



## TREDYFFRIN TOWNSHIP PLANNING COMMISSION

Tredyffrin Township Municipal Building ~ Keene Hall

Wednesday – June 18<sup>th</sup>, 2025– 7:00 pm

### Minutes

#### **Call to Order:** 7:02 PM

A Regular Meeting of the Tredyffrin Township Planning Commission was held on the above date at the Township Administration Building. Commission members present (6) Scott Growney, Chair, David Thomas, Vice-Chair, Kate Vaccaro, Martin Bond, Robert Rose and Jill Hammond. Also in attendance were Murph Wysocki, Board of Supervisors Liaison; William Martin, Township Manager; Erin McPherson, Director of Planning & Zoning, Stephen Burgo, P.E, Township Engineer, Robert Emmanuel, Planning and GIS Administrator, and Patrick McKenna, Esq., Planning Commission Solicitor from Gawthrop Greenwood.

The meeting dates for the year were advertised in the 12/27/2024 issue of Daily Local and the 1/5/2025 issue of the Main Line Suburban. The meetings dates for the year were published on the Township website by 12/31/2024 and were printed in the Township's newsletter 1/31/2025. The agenda was posted on the Township website 6/12/2025 and at the main entrance to the Township Building 6/18/2025. Copies of the agenda were made available for the public in attendance at the meeting.

#### **Consideration of Meeting Minutes:** April 21<sup>st</sup>, 2025

*Mr. Growney requested any comments and/or corrections to the minutes...*

*Mr. Growney requested a motion...*

**Action:** Motion made by Mr. Thomas, seconded by Mr. Rose, and passed (6-0)

**Mr. Growney introduces the first item on the agenda SK-02-25 – 549 Park Ridge Terrace (549 Park Ridge Terrace LLC)** The applicant is proposing a three-lot subdivision of the property located at 549 Park Ridge Terrace in Wayne. The property is located at the end of a cul-de-sac, and borders Thomas Road and the Pennsylvania Turnpike. The property is zoned R1 and has a gross acreage of 2.395 (2.040 net acreage). The applicant is currently seeking a variance from the zoning hearing board from section 208-22A to allow the property to be subdivided into three lots with two lots having less than the required 30,000 square foot lot area (Lot A – 26,569, Lot B – 27,839).

Mr. Furlong introduces the application: He states that this is the second time the applicant has been before the planning commission with a similar site plan. There were some questions at the last meeting related to minimum lot-area requirements. Since then, the applicant has further developed the plan with more information related to net-lot area for the three proposed lots. Mr. Furlong goes onto state that the applicant is requesting a “de minimis” variance from section 208-22a to allow the creation of a lot with less than 30,000 sq ft of net lot area. He states that the property is of a unique shape and size, the gross lot area is 104,000 sq ft. The minimum, lot area (net) required for the creation of a three-lot subdivision is 90,000. The net lot area for the property, as defined in the Township's code, is 90,491 sq ft. This figure nets out areas of steep slopes, as well as areas less than 50' wide. This figure exceeds

what is required for a three-lot subdivision. Two of the lots do not meet the net-lot area requirements when the property is subdivided into three lots, this is due to the unique shape of the property causing the two lots to have certain areas that are less than 50' wide. When these areas are considered, the net lot area of the three lots total 88,874 sq ft. This is a delta of 1,126 sq ft or 1.25% deviation. This is the basis of the de minimis variance request. Despite this variance, the size of the three lots would be consistent with neighboring properties. Moreover, the three lots would have a gross area of 0.7 acres, which is consistent with the gross lot area of other lots in the neighborhood. He goes on to state that many of the steep slopes on the property, also contributing to the reduction in net lot area, are man-made as result of the construction on Thomas Road. Moreover, he states that the unique shape of the property further limits the way the lot can be subdivided while maintaining the necessary net lot area for each lot. He believes that these two variance requests fall under previous case law as determined in *Hertzberg v. Zoning Bd. of Adjustment of Pittsburgh*, 721 A.2d 43, 47 (Pa. 1998) which considered a de minimis variance for lot area to be less than 1.25%

Mr. Growney asks the applicant about the man-made steep slopes related to Thomas Road. He would like a little more information about how this was determined.

Mr. Furlong states that the steep slopes that were created for Thomas Road when they redirected the road under the then newly constructed Pennsylvania Turnpike.

Mr. Doyle, the engineer for the project, confirms that Thomas Road was dug out so it could run under the Turnpike.

Mr. Growney informs the applicant that the Planning Commission is not the decision makers in granting the variance, however they will give their feedback on the application.

Mr. Rose states that the last time they came before the Planning Commission, the recommendation was to lower the number of lots to two. He goes on to state that the original plan called for a gross building square footage of 6,000 sq ft. He states that now the house is 4,800 sq ft. He would like to know how this space is organized.

Mr. Doyle states that this number is a representation of the total building footprint including garage space, decks, patios, and walkways. It is a catch all for all impervious surfaces associated with the residence. He states that the square footage reduction does not mean the shape and form of the house necessarily changed, just that the associated impervious had reduced.

Mr. Rose acknowledges this reduction, but he states that the last recommendation was for two lots, and he would like to know why the lot is still three.

Mr. Furlong states that he acknowledges the last recommendation but asserts that the question was more open-ended. He states that there was uncertainty as to the total net lot area for the site. Upon generating an engineered plan, they discovered that the total net lot area for the original lot is sufficient for three-lot subdivisions. However, due to the steep slopes and original lot shape, they are shy of the 30,000 sq ft net lot area needed for each lot.

Mr. Growney asks about the previous sketch plan the applicant presented in September, he states that he was not present at the meeting and would like a recap of the changes made.

Mr. Furlong states that the plan presented to the board in November was very simple and did not include a fully engineered plan. Many of the comments from that meeting related to further developing

the plan to answer questions such as the net lot area for each lot. There were concerns that there may not be the necessary net lot area for the entire site. Since then, the applicant has developed a fully engineered site plan, discovering that there indeed was enough total net lot area. However, due to the unique features of the property, not every lot meets the 30,000 sq ft requirement when subdivided into three lots.

Mr. Growney asks if they are currently on the agenda for the next Zoning Hearing Board meeting.

Mr. Furlong states that they are on the agenda for the next meeting.

Mr. Growney asks the applicant if they have had any conversations with the neighbors regarding the subdivision plan.

Mr. Doyle states that they have spoken to one of the neighbors of the potential for the lot to be developed, but they have not conducted wide-spread outreach.

Mr. Furlong confirms that they have not presented this specific plan to the neighbors.

Mr. Rose states that he conducted a site visit and spoke to a neighbor who was unaware of the project.

Mr. Thomas requests more clarification about the specific variance needs for the three parcels. As he understands it, one lot exceeds the lot area requirements in the Township's code, however the remaining two are under the net lot area requirements due to the steep slopes and less than 50' wide sections. He goes onto ask about the potential to reconfigure the subdivision plan to eliminate the need for the variance.

Mr. Doyle states that there may be room to adjust the lot lines to potentially eliminate the variance request. While there is potential, it may complicate the lot lines and create difficulties with future surveys and development. Furthermore, it may create difficulties with SALDO regulations regarding irregular lot shapes. Lastly, the configuration of the three-lot subdivision mirrors the lots located across Thomas Road. This was mimicked to better match the existing lots in the neighborhood. They believe it is better to request the variance and create neater and more uniform lots, than create complicated and irregular lots to satisfy the lot area requirement. He goes onto state that Mr. Rose is correct in his assessment that the lot is deeper than it first appears. The final siting of the houses will ensure they are as far back and hidden from the neighbors as possible.

Mr. Growney acknowledges that the houses on Lexington Lane, across Thomas Road from the applicant's property, do mirror the proposed subdivision plan. It creates symmetry on either side of Thomas Road when observing from above.

Mr. Growney asks if there are any comments from staff.

Ms. McPherson states that staff do not have a strong opinion on the variance request. As far as the lot area requirements, it is clear that the applicant does not meet the standard set in the code. Currently, it is the decision of the Zoning Hearing Board if the variance request is de minimis

Mr. Growney asks the applicant what hardship the cause for their variance request is.

Mr. Furlong states that the hardship is the shape of the property and the man-made steep slopes. The property is large enough for a three-lot subdivision, however due to these hardships, it is not possible to subdivide it into three lots without the requested variances. However, hardship may not be a factor

in granting the requested variances, because the applicant believes that these variances are “de minimis” which may be granted without a hardship.

Mr. McKenna states that he will not make a comment on whether the variances are de minimis, however he does state that this is a gray area of the law where it isn’t certain what is and is not de minimis. This decision is made on a case-by-case basis. He goes on to state that while the applicant may be able to reconfigure the lot to eliminate the variance request, they may potentially create new issues that may require different variances.

Ms. Vaccaro asks how the ownership structure of the shared driveway.

Mr. Doyle states there will be a maintenance agreement between the three properties, as well as a shared access easement.

Mr. Rose states that two of the three homes would face Thomas Road. He states that this is an interesting configuration.

Mr. Furlong states that the presented site design was chosen to result in the least impact for neighboring properties.

Mr. Rose asks about flooding in the area. This neighborhood is a known flood prone area in the Township. He is concerned about potential increase runoff from the development of this property.

Mr. Furlong states that this would be a concern addressed during the land development process.

Mr. Burgo states that the geology in this area is limestone. There are issues with sinkholes and managing stormwater has the potential to be difficult. Additionally, the Township recently purchased a property along Park Ridge Drive that was demolished due to excessive flooding. It is likely the Township will have to purchase another property along Park Ridge Drive due to the same flooding concerns. There is a real possibility that even if the applicant receives variance approval to construct three lots, they still may not be able to accommodate the necessary stormwater requirements.

Mr. Doyle states that he has taken a preliminary look at stormwater, and while he believes there will be enough space to meet all requirements, they have yet to consult a Geotechnical engineer. They will formally conduct a study when they are aware of the number of lots they are permitted to subdivide.

Mr. Burgo calls attention to the limestone geology on the site. He states that they may have the physical space to fit stormwater, however they may encounter issues with infiltration when examined closer. It is paramount that they are context sensitive. Furthermore, he would like to see more detail on the plan including neighboring properties to give a better idea as to neighborhood conditions.

Mr. Growney would like to know if stormwater concerns would be a point of discussion at the Zoning Hearing Board meeting. He believes that they should be considered when the board is determining the applicant’s variance request.

Mr. Furlong states that they will not be requesting any waivers from stormwater management requirements. If they discover that Mr. Burgo is correct in his assumptions about the site, they will reconfigure the site to a two-lot subdivision regardless of the outcome of the variance request.

Ms. McPherson states that she will write a memo to the Zoning Hearing Board about matters discussed at this Planning Commission meeting. They will be aware of this discussion as well as any comments

the Planning Commission wants to directly give to the Zoning Hearing Board. She goes on to say that the Planning Commission is within its capacity to make formal recommendations to the Zoning Hearing Board. These recommendations can include considering stormwater management concerns.

Mr. Rose states that the property is on a higher elevation relative to Park Ridge Drive.

Mr. Bond suggests that the applicant consider consulting a geotechnical engineer early in the process. While he understands there is an associated cost, it may be in their best interest to have an expert opinion on the lot's ability to handle stormwater management infrastructure before committing to a three-lot subdivision. Furthermore, he thinks that "de minimis" is not a well-defined standard. He believes it is presumptuous to make that claim at this time.

Ms. Vaccaro asks the applicant if there is any recent case law that supports the applicant's assertion that the variance is de minimis.

Mr. Furlong states that Mr. McKenna is accurate in his characterization of "de minimis". It is a standard that's set on a case-by-case basis and usually determined by the overall adherence to a Township's zoning code, comprehensive plan, and public policy means.

Mr. Growney states that the Planning Commission does not give out waivers favorably, especially for stormwater concerns. While they are mindful of the Zoning Hearing Board's authority to grant a variance, it does not guarantee they will be able to develop the lot with an unreasonable number of waiver requests.

Mr. Furlong states that any waiver requests would have to relate to the hardship that prompted the variance requests from the Zoning Hearing Board.

Mr. Growney asks if there are any comments from the public.

There are none.

Mr. Growney recommends that the Planning Commission remains neutral on the application. However, he would like the minutes to reflect the Planning Commission's concerns over stormwater management and the potential to exacerbate flooding.

Ms. McPherson confirms that her memo will reflect the neutrality of the Planning Commission but affirms that they do have concerns over a potential increase in stormwater runoff.

### **Action:**

Motion made by Mr. Growney, seconded by Mr. Thomas, and passed (6-0), to submit the comments of the Planning Commission to the Zoning Hearing Board

### **Old Business:**

No old business.

### **Action:**

Mr. Growney makes a motion to adjourn the meeting.

Unanimous approval for the adjournment of the meeting.

**Adjournment:** 7:55 pm

~**Next Meeting** ~  
August 18<sup>th</sup>, 2025