



Whitemarsh TOWNSHIP

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Reference: Review of Creekside Commons Amended Preliminary Land
Development Plan (SLD #00-05)
Property: Stenton Avenue
Applicant: Highway Materials, Inc.

Dear Counsel:

I have received and reviewed the Amended Preliminary Land Development Plan (the "Amended Plan") prepared by Bohler Engineering, Inc., dated 10/7/09. Based on the zoning regulations that were in effect at the time the original plan prepared by Woodrow and Associates, dated 8/20/01, was submitted (9/10/01), the Amended Plan is not in compliance with the Whitemarsh Township Zoning Ordinance for the following reasons:

1. The proposed basin is not a permitted accessory structure or use within the Zoning District in which it is located.

The following are the specific sections of Whitemarsh Township Code from which you would need to seek relief:

- A. Section 116-24 A. states, "**Accessory use and structures. A. Authorization.** Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in connection with, incidental to, and, and on the same lot with a principal use or structure which is permitted within such district."
- B. Section 116-24 D. (1) states, "**Accessory use and structures. D. Use limitations. (1)** No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized contemporaneously."
- C. Section 116-24 D. (2) states, "**Accessory use and structures. D. Use limitations. (2)** All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which it is located."
- D. Section 116-35 states, "**Residential Districts Generally. Permitted uses in AAAA, AAA, AA, A and B Residential Districts.** Permitted uses on each lot in AAAA, AAA, AA, A and B Residential Districts shall be as follows:
- A. One single-family detached dwelling.
 - B. Agriculture or horticulture, except the commercial keeping or handling of farm stock or poultry and except commercial greenhouses or establishments for sale of farm or horticulture products.
 - C. Any of the following purposes when authorized as a special exception:
 - (1) Public utility facility, provided that the exterior architectural design shall be of a residential character in conformity with all the regulations of the district and shall at no time be used for the storage of equipment or vehicles or other commercial purposes.
 - (2) Passenger station for public transportation.
 - D. An accessory use on the same lot with and customarily incidental to any permitted use, including a home occupation."
- E. Section 116-48 states, "**AA Residential District. Permitted uses.** A building may be erected, altered or used and a lot or premises may be used for any uses permitted in 116-35."

2. The proposed basin fence is located on another property.

The following is the specific section of Whitmarsh Township Code from which you would need to seek relief:

A. Section 116-24 A. states, "**Accessory use and structures.** A. Authorization. Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in connection with, incidental to, and, and on the same lot with a principal use or structure which is permitted within such district."

No work shall be permitted to commence until the required permits have been issued. Please feel free to call me if I could be of further assistance.

Very truly yours,



Elizabeth DeCordova,
Zoning Officer

cc: Bruce G. Horrocks, Acting Township Manager