2020. This is inaccurate. The zoning approvals granted in Application No. 2017-22 were the type defined in and covered by the Development Permit Extension Act, and therefore covered by Act 15 of 2020. (53 P.S. §§ 11703.2; 35 Pa.C.S.A. §5741(g))

The zoning approvals granted in Application No. 2017-22 are final and not subject to appeal on substantive grounds by the Objectors, and the Board finds that the testimony and evidence submitted by the Objectors regarding the underlying zoning approvals are not relevant to the current inquiry.

The Objectors' argument that the Board lacks jurisdiction, because the 1965 subdivision plan requires amendment approval by the Board of Supervisors, is rejected for the following reasons:

- A. As reflected in the Decision and Order for Application No. 2017-22, the note on the subdivision plan merely designated the lot as a possible future recreation area, there was no covenant designating it as open space prohibiting future development, and there was no evidence produced that open space was even required in order to subdivide at the time.

B. As noted in the Decision and Order for Application No. 2017-22, the Board of Supervisors already determined this lot to be a building lot for a single-family residence and confirmed same in writing to the Applicant, and therefore no amendment of the subdivision plan was required.

C. The relief requested relates to a Zoning Ordinance provision as it applies to the zoning approvals for this particular lot, not the subdivision as a whole, and the Zoning Hearing Board is vested with jurisdiction to make such determinations.

Zoning relief runs with the land, and only because of expiration provisions in the Zoning Ordinance does any particular relief expire. But, Section 116-223 of the Whitemarsh Township Zoning Ordinance specifically authorizes the Board to “otherwise specif[y]” the expiration of any zoning approval. When the hearings were held with respect to Application No. 2017-22, the Applicant could have requested, and the Board could have specified, for example, a five-year validity of the approvals, without any showing of hardship or granting a variance, as the Ordinance specifically authorizes the Board to do so. Because Section 116-223 of the Zoning Ordinance specifically permits the Board to “otherwise specif[y]” an expiration date regarding zoning approvals, the expiration dates set by the Zoning Ordinance in this matter are subject to further relief granted by the Board.

After the litigation concluded, and the Applicant had lost its buyer for the planned house on the lot, the pandemic which resulted in the declarations of disaster emergency, and the imposition of business and construction shut-down orders and stay-at-home orders, created an unprecedented and unnecessary hardship upon the Applicant with reference to the timing of the development of the lot.

As this inquiry is limited to relief from a time restriction in the Zoning Ordinance, and the fact that the use and dimensional approvals and relief have already been granted, not subject to

appeal and therefore final, it would be appropriate for the Board to adopt a relaxed level of scrutiny in granting the variance on a hardship basis, as if considering a dimensional variance.

It is recognized that the criteria for the granting of a hardship variance under the PA Municipalities Planning Code do not necessarily anticipate that neighboring property owners would oppose the granting of additional time to develop a lot in accordance with previously granted and final zoning approvals; therefore, the analysis under such criteria for this purpose is unique. But, it is clear when reviewing the variance requested, and considering Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board may determine the following:

- A. There was, and continuing to this day, a unique condition affecting the timing of the development of the lot, particularly the unprecedented global pandemic impacting every aspect of the development process, all creating an unnecessary hardship which justifies the granting of the variance.
- B. The property cannot be reasonably developed without the minor variance relief now requested.
- C. The hardship created by the litigation pursued by the Objectors, causing the Applicant to lose its buyer for the lot, and then the effects of the pandemic, surely has not been created by the Applicant.
- D. The granting of the variance will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood. This expiration provision of the Ordinance anticipated the litigation previously pursued by the Objectors, but never anticipated the unprecedented pandemic lasting now well in excess of an entire year. It is also not anticipated that neighbors would contest the

grant of additional time to pursue governmental approvals; such concerns are usually raised by the municipality itself, which, in this case, has supported the decisions of the Zoning Officer, and has not stated an objection to the granting of relief.

- E. The variance requested is the minimum variance to afford relief. The Board is not granting an unlimited extension -- only a reasonable extension recognizing the reality of the fairly involved, detailed and extended review and approval process related to obtaining a Grading Permit/Earth Disturbance Permit, in the midst of ongoing pandemic and under protest from the Objectors herein.

As a result, the Applicant sustained its burden of establishing a hardship in order to be granted a variance from the expiration provision of the Zoning Ordinance.

It is also clear from the record that the Objectors' goal is that the lot never be developed. The Objector's position that the Applicant is required to apply for the same relief previously granted is undoubtedly rooted in the desire of the Objectors to once again appeal the relief, which would only delay, and make more expensive for the Applicant, the ultimate development of the lot. Indulging the Objectors in such an endeavor would create hardship upon hardship for the Applicant.

The pandemic has caused delay in every aspect of life over the last year. The Objectors cited the pandemic, and the virtual proceedings by the Board, for the reason that the unrepresented Objectors' Entry of Appearance forms were not submitted after requests were made for submission of the forms at the hearing on March 10, again at the hearing on May 12, 2021, and also in follow up emails. One Entry of Appearance form was submitted on May 29, 2021, and the other two Entry of Appearance forms were not submitted prior to the Board's vote on June 2, 2021 (N.T. 06/02/21)

The Board was understanding in this regard, recognizing all along that the Objectors should be granted party status, even though the current situation, and the virtual nature of the Board's proceedings to this day, resulted in their delay in submitting a single piece of paper to the Board to secure their positions as parties. It is therefore understandable that the Applicant has faced similar challenges in generating the substantial paperwork required in furtherance of its previously granted approvals.

The Board determines it appropriate to "otherwise specify]" an expiration date of the zoning approvals granted in Application No. 2017-22 of December 31, 2021, grant the variance requested by the Applicant on the basis of a hardship analysis, and extend the expiration date imposed in the original Decision and Order. Furthermore, since the Ordinance permits the Board to "otherwise specify]" an expiration date other than as provided in the Ordinance, the Board determines that the variance requested from the expiration provision in the Zoning Ordinance is a de minimis variance request, which the Board may grant without any showing of hardship, because rigid compliance is not required to protect the public policies of the Ordinance.

Because of the determinations noted herein, the Applicant's requests for relief on the theories of vested right, variance by estoppel, and equitable estoppel are moot, but the Board nevertheless disposes of such arguments and denies such determinations as set forth below.

The Board declines to determine that the Applicant has established a vested right, since all of the following criteria have not been met (See: Commonwealth of Pennsylvania, Department of Environmental Protection v. Flynn, 344 A.2d 720 (1975):

- A. Permit issued in error – the Township issued no permit, because the Applicant applied for the applicable required Permit on December 22, 2020.
- B. Due diligence by the Applicant – The Objectors argue that the Applicant

could have demonstrated a more urgent level of due diligence during the 180 day extension, but, it is recognized that such diligence was made difficult by the pandemic having an adverse effect on all real estate activities, thus justifying the relief granted herein. Objectors also point out that the plan submitted with the Grading Permit/Earth Disturbance Permit Application was the same 2017 plan, and the fact that the Applicant did not more timely submit the application for the Permit, so the level of effort was not substantial enough to justify a finding a vested right. But it is also understandable that, with the uncertainty related to the pandemic, and the fact that the expenditures to obtain the Permit would be substantial, the Applicant desired a more definitive timeline prior to pursuing the Permit. So, although the level of due diligence by this Applicant does not rise to the level of entitlement to a finding of vested right, nevertheless, the extraordinary situation of the pandemic justifies the relief granted herein.

C. **Good faith of the Applicant – the Board does not question the Applicant’s good faith in this matter.**

D. Expenditure of substantial unrecoverable funds in reliance on the governmental action. There is no question the Applicant spent a great deal of funds to obtain and maintain on appeal the zoning approvals granted (in excess of \$90,000), but the only governmental determinations which the Applicant relied upon were the Zoning Officer’s indication in the September 25, 2020 email that the zoning approvals did not expire on November 1, 2020, but rather expired on January 16, 2021 (but was also advised to file for a zoning application by the end of November, 2020, which the Applicant did not do), and then the verbal indication on December 8, 2020 that applying for the Grading Permit/Earth Disturbance Permit prior to January 16, 2021, and diligently pursuing same, would maintain the validity of the zoning approvals. What did the Applicant do differently as a result of the Zoning Officer’s indications? The answer is nothing. The

Applicant argues that the reliance resulted in not applying for the permit until December 22, 2020 since the zoning approvals did not expire until January 16, 2021. But, the Zoning Officer did not advise the Applicant in the email exchange of September of 2020 to not file the application for the Permit, only that the Applicant had additional time with respect to the Permit, and if additional time beyond January 16, 2021 would be required, then application to the Zoning Hearing Board should be filed by November 25, 2020. The Zoning Officer did not cause the Applicant to not file the permit application until December 22, 2020, or to not file the Zoning Hearing Board application until January 14, 2021 - in fact, the Zoning Officer had advised otherwise in emails of March and September of 2020. In any event, the funds expended in reliance on those indications from the Zoning Officer would have been incurred regardless, unless the Applicant wished to abandon the zoning approvals (clearly not the case). In addition, such expenditures only amounted to approximately \$6,000 by the time of the hearings in March of 2021 (\$225 permit application fee, \$3,000 Township escrow, and \$3,000 for engineering and legal costs). So, the funds expended in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial. The expenditure of funds, however, is likely to be substantial, and for that reason, the Applicant is not just relying on the communications from the Zoning Officer, but rather, has now filed the instant application to confirm continued validity of the zoning approvals. Borough of Dormont v. Zoning Hearing Board of the Borough of Dormont, 850 A.2d 826 (Pa. Cmwlth. 2004), B.B. & C. Construction v. Township of Benzinger, 437 A.2d 101 (Pa. Cmwlth. 1981)

E. Expiration of applicable appeal period -- this criteria relates back to a permit issued in error, which, of course, did not occur in this situation, so is not relevant.

F. Absence of injury to the public interest -- it is clear that confirming the validity of the zoning approvals, and granting an extension of the validity of the zoning approvals will cause

no harm whatsoever to the public interest. The Board weighed all of those issues during the hearings on the underlying application in 2017. The Objectors' desires to resurrect their arguments and relitigate these issues, seeing this proceeding as a way to do so (after they failed to properly preserve such issues for review on appeal, and then refused to terminate the challenge once the Court of Common Pleas quashed their appeals, basically causing the lot to be undevelopable for years), does not rise to the level of "injury to the public interest".

The Board declines to grant the Applicant a variance by estoppel, since all of the following criteria have not been met (See: Appeal of Kreider, 808 A.2d 340 (Pa. Cmwlth. 2002):

A. A long period of municipal failure to enforce the law when the municipality knew or should have known of the Applicant's violation of the Township Code – this criteria simply does not apply in this case.

B. Good faith of the Applicant – the Board does not question the Applicant's good faith in this matter.

C. Substantial expenditures by the Applicant in reliance on the belief that the use was permitted – there is no question that the Applicant believed that the use was permitted, and it was so permitted, but the expenditures in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial, as noted above. In addition, the Applicant did not just rely on the Zoning Officer's indications, but has filed the instant application so that the expenditure of substantial funds in the future would not be for naught.

D. Denial of the variance would impose an unnecessary hardship on the Applicant – it is clear that the denial of the variance would impose an unnecessary hardship on the Applicant, but this serves as a basis for granting the variance itself, not on any vested right or estoppel theory.

The Board declines to grant the Applicant relief based on the theory of equitable estoppel. Such a claim requires consideration of the criteria for vested right or variance by estoppel, but is based on an intentional or negligent misrepresentation by the municipality. (See: Cicchiello v. Bloomsburg Zoning Hearing Board, 617 A.2d 835 (Pa. Cmwlth. 1992) As noted in the treatise Pennsylvania Zoning Law and Practice in Section 8.3.7 (Robert S. Ryan, Esq. and George Asimos - George T. Bisel and Company, Inc.) granting relief on the basis of equitable estoppel involves a situation where the municipality has "...acted very badly and the landowner seeks relief that goes beyond the protection of its use.". None of that applies in this situation. The Zoning Officer clearly did not intentionally or negligently misrepresent anything to the Applicant. Once the Applicant made the decisions to not follow the advice of the Zoning Officer in the emails in March and September of 2020, the Zoning Officer extended to the Applicant the same interpretation extended to other applicants that applying for the required Permit and diligently pursuing same would maintain the validity of the zoning approvals. In addition, the Zoning Officer justifiably relied upon the interpretation of the Zoning Hearing Board Solicitor, in relaying to the Applicant the effect of Act 15 of 2020. The Applicant could have sought the advice of its knowledgeable and experienced counsel to confirm the interpretations. Only after not filing the application for the required Grading Permit/Earth Disturbance Permit as advised by the Zoning Officer in emails of March of 2020 and September of 2020 until December 22, 2020, did the Applicant consult with counsel, who undoubtedly advised the Applicant to file the instant application to the Zoning Hearing Board, in case such interpretations, with which the Applicant's counsel agrees, were in error. The Applicant indicates that it agrees with the Zoning Officer's determinations and advances this argument only in the event that its other arguments fail, but it is, nonetheless, an argument that cannot be sustained.

The concept of the application of estoppel anticipates that the Applicant would have done

something differently had it not been advised otherwise by the Township. In this case, the Applicant did nothing differently in reliance on the Township's instructions.

The case before the Board involves the request merely to extend the time frame for the validity of the previously granted use variances to construct a house and related improvements in Zone 2 of the Riparian Corridor Conservation District, special exceptions for the location of the detention basin facility, and related dimensional variances and plan-related variances. None of the improvements will be located in the floodway or Zone 1 of the Riparian Corridor, the most environmentally sensitive areas on the property. The house is a permitted use in the Floodplain Conservation District, and only special exceptions were required for the location of the detention basin. But because Zone 2 of the Riparian Corridor is co-extensive with the Floodplain Conservation District in this area, and the lot is impacted by both overlay districts, the Applicant required relief to place the house and related improvements anywhere on the lot.

The Objectors previously asked the Board to rule that, even though the Township specifically advised the Applicant that the property constituted a building lot for a single-family residence once assessed for public sewer, that such use should be denied, and that virtually no use may be made of the property, other than for open space. The Objectors' use of this proceeding to attempt to relitigate the underlying relief and challenging the jurisdiction of the Board is not cognizable in law, and must be disregarded. Section 116-223 is a Zoning Ordinance provision. The Board has the same authority to grant a variance from this Zoning Ordinance provision as any other, for example a setback variance. The Zoning Ordinance provision sets an expiration of a zoning approval, but since the zoning approvals had not expired, the Board can grant a variance from the provision and grant an extension of the validity of the approvals. The Commonwealth Court in Lucia v. Zoning Hearing Board of the Township of St. Clair, 437 A.2d 1294 (Pa. Cmwlth. 1981), dealt with the situation

where the applicant had received a conditional use permit and failed to act upon same as required by the ordinance, and by the terms of the ordinance, the permit expired. After the Township amended the ordinance to prohibit the applicant's use, the applicant applied for a time extension for the permit and the Court affirmed the denial of same, citing Chetwynd Associates v. Township of Radnor, 347 A.2d 320 (Pa. Cmwlth. 1975), and holding that the Board lacked the power to grant the "extension" of an expired permit. But the Lucia and Chetwynd cases did not address a timely-filed request to the Zoning Hearing Board for a variance from the expiration provision in the Zoning Ordinance.

Since the Section 116-223 of the Zoning Ordinance specifically allows the Board the discretion to "otherwise specify" a different expiration date, and the fact that the Applicant could have requested and been granted an extension at the time of the initial approvals (as zoning hearing boards often do with phased projects), then the granting of a variance from the expiration of the zoning approvals is, in fact, de minimis, and rigid compliance is not required to protect the public policies of the Ordinance.

The Board notes that the five (5) criteria for a hardship variance need not be shown when the variance is de minimis. West Bradford Township v. Evans, 384 A.2d 1382 (Pa. Cmwlth. 1978), Stewart v. Zoning Hearing Board of Radnor Township, 531 A.2d 1180 (Pa. Cmwlth. 1987), Middletown Township vs. Zoning Hearing Board of Middletown Township, 682 A.2d 900 (Pa. Cmwlth. 1996), Lench v. Zoning Board of Adjustment of the City of Pittsburgh, 13 A.3d 576 (Pa. Cmwlth. 2011), Appeal of Ressler Mill Foundation, 573 A.2d 675 (Pa. Cmwlth. 1990).

Objector Haviland seems to argue that the case of Omnivest v. Stewartstown Borough Zoning Hearing Board, 641 A.2d 648 (Pa. Cmwlth. 1994) stands for the proposition that a Zoning Hearing Board cannot rely at all on a prior decision for the same relief requested for the same land after the prior relief has expired. (N.T. 03/10/21, p. 108, N.T. 05/12/21, p. 49) The Omnivest case

does not stand for that proposition, but rather only that a Zoning Hearing Board is not bound by its prior expired decision, and can deny relief previously granted, but surely the Zoning Hearing Board is not precluded from granting the same relief again.

The Objectors have been on notice of the determinations of the Zoning Officer noted above, and have not appealed the determinations under Section 909.1 of the PA Municipalities Planning Code within thirty (30) days from such notice, or when they knew or should have known that the determinations had been made, as provided by Section 914.1 of the PA Municipalities Planning Code. Therefore, the determinations of the Zoning Officer are binding and not subject to challenge. The Board therefore adopts the Township's position supporting the Zoning Officer's determination that the zoning approvals did not expire because of the timely filing of the Application for the Grading Permit/Earth Disturbance Permit. (N.T. 05/12/21, pp. 57-58)

It should be reiterated from this Board's Decision in Application No. 2017-22, the Applicant had presented overwhelming uncontroverted evidence and expert testimony that the Applicant can make virtually no use of the property for the only reasonable use, that of a single-family residence, without the relief sought, and that the development would cause none of the adverse consequences as maintained by the Objectors. If the application had been brought now, it is difficult to believe that the outcome would have been any different, otherwise, the "dead hand of zoning" would preclude any use of this lot. McCarron v. Zoning Hearing Board of Borough of Lansdale, 416 A.2d 1150 (Pa. Cmwlth. 1980). Therefore, granting a variance to extend the validity of the approvals previously granted is completely justified under the circumstances.

#### **IV. CONCLUSIONS OF LAW**

1. The Zoning Hearing Board has jurisdiction over the subject matter of the application.
2. The Applicant is the legal owner of the property in question.

3. The Applicant and the subject matter are properly before the Board. The Applicant has standing to submit the application. The Objectors have standing to oppose the application.

4. Hearing notices were duly published and posted in accordance with law, by advertisement in the newspaper and posting on the property.

5. The zoning approvals granted in Application No. 2017-22 were the type defined in and covered by the Development Permit Extension Act, and therefore covered by Act 15 of 2020. (53 P.S. §11703.2; 35 Pa.C.S.A. §5741(g))

6. The zoning approvals granted in Application No. 2017-22 are final and not subject to appeal on substantive grounds by the Objectors, and the Board finds, as a matter of law, that the testimony and evidence submitted by the Objectors regarding the underlying zoning approvals are not relevant to the current inquiry.

7. The Objectors' argument that the Board lacks jurisdiction, because the 1965 subdivision plan requires amendment approval by the Board of Supervisors, is rejected, as a matter of law for the following reasons:

A. As reflected in the Decision and Order for Application No. 2017-22, the note on the subdivision plan merely designated the lot as a possible future recreation area, there was no covenant designating it as open space prohibiting future development, and there was no evidence produced that open space was even required in order to subdivide at the time.

B. The Board of Supervisors already determined this lot to be a building lot for a single-family residence and confirmed same in writing to the Applicant, and therefore no amendment of the subdivision plan was required.

C. The relief requested relates to a Zoning Ordinance provision as it applies to the zoning approvals for this particular lot, not the subdivision as a whole, and the Zoning Hearing

Board is vested with jurisdiction to make such determinations.

8. Because Section 116-223 of the Zoning Ordinance specifically permits the Board to “otherwise specif[y]” an expiration date regarding zoning approvals, the expiration dates set by the Zoning Ordinance (one year from approval or the conclusion of appeals, and the 180 day extension thereafter) can be altered by the Board upon application by the Applicant for a variance.

9. The Board determines it appropriate, as matter of law, to grant the variance requested by the Applicant to “otherwise specif[y]” an expiration date of the zoning approvals granted in Application No. 2017-22 and establish the expiration date of December 31, 2021.

10. After the appellate litigation in this matter concluded, and the Applicant had lost its buyer for the planned house on the lot, the pandemic which resulted in the declarations of disaster emergency, and the imposition of business and construction shut-down orders and stay-at-home orders, created an unprecedented and unnecessary hardship as a matter of law upon the Applicant with reference to the development of the lot.

11. As this inquiry is limited to relief from a time restriction in the Zoning Ordinance, and the fact that the use and dimensional approvals and relief have already been granted, not subject to appeal and therefore final, it would be appropriate for the Board to adopt a relaxed level of scrutiny in granting the variance on a hardship basis, as if considering a dimensional variance.

12. In reviewing the variance requested, and considering Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following as matter of law:

- A. There was, and still is, a unique condition affecting the timing of the development of the lot, particularly the unprecedented global pandemic impacting every aspect of the development process, all creating an unnecessary hardship which justifies the granting of the variance.
- B. The property cannot be reasonably developed without the minor variance relief now requested.

- C. The hardship created by the litigation pursued by the Objectors, causing the Applicant to lose its buyer for the lot, and then the effects of the pandemic, surely has not been created by the Applicant.
- D. The granting of the variance will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood. This expiration provision of the Ordinance anticipated the litigation previously pursued by the Objectors, but never anticipated the unprecedented pandemic lasting now well in excess of an entire year. It is also not anticipated that neighbors would contest the grant of additional time to pursue governmental approvals; such concerns are usually raised by the municipality itself, which, in this case, has supported the decisions of the Zoning Officer, and has not stated an objection to the granting of relief.
- E. The variance requested is the minimum variance to afford relief. The Board is not granting an unlimited extension – only a reasonable extension recognizing the reality of the fairly involved, detailed and extended review and approval process related to obtaining a Grading Permit/Earth Disturbance Permit, in the midst of ongoing pandemic and under protest from the Objectors herein.

13. As a result, the Applicant sustained its burden of establishing a hardship in order to be granted a variance from the expiration provision of the Zoning Ordinance, as a matter of law.

14. Since the Ordinance permits the Board to “otherwise specif[y]” an expiration date other than as provided in the Ordinance, the Board determines, as a matter of law, that the variance requested from the expiration provision in the Zoning Ordinance is a *de minimis* variance request, which the Board may grant without any showing of hardship, because rigid compliance is not required to protect the public policies of the Ordinance.

15. Because of the determinations noted above, the Applicant’s requests for relief on the theories of vested right, variance by estoppel, and equitable estoppel are moot, but the Board nevertheless disposes of such arguments and denies such determinations as set forth below.

16. The Board declines to determine that the Applicant has established a vested right,

since all of the following criteria have not been met as a matter of law (See: Commonwealth of Pennsylvania, Department of Environmental Protection v. Flynn, 344 A.2d 720 (Pa. Cmwlth. 1975):

A. Permit issued in error - the Township issued no permit.

B. Due diligence by the Applicant – Due diligence was made difficult by the pandemic having an adverse effect on all real estate activities, thus justifying the relief granted herein. Although the level of diligence by this Applicant does not rise to the level of entitlement to a finding of vested right, nevertheless, the extraordinary situation of the pandemic justifies the relief granted herein.

C. Good faith of the Applicant – the Applicant acted in good faith in this matter.

D. Expenditure of substantial unrecoverable funds in reliance on the governmental action – the Applicant expended no funds which would not have been expended regardless of any governmental action, and the funds expended in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial.

E. Expiration of applicable appeal period – this criteria relates back to a permit issued in error, which did not occur in this situation, so is not relevant.

F. Absence of injury to the public interest – there will be no injury to the public interest.

17. The Board declines to grant the Applicant a variance by estoppel, since all of the following criteria have not been met as a matter of law (See: Appeal of Kreider, 808 A.2d 340 (Pa. Cmwlth. 2002):

A. A long period of municipal failure to enforce the law when the municipality knew or should have known of the Applicant's violation of the Township Code – this criteria does not apply in this case.

B. Good faith of the Applicant – the Applicant acted in good faith in this matter.

C. Substantial expenditures by the Applicant in reliance on the belief that the use was permitted – there is no question that the Applicant believed that the use was permitted, and it was so permitted, but the expenditures in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial. In addition, the Applicant did not just rely on the Zoning Officer's indications, but has filed the instant application so that the expenditure of substantial funds in the future would not be for naught.

D. Denial of the variance would impose an unnecessary hardship on the Applicant –the denial of the variance would impose an unnecessary hardship on the Applicant, but, that is the basis for the variance relief granted, not a variance by estoppel.

18. The Board declines to grant the Applicant relief based on the theory of equitable estoppel. Such a claim requires consideration of the criteria for vested right or variance by estoppel, but is based on an intentional or negligent misrepresentation by the municipality. (See: Cicchiello v. Bloomsburg Zoning Hearing Board, 617 A.2d 835 (Pa. Cmwlth. 1992) The Zoning Officer did not intentionally or negligently misrepresent anything to the Applicant, and so this argument that cannot be sustained as a matter of law.

19. The Objectors have been on notice of the determinations of the Zoning Officer noted above, and have not appealed the determinations under Section 909.1 of the PA Municipalities Planning Code within thirty (30) days from such notice, or when they knew or should have known that the determinations had been made, as provided by Section 914.1 of the PA Municipalities Planning Code.

20. The determinations of the Zoning Officer are binding and not subject to challenge as a matter of law.

21. The Township's position supporting the Zoning Officer's determination that the zoning approvals did not expire because of the timely filing of the Application for the Grading Permit/Earth Disturbance Permit, is correct as a matter of law.

22. Zoning relief runs with the land, and only because of expiration provisions in the Zoning Ordinance does any particular relief expire.

23. When the hearings were held with respect to Application No. 2017-22, the Applicant could have requested, and the Board could have specified, for example, a five-year validity of the approvals, without any showing of hardship, and without granting a variance, as the Ordinance specifically authorizes the Board to do so.

24. Section 116-223 of the Whitemarsh Township Zoning Ordinance specifically authorizes the Board to "otherwise specif[y]" the expiration of any zoning approval, and therefore, the Board has the authority to grant the relief requested herein.

#### **V. OPINION**

Upon consideration of the Findings of Fact and Conclusions of Law, the Board hereby determines that the application should be granted in part and denied in part, as set forth hereinafter in the Decision and Order.

**WHITEMARSH TOWNSHIP ZONING HEARING BOARD**

**DECISION AND ORDER**

APPLICATION NO.:	2021-02	FIRST HEARING DATE:	03/10/21
APPLICANT:	Pat Sparango, Inc.	CONT'D HEARING DATES:	03/18/21
	Block 049D, Unit 009		05/12/21, 06/02/21
	318 Whitemarsh Valley Road	VOTE:	06/02/21
	Fort Washington, PA 19034	WRITTEN DECISION:	06/09/21
	AAA – Residential District	COPY MAILED:	06/10/21
	Floodplain Conservation Overlay District		
	Riparian Corridor Conservation Overlay District		

After completion of public hearings on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. The zoning approvals and relief granted in Decision and Order No. 2017-22 have not expired.
2. A variance from Section 116-223, so as to continue the validity of the zoning approvals and relief granted in Decision and Order No. 2017-22 (subject to Conditions 1 through 6 imposed therein, and the Floodplain Notices contained therein) until December 31, 2021, is **GRANTED**.
3. The request for a determination that the Applicant has a vested right to the extension of the validity of the zoning approvals granted in Application No. 2017-22, is **DENIED**.
4. The request for a determination that the Applicant is entitled to a variance by estoppel, with reference to the extension of the validity of the zoning approvals granted in Application No. 2017-22, is **DENIED**.
5. The request for a determination that the Applicant is entitled to a determination that equitable estoppel applies with reference to the extension of the validity of the zoning approvals granted in Application No. 2017-22, is **DENIED**.

**THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:**

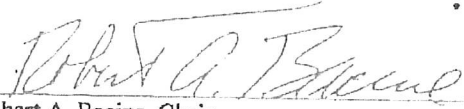
The Applicant shall obtain the Grading Permit/Earth Disturbance Permit no later than December 31, 2021, and if the Applicant does so obtain such Permit by such date, the zoning approvals and relief granted in Decision and Order No. 2017-22 shall not be subject to the expiration provisions of Section 116-223 of the Zoning Ordinance.

If appeals are filed with respect to this Decision and Order, the deadline of December 31, 2021 shall not apply, and if the Board's Decision and Order is upheld on appeal, the Applicant shall have 180 days after the final termination of all appeals to obtain the Grading Permit/Earth Disturbance Permit.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above. The Board reserves the right to supplement the Findings of Fact and Conclusions of Law set forth herein in the event of an appeal.

No. 2021-02

**WHITEMARSH TOWNSHIP ZONING HEARING BOARD:**



Robert A. Bacine, Chair

William E. Kramer, Vice Chair

Marc Weinstein

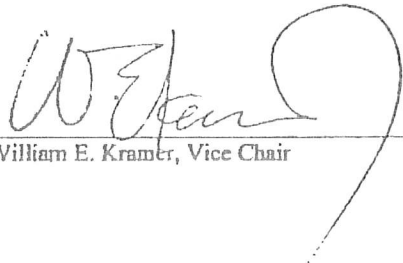
Stanley A. Casacio

James Behr

Randi Rubin

No. 2021-02  
WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

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Robert A. Bacine, Chair

  
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No. 2021-02

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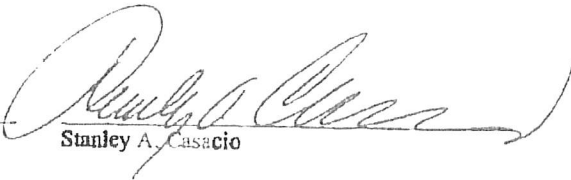
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No. 2021-02

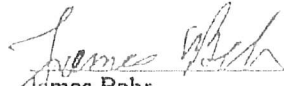
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Randi Rubin

WHITEMARSH TOWNSHIP  
ZONING & ENGINEERING

BEFORE THE ZONING HEARING BOARD OF WHITEMARSH TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: APPLICATION OF PAT SPARANGO, INC.

NO. 2017-22

**DECISION**

**I. BACKGROUND**

The Applicant, Pat Sparango, Inc. filed an application with the Zoning Hearing Board to construct a single-family home and related improvements on a vacant lot located at 318 Whitemarsh Valley Road, Whitemarsh Township, Montgomery County, Pennsylvania, in the AAA-Residential District. The property is impacted by the Floodplain Conservation Overlay District and the Riparian Corridor Conservation Overlay District. Public hearings were scheduled on this matter on July 12, 2017, August 23, 2017, and September 27, 2017, and hearings were conducted on July 12, 2017 and September 27, 2017.

The Applicant requested the following relief, as amended, and summarized as follows:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard.
2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District.
3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements to be located within the Riparian Corridor Conservation District.
4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.
5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.
6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan

all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation District.

The Zoning Hearing Board members participating in the hearings were William E. Kramer, who served as Chair, Robert A. Bacine, Marc Weinstein, James Behr and Stanley A. Casacio. The Applicant was represented by Frank R. Bartle, Esquire. The following neighboring property owners elected to enter appearance as parties: Donald E. Haviland, Esquire, an attorney representing himself, George Vlahos, pro se, and Donald Leatherwood, pro se.

The witnesses were duly sworn or affirmed and Notes of Testimony for the hearings were transcribed and are hereby made a part of this record. After the hearings and public discussion, on September 27, 2017, the Board voted 4:1 with Mr. Weinstein dissenting, to grant the application. The Board hereby issues Findings of Fact and Conclusions of Law in support of the Decision and Order.

## **II. FINDINGS OF FACT**

1. The Applicant is Pat Sparango, Inc. ("Applicant"), the legal owner of the property in question located at 318 Whitemarsh Valley Road, Block 049D, Unit 009, Whitemarsh Township, Montgomery County, Pennsylvania.

2. The following Exhibits were marked and duly admitted into evidence:

Township Exhibits:

T-1A	Proofs of Publication
T-1B	Meeting Notifications
T-1C	Postings of Notice
T-2	Zoning Map
T-3	Tax Map
T-4	Zoning Officer Letter – April 6, 2017

T-5 Township Engineer Letter – June 29, 2017

Applicant's Exhibits:

A-1	Zoning Application
A-2	Deeds
A-3	Plan Set
A-4	March 6, 1998 Letter from Township with Sewer Assessment May 15, 1998 Letter from Township May 27, 1998 Letter from Township
A-5	November 5, 1997 Letter with Township Agreement and Easements
A-6	MLS for Property
A-7	Curriculum Vitae of Joseph M. Estock, P.E., P.L.S.
A-8	Memorandum from Township Engineer dated June 29, 2017
A-9	Subdivision Plan with enlargement (2 pages)

Objectors' Exhibits:

H-1	Aerial Photo
H-2	Grading and Utility Plan
H-3	Grading Permit Plan (Sheet No. 1)
H-4	Grading Permit Plan (Sheet No. 3)
H-5	Grading Permit Plan (Sheet No. 4)
H-6	Soil Resource Report
H-7	(Not marked)
H-8	(Not marked)
H-9	(Not marked)
H-10 to H-20	Photos
H-21	Subdivision Plan

Leatherwood -1 - Map

3. The Applicant proposes to construct a single-family house and accessory improvements on the vacant lot. (N.T. 07/12/17, pp. 6-7).
4. The lot was created by subdivision in the 1960's. (N.T. 07/12/17, p. 6, Exhibit A-9)
5. The lot measures approximately 3.7 acres. (Exhibits T-3 and A-3)
6. The subdivision plan designated the lot as "Possible Future Recreation Area", which

note did not specifically restrict the lot to open space or recreational use. (N.T. 09/27/17, p. 8, Exhibit A-9)

7. The Applicant had originally planned to hold the lot as an unimproved lot. (N.T. 07/12/17, pp. 23-24)

8. In October 1997, after negotiations, the Applicant and the Township entered into an agreement whereby the Applicant granted to the Township a sanitary sewer easement. (Exhibit A-5)

9. In March 1998, the lot was assessed for public sewer service. (Exhibit A-4)

10. On May 14, 1998, the Township amended the Floodplain Conservation District Ordinance to permit dwellings in the floodway fringe area of the District. (Exhibit A-4)

11. In a letter dated May 27, 1998, The Township acknowledged that the lot could be developed for a single-family dwelling. (N.T. 07/12/17, pp. 26-27, Exhibit A-4)

12. After the property was assessed for sewer in the sum of \$22,328.00, the Applicant commenced to market the property as a building lot. (N.T. 07/12/17, p. 24, Exhibit A-4)

13. Mary Grace Sparango, Vice President of the Applicant, testified that the lot has been listed for sale seven (7) times in the last seventeen (17) years, and has not sold, until the Applicant recently procured a potential purchaser. (N.T. 07/12/17, pp. 10, 18, 29-31, 64, Exhibit A-6)

14. In March of 2003, the Township adopted the Riparian Corridor Conservation District Ordinance which prohibited single-family dwellings in the Riparian Corridor.

15. The Applicant proposes to build a single-family detached residential home on the vacant lot with a footprint of approximately 3,200 square feet, and a second floor of approximately 1,500 square feet, with a two-car garage and a carport. (N.T. 07/12/17, p. 28)

16. The other homes in the neighborhood are large single-family homes, most of which

have 5 bedrooms and 3½ baths. (N.T. 07/12/17, p. 31)

17. The Applicant presented the testimony of a licensed civil engineer, Joseph M. Estock, P.E., P.L.S., who holds a Master's Degree in Civil Engineering, with a specialty in water resources engineering, and who was qualified as an expert in civil engineering and land surveying ("Engineer"). (N.T. 07/12/17, pp.78-81)

18. The Engineer prepared the plans marked as Exhibit A-3. (N.T. 07/12/17, p. 82)

19. The Engineer calculated the base flood elevation and also received a certification that there are no wetlands in the portion of the lot where the house will be located. (N.T. 07/12/17, pp. 69, 82)

20. The lot has a 50-foot wide fee simple strip of land leading out to Whitemarsh Valley Road, and also fronts on Lafayette Avenue. (N.T. 07/12/17, p. 84)

21. The lot has a driveway curb cut located on Whitemarsh Valley Road. (N.T. 07/12/17, pp. 77, 85-86)

22. A small tributary of the Wissahickon Creek known as Needle Run traverses the lot. (N.T. 07/12/17, p. 84)

23. The house is proposed to be located on the lot so as to minimize encroachment into both the Floodplain and the Riparian Corridor, therefore, taking access off of Whitemarsh Valley Road, rather than Lafayette Avenue. (N.T. 07/12/17, p. 85)

24. The house will be located on an elevated portion on the lot, above the base flood elevation. (N.T. 07/12/17, p. 85)

25. Lafayette Avenue has a higher level of traffic than Whitemarsh Valley Road. (N.T. 07/12/17, p. 85)

26. Needle Run traverses the property, and on the southerly side of Needle Run, the Township extended the sanitary sewer, therefore the Applicant decided to locate the proposed house on the northern side of Needle Run. (N.T. 07/12/17, pp. 85-88)

27. The Engineer testified that it is not possible to build a single-family dwelling on this lot in any area outside the Riparian Corridor. (N.T. 07/12/17, p. 91)

28. The Engineer designed the location of the house so as to not have any adverse impact on the Floodplain Conservation District or the Riparian Corridor. (N.T. 07/12/17, pp. 94-95)

29. The grade of the soil around the house would be at elevation 162 and the base flood elevation is at 160.5. (N.T. 07/12/17, p. 95)

30. The first floor of the house will be 3.25 feet above the base flood elevation. (N.T. 07/12/17, pp. 95-96)

31. The Township Engineer provided a letter approving of the development and stating no objections to construction of the proposed improvements within the Floodplain Conservation District, as long as the Applicant demonstrates compliance with all floodplain regulations and obtains an Earth Disturbance Permit. (N.T. 07/12/17, pp. 97-98, Exhibits T-5 and A-8)

32. There are no improvements proposed for the portion of the lot located in Zone 1 of the Riparian Corridor Conservation District. (N.T. 07/12/17, p. 98)

33. The improvements are planned to be located in Zone 2 of the Riparian Corridor Conservation District. (N.T. 07/12/17, p. 98)

34. The Engineer testified that there will be no detrimental effect on the health, safety and welfare of the community by the construction of the stormwater retention rain garden facility in the location as shown on the plan. (N.T. 07/12/17, p. 100)

35. The proposed rain garden area will not increase the elevation of the one-hundred-year-frequency recurrent interval flood by more than one (1) foot. (N.T. 07/12/17, p. 101)

36. The proposed development is proposed to be in compliance with the National Flood Insurance Program regulations. (N.T. 07/12/17, p. 102)

37. The Engineer testified that the Applicant's proposal meets all criteria as set forth in Section 116-227 of the Zoning Ordinance. (N.T. 07/12/17, p. 102)

38. There is no buildable area on the lot on which to place the house without a variance. (N.T. 07/12/17, p. 113)

39. The basis of the floodplain is the backwater effect of the Wissahickon Creek, along with the combination of Needle Run cutting through the property. (N.T. 07/12/17, p. 113)

40. The house will be located in conformity with the building setbacks as prescribed by the AAA-Residential Zoning District. (N.T. 07/12/17, pp. 115-116)

41. It is not possible for the property to be developed in strict conformity with the Township Zoning Ordinance because of the hardships presented by the physical characteristics of the lot, which is impacted by the tributary, the floodplain, the riparian corridor, and the sewer easement. (N.T. 07/12/17, p. 117)

42. The Engineer confirmed that, other than the zoning relief requested, the Applicant will comply with all other Zoning Ordinance requirements. (N.T. 07/12/17, p. 121)

43. Although the AAA-Residential District provides for other by-right uses such as agriculture and horticulture, and special exception uses of public utility facilities and public transportation passenger stations, the only reasonable and feasible use of the property is for a single-family residence. (N.T. 07/12/17, pp. 126-127)

44. The Engineer verified that the dwelling, as permitted in the AAA-Residential District is located in the floodway fringe, and that the construction of the house and related improvements would cause no increase in the elevation of the one-hundred-year-frequency recurrent interval flood by more than one (1) foot at any one point. (N.T. 07/12/17, pp. 128-129)

45. The Engineer verified that whether a house is built on the property or not, the water line resulting from a 100-year flood event would be in the same location, because of the design of the development. (N.T. 07/12/17, p. 189)

46. As a result of the stormwater measures designed by the Engineer, there will be no additional impact on the flood waters of the Wissahickon Creek. (N.T. 07/12/17, pp. 194-195)

47. The objector, Donald E. Haviland, Esq. presented evidence of the substantial amount of storm water controls he installed on his property. (N.T. 09/27/17, pp. 70, 73-74, Exhibits H-2-thru H-6)

48. The objectors, Donald E. Haviland, Esq. and George Vlahos presented evidence of the water issues on the subject property, as well as the objectors' properties. (N.T. 09/27/17, pp. 45-81, Exhibits H-10-thru H-20)

49. The objector, Donald Leatherwood presented testimony regarding his concerns related to storm water issues in the area. (N.T. 09/27/17, pp.129-135)

50. Mr. Haviland raised questions about the accuracy of the floodplain delineation for the subject property, but his testimony was not supported by expert testimony. (N.T. 09/27/17, pp.67-81, Exhibits H-2 thru H-6)

51. The testimony of Mr. Haviland was effectively rebutted by the testimony of the Applicant's Engineer, in that: (a) Mr. Haviland was inaccurately extrapolating a designation on the

plan for his lot onto the plan for the adjacent Sparango lot, and (b) the designation of the floodplain line on the Sparango lot was not accurately shown on the Haviland lot plan. (N.T, 09/27/17, pp. 100-110)

52. The Board is cognizant of the concerns related to storm water controls, and the importance of the protections afforded by regulations of the Floodplain Conservation District and the Riparian Corridor Conservation District.

53. The Applicant presented competent, and uncontroverted expert testimony and evidence that the property cannot be used for the only reasonable and feasible permitted use of a single family residence without variance relief, and that the development will not have an adverse impact on the floodplain, riparian corridor or the surrounding neighborhood.

54. With reference to the special exceptions requested, upon consideration of Section 912.1 of the Pennsylvania Municipalities Planning Code and the record presented, the Board determines that the Applicant's proposal meets the objective criteria of the Ordinance and the proposed use will not be contrary to the health, safety and welfare of the community.

55. With reference to the variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following:

- A. There are unique physical characteristics or conditions peculiar to this property, including the flag lot nature of the property surrounded by single-family residences, the tributary crossing the property, the floodplain and riparian corridor impacting the property, and the sewer easement traversing the property, creating an unnecessary hardship which justifies the granting of the variances to permit the construction of the house and related improvements.
- B. The Applicant presented sufficient credible evidence for the Board to conclude that the use variances, permitting the house and related improvements in the Riparian Corridor, are required for the reasonable use of the property, and that the dimensional variances are required for the

reasonable development of the property.

- C. The hardship has not been created by the Applicant.
- D. The granting of the variances will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood.
- E. The variances requested are the minimum variances to afford relief.

56. Under Section 116-217 of the Zoning Ordinance, the Board determines the following:

- A. The use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area of the proposed use would be adequately safeguarded.
- B. The proposed use will not have a harmful effect on local vehicular and pedestrian traffic.
- C. The proposed use is consistent with the legislative intent of the AAA- District and the Floodplain Conservation District.
- D. The surrounding neighborhood will not be subjected to objectionable noise, lighting, and glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use.
- E. The proposed use will not unduly burden sanitary, school, police, fire, park or other public facilities.

57. The record supports the following findings and conclusions under Section 116-227 of the Zoning Ordinance:

- A. The proposed development will not present danger to life and property due to increased flood heights or velocities caused by encroachments, because the development is not located in the floodway, and the development in the floodplain fringe will not cause any increase in the flood elevation of the one-hundred-year-frequency recurrent interval flood by more than one foot at any point.
- B. The proposed development does not present the danger that materials will be swept onto other lands or downstream to the injury of others.

- C. The proposed water supply and sanitation systems will be designed to perform properly and to prevent disease, contamination and unsanitary conditions.
- D. Because of the extensive storm water controls planned for the property, the proposed development will not be susceptible to flood damage, and will not damage the properties of other individual owners.
- E. The Applicant will provide for the safety, availability and means of access to the property for emergency services and vehicles in time of flooding.
- F. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site will not be adverse to the neighborhood.
- G. There will be no impermissible increases in flood heights, additional threats to public safety, additional public expense, the creation of nuisances, fraud on or victimization of the public, or conflict with local laws or ordinances.

58. The provisions of the Zoning Ordinance, strictly applied, impose an unnecessary hardship on the land and the Applicant, the use is not contrary to the health, safety and welfare of the community, and therefore, the following special exceptions and variances should be granted:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard.

2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District.

3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements, to be located within the Riparian Corridor Conservation District.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.

5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.

6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed, provided that the Applicant provides mitigation

as required by the Township.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation District.

### **III. DISCUSSION**

In Hertzberg v. Zoning Board of Adjustment of the City of Philadelphia, 554 Pa. 249, 721 A.2d 43 (1998), the Supreme Court held that, in evaluating a hardship for a dimensional variance, a Zoning Hearing Board should consider various factors, including economics and the characteristics of the surrounding neighborhood, and should also adopt a somewhat more relaxed standard of scrutiny than when considering a use variance. In Marshall v. City of Philadelphia and Zoning Board of Adjustment, 626 Pa. 385, 97 A.3d 323 (2014), the Supreme Court recognized that a property does not have to be valueless in order to obtain a use variance, and economic considerations may be considered in a use variance case, if conformance could only be achieved at a prohibitive expense. The Supreme Court reiterated in the Hertzberg and Marshall cases, that an Applicant need not prove that the property cannot be used for any other permitted use in order to be entitled to a variance.

If granting a special exception, the Board is to determine that the Applicant's proposal complies with the general criteria of the Ordinance and that the use will not be detrimental to the health, safety and welfare of the community. Broussard v. Zoning Board of Adjustment, 831 A.2d 764 (Pa. Cmwlth. Ct. 2003, affirmed on appeal @ 589 Pa. 71, 907 A.2d 494 (2006)).

The case before the Board involves the request for use variances to construct a house and related improvements in Zone 2 of the Riparian Corridor Conservation District, special exceptions for the location of the detention basin facility, and related dimensional variances and plan-related variances. None of the improvements will be located in the floodway or Zone 1 of the Riparian Corridor, the most environmentally sensitive areas on the property. The house is a permitted use in

the Floodplain Conservation District, and only special exceptions are required for the location of the detention basin. But because Zone 2 of the Riparian Corridor is co-extensive with the Floodplain Conservation District, and the lot is impacted by both overlay districts, the Applicant requires relief to place the house and related improvements anywhere on the lot.

The Objectors would have the Board rule that, even though the Township specifically advised the Applicant that the property constituted a building lot for a single-family residence once assessed for public sewer, that such use should be denied, and that virtually no use may be made of the property, other than for open space.

Of the uses permitted for this lot in accordance with the underlying AAA-Residential District, the Floodplain Conservation Overlay District, and the Riparian Corridor Conservation Overlay District, a single-family residence is the only reasonable and feasible use. The Applicant presented overwhelming uncontroverted evidence and expert testimony that the Applicant can make virtually no use of the property for a single-family residence without the relief sought, and that the development would cause none of the adverse consequences as maintained by the Objectors.

#### **IV. CONCLUSIONS OF LAW**

1. The Zoning Hearing Board has jurisdiction over the subject matter of the application.
2. The Applicant is the legal owner of the property in question.
3. The Applicant and the subject matter are properly before the Board. The Applicant has standing to submit the application. The Objectors have standing to oppose the application.
4. Hearing notices were duly published and posted in accordance with law, by advertisement in the newspaper and posting on the property.
5. With reference to the special exceptions requested, upon consideration of Section

912.1 of the Pennsylvania Municipalities Planning Code, the Board determines that the Applicant's proposal meets the objective criteria of the Ordinance and the proposed use will not be contrary to the health, safety and welfare of the community.

6. With reference to the variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following as a matter of law:

- A. There are unique physical characteristics or conditions peculiar to this property, including the flag lot nature of the property surrounded by single-family residences, the tributary crossing the property, the floodplain and riparian corridor impacting the property, and the sewer easement traversing the property, creating an unnecessary hardship which justifies the granting of the variances to permit the construction of the house and related improvements.
- B. The Applicant presented sufficient credible evidence for the Board to conclude that the use variances, permitting the house and related structures in the Riparian Corridor, are required for the reasonable use of the property, and that the dimensional variances are required for the reasonable development of the property.
- C. The hardship has not been created by the Applicant.
- D. The granting of the variances will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood.
- E. The variances requested are the minimum variances to afford relief.

7. Under Section 116-217 of the Zoning Ordinance, the Board determines the following, as a matter of law:

- A. The use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area of the proposed use would be adequately safeguarded.
- B. The proposed use will not have a harmful effect on local vehicular and pedestrian traffic.
- C. The proposed use is consistent with the legislative intent of the AAA-

Residential District and the Floodplain Conservation District.

- D. The surrounding neighborhood will not be subjected to objectionable noise, lighting, and glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use.
- E. The proposed use will not unduly burden sanitary, school, police, fire, park or other public facilities.

8. The record supports the following findings and conclusions under Section 116-227 of the Zoning Ordinance, as a matter of law:

- A. The proposed development will not present danger to life and property due to increased flood heights or velocities caused by encroachments, because the development is not located in the floodway, and the development in the floodplain fringe will not cause any increase in the flood elevation of the one-hundred-year-frequency recurrent interval flood by more than one foot at any point.
- B. The proposed development does not present the danger that materials will be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems will be designed to perform properly and to prevent disease, contamination and unsanitary conditions.
- D. Because of the extensive storm water controls planned for the property, the proposed development will not be susceptible to flood damage, and will not damage the properties of other individual owners.
- E. The Applicant will provide for the safety, availability and means of access to the property for emergency services and vehicles in time of flooding.
- F. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site will not be adverse to the neighborhood.
- G. There will be no impermissible increases in flood heights, additional threats to public safety, additional public expense, the creation of nuisances, fraud on or victimization of the public, or conflict with local laws or ordinances.

9. The provisions of the Zoning Ordinance, strictly applied, impose an unnecessary

hardship on the land and the Applicant, the use is not contrary to the health, safety and welfare of the community, and therefore, the following special exceptions and variances should be granted:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard.

2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District.

3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements, to be located within the Riparian Corridor Conservation District.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.

5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.

6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed, provided that the Applicant provides mitigation as required by the Township.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation District.

#### **V. OPINION**

Upon consideration of the Findings of Fact and Conclusions of Law, the Board hereby determines that the application should be granted as set forth hereinafter in the Decision and Order.

RECEIVED  
AUG 21 2025

WHITEMARSH TOWNSHIP  
ZONING & ENGINEERING  
WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO.:	2017-22	FIRST HEARING DATE:	07/12/17
APPLICANT:	Pat Sparango, Inc.	CONT'D HEARING DATES:	08/23/17
	Block 049D, Unit 009		09/27/17
	318 Whitemarsh Valley Road	VOTE:	09/27/17
	Fort Washington, PA 19034	WRITTEN DECISION:	11/02/17
	AAA – Residential District	COPY MAILED:	11/02/17
	Floodplain Conservation Overlay District		
	Riparian Corridor Conservation Overlay District		

After completion of public hearings on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard, are **GRANTED**.

2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District, is **GRANTED**.

3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements to be located within the Riparian Corridor Conservation District, is **GRANTED**.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District, is **GRANTED**.

5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District, is **GRANTED**.

6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed, provided that the Applicant provides for mitigation as required by the Township, is **GRANTED**.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation District, is **GRANTED**.

**THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:**

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.
2. The Applicant shall apply for and obtain all permits required by the Township Codes in a timely manner.
3. The Applicant shall comply with all requirements of the Township Engineer's Letter dated June 29, 2017, and any other requirements of the Township Engineer with respect to storm water controls.
4. The Applicant shall provide for vegetation mitigation as directed by the Township.
5. The Applicant shall provide to the objectors herein copies of the plans submitted to the Township in relation to the Application for the Earth Disturbance Permit.
6. All construction shall be in compliance with the National Flood Insurance Program regulations.

As required by Section 116-227. D of the Zoning Ordinance, the Applicant is on notice that:

Certain relief from floodplain requirements may result in increased premium rates for flood insurance and/or may increase the risks to life and property.

The development of the property in the floodplain is entirely at the risk of the Applicant.

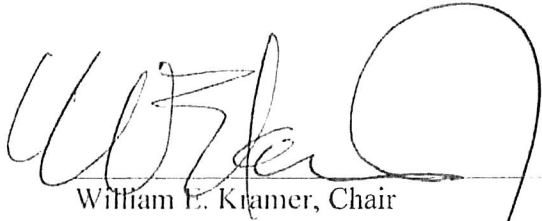
This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

Section 116-223 of the Zoning Ordinance provides as follows:

Expiration of granted appeals. Unless otherwise specified by the Board, all approvals granted by the Zoning Hearing Board shall automatically expire 365 days after the date of the decision unless: (1) the applicant has acted upon the approval by obtaining the required permit(s) and paying the prescribed fees for same, or (2) the Zoning Hearing Board decision is on appeal to the courts, at which point, the approval, if upheld on appeal, shall expire 365 days after final determination on appeal.

The Zoning Hearing Board may extend the expiration date of approvals for a 180 day period upon request by the applicant, provided that the applicant is, in the opinion of the Zoning Hearing Board, diligently pursuing governmental and/or regulatory approvals as required. Requests for extensions shall be in writing and submitted to the Zoning Hearing Board at least 30 days before any applicable expiration date. Only one (1) extension may be provided for any application.

**WHITEMARSH TOWNSHIP ZONING HEARING BOARD:**

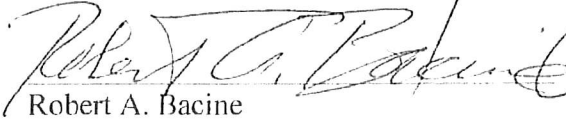


William E. Kramer, Chair



Marc Weinstein, Vice Chair

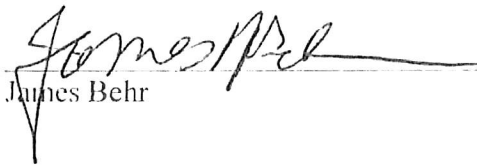
DISSENT



Robert A. Bacine



Stanley A. Casacio



James Behr

ALTERNATE

Randi Rubin