

**BEFORE THE LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS**

**IN RE: CONDITIONAL USE APPLICATION OF ANTHONY C. BRANCA, JR.**

**ADJUDICATION**

**I.     Background.**

The Lower Providence Township Board of Supervisors held a conditional use hearing on August 15, 2019 on the application of Anthony C. Branca, Jr. ("Applicant"). Applicant submitted a conditional use application on July 30, 2019 to Lower Providence Township in order to establish a Village House Development Use consisting of 26 single family houses.

The Applicant was represented by Eric C. Frey, Esquire at the hearing held on August 15, 2019. The conditional use hearing was advertised in the Times Herald on August 1, 2019 and August 8, 2019. Proofs of publication are on file at the Lower Providence Township Municipal Building. A stenographic record of the hearing was taken and the Board of Supervisors was represented by the Township Solicitor John B. Rice, Esquire. Supervisors Colleen Eckman, Patrick Duffy and Jason Sorgini were present for the hearing. Amos Landis, 3035 Walker Lane and Rick Pachella, 3029 Walker Lane, were granted party status upon request.

The following exhibits were admitted without objection at the hearing:

**Applicants Exhibits:**

A-1     Conditional Use Application with all attachments dated July 30, 2019

A-2     CV of Joseph M. Estock P.E., 355 South Henderson Road, King of Prussia, PA

Based on the testimony and evidence presented, the Board hereby adopts the following Findings of Fact, Conclusions of Law and Order.

**II.    Findings of Fact.**

1.       The Applicant is Anthony C. Branca, Jr., with a mailing address of P.O. Box 184, Fairview Village, PA 19409.

2. The subject property is located on Church Road in the R-2 Zoning District and includes four tracts of ground comprising 10.3 acres (the “Property”).
3. The Property consists of four tax parcel numbers as follows:
  - (1) 43-00-02308-00-7--vacant
  - (2) 43-00-02311-00-4--vacant
  - (3) 43-00-02314-00-1 --single family dwelling rental
  - (4) 43-00-02299-00-7--vacant
4. The Property is currently serviced by public water and public sewer.
5. The Application proposes 26 single family homes on minimum 8,000 square foot lots with 2.67 acres of open space and 1.17 acres of common area.
6. The Applicant’s plan proposes to meet the requirements of the Village House Development Option set forth in Section 143-36.E of the Lower Providence Township.
7. The Property is adjacent to Eskie Park, a PECO tower lot, a single family dwelling and the Township maintenance building.
8. The Property is heavily wooded and the Applicant proposes to leave undeveloped the majority of the wooded area in the center of the Property and to install perimeter buffering and street trees.
9. The Applicant proposes to connect existing stormwater management facilities in Eskie Park to the proposed new stormwater management facilities of the project.
10. The Applicant proposes to connect the existing and proposed sidewalk system to Eskie Park.
11. The conditional use application requests 26 single family lots upon which single family dwellings of 2,600 square feet to 3,000 square feet would be constructed by the applicant.

### **III. Conclusions of Law.**

1. The Pennsylvania Municipalities Planning Code, 53 P.S. §10913.2 sets forth standards for conditional use approvals.
2. The property is located within the R-2 Zoning District where the Village House Development Option is permitted by conditional use pursuant to Section 143-36.E of the Township zoning ordinance.
3. Section 143-80 sets forth the conditions and procedures which must be met before a conditional use application can be approved by the Board of Supervisors.
4. Section 143-80 D.(11) requires that a plan be submitted containing certain information including a site analysis map indicating all of the natural features located on the site including, but not necessarily limited to slopes, soils, woodlands, wetlands, floodplains and waterways.
5. The natural resource plan requirements for conditional uses are defined in Section 123-145 and 123-146 of the Township's Subdivision and Land Development Ordinance.
6. Section 143-80 E. sets forth the procedure for conditional use and review by the Board of Supervisors and requires additional information to be submitted including a traffic impact analysis which meets the requirements of the Township's Subdivision and Land Development Ordinance (Section 143-80 E. (2)(b)[2]).

## ORDER

**AND NOW**, this 19<sup>th</sup> day of September, 2019, after due deliberation and discussion at public hearing, the Lower Providence Township Board of Supervisors does hereby deny the conditional use application of Anthony C. Branca, Jr. for the property located on Church Road for the following reasons:

1. Applicant's proposed density is in excess of what is permitted Section 143-36. E. of the Zoning Ordinance.
2. There was insufficient site analysis or testimony regarding the natural features on the site as required by Section 143-80 D. (11) of the Zoning Ordinance.
3. Applicant failed to submit a traffic impact analysis as required by Section 143- 80 E. (2) (b) [2] of the Zoning Ordinance.
4. There was insufficient evidence to show compliance with the natural resource protection provisions of Sections 123-145 and 123-146 of the Township's Subdivision and Land Development Ordinance.

LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS

  
Colleen Eckman, Vice Chairwoman

  
Patrick Duffy

  
Jason Sorgini

Date of Mailing: 9/25/19