

WEST NORRITON TOWNSHIP
ZONING HEARING BOARD
THE COUNTY OF MONTGOMERY, PENNSYLVANIA

- - -
Application 877
- - -

Wednesday, November 20, 2013
Commencing at 7:05 p.m.
- - -

Township Building
1630 West Marshall Street
Jeffersonville, Pa
- - -

BOARD MEMBERS:

ALBERT ZONE, Chairman
EDWARD LINCUL, Vice Chair
DOMINIC DIASCRO
- - -

COUNSEL APPEARED AS FOLLOWS:

MICHAEL E. FUREY, ESQUIRE
for the Board
- - -

ALSO PRESENT:

MICHAEL VALYO, Code Enforcement
PATRICIA FISHER, Secretary
- - -

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RENE A. HOFFMAN	5

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I N D E X

BOARD'S

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2 MR. ZONE: Ed, do you want to
3 read Hearing Number 877, please?

4 MR. LINCUL: Hearing Number
5 877. Notice is hereby given that the Zoning Hearing
6 Board of West Norriton Township will conduct a hearing
7 beginning at 7:00 p.m. on Wednesday, November 20th,
8 2013, to consider the application of John and Angela
9 DiPetrillo, and having reference to property situate
10 2450 Chestnut Avenue. The property is located in an
11 R-2 District.

12 The petitioner is requesting a
13 special exception to Chapter 27, Section 1401.2,
14 regulations of the code of ordinance. The request is
15 to enlarge a nonconforming building. And a variance
16 from Section 502.4(a) to reduce side yard to zero and
17 to reduce the aggregate side yard accordingly.

18 The hearing will be held in
19 the West Norriton Township Municipal Building, 1630
20 West Marshall Street, Jeffersonville, PA, and all
21 persons having interest are invited to attend and be
22 heard.

23 MR. FUREY: Mr. Chairman, the
24 notice that was just read into the record by the Vice
25 Chair will be marked as B-1. That notice was

1
2 published in the Norristown Times Herald as required.

3 In addition, the posting of
4 the notice signed by the zoning officer will be marked
5 as B-2.

6 MR. ZONE: Okay.

7 MR. FUREY: Thank you.

8 (Notice marked Board's Exhibit
9 B-1, for identification.)

10 (Posting of Notice marked
11 Board's Exhibit B-2, for identification.)

12 MR. ZONE: Is anyone here?
13 Step up and present.

14 MR. HOFFMAN: Good evening.
15 Should I use the podium or put my things here?

16 MR. ZONE: Whichever way you
17 want to do it. You need to be sworn in first, and
18 then we will go from there.

19 MR. HOFFMAN: I'm Rene
20 Hoffman. I'm an architect, and I'm going to be
21 representing the homeowner and applicant.

22 MR. FUREY: You will be
23 testifying on behalf of the DiPetrillos; is that
24 correct?

25 MR. HOFFMAN: Yes.

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MR. FUREY: Are the
DiPetrillos here?

MR. HOFFMAN: Yes. Mr.
DiPetrillo is here.

MR. FUREY: We will have --
Mr. DiPetrillo, you will be presenting the
application, but you can present the application by
calling Mr. Hoffman as your witness so he can testify.

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JOHN MICHAEL DIPETRILLO and
RENE A. HOFFMAN, having been duly sworn, testified as
follows:

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MR. FUREY: Mr. DiPetrillo,
what's your interest in the property?

MR. DIPETRILLO: I'm the
homeowner.

MR. FUREY: You own the
property?

MR. DIPETRILLO: Yes, sir.

MR. FUREY: You retained Mr.
Hoffman to design the addition?

MR. DIPETRILLO: Yes, sir.

MR. FUREY: You wish to call

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Mr. Hoffman as a witness at this point?

MR. DIPETRILLO: I do, sir.

MR. FUREY: Okay. You can go ahead and present.

MR. HOFFMAN: Thank you very much.

Mr. DiPetrillo, John, and his wife Angela live at 2450 Chestnut Avenue. That's a property that is located in the R-2 zoning district. It's approximately 28,103 square feet, the lot size.

The improvements on that plot existing are a single family house and a detached garage. The detached garage presently sits right on a side property line. That side property line is also a side easement for a paper street, and I think we submitted site plans.

Does anyone need a copy?

MR. FUREY: Why don't we go ahead and identify the documents that you presented, Mr. Hoffman.

MR. HOFFMAN: Sure.

MR. FUREY: We have a number of plans, but I don't know which one you will like to refer to at this point.

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MR. HOFFMAN: Why don't we refer to -- there's a site plan which was generated by Robert E. Blue, who is an engineer. And this is a site plan that was submitted when Mr. DiPetrillo's property was subdivided from another property. It also shows the street lines. So we can label that -- would that Applicant's Number 1?

MR. FUREY: Okay. Let's see then. We have a topographic survey plan prepared by a Jeffrey Turner.

Are you going to reference that?

MR. HOFFMAN: I will reference that as well.

MR. FUREY: You don't want to deal with that one at this point?

MR. HOFFMAN: I wanted to point out one thing on the Blue plan.

MR. ZONE: We don't have a Blue plan.

Do you have it, Michael?

MR. VALYO: I have one, yes.

MR. HOFFMAN: Maybe it's not that pertinent.

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2 MR. FUREY: If you have a
3 copy of that document, let's go ahead and mark that.
4 We will mark that as A-1. It's being handed to the
5 Chairman.

6 (Document marked Applicant's
7 Exhibit A-1, for identification.)

8 MR. HOFFMAN: If the Board
9 looks at the site, this is Mr. DiPetrillo's house.
10 It's back. There's a long driveway, which is
11 identified as Roosevelt Boulevard. So Mr.
12 DiPetrillo's lot would be usually described as a flag
13 lot. And so you can see it's off of Chestnut Street
14 and Roosevelt Boulevard, which is basically only
15 servicing his house and turns into his driveway.

16 The point that I wanted to
17 make about the Blue survey, the title line of Mr.
18 DiPetrillo's lot is the inside line, and there's a
19 four-foot boundary on two sides of that lot. We
20 suspect it's for utilities that were dedicated for
21 this paper street. The street is not there. So it's
22 basically a drainage area, and I have photographs I
23 will present to show you what's there now.

24 So you can see on this plan
25 the garage was not built yet, and on the Turner plan,

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which is the most recent survey, you will see the location of the garage.

The only thing I wanted to point out is there is this four-foot utility easement which seems to be running concurrent with Mr. DiPetrillo's two property lines. So that's exhibit A-1.

Then I think probably it would be most useful to go to the Turner site plan, which, if it pleases the Board, we will label A-2.

MR. FUREY: That's a topographic survey plan.

MR. HOFFMAN: That is correct.

MR. FUREY: We have a very small -- what's the last date of revision?

MR. HOFFMAN: I believe it's September 26th, 2013.

MR. FUREY: Do you have extra copies of that, large size?

MR. HOFFMAN: I do.

So this is Exhibit A-2.

(Plan marked Applicant's Exhibit A-2, for identification.)

MR. HOFFMAN: If you look at

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2 this plan, which was dated September 26th of this
3 year, you will see the location of the existing
4 garage, which is a detached garage, and sits right on
5 the property line which would be the south and west
6 property line. So it is hatched and not attached to
7 the existing house.

8 What we would like to do is
9 extend the footprint of this garage four feet towards
10 Roosevelt Boulevard, which is basically this driveway,
11 and six feet to the rear of his property. We're
12 staying within the lines of that building. But we are
13 going to take the building down to its foundation and
14 rebuild it just to accommodate a second floor on this
15 garage. The second floor is designed to accommodate
16 Mr. DiPetrillo's mother. So it's going to be an
17 in-law suite basically.

18 And that's what we're here for
19 tonight, to ask the Board can we extend this
20 footprint, and I'm going to show you plans and
21 exterior elevations of the proposed in-law suite which
22 would be above a two-car garage basically. So that
23 was exhibit A-2.

24 Does anyone have any questions
25 about A-2 at this point? We can come back to it.

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MR. ZONE: Not yet.

Ed?

MR. LINCUL: I'm just looking.

Mike, is this actually off
this property line, blacktop?

MR. VALYO: That's the
right-of-way.

MR. ZONE: It's right along
the line.

MR. VALYO: Yes. Then there's
a four foot supposed to be utilities.

MR. FUREY: So the question
Mr. Lincul is asking, is the blacktop driveway,
concrete pad, in the paper street then?

MR. ZONE: I'm reading this to
be in the right-of-way.

MR. VALYO: No, I don't
believe it is.

MR. ZONE: Look at the
drawing. We have the back wall that -- you got your
dotted line. It says right-of-way right here.

MR. HOFFMAN: I think we might
address that, because Mr. DiPetrillo has an agreement
of sale to buy this adjacent property which is

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2 comprised of Court Land Street (ph) and two paper lots
3 that are back in this drainage swale which are
4 unbuildable lots basically.

5 MR. VALYO: Swamp land.

6 MR. HOFFMAN: I do have a copy
7 of that with me if the Board would like to enter that
8 as an exhibit as well.

9 So what we would hope to do is
10 make all this go away as soon as he buys this
11 property. But for timing's sake and to try to get the
12 project under way for his mother to get in here, we're
13 here tonight asking if we can get this extension of a
14 nonconforming building.

15 MR. FUREY: I guess it raises
16 the question of who would be living in the in-law's
17 quarters.

18 MR. DIPETRILLO: My mother.
19 We're building it for my mother. It's kind of for
20 financial reasons for her.

21 MR. FUREY: So the Board
22 knows, you may recall previous applications for in-law
23 suites before the Board. There have been amendments
24 to the ordinance and the zoning officer kind of
25 pointed these out with reference to the fact that,

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2 "When accessory to a single-family detached dwelling
3 only, one separate living area, including cooking
4 facilities, may be provided for no more than two
5 persons related to the principal occupant of the
6 single-family detached dwelling by blood, marriage or
7 adoption, provided that said use is registered with
8 the Building Inspector, subject to a written agreement
9 to be recorded, to remove said cooking facilities at
10 the time said facilities are no longer utilized by
11 said persons related to the principal occupant as
12 aforesaid."

13 And you're willing to comply
14 with those requirements; is that correct?

15 MR. DIPETRILLO: Yes, sir.

16 MR. FUREY: So really -- am I
17 correct?

18 MR. VALYO: That's correct.
19 And he's already complied in a letter to me.

20 MR. FUREY: Very well. And
21 I'm correct, from the zoning officer's standpoint, he
22 needs no relief then in order to establish the
23 in-law's quarters, that there's no use relief
24 required, just the dimensional?

25 MR. HOFFMAN: Correct.

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2 MR. FUREY: The reason I want
3 to point that out is because, prior to the amendments,
4 we had some applications for in-law quarters, and the
5 Board -- many of the members have been here for years
6 and they would remember those.

7 MR. HOFFMAN: Thank you very
8 much. I do have some photographs of the existing
9 property. It shows the attached garage. It shows the
10 area Mr. DiPetrillo is going to buy, which is pretty
11 much a field and drainage area. It also has a couple
12 shots of the back of the property.

13 MR. FUREY: Mark your photo
14 exhibit packet as A-3.

15 MR. HOFFMAN: I've done that.

16 (Photo packet marked
17 Applicant's Exhibit A-3, for identification.)

18 MR. FUREY: How many pictures
19 are each?

20 MR. HOFFMAN: I believe there
21 are five pictures. There are five photographs. And
22 here's A-3.

23 If it would help the Board, I
24 also have a Google Earth image of the property from an
25 aerial view so you can see exactly what's here. This

1
2 is the parcel that Mr. DiPetrillo is going to buy. So
3 we can label that A-4 perhaps.

4 (Google map marked Applicant's
5 Exhibit A-4, for identification.)

6 MR. ZONE: You say he already
7 has an agreement of sale on that property?

8 MR. HOFFMAN: He does. And we
9 have a copy of that if you would like to have that
10 entered as well. I don't know that it would have a
11 bearing on tonight's decision.

12 MR. FUREY: It's not part of
13 this application. Mr. DiPetrillo can surely verify
14 he's under agreement to purchase the property.

15 MR. DIPETRILLO: Yes, we have
16 an agreement of sale. The settlement is actually on
17 Friday.

18 MR. ZONE: Okay.

19 MR. FUREY: I was going to say
20 that you don't necessarily want to make this relief
21 contingent on that, but it sounds like that's going
22 forward.

23 MR. DIPETRILLO: Yes.

24 MR. HOFFMAN: That would be
25 Exhibit A-4, the Google Earth image of the site, which

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2 I think you can kind of orient -- this is the only
3 house at this top of the image. You can see that the
4 area that he's buying is pretty much scrubby woodland
5 and kind of drainage area. Again, there's no street
6 there. Apparently, Court Land Street was never built
7 or I don't know if it was dedicated in the books. But
8 we will have to go about rerecording it if we get this
9 property. I assume that's the mechanism we have to
10 use.

11 MR. VALYO: If I may, Court
12 Land Street extends out to Clemens Circle. From the
13 end of the DiPetrillo property to Clemens Circle has
14 been abandoned by the Township. In speaking with the
15 Twosnhip Manager, we would go about abandoning the
16 rest of Court Land Street.

17 MR. HOFFMAN: Then I believe I
18 have one last exhibit for the Board. That would be
19 what we're proposing to build, which is an
20 architectural plan. This might have a date on it.
21 But it's labeled DiPetrillo garage. It has a first
22 floor plan, second floor plan, a front elevation of
23 the garage. I have extra copies of that. Here we
24 consolidated all of the sheets.

25 MR. FUREY: If you can hand

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that copy up.

MR. HOFFMAN: So I think we're up to A-5, I believe. I think the aerial was A-4. So this is Exhibit A-5.

(Architectural plan marked Applicant's Exhibit A-5, for identification.)

MR. HOFFMAN: What that shows, Board Members, is the first floor of the garage where two vehicles can park and there's extra storage. There's a stairway up to the in-law's suite above. The in-law's suite consists of a kitchenette, a living space like a family room, a bedroom, a bathroom and laundry and powder room. And on the right of the drawing is what the exterior might look like facing the garage doors, which is the same orientation that you see the garage doors on Exhibit A-3. So it's facing the driveway that's there.

The impervious coverage we're increasing by only 144 square feet. The building coverage, because we're bumping four feet forward, we actually lose -- we gain a little bit of building coverage. I think we are up to total building coverage -- total building that we add is 238, but part of that is already paved surface. But we're

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2 still well under the limit. I believe the limit is 35
3 percent, and that would put us somewhere around, I
4 believe, 27.9 or something like that.

5 MR. VALYO: That's the number
6 we were talking about.

7 MR. HOFFMAN: We're in
8 compliance with building coverage. I don't know that
9 impervious coverage is called out in that district in
10 any way, but we're still under building coverage of
11 what's proposed.

12 And I guess that's it.

13 MR. FUREY: Basically, let me
14 understand. You're extending the building along the
15 same line that's been established.

16 MR. HOFFMAN: Correct.

17 MR. FUREY: But because you're
18 extending the building, you're encroaching farther in
19 that side yard. That side yard will continue to be
20 zero for a longer distance.

21 MR. HOFFMAN: You're
22 absolutely correct.

23 MR. FUREY: And then you're
24 short on your aggregate side yard accordingly, so you
25 need that.

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MR. HOFFMAN: Correct.

MR. VALYO: I think you and I talked about that. That's to clarify and make it whole.

MR. FUREY: Yes. Thank you.

MR. HOFFMAN: I think I will mention to the Board, when Mr. DiPetrillo gets the other piece of ground, that puts this building in total compliance. Really, if we would have waited, but we didn't know that the deal was going to happen --

MR. VALYO: That fast.

MR. HOFFMAN: Because then we could connect it to the house.

MR. DIPETRILLO: I didn't know what the price was. If it was priced outrageous, then --

MR. HOFFMAN: There were negotiations.

That completes my presentation. I would be glad to answer any questions that you may have.

MR. ZONE: So there will be two bathrooms upstairs?

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2 MR. HOFFMAN: A powder room
3 and a master bathroom. A powder room for any guest
4 that she may have and a master bathroom. She will
5 have her own laundry space as well. It's pretty much
6 a self-sufficient unit.

7 And the architecture, the
8 exterior -- the architecture of the renovated
9 structure is going to match that of the house. So we
10 have the same materials that's on the house, a
11 carriage style door for the garage doors.

12 MR. ZONE: How soon will you
13 start?

14 MR. DIPETRILLO: As soon as
15 possible. As soon as everything gets approved and
16 want to start the steps to start the building. Trying
17 to get it under roof by before it gets too cold and
18 can't dig anymore. Mom sold her house already.

19 MR. ZONE: What's she got,
20 about three months?

21 MR. HOFFMAN: We have to
22 complete the permit drawings. We were holding.

23 MR. ZONE: That was my next
24 question.

25 MR. VALYO: They're holding up

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2 permit drawings until after this. As soon as they're
3 done, they'll fire them off and bring them in.

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MR. HOFFMAN: Maybe not that
5 quick.

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MR. VALYO: They understand
7 they have to wait for the approval letter from us.

8

MR. HOFFMAN: Is it a
9 thirty-day wait?

10

MR. FUREY: The Board has
11 forty-five days to issue a written decision. I will
12 say that this Board usually issues its written
13 decisions within two weeks.

14

MR. HOFFMAN: All right.
15 Thank you very much.

16

MR. LINCUL: No questions.

17

MR. DIASCRO: No questions.

18

MR. ZONE: We will take a few
19 minutes to go back and discuss.

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MR. FUREY: The Board will
21 engage in quasi judicial deliberations and come back
22 out for a possible determination.

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(Recess.)

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MR. ZONE: I'd like to bring the meeting back to order.

This is to grant a special exception under Section 1401.2 to enlarge a nonconforming building as proposed and also grant a variance from Section 502.4(a) to reduce the side yard to zero and reduce the aggregate side yard for the proposed construction. That is what we are looking at, gentlemen.

MR. LINCUL: I propose that we accept it.

MR. DIASCRO: Agreed.

MR. ZONE: Agreed.

You will be getting a letter in the mail.

MR. FUREY: A decision very shortly. Then you can pull your permits.

MR. HOFFMAN: Thank you.

MR. DIPETRILLO: Thank you.

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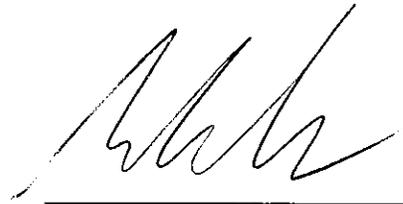
(At 7:35 p.m., the proceedings were concluded.)

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C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.



MARK MANJARDI

Official Court Reporter

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