



WHITPAIN TOWNSHIP
MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

960 WENTZ ROAD
BLUE BELL, PA 19422-1835
(610) 277-2400
FAX: (610) 277-2209

March 16, 2022

Amee S. Farrell, Esq.
Kaplin Stewart Meloff Reiter & Stein, PC
910 Harvest Drive
Blue Bell, PA 19422

Re: Conditional Use Application No. 44-21
Normandy Development, LP
Parcel No. 66-00-04112-11-5

Dear Amee:

As approved by the Board of Supervisors on March 15, 2022, I am forwarding the Decision and Order for the above-noted application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roman M. Pronczak".

Roman M. Pronczak, P.E.
Township Manager

/v

c: M.P. Clarke, Esq.
A.M. Glassman, Esq.

BEFORE THE WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS

Applicant:

Normandy Development, LP

Property:

Normandy Farms Hotel & Conference Center
1401 Morris Road
Blue Bell, PA 19422

Parcel No:

66-00-04112-11-5

Application No.: 44-21

CONDITIONAL USE DECISION

FINDINGS OF FACT

1. On February 15, 2022, a hearing was held before the Board of Supervisors of Whitpain Township (“Supervisors”) pursuant to an application for Conditional Use approval to reconstruct and expand the existing carriage house damaged by fire to accommodate 21 guest units on the property located at 1401 Morris Road, Whitpain Township, Montgomery County, Pennsylvania, further identified as Montgomery County Tax Map Parcel Number 66-00-04112-11-5 (the “Property”), pursuant to § 160-77 of the Whitpain Township Zoning Ordinance (the “Ordinance”).
2. Applicant is Normandy Development, LP (“Applicant”), having an address of 1401 Morris Road, Blue Bell, PA 19422.
3. The Property is located in the R-6 Agricultural/Rural Residence District.
4. The proposed use is permitted by conditional use approval pursuant to § 160-69(C)(3).
5. Notice of the public hearing was published in The Times Herald on January 31, 2022 and February 7, 2022.
6. Notice of the public hearing was mailed by the Township to all surrounding properties in accordance with § 160-240 of the Ordinance.

7. The following documents were offered by the Board, marked as indicated, and received into evidence:

- 1 Affidavit of Posting
- 2 Legal Notice
- 3 Proof of Publication
- 4 Notice and Mailing List

8. At the hearing, the following documents were offered by Applicant, marked as indicated, and received into evidence:

- 1 Conditional Use Application, Deed, and Addendum
- 2 January 20th Zoning Hearing Board Decision
- 3 Slide Deck
- 4 January 11, 2022 Letter

9. No individuals and/or businesses presented opposition to the application.

10. The Applicant was represented by Ameer Farrell, Esquire of Kaplin Stewart.

11. At the February 15, 2022 hearing, for purposes of judicial economy, the Supervisors first heard an offer of proof via testimony of Ameer Farrell on behalf of Bud Hansen, with Mr. Hansen confirming the testimony and accepting it as his own later in the hearing after being sworn in. The offer of proof can be summarized as follows:

- a. The Property is a 9.59 acre parcel that is part of a larger 50-plus acre historic redevelopment and is improved with and operated as a hotel and conference center that is subject to certain conditional use provisions.
- b. The conditional use provisions allow for the adaptive reuse of the historic structures on the Property, in addition to other structures that were not historic but were included as part of the conditional use approval at the time of the original approval.
- c. The Applicant seeks to replace a carriage house, which previously housed nine (9) guest units and was damaged by a fire, with a new building in the general same footprint. However, the new building will have a third floor, a less awkward layout, and will house 21 guest units instead of nine (9) guest units.
- d. The carriage house is located entirely behind a historic perimeter wall and the wall was not impacted as a result of the fire and will not be modified as a result of the proposed reconstruction.
- e. The footprint of the carriage house will be altered slightly from the existing to provide more accessible entrances and improve interior layout.

- f. The area of encroachment will increase by 411 square feet but no portion of the carriage house will be any closer to the setbacks than in the existing encroachment. The existing carriage house encroaches into the required 50 foot setback so that only a 19 foot, 10 inch setback is provided and the encroachment currently has a footprint of approximately 1,039 square feet.
 - g. Some patios and walkways will be removed and new seating and walkways will be added. There will be a slight increase in overall impervious surface coverage but it will be less than a one-half percent (1/2 %) increase for the overall site. The open space will also be maintained.
12. At the February 15, 2022 hearing, the Supervisors heard the testimony of Bud Hansen on behalf of the Applicant. The testimony can be summarized as follows:
- a. Bud Hansen is the owner and operator of the Property and conference center.
 - b. He was not the owner/operator at the time the Property was developed in the 90s. However, he was the owner/developer when the Property was purchased in 2001 by Normandy Development and the Property was opened in 2003.
 - c. Bud Hansen adopts the above offer of proof of Ameer Farrell as his own testimony.
 - d. There is a covenant on the Property in favor of the Township but the covenant allows for modification of the Property through conditional use. Mr. Hansen does not believe that the covenant will affect the conditional use application.
13. The Applicant has previously received Conditional Use approval for the use and prior improvements on the Property.
14. The Supervisors found the testimony and documentary evidence presented credible.
15. There were no objections to the application.


CONCLUSIONS OF LAW

- 1. Pursuant to § 160-69(C)(4) of the Ordinance, a rural cluster subdivision containing a carriage house residence and incorporating the preservation of a historic structure or structures is permitted by Conditional Use, subject to certain conditions.
- 2. Rural cluster subdivisions containing carriage house residences and incorporating the preservation of an historic structure or structures.
- 3. Pursuant to § 160-77 of the Ordinance there are special regulations for rural cluster subdivisions with historic preservation.

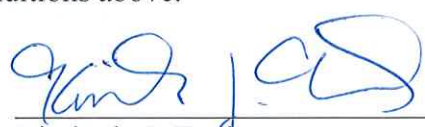
4. The Supervisors considered the factors identified §§ 160-69(C)(4), 160-74, and 160-77 of the Ordinance and determined that Applicant has sustained its burden of proof with respect to these factors.
5. An Applicant for conditional use has the burden to demonstrate compliance with the specific criteria of the ordinance. In re Thompson, 896 A.2d 659 (Pa. Commw. Ct. 2005).
6. Applicant sustained its burden of proof that its Application met the specific criteria of the Whitpain Township Zoning Ordinance.
7. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions take precedence.
8. Approval of the Application is subject to the Applicant's compliance with any requirements from any agency having jurisdiction over the matter in addition to all applicable codes and ordinances, including but not limited to the Whitpain Township Zoning Ordinance, the Whitpain Township Subdivision and Land Development Ordinance, and the Whitpain Township Building Code.
9. Approval of the Application is subject to Applicant agreeing to reimburse the Township for all fees and costs associated with the review of this plan account, including engineering and attorney fees, and to become current with all financial obligations to the Township.

CONCLUSION

Based on the testimony and documentary evidence, the Board of Supervisors of Whitpain Township unanimously voted to approve the Conditional Use application and hereby grants a waiver of land development consistent with the conditions above.



 Jeffrey Campolongo
 Secretary



 Kimberly J. Koch
 Chair

March 15, 2022

 Dated

March 15, 2022

 Dated