

BUILDING AND ZONING COMMITTEE

AGENDA

WEDNESDAY, JUNE 6, 2012

8:00 P.M.

**CURTIS HALL IN CURTIS ARBORETUM
CHURCH ROAD AND GREENWOOD AVENUE**

**MORTON J. SIMON, JR. – CHAIRMAN
HARVEY PORTNER – VICE CHAIRMAN
KATHY A. HAMPTON - MEMBER
CHARLES D. MC KEOWN – MEMBER
DANIEL NORRIS-MEMBER
J. ANDREW SHARKEY – MEMBER
ART HAYWOOD- EX-OFFICIO MEMBER**

1. Review of the Zoning Hearing Board Agenda for June 11, 2012.
See attached.
2. Review of the Planning Commission Meeting Minutes of May 21, 2012.
See attached.
3. Consideration of a Certificate of Appropriateness for signage located at 141 E. Glenside Avenue, Glenside, PA 19038. See attached.
4. Review of the Draft Ordinances which will be the subject of the public hearings on July 18, 2012:
 - a.) Amend the Age-Restricted Housing Ordinance. Continued discussion of number 5 in Ken Amey's letter dated May 10, 2012. See attached.
 - b.) Rezone 100 Block of Cottman Avenue. See attached.
 - c.) Provide for Specialized Medical Services by Special Exception in certain residence districts. See attached.
5. Review of Recent Decision(s) of the Zoning Hearing Board.
6. Report of the Building Inspector for May 2012. See attached.
7. Old Business
8. New Business
9. Citizens' Forum
10. Adjournment


David G. Kravnik
Township Manager

ZONING HEARING BOARD

AGENDA

FOR

JUNE 6, 2012

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 133 E. Glenside Ave. Glenside, PA 19038, will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, May 21, 2012, at 7:30 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, June 6, 2012, at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, June 11, 2012 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL 3438: Appeal of Vladermiro J. Fichera, owner of residence known as 133 E. Glenside Ave., Glenside, PA, 19038, zoned G Manufacturing and Industrial Districts from the decision of the Zoning Officer for Zoning Relief in order to convert a Single Family Semidetached Dwelling into a Two-Family Semidetached Dwelling. The Single Family Semidetached Dwelling is presently a legal non-conforming residential use, since residential use is not permitted within the G District.

The following Zoning Relief is required:

- a. A Variance from the rules and regulations of CSS 295-135 to allow a Two-Family Semidetached Dwelling residential use in the G Zoning District.
- b. A Variance from the rules and regulations from CSS 295-221.H to provide less than four (4) on site parking spaces as two (2) spaces per unit are required for a Two-Family Semidetached Dwelling residential use. The proposed Sketch Site and Parking Plan (uses tax map dimensions, not from a field survey) denotes there are three (3) on site parking spaces.

The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.

Any person or persons with a disability requiring a special accommodation to participate in the meeting should notify Nancy K. Gibson at 215-887-1000 at least 5 work days prior to the meeting.

4/25/12

Cheltenham Township zoning board
8230 Old York rd
Elkins Park, Pa. 19027

Re: 133 E. Glenside ave
Glenside Pa 19038
PT 297-298 Block# 129 U 103 # 1102

Property Owner: Val Fichera
Mail address: 2052 Washington ave
Phila, Pa 19146

Dear Zoning board:

I am making an application to add a 1st floor 1 bedroom apartment to the above property.

Back round

I also own Collision Care at 129 E. Glenside ave (commercial property) and 135 E Glenside ave House next door. The house in question was rented and unfortunately was totally destroyed by the tenants causing severe damage and hoarding inside the property. I had the property cleaned and during the construction/repairs the cost was so high there was no way to justify the repairs without adding a 1 Bedroom 1st floor apartment. The house next store (135 E Glenside ave) was already set up this way when I purchased it in 2000. We duplicated the exact layout of adjoining property which works fine.

What we did or propose to do and existing conditions.

We have not and will not change the impervious coverage.

There is no change to the exterior of the site except for the addition of another front door to match the other unit. In fact we changed all 4 front doors on the whole property so they look more uniform.

There is no change to the parking.

There is no change to traffic

There is no change to storm water

There is no change to existing structures.

I own all the surrounding or boundary properties.

Enclosed

Lot plan

Floor plans

Tax records

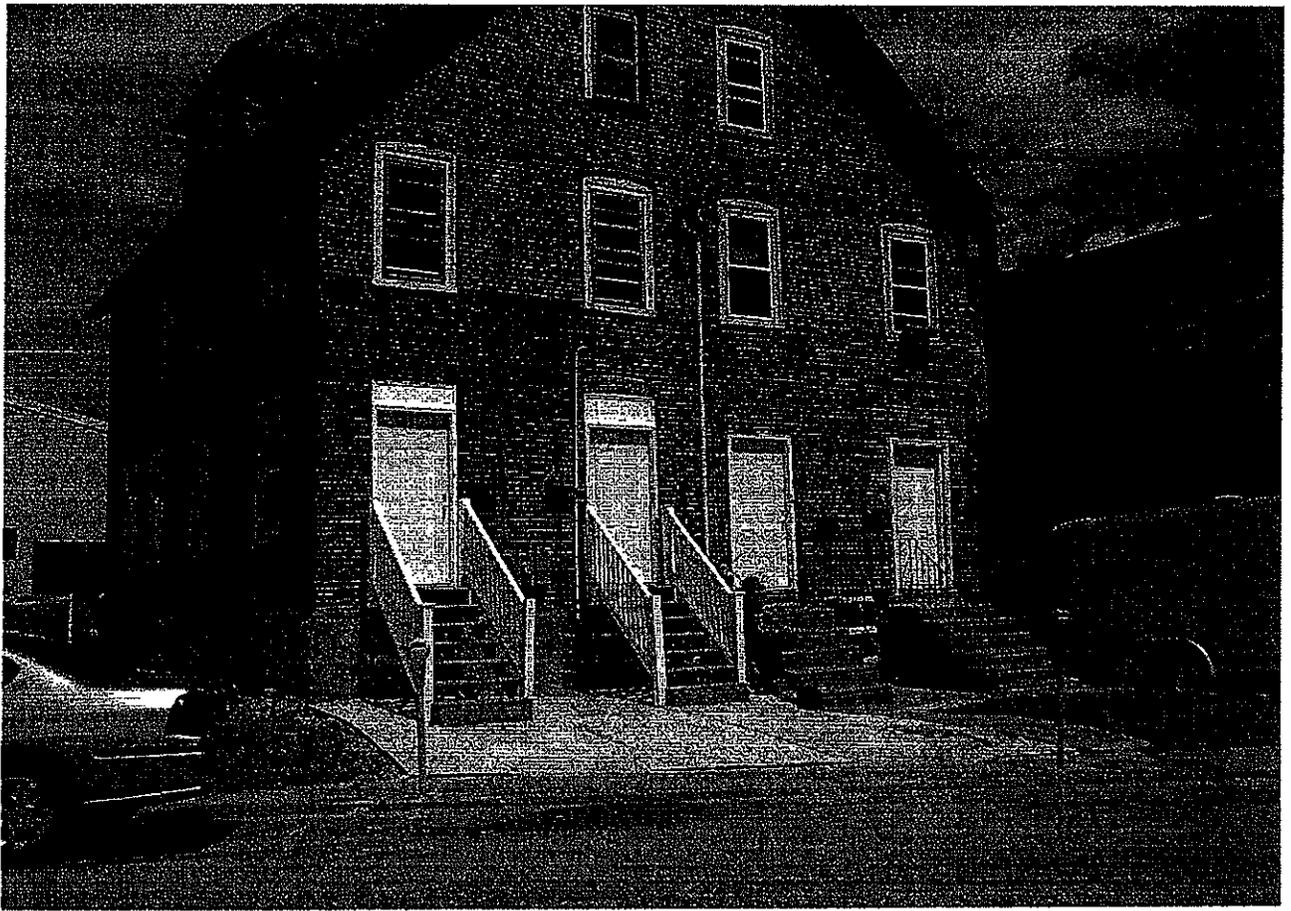
Photos

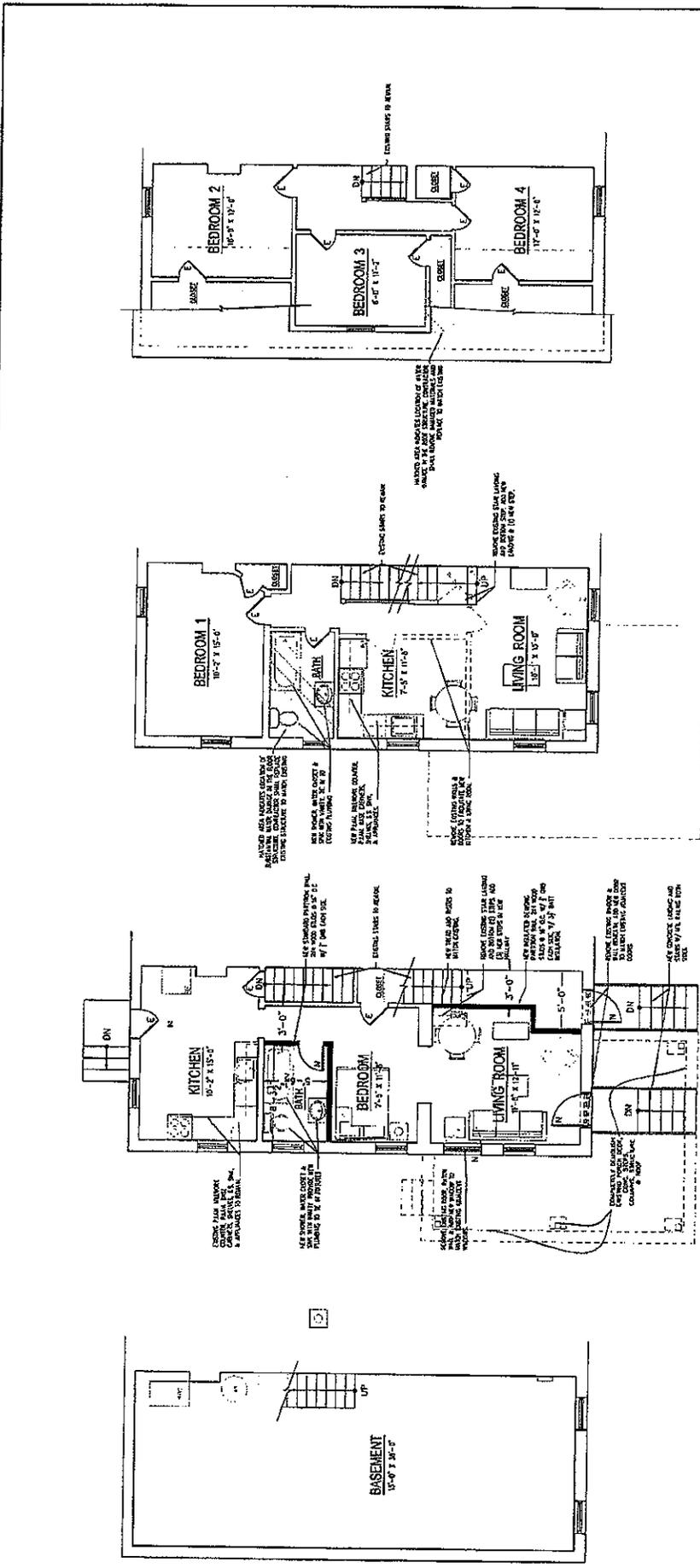
I respectfully request a variance for the 1st floor unit based on the above information. I have been and continue to be a positive community person. If you have any questions feel free to contact me via cell at 215.704.7656

Sincerely



Val Fichera





BASEMENT FLOOR PLAN
SCALE: 1" = 1'-0"

FIRST FLOOR PLAN
SCALE: 1" = 1'-0"

SECOND FLOOR PLAN
SCALE: 1" = 1'-0"

THIRD FLOOR PLAN
SCALE: 1" = 1'-0"

GENERAL NOTES:

WALK OFF MATS TO BE INSTALLED AT ALL EXTERIOR DOORWAYS.

CONTRACTOR TO REPAIR AND REPLACE WALL MATERIAL TO MATCH EXISTING. PAINT ALL WALLS, TRIM AND CEILING COLOR TO BE DETERMINED BY OWNER.

DOORS:

CONTRACTOR TO REMOVE AND RELOCATE EXISTING DOORS AS NEEDED. NEW DOORS TO MATCH EXISTING. PAINT ALL DOORS WITH COLOR TO BE DETERMINED BY OWNER.

ELECTRICAL:

CONTRACTOR TO REMOVE AND REPLACE SUBPANEL AS NEEDED. REWIRE ALL NEARBY LIVING ROOMS, BEDROOMS AND BATHS AS NEEDED.

DESIGN/BUILD MEP NOTES:

ELECTRICAL TO BE DESIGN/BUILD.

CONTRACTOR TO DETERMINE EXACT LOCATIONS FOR ALL ELECTRICAL FIXTURES, DEVICES AND EQUIPMENT FOR A COMPLETE JOB.

CONTRACTOR TO SUPPLY ALL ELECTRICAL ENGINEERING WORK IS TO CONFORM TO NEC AND ALL OTHER APPLICABLE CODES & STANDARDS.

PLUMBING TO BE DESIGN/BUILD.

CONTRACTOR TO DETERMINE EXACT LOCATIONS AND SIZE ALL FIXTURES AND ASSOCIATED PIPING FOR A COMPLETE JOB.

CONTRACTOR TO SUPPLY ALL PLUMBING ENGINEERING WORK IS TO CONFORM TO NATIONAL PLUMBING CODE AND ALL OTHER APPLICABLE CODES & STANDARDS.

HVAC TO BE DESIGN/BUILD.

CONTRACTOR TO DETERMINE EXACT LOCATIONS AND SIZE ALL HVAC EQUIPMENT FOR A COMPLETE JOB. CONTRACTOR TO SUPPLY ALL MECHANICAL ENGINEERING WORK IS TO CONFORM TO ASHRAE, SMACNA AND ALL OTHER APPLICABLE CODES AND STANDARDS.

SKETCH PLANS AND NOTES ~ SCHEME #2

APPROVED ARCHITECTURAL ENGINEER AND SEALS FOR THE COMMONWEALTH OF PENNSYLVANIA
MONTGOMERY COUNTY, PENNSYLVANIA

101 Parkside
20633 Washington Ave
Philadelphia, PA 19148

SK 2

Jeffrey E. Fazler, PE
Professional Engineer, Pennsylvania License No. PE-054885-P
REG. DATE: 12-29-2010 SCALE: AS SHOWN REG. NO. REG. EXPIRES: 11-11-2024 SHEET 02 OF 02

BAZLER ENGINEERING
MARINE VISIONS REAL. INC. 5110 University City Blvd. Philadelphia, PA 19104

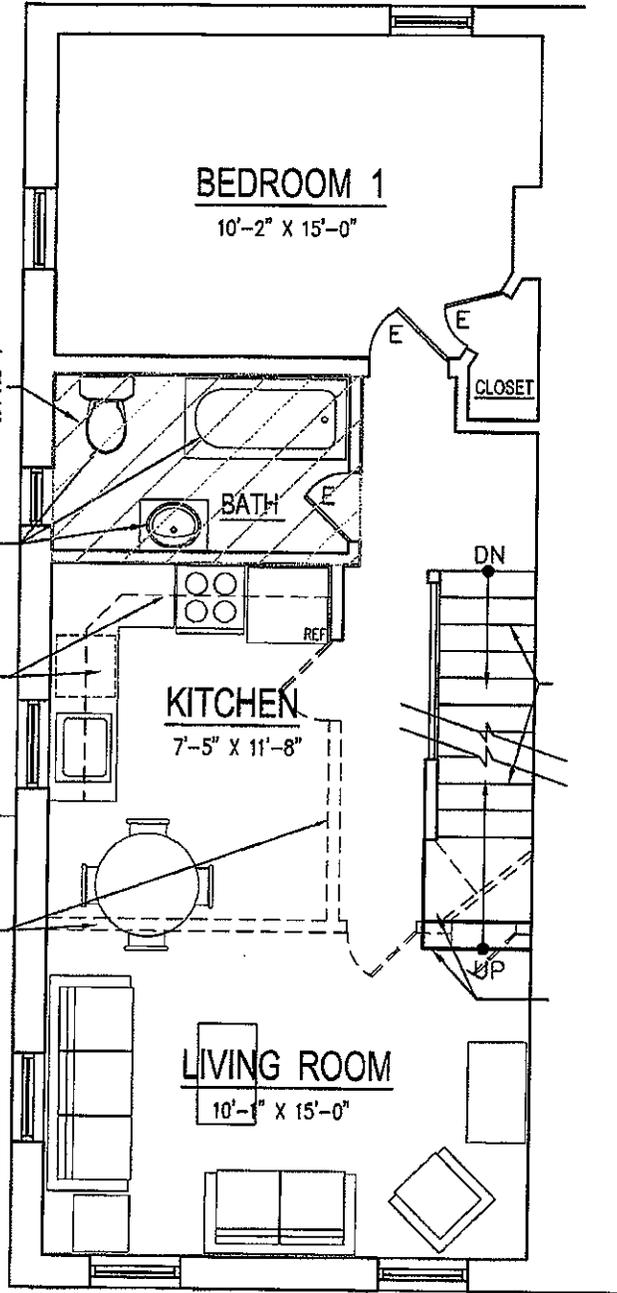
NO.	DATE	BY	CHKD.	DESCRIPTION OF CHANGES
1	10/15/24	JEF	JEF	INITIAL DESIGN
2	10/15/24	JEF	JEF	REVISIONS TO ELECTRICAL AND PLUMBING
3	10/15/24	JEF	JEF	REVISIONS TO MECHANICAL
4	10/15/24	JEF	JEF	REVISIONS TO ARCHITECTURAL
5	10/15/24	JEF	JEF	REVISIONS TO ALL DISCIPLINES

HATCHED AREA INDICATES LOCATION OF SUBSTANTIAL WATER DAMAGE IN THE FLOOR STRUCTURE. CONTRACTOR SHALL REPLACE EXISTING STRUCTURE TO MATCH EXISTING

NEW SHOWER, WATER CLOSET & SINK WITH VANITY. TIE IN TO EXISTING PLUMBING.

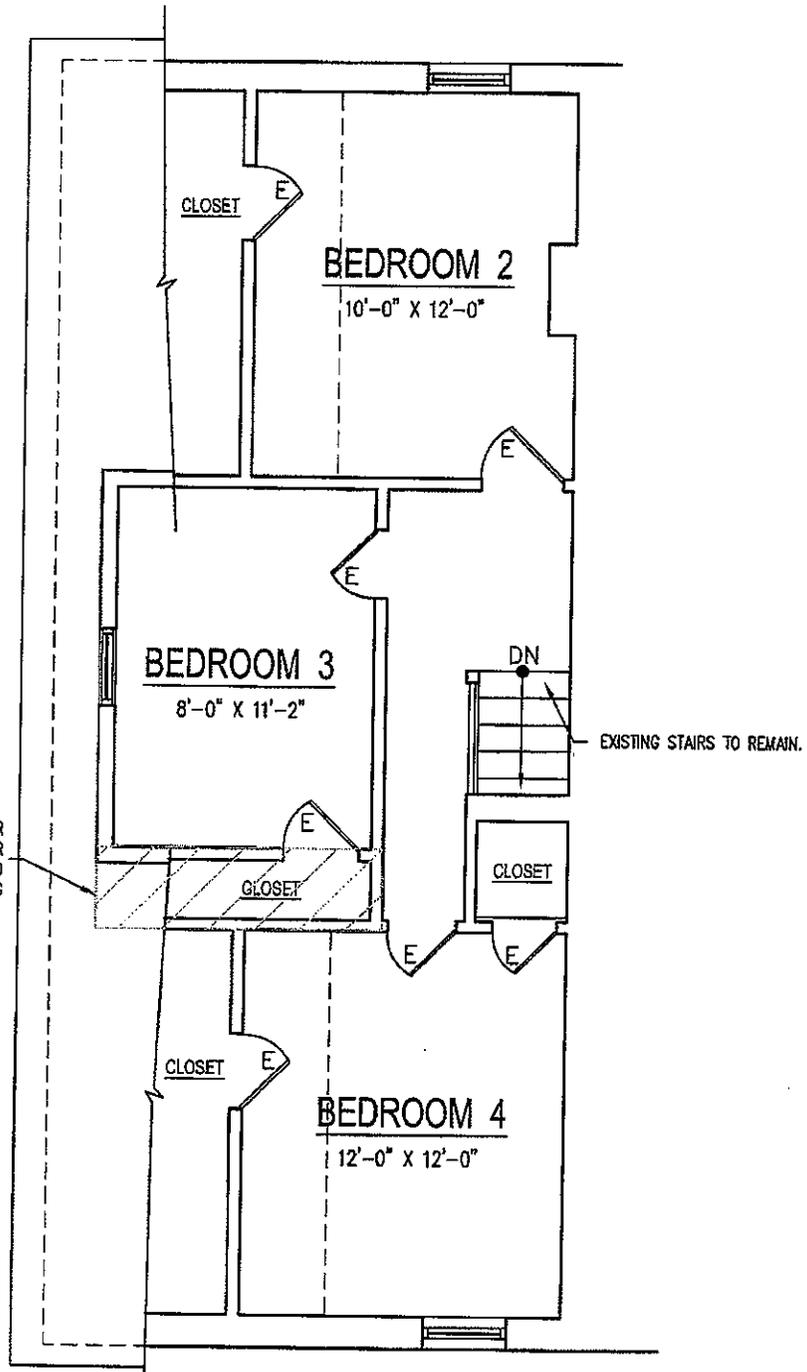
NEW P.LAM. MILLWORK COUNTER, P.LAM. BASE CABINETS, SHELVES, S.S. SINK, & APPLIANCES.

REMOVE EXISTING WALLS & DOORS TO FACILITATE NEW KITCHEN & LIVING ROOM.



SECOND FLOOR PLAN
SCALE: $\frac{1}{4}'' = 1'-0''$

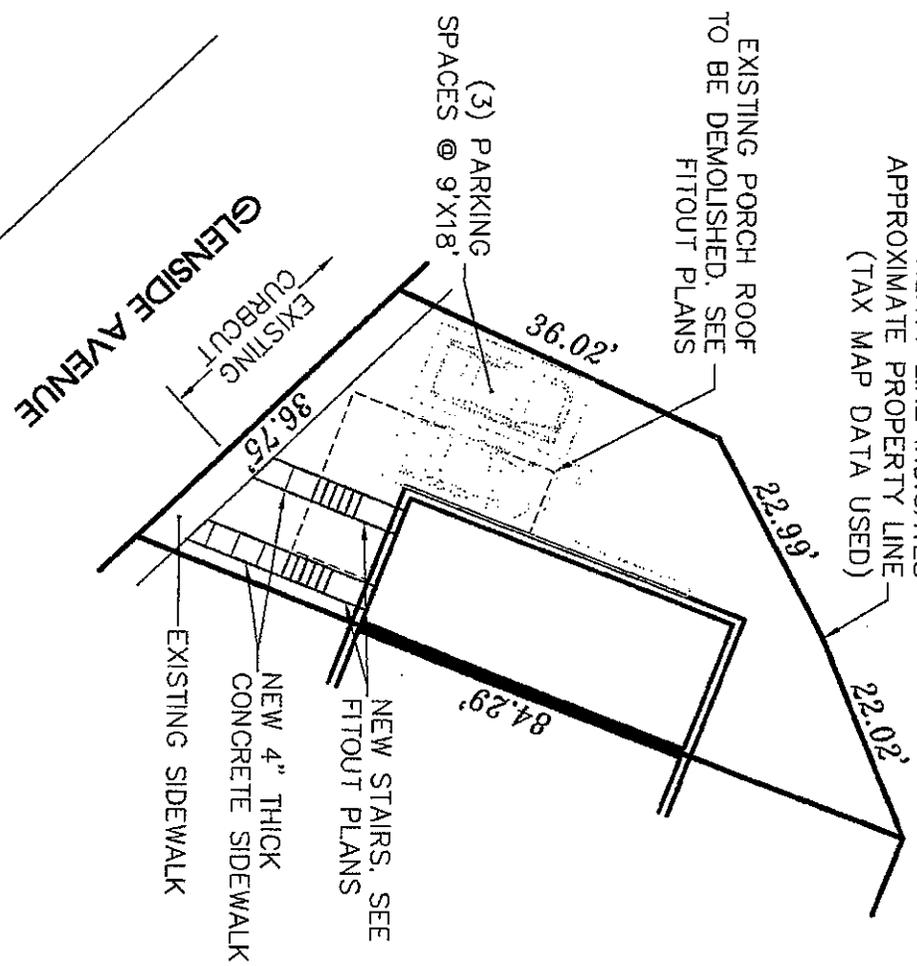
HATCHED AREA INDICATES LOCATION OF WATER DAMAGE IN THE ROOF STRUCTURE. CONTRACTOR SHALL REMOVE DAMAGED MATERIALS AND REPLACE TO MATCH EXISTING



THIRD FLOOR PLAN
SCALE: $\frac{1}{4}" = 1'-0"$

HEAVY LINE INDICATES
APPROXIMATE PROPERTY LINE
(TAX MAP DATA USED)

EXISTING PORCH ROOF
TO BE DEMOLISHED. SEE
FITOUT PLANS



#	Date	Drawn	Chk'd	Description of Changes
0	01.06.12	JEF	JEF	INITIAL ISSUE

This plan is a reproduction of an original plan that is the property of Fazler Engineering. If this plan does not bear the signature and embossed (stamped) seal of the Professional Engineer responsible for the project, whose name appears in the adjacent Title Block, it shall be considered an unauthorized copy. Any reuse or adaptation of the plan for the information contained on the plan without the express written consent of Fazler Engineering will be at the user's sole risk and without any liability to Fazler Engineering.

- GENERAL CONSTRUCTION NOTES:**
- LAYOUT BASED EXISTING CONDITIONS AS MEASURED BY FAZLER ENGINEERING & ARCHITECTURE & TAX MAP DATA. THE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS AND SHALL PAY FOR ALL FEES INCLUDING INSPECTION FEES. THE CONTRACTOR SHALL GIVE SUFFICIENT ADVANCE NOTICE TO THE TOWNSHIP AND COUNTY ENGINEER AND ALL OTHER APPLICABLE PARTIES SO THAT REQUIRED INSPECTIONS CAN BE PERFORMED.
 - INSPECTION OF, OR FAILURE TO INSPECT ANY MATERIAL OR WORKMANSHIP BY TOWNSHIP, COUNTY OR STATE ENGINEER SHALL NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY TO PERFORM THE WORK IN ACCORDANCE WITH THE APPROVED PLANS, SPECIFICATIONS, LAWS AND ORDINANCES.
 - THE CONTRACTOR MUST ADHERE TO ALL APPLICABLE OSHA, FEDERAL, STATE, COUNTY, AND LOCAL REGULATIONS DURING CONSTRUCTION.
 - THESE DRAWINGS DO NOT SHOW OR INCLUDE COMPONENTS NECESSARY FOR CONSTRUCTION SAFETY. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING THE METHODS OF CONSTRUCTION AND SHALL MEET ALL APPLICABLE SAFETY RULES AND REGULATIONS.
 - THE CONTRACTOR MUST VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE PROJECT ENGINEER. ENGINEER IS NOT RETAINED FOR ANY ON SITE SUPERVISION OR CONTRACT ADMINISTRATION.
 - MATCH EXISTING WORK WHERE INDICATED TO THE SAME DIMENSIONS AND CONSISTENCY AS THAT WHICH EXISTS. CONTRACTOR SHALL MAINTAIN THE PREMISES CLEAN AND FREE OF ALL TRASH, DEBRIS AND SHALL PROTECT ALL ADJACENT WORK FROM DAMAGE, SOLING, PAINT OVERSPRAY, ETC.

SKETCH SITE & PARKING PLAN

APARTMENT STRUCTURAL REPAIR AND FITOUT
133 EAST GLENSIDE AVENUE - GLENSIDE
MONTGOMERY COUNTY - PENNSYLVANIA

Val Fichera
2052 Washington Ave
Philadelphia, Pa 19146

Jeffrey K. Fazler, PE
Professional Engineer, Pennsylvania License No. PE-054665-E

DATE: 01.08.2012 SCALE: AS NOTED SHEET 01 OF 01

FAZLER ENGINEERING
137 Hantswood Road
Horseshoe, NJ 08067-2827
Tel: 856-428-0373
Fax: 856-428-2686
email: jeff@fazler.com

SITE

Date

1-9-12

NOTICE

NOTICE IS HEREBY GIVEN that an application for zoning relief for 846 Widener Rd. Elkins Park, PA 19027, will be reviewed by the following Township Bodies which will offer recommendations to the Zoning Hearing Board:

- a. **Cheltenham Township Planning Commission on Monday, May 21, 2012, at 7:30 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**
- b. **Cheltenham Township Building and Zoning Committee on Wednesday, June 6, 2012, at 8:00 P.M. in Curtis Hall at Curtis Arboretum, Wyncote, PA 19095.**

This application will be heard by the Zoning Hearing Board on Monday, June 11, 2012 at 7:30 PM at Curtis Hall, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL 3439: Appeal of Debra Forman, owner of residence known as 846 Widener Road, Elkins Park, PA, 19027, Block 181, Unit 026, zoned R-5 Residence District from the decision of the Zoning Officer for Zoning Relief in order to construct an 8' x 10' shed within the front and side yard setback areas.

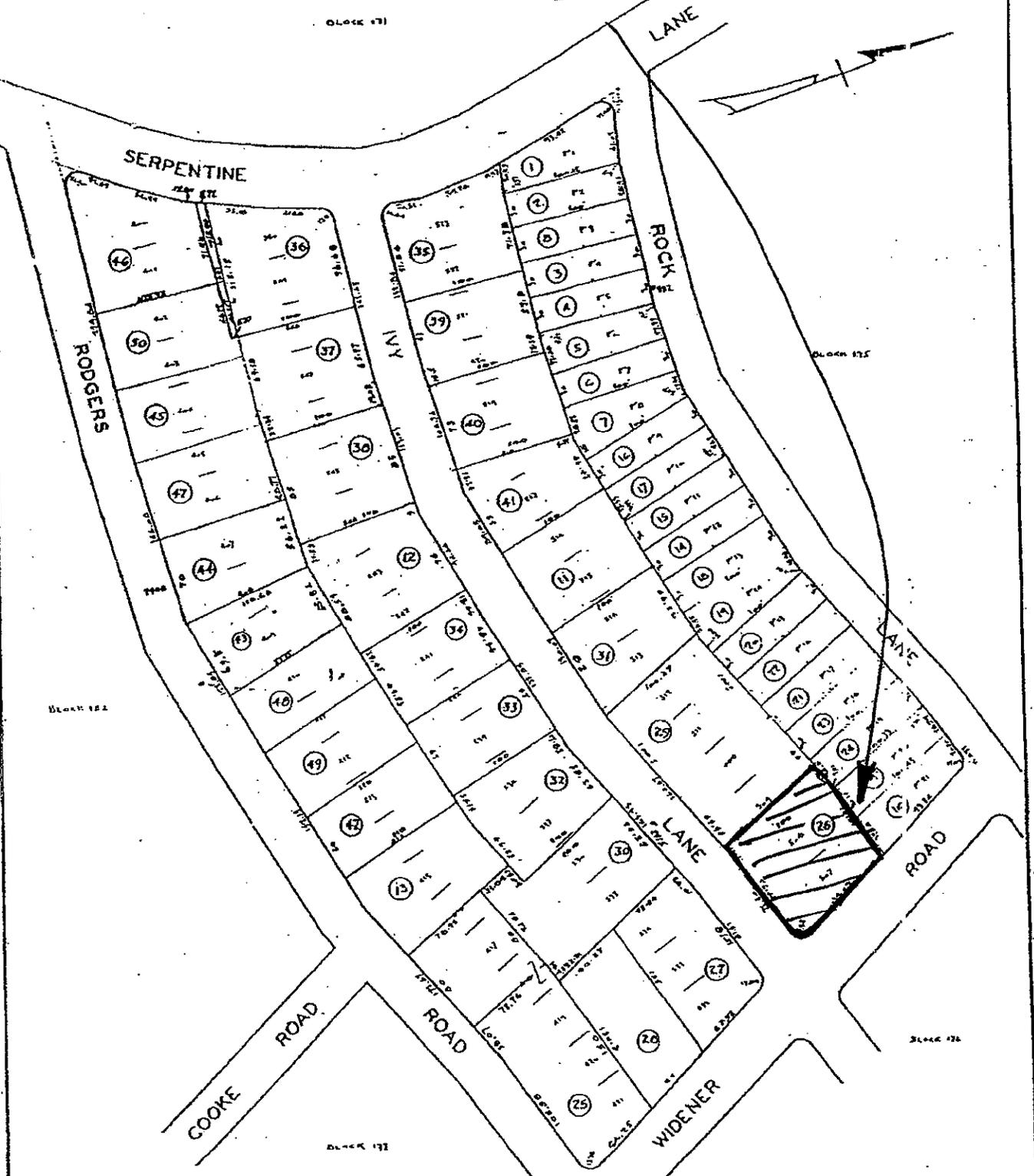
The following Zoning Relief is required:

- a. A Variance from the rules and regulations of CSS 295-46.A.(1) to allow an 8' x 10' wide shed to have a lesser front yard setback along Widener Road of 0' instead of the required 40' front yard setback.
- b. A Variance from the rules and regulations from CSS 295-46.B.(2) to allow an 8' x 10' wide shed to have a lesser side yard setback along the southerly property line of 2' instead of the required 20' side yard setback.

The above application, including site plans, is on file in the Township Administration Building, Building and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Friday, 8:00 AM to 4:30 PM.

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846 WIDENER RD.



ZHB 3439-A

MONTGOMERY COUNTY, PA.		RECORDED
REAL ESTATE REGISTRY		
BLOCK 181		
SCALE 1" = 50'	DRAWN BY J.P.C.	
AUG. 18 1928	CHECKED BY J.P.C.	

***** (C) MEA Land Record Parcel Information ***** 05/08/2012

Parcel # 310028717007 Municipality CHELTENHAM
Deed Book/Page 4858-01625 Grantor WEINER SOL & ELIZABETH
Block/Unit # 181 026 Grantee BARTH DEBRA L
Census Tract 202302 Mail address 846 WIDENER RD
ELKINS PARK PA 19027-1324

Total Assessment \$133,950 Phone nbr
Twp/Borough Taxes \$956 Site address 846 WIDENER RD
School Taxes \$5,572 ELKINS PARK PA 19027-1324
County Taxes \$360 Latitude 40.079789 Longitude 75.134401
Total Taxes \$6,888 Owner Occupied Yes
Land use 1101 SINGLE FAMILY Zone code R5

Lot size 10,025 sq/ft .230 acre Front feet 90 Lot shape Rectangular
Utility 1 All Public Utility 2 Utility3

Building style Colonial building condition Average
Exterior Masonry # bedrooms 2 Fireplace Yes
Basement Full # half baths 1 Central air Central-Air
Living area s/f 1578 # full baths 1 Swimming pool
Fin. basement s/ft ttl # rooms 6 Heating Gas
Year built 1955 # floors 2.0
garage out-building value
year remodeled degree remodeled
School dist./code 46130 Cheltenham Township Traffic Light
Primary road Paved Secondary road

Date latest sale 11/23/1987 Latest saleprice \$120,000
Date previous sale 01/01/1959 previous saleprice \$130,000
State tax stamps \$1,200 Latest sale validity Valid sale
Previous assessment Previous taxes
Previous building size Previous landuse

Parcel History

U S Census 2000 Statistical data for Census Tract 202302

Total population 2317 Pct population < 18 20.6
Pct population 18-24 4.3 Pct population 25-44 22
Pct population 45-64 30.3 Pct population 65 + 22.8
Median age 46.9 Nbr housing units 959
Avg. household size 2.41 % single Hd/Househd 29.6
Median Family income 96587 Per Capita income 41167

21B 3439-5

The Planning Commission ("PC") meeting was held tonight at Curtis Hall at Curtis Arboretum. The following Planning Commission members were present: Messrs. Cross, Leighton, Winneberger, Goldfarb and DiBenedetto and also present were ex-officio members Laughlin and Harrower. Also present was Patrick J. Duffy, P.E., Director of Engineering, Zoning & Inspections and Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections.

1. Acceptance of the minutes of the March 26, 2012 and April 30, 2012 Meeting.

Mr. Harrower stated that in the March 26, 2012 minutes on page 3, 2nd paragraph from the bottom, it should say "Mr. Harrower stated that that the previous AR Ordinance was written around the Federation Housing site on Ashbourne Road, and had unintended consequences when applied to other locations." The amendment was approved by the members; Mr. Goldfarb made a motion to approve the March 26, and April 30, 2012 minutes, Mr. Leighton seconded the motion; the motion passed.

2. Review of Zoning Hearing Board Agenda for June 11, 2012.

APPEAL 3438: Appeal of Vladermiro J. Fichera, owner of residence known as 133 E. Glenside Ave., Glenside, PA, 19038, zoned G Manufacturing and Industrial Districts from the decision of the Zoning Officer for Zoning Relief in order to convert a Single Family Semidetached Dwelling into a Two-Family Semidetached Dwelling. The Single Family Semidetached Dwelling is presently a legal non-conforming residential use, since residential use is not permitted within the G District.

The following Zoning Relief is required:

- a. A Variance from the rules and regulations of CSS 295-135 to allow a Two-Family Semidetached Dwelling residential use in the G Zoning District.
- b. A Variance from the rules and regulations from CSS 295-221.H to provide less than four (4) on site parking spaces as two (2) spaces per unit are required for a Two-Family Semidetached Dwelling residential use. The proposed Sketch Site and Parking Plan (uses tax map dimensions, not from a field survey) denotes there are three (3) on site parking spaces.

No one was present to discuss this application.

Mr. Duffy stated that Mr. Fichera also owns Collision Care next door and can provide a fourth parking space on that property.

Mr. Cross asked if there were any proposed changes to the footprint of the building. Mr. Duffy confirmed there wasn't. Mr. Laughlin asked if the three doorways were always there, Mr. Reitano stated that the third one used to be a window and they converted it into a doorway.

Mr. Cross suggested that Mr. Fichera make an agreement with Collision Care to provide a guarantee that the fourth space is available to the apartment building. Mr. Duffy stated that all the dimensions given on the site plan were based on a tax map and that a survey plan will be required to show accurate property lines and dimensions to assure adequate space for parking.

Mr. Goldfarb made a motion of no action; Mr. Leighton seconded the motion, the motion passed.

APPEAL 3439: Appeal of Debra Forman, owner of residence known as 846 Widener Road, Elkins Park, PA, 19027, Block 181, Unit 026, zoned R-5 Residence District from the decision of the Zoning Officer for Zoning Relief in order to construct an 8' x 10' shed within the front and side yard setback areas.

The following Zoning Relief is required:

- c. A Variance from the rules and regulations of CSS 295-46.A.(1) to allow an 8' x 10' wide shed to have a lesser front yard setback along Widener Road of 0' instead of the required 40' front yard setback.

Planning Commission Minutes

May 21, 2012

Page 2 of 8

- d. A Variance from the rules and regulations from CSS 295-46.B.(2) to allow an 8' x 10' wide shed to have a lesser side yard setback along the southerly property line of 2' instead of the required 20' side yard setback.

No one was present for this application.

Mr. Duffy stated that it's an 8'x 10' shed in the setback areas. Mr. Duffy stated that the neighbor has a shed in the exact same spot so they would be side by side. Mr. Duffy stated that these sheds would be right on the Right of Way line. Mr. Cross asked if the neighbor has the proper variance for such, Mr. Duffy confirmed that a zoning variance was obtained for that shed.

Mr. Cross advised that the applicant get letters of support from the neighbors and suggested presenting photographs of the neighboring shed and present a design of her proposed shed to the board.

Mr. Goldfarb made a motion of no action; Mr. Leighton seconded the motion, the motion passed.

APPEAL 3437: Appeal of 1050 Ashbourne Associates, LLC, c/o Reuven Niknam, owner of property known as 1050 Ashbourne Road, Cheltenham, PA 19012, zoned R-4 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to develop the 6.05 acre (exclusive of right-of-way) Property into three (3) - four (4) story buildings containing 79 age restricted units.

The following Zoning Relief is required:

- e. A Special Exception to allow the Age Restricted Overlay use per CCS 295-242-B.1.
- f. A determination that the required frontage along a state highway is not limited to a "single" state highway per CSS 295-241.C. The proposed site has approximately 850 feet of frontage (450 feet required) along Ashbourne and Oak Lane Roads, both state highways.
- g. A Variance from the rules and regulations of CSS 295-241.C, if required from b. above, to allow a road frontage along each single state highway to be less than 450 feet. Ashbourne Road has approximately 430 feet and Oak Lane Road has approximately 420 feet of frontage.
- h. A Variance from the rules and regulations to allow three (3) foot stairwell projections in addition to the maximum building length of 160 feet per CSS 295-243.G.2.
- i. A determination that the Township condemned remnants of the Kerlin Farmhouse do not qualify as a Historic Resource per CSS 295-244.J.

Jay Orchroch, Esquire, John DiBenedetto, FARA and George Ritter, Land Planner were present to discuss the application.

Mr. Tom DiBenedetto recused himself from the discussion due to his relationship with John DiBenedetto, the Applicant's architect.

Mr. DiBenedetto described the current property and the zoning of the areas around 1050 Ashbourne Road.

Mr. DiBenedetto stated that the application is for three (3) 4 storey structures that he believes complies with the requirements of the Ordinance in building and parking setbacks, height, length of buildings, distance between buildings, building coverage, impervious coverage and parking requirements. Mr. DiBenedetto stated that they will be Market Rate Rental Apartments for Age Restricted housing.

Mr. DiBenedetto handed out architectural, floor plans and building elevation views to the Planning Commission.

Mr. DiBenedetto discussed details on a presented plan such as retaining the stone wall along Ashbourne, curb cuts and various trees. Mr. DiBenedetto wanted to remind the Planning Commission of the serious state of disrepair of the Bolton house and the fact that the owner has an approved Demo permit and could demolish the old house at anytime. Mr. DiBenedetto stated that it is the opinion of both John Milner, a renowned preservation architect and Joseph Cooke, P.E a consulting structural engineer, that the structure poses danger to anyone who may enter the property.

Mr. DiBenedetto stated that it is being erroneously reported that the apartments will be subsidized housing, Mr. DiBenedetto stressed that this is completely false and no mention of subsidized housing was ever made.

Planning Commission Minutes

May 21, 2012

Page 3 of 8

Mr. DiBenedetto stated that with this new proposed plan, more trees are being preserved as opposed to the Townhouse proposal.

Mr. DiBenedetto stated that they retained the services of Bill Graham to evaluate the trees on the property. Mr. DiBenedetto stated that Mr. Graham has provided consulting services to Morris Arboretum for 33 years. Mr. DiBenedetto stated that Mr. Graham has found that four (4) trees are worth saving.

Mr. DiBenedetto introduced Mr. George Ritter, Director of Land Planning for the firm Ritter and Plante.

Mr. Ritter stated that they have worked diligently to make sure the plan is developed in accordance with the Township regulations. Mr. Ritter presented a plan of the proposed development and began discussing the various setbacks.

Mr. Ritter stated that there was much discussion on attempting to preserve the Kerlin Farm building but in his opinion the building is in exceptionally poor shape and is long past its prime. Mr. Ritter confirmed that the house is partially collapsed and in ruins.

Mr. Ritter stated that they are attempting to preserve the stone wall along Ashbourne Road in the design.

Mr. Ritter stated that there are plans for a memorial plaque describing the old house history and telling the public about the historic trees. Mr. Ritter stated that one benefit of being a 55+ community is there will be no school children in the units but it will provide sustainable tax rateables for the community. Mr. Ritter stated that a Per Capita Fiscal Analysis will be done at a later time projecting all the benefits.

Mr. Ritter stated that this project is for people who want to remain in the community but do not want to handle the upkeep of a home and its property. Mr. Ritter stated that another benefit of the project is that it's all private roads and will not create traffic on the public road system. Mr. Ritter stated that a Traffic Engineer will look into everything in detail and a report will be presented at a later time. Mr. Ritter stated that it's well known that senior citizen projects produce substantially less traffic than other projects. Discussion ensued regarding the conceptual stormwater management plan.

Mr. Ritter stated that the amount of green space will be similar to a single family development. Mr. Ritter discussed the various setbacks and how building height is related to the setbacks. Mr. Ritter stated that this proposed project will provide a larger buffer than a single family housing plan.

Discussion ensued regarding steep slopes on presented map. Mr. Ritter stated that the majority of the steep slopes are under the t-shaped building and a majority of them are man made.

Mr. Ritter stated that under the current Ordinance 1.5 spaces are needed per dwelling unit, (1) space per 5 units as visitor parking, and one space per employee. Mr. Ritter stated that assuming they will have 6 employees a total of 144 spaces will be needed.

Mr. Cross asked if there are any building specifics such as types of materials being used, what the units come with and what do they look like.

Mr. DiBenedetto stated that all units will have individual heating & air conditioning, water heaters, and balconies or patios. The kitchens will be fully equipped including dishwashers and waste disposals. All units will have utility connections for clothes washers & dryers. There are three (3) units on the first floor of Building one that are ADA compliant.

Mr. DiBenedetto also stated there are plans for accessory spaces located on the first floor of the first building, such as a library and TV Room. These are only meant for residents of the building.

Mr. Cross asked if they were using faux stone on the outside. Mr. DiBenedetto stated that it would be real stone being used.

Mr. DiBenedetto stated that the garbage collection, snow removal etc. would be by an outside party and there would be no burden on the Township resources. Mr. DiBenedetto stated that the project is estimated to cost approximately \$16 million.

Mr. Laughlin asked if the apartment complex will be managed by the owners. Mr. DiBenedetto stated that a Management Company will be onsite.

Mr. Cross asked Mr. Reitano if there was any current need for Age Restricted housing. Mr. Reitano stated that he has no current info for the past 10 years. Mr. Reitano stated that Parkview (behind school administration building) sold out of rental units. Mr. Reitano stated that the numbers of applications coming in dictate that people are trying to turn their properties into rental properties. Mr. Reitano stated that more people are interested in renting rather than buying.

Mr. Cross asked what happens if there is no market for the Age Restricted Housing, what happens to these units. Mr. DiBenedetto stated that the project will be phased and only one building is going up at a time.

Mr. Cross asked if they have to construct utilities before the other buildings are built. Mr. Reitano stated that when other developments went up all the sewers and amenities including fire safety had to be put in place even if it was a phased development.

Mr. DiBenedetto stated that it is the applicant's intention to put in all site improvements in the beginning of the project and the other building sites will be grassed areas. The roads and retention basins will be ready and installed.

Mr. Laughlin requests clarification on the 3' projection for the stairwells. Mr. DiBenedetto pointed out the stairwell in the Building 1 plan.

Mr. Harrower asked about locations of any possible wetlands or springs on site. Mr. Ritter stated that he didn't notice any wetlands or springs when looking at the property. Mr. Harrower requests that he check again.

Mr. DiBenedetto presented email from William Curry to a group of people interested in preserving the Kerlin Farm house. Mr. DiBenedetto stated that in the email it says that Mr. Milner couldn't find any evidence to support the building date.

Mr. Harrower stated that the Kerlin Farm house was at one point eligible for the historic register and that he wants to advocate for the building. Mr. Harrower stated that the house is a historic resource.

Comments from the residents:

David Cohen- 321 Girard Ave:

1. Mr. Cohen cited and read Objective 5 on page 48 and Policy 2.1 on page 134 of the Township's Comprehensive Plan to show how the proposed development was not in accordance with the Comprehensive Plan, and that the proposed development was in conflict with the surrounding neighborhoods, specifically in regards to height and density.
2. Mr. Cohen stated that there was no hardship shown by the applicant and that if any hardship existed it would be a self-imposed financial hardship, which legally does not meet the hardship requirement to enable the granting of variances.
3. Mr. Cohen stated that while the special exception standard had a lower threshold to meet than the hardship standard for variances, that the applicant had not sufficiently addressed issues to warrant the granting of the special exceptions they were seeking.
4. Mr. Cohen stated that the Age Restricted Overlay ordinance provision for the required state highway frontage (Section 295-241)(C) was clear in referring to a single state highway and that a combination of multiple state highway frontages could not be used to reach the required 450 feet of required state highway frontage under (Section 295-241)(C)(1).
5. Mr. Cohen noted that by the applicant seeking relief from the required state highway frontage (Section 295-241)(C) or as an alternative seeking a determination that the combined frontage from multiple state highways meet the requirement for 450 feet of required state highway frontage under (Section 295-241)(C)(1), that the applicant was seeking an action nearly tantamount to getting the property rezoned to the Age Restricted Overlay ordinance. Mr. Cohen suggested that if the applicant was seeking relief from a key underlying provision of the Age Restricted Overlay ordinance in order to be eligible for the Age Restricted Overlay designation and provisions, that the applicant should instead

- request the Age Restricted Overlay ordinance be amended, and that the adoption of such an amendment should be required in order for the applicant to be able to submit an application for development under the Age Restricted Overlay ordinance.
6. Mr. Cohen noted that based on the applicant's presentation, the applicant appeared to be requesting a variance from the Township's steep slopes ordinance, yet this was not one of the requested items listed for relief in the hearing notice.
 7. Mr. Cohen noted that the existing farmhouse was listed in the Township's Comprehensive Plan as being a cultural and historic resource, and as the building was standing on the date of the application that the applicant should comply with Age Restricted Overlay provisions pertaining to Section 295-244(J) Preservation of Historic Resources.
 8. Mr. Cohen stated that under Age Restricted Overlay ordinance provisions Section 295-241(D) "All development under the Age Restricted Overlay District shall comply with the provisions of this Article." Accordingly, in his opinion, the applicant either did not comply with the following provisions or did not adequately address provisions of the Age Restricted Overlay ordinance:
 - a. Section 295-241(C)(1). 450 feet of frontage on a state highway. (Does not comply.)
 - b. Section 295-243(E)(1). Impervious coverage. (Did not adequately address.)
 - c. Section 295-243(H)(1). Common open space. (Did not adequately address.)
 - d. Section 295-244(A). Master Plan. (Did not address; was it submitted?)
 - e. Section 295-244(C). Utility lines. (Did not address.)
 - f. Section 295-244(E)(4). Walking trails. (Did not address.)
 - g. Section 295-244(F). Landscaping plan required to be submitted. (Did not address; was it submitted?)
 - h. Section 295-244(H). Refuse, service and loading areas. (Did not address.)
 - i. Section 295-244(I)(4). Architectural renderings and samples of materials required to be submitted. (Did not address; were renderings submitted? Materials were not submitted.)
 - j. Section 295-244(J). Preservation of Historic Resources. (Did not address and ignored the requirements of this section; and their proposal is in violation of the requirements in this section.)
 - k. Section 295-244(K). Community Impact Analysis required to be submitted (including environmental impact study, and fiscal impact study.) (Did not address and appeared to not have been submitted.)
 9. For reasons of 8(g), 8(i), 8(j) and 8(k) listed above apparently not being submitted at the time of the application, that if one or more of the items were not submitted at the time of application, Mr. Cohen suggested that the application should be removed and not considered as it was not a complete application as required by the Age Restricted Overlay ordinance.
 10. In response to the zoning relief (d) requested, regarding the stairwell projections, Mr. Cohen stated that this should not be considered a hardship as the buildings could easily be reconfigured or redesigned by reducing the number of units if necessary to not require this variance.

Mr. Ritter responded that the plan is an ongoing process and things like the Fiscal Impact Study and the Traffic Impact Study will be submitted when complete.

Mr. Harrower asked if the garbage chute was for all buildings are just one. Mr. Ritter stated that it would all be collected internally by chutes in every building and would lead to a single collection point. Mr. Ritter stated that they had not yet investigated the needed size of a facility. Mr. Ritter stated that landscape plans are being prepared now and will be presented in about 3 weeks.

Mr. Ritter stated in his opinion the Kerlin Farm house is too far gone but it still can be discussed, however Mr. Ritter pointed out that the Ordinance doesn't say it must be preserved. Mr. Harrower asked Mr. Ritter if the layout of buildings on the site in the current scheme could accommodate retaining and preserving the historic building. Mr. Ritter responded that the proposed T-shaped building, which presently is shown over the location of the historic building, could be shifted to the west and still be within the required property setbacks; the consequence of this, however, would be to lose the important Ginko tree.

Mitch Zygmund- Felt- 35 Carter Lane, Elkins Park.

Mr. Zygmund - Felt stated that he is a 33 year resident and stated that he wasn't surprised with the incomplete submission. Mr. Zygmund-Felt stated that the Developer met with the community and there was strong opposition to the proposal. Mr. Zygmund-Felt urged the Planning Commission to force developers to be responsible and bring sufficient information for the community to review.

Sarah Koval - 7961 Oak Hill Drive, Elkins Park.

Ms. Koval asked the Planning Commission to send the developer back to the drawing board. Ms. Koval stated that the developer thinks it's positive for the community, but for the neighbors looking out of their windows at a high rise it's not positive. Ms. Koval stated that the developer didn't take into consideration the Cheltenham Elementary School ("CES") under construction. Ms. Koval stated that when the school re-opens the traffic will be crazy on Ashbourne Road. Ms. Koval stated that the school has a new bus routing entrance and exit for CES. Ms. Koval stated that massive developments are not warranted and are not positive for community.

Ms. Koval asked if the units will have underground parking. Mr. DiBenedetto stated that underground parking has never been part of the plan, and that the CES traffic pattern has been moved to Front Street and plans can be viewed at the Township Building and Zoning Office.

Mr. Cross asked Mr. Duffy if this was the case. Mr. Duffy stated that the Applicant will have to include CES in their traffic study.

Denise Finer:

Ms. Finer stated that she's not familiar with how the historic preservation works. Ms. Finer asked for clarification on how the cost of preservation is calculated and who bears the responsibility. Mr. Cross stated that the majority of the burden falls on the owner of the property. Mr. Cross stated that there may be some tax incentives but it's up to the owner if he is even interested in such. Ms. Finer asked if this property would continue to be privately owned if historic preservation was applied. Mr. Cross confirmed it would remain as such.

Rev. Robert Mitchell- 785 Berwyn Road, Elkins Park.

Rev. Mitchell stated that he has been a Cheltenham resident since 1969. Rev. Mitchell questioned that since they did away with the catch basin how this change would affect the water table. Rev. Mitchell stated that the current residents of the southern area have massive flooding problems and by adding water to the water table the problem will increase. Rev. Mitchell also stated that if the developer is unable to fill the units under 55+ ordinance then will the units become subsidized housing. Rev. Mitchell stated that it's not something the community wants or needs and is not best for the neighborhood.

Dr. Rebecca Mitchell- 785 Berwyn Road, Elkins Park.

Dr. Mitchell stated that she has concerns regarding the traffic on Oak Lane Road and Cheltenham Avenue. Dr. Mitchell disagrees with the statement that the project will not have a negative impact on traffic. Dr. Mitchell stated that when Ashbourne Country Club and Cheltenham Elementary School is built traffic will be a problem. Dr. Mitchell also stated that she's concerned about the trash compacter being so close to houses, and wants to know what will be done about the smells and possible rodents. Dr. Mitchell also expressed concern over the legal notice that the neighbors received which listed the property as 1050 Ashbourne Road not as Kerlin Farms. Ms. Mitchell felt that it was deceptive and a way to try to confuse the neighbors about the project. Mr. Reitano stated that, that wasn't the intention merely the legal notice was written for the applicant which is known as 1050 Ashbourne LLC. Mr. Reitano stated that from now on Kerlin Farms will be put in parentheses for clarification.

Mark Garvin-7816 Haines Road, Cheltenham.

Mr. Garvin stated that the area had a severe flooding problem last summer; Mr. Gavin said the flooding impacted the area so badly that there are talks of buy outs of the properties. Mr. Garvin stated that he knows what a 100 year flood means theoretically but in reality it's very different.

Barbara Woods- 119 Pleasant Hill Road, Cheltenham.

Ms. Woods stated she's been a Cheltenham resident for 31 years and she's not opposed to responsible development but it's the Planning Commission job to look out for residents.

Joe Vescovitch 107 Tookany Creek Pkwy, Cheltenham

Planning Commission Minutes

May 21, 2012

Page 7 of 8

Mr. Vescovitch gave a few financial calculations to come up with a ballpark figure of \$2000 per rental unit. Mr. Vescovitch stated that he doesn't think this is feasible.

Committee Comments:

Mr. Winneberger stated that we all know this development is in the best interest of the applicant and in listening to the presentation it's definitely not in the best interest of the community. Mr. Winneberger stated that he thinks the Township and the developer need to get together to save the Kerlin Farm house. Mr. Winneberger challenged the notion that a concrete football field fits into an R-4 district and how does a 4 storey apartment building make any sense in this community.

Mr. Laughlin stated that density in the Township is a concern. Mr. Laughlin stated that the Developer has a right to look at ways to leverage the laws to fit what they need. The Board of Commissioners passed an Ordinance that allows them to apply for these variances, exceptions and density bonuses. Mr. Laughlin stated that he isn't a fan of the Ordinance and he doesn't like high rise buildings but the Board of Commissioners has passed an Ordinance that allows the developer to do this.

Dr. Mitchell asked if this means that the new ordinance states that residential high rises can be applied for as Special Exceptions in an Age Restricted Overlay District. Mr. Laughlin confirmed this was the case.

Mr. Harrower challenged the request for a determination that the Kerlin Farmhouse does not qualify as a Historic Resource due to its deteriorated condition. In the Township, identified historic resources are either listed on the National Register of Historic Places (NR), found Eligible for Listing on the NR, or are 'undetermined.' This property was found by the Pennsylvania Historical and Museum Commission to be eligible for listing on the National Register of Historic Places in 2004, even though at that time the building was vacant and its condition was deteriorated. It is more than a local issue, therefore, to challenge the determination that Kerlin Farm is a Historic Resource. Mr. Harrower further noted that the language in the "Age Restricted Overlay District" Ordinance calls for Historic Resources to be identified and preserved, and this proposal does neither.

Mr. Cross stated that he wasn't present for the first meeting that this came in front of the Planning Commission but he doesn't think enough information was presented to make a legitimate recommendation. Mr. Cross stated that he doesn't think this project fits; in fact any project of this scale doesn't fit, especially in a Township that's going to be burdened with new development. Mr. Cross stated that he doesn't see that this project fits at all with this community. Mr. Cross stated that he has serious doubts that the old house couldn't be saved and preserved. Mr. Cross also pointed out that such buildings are not rare in this Township however, they are left alone to disrepair and always fall victim to neglect. Mr. Cross stated that we should come together as a community and figure out how to handle situations like these.

Mr. Cross expressed concerns about the scale of the project and is also concerned regarding the amount of EDU's the Township has for something like this.

Mr. Winneberger made a motion of denial; Mr. Goldfarb seconded the motion, the motion passed.

3. Old Business

None

4. New Business

None.

5. Adjournment

Mr. Cross made a motion for adjournment; Mr. Winneberger seconded the Motion, the Motion passed. The meeting adjourned at 10:15 P.M.



David G. Kraynik
Township Manager

Per Holly A. Nagy

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners

Art Haywood, President
Harvey Portner, Vice President
Kathy A. Hampton
Charles D. McKeown
Daniel B. Norris
J. Andrew Sharkey
Morton J. Simon, Jr.

Township Manager

David G. Kraynik



Administration Building

8230 Old York Road
Elkins Park, PA 19027-1589

Phone: 215 887-1000
FAX: 215 887-1561
Website: cheltenhamtownship.org

MEMORANDUM

TO: Patrick J. Duffy, P.E., Director – Engineering, Zoning & Inspections

FROM: Bryan T. Havar, Assistant Township Manager

RE: Recommendation for Certificate of Appropriateness for new signage

DATE: May 18, 2012

The Economic Development Task Force (EDTF) at its meeting on May 15, 2012 reviewed the following:

- **141 E. Glenside Avenue.** One sign permit application filed with the Township's Building and Zoning Office for three signs across the front facade, which was found not appropriate. Ultimately upon discussion, it was recommended that two signs be accepted contingent on the requirement that if additional signs be added in the future, a new arrangement would be needed for a grouping of signs with a larger band to help unify the signs on the front façade. Mr. Kratzer made a motion to recommend acceptance of these two signs. The EDTF unanimously concurred and recommended that a Certificate of Appropriateness be issued for the two signs with the contingency stipulated for future additional signage.

Therefore, please schedule this application for a COA to be reviewed by the Building and Zoning Committee at the June 6, 2012 meeting. Thank you.

BTH/km

cc: David G. Kraynik, Township Manager
Carmen Reitano, Assistant to the Director, Engineering, Zoning and Inspections
Richard Parkes, Building and Zoning Department

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. - _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED "ZONING", SECTIONS 295-243 AND 295-244, BY LIMITING THE HEIGHT OF BUILDINGS TO NO MORE THAN 3 STORIES ON SITES 10 ACRES OR LESS; DELETING CERTAIN TERMS AND INSERTING NEW TERMS TO CHANGE THE WORD "HOMES" TO "DWELLINGS" AND TO DELETE THE WORDS "OR EQUIVALENT" IN CERTAIN PORTIONS OF THE ORDINANCE; TO REPLACE THE TERMS "HISTORIC RESOURCES WITHIN THE TOWNSHIP", WITH THE TERMS "HISTORIC RESOURCES ON THE TRACT" AND TO REQUIRE THE SUBMISSION OF A BY-RIGHT YIELD PLAN BASED ON THE UNDERLYING ZONING

The Board of Commissioners of Cheltenham Township, duly assembled, hereby **ENACTS** and **ORDAINS** as follows:

SECTION I.

The Board of Commissioners hereby amends the Code of the Cheltenham Township, Section 295, entitled "Zoning" by making the following changes in Article I, Sections 295-243 and 295-244:

1. In Section 295-243.F. entitled "Maximum building height", the following sentence shall be inserted in Section 295-243.F.1.:

Notwithstanding any other terms in this Ordinance, subsection F.2. shall not apply to tracts of 10 acres or less.
2. In Section 295-244.I.5., the word "homes" is hereby deleted and replaced with the word "**dwelling**", the word "home" is hereby deleted and replaced with the word "**dwelling**", and the words "**or equivalent**" are hereby deleted.
3. In Section 295-244.J.1., the term "Historic resources within the Township" is hereby deleted and replaced with the term "**Historic resources on the tract**".
4. A new Section, 295-244.M. entitled "By-Right Yield Plan" shall be added as follows:

295-244.M.

All applications for development under this overlay district shall be accompanied by a by-right yield plan for the property based on the underlying zoning. During the review process, the applicant shall revise such by-right yield plan based upon, and in accordance with, applicable comments received from the Township staff.

SECTION II. - DISCLAIMER

Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION III. - SEVERABILITY

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION IV. - REPEALER

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION V. - FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VI. - EFFECTIVE DATE

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

ORDAINED AND ENACTED by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this _____ day of _____, 2012.

CHELTENHAM TOWNSHIP

By: _____
Art Haywood, President,
Board of Commissioners

Attest: _____
David G. Kraynik, Township Secretary

KENNETH AMEY, AICP
professional land planner

May 10, 2012

David G. Kraynik, Township Manager
CHELTENHAM TOWNSHIP
8230 Old York Road
Elkins Park, PA 19027

Re: Age Restricted Overlay District
Proposed Amendments

Dear Mr. Kraynik:

I attended the March 26, 2012 Planning Commission Meeting and have reviewed the minutes from that meeting. I have also reviewed the minutes of the Building & Zoning Committee Meeting of April 4, 2012 and the suggestions offered by David Cohen of the Ad Hoc Zoning Committee. My comments are as follows:

1. The Planning Commission has suggested changing the word "home(s)" to "dwelling(s)" in §295-244.I.5. I agree that this is an appropriate editorial change.
2. Similarly, the word "of", which is located between the words "cause" and "causes" in Section 3, should be changed to "or".
3. In §295-244.J.1., the phrase "historic resources within the Township" should be changed to "historic resources on the tract".
4. Mr. Cohen and the Planning Commission have suggested adding a requirement for submission of a by-right yield plan based on the underlying zoning. While I do not believe that a by-right plan is necessary, there is no harm in requiring the submission and, if nothing else, it will help to establish a base line for discussion and review of proposals under the Age Restricted Overlay.

1122 Old Bethlehem Pike
Lower Gwynedd, PA 19002



phone: 215.283.9619
fax: 215.646.3458
kenamey@aol.com

5. The idea of tying density to a multiple of by-right yield may make sense at some point, particularly as the new zoning ordinance is finalized by the Ad Hoc Zoning Committee. This would begin to give purpose to the requirement of the by-right yield plan mentioned in #4 above. My suggestion is that the current AR density requirements stay in place for now and then be revisited as part of the new zoning ordinance.

6. I believe that the issue of building height along with other comments regarding density and maintaining neighborhood character can best be addressed by allowing midrise multi-family dwellings only on lots greater than 10 acres in area. This would limit buildings on smaller lots to a more residential scale, with a maximum height of 3 stories.

I look forward to discussing these comments with the Board of Commissioners at their meeting on May 16, 2012. In the meantime, if you or the Commissioners have any questions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ken Amey", with a stylized flourish at the end.

Kenneth Amey

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

"C3 Commercial and Business District Zoning Map Amendment"

AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING MAP TO REZONE THE 100 BLOCK OF COTTMAN AVENUE, FURTHER IDENTIFIED AS TAX BLOCK 65, UNITS 69, 88-93, 96, 98 AND 99, CONSISTING OF APPROXIMATELY 1.617 ACRES, FROM THEIR EXISTING ZONING CLASSIFICATION OF "R8" RESIDENCE DISTRICT TO THE CLASSIFICATION OF "C3" COMMERCIAL AND BUSINESS DISTRICT.

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN**:

SECTION 1- Zoning Map Amendment:

The Cheltenham Township Zoning Map is hereby amended to rezone a tract of land identified as the 100 Block of Cottman Avenue, further identified as Tax Block 65, Units 69, 88-93, 96, 98 and 99, which tracts combined consist of approximately 1.617 acres, and are more particularly depicted on the plan attached hereto as Exhibit "A", from their existing zoning classification of "R8" Residence District to the classification of "C3" Commercial and Business District.

SECTION 2 - Disclaimer

Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

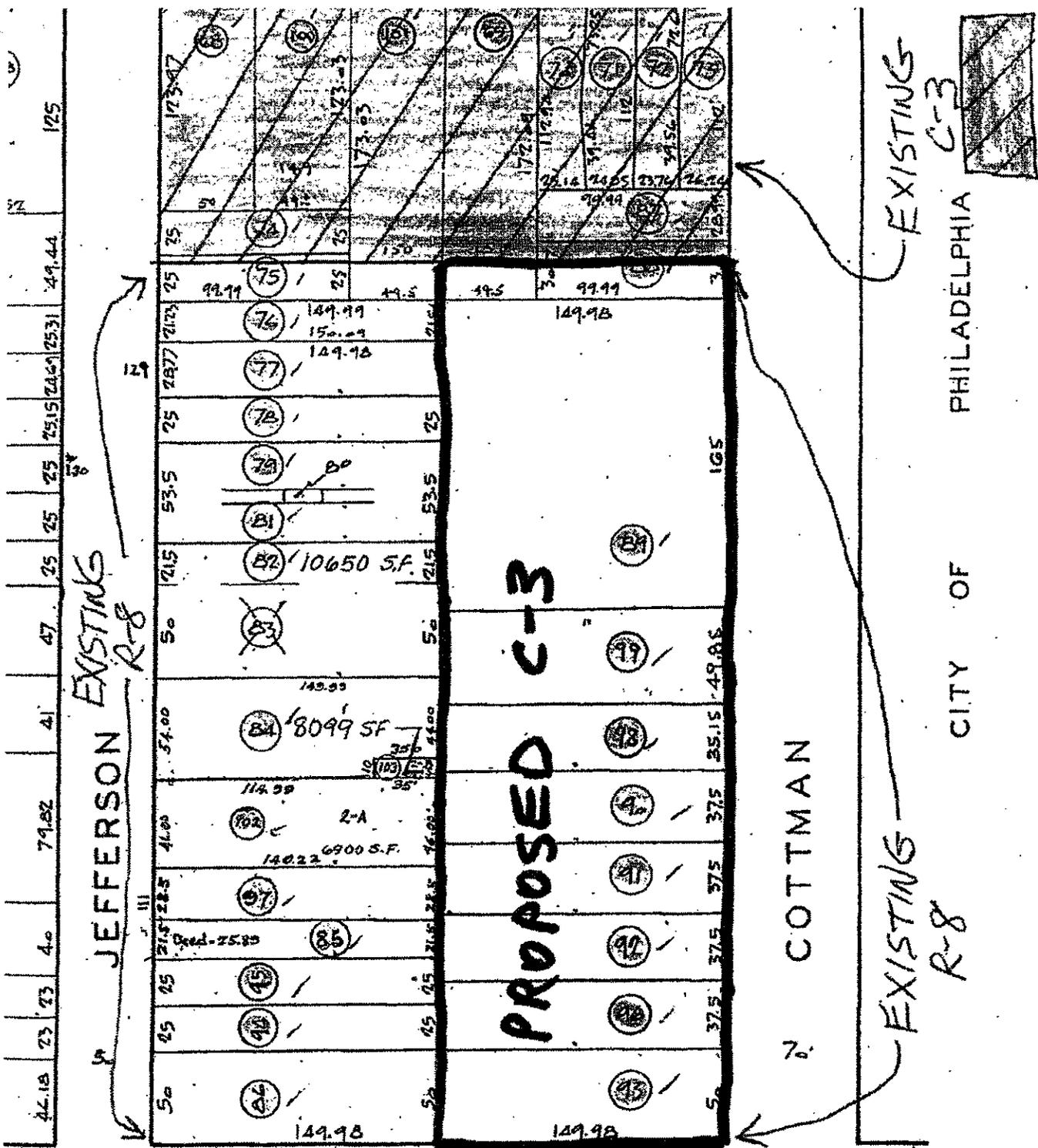
SECTION 3 - Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION 4 - Repealer

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

“EXHIBIT A”



'00 BLOCK OF
 COTTMAN AVE.

CHELTENHAM TOWNSHIP MONTGOMERY CO PA		REVISED
REAL ESTATE REGISTRY BLOCK 65		
SCALE 1" = 80' JULY 1, 1939.	DRAWN BY H.L.R. CHECKED BY H.M.R.	

**BOARD OF SUPERVISORS
CHELTENHAM TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

"Specialized Medical Services By Special Exception"

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM AMENDING CHAPTER 295, ZONING, OF THE CODE OF ORDINANCES, AS AMENDED FROM TIME TO TIME, BY AMENDING SECTION 225 OF CHAPTER 295 TO ADD A NEW SUBSECTION C TO PROVIDE FOR CERTAIN SPECIALIZED MEDICAL SERVICES BY SPECIAL EXCEPTION IN RESIDENCE DISTRICTS R-5, R-6, R-7 AND R-8

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN**:

SECTION 1- Amendment

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article XXIX (General Regulations), Section 225 (Executive Office or Research Laboratory Conversion) is hereby amended to add a new paragraph C as follows:

§ 295-225. Specialized Medical Services

- C. The Zoning Hearing Board may permit as a special exception the conversion of a building and/or the use of a lot, formerly used as a religious or educational use, for specialized medical services in Residence Districts R-5, R-6, R-7 and R-8 subject to the following requirements:
- (1) Specialized medical services, as that phrase is used in this Section, shall consist of an office offering medical diagnosis and treatment including, but not limited to, dialysis centers and virtual colonoscopy facilities; provided, however, that specialized medical services shall not include methadone clinics or methadone dispensaries.
 - (2) The lot area for specialized medical services shall be a minimum of .75 acres or 32,670 square feet.
 - (3) If a residential building exists on the lot, the building shall not have been occupied as a residence for at least one year at the time of the application for special exception hereunder and a resumption of such use shall be demonstrated to be no longer feasible.

- (4) The applicable dimensional requirements for the district, not otherwise modified herein, and applicable off-street parking requirements, shall not be reduced or otherwise altered.
- (5) If a building exists on the lot, no exterior alterations or changes to the building shall be made except as may be necessary in the discretion of the Zoning Hearing Board for purposes of public health, safety and welfare.
- (6) Only one sign may be erected on the lot, said sign not to exceed two square feet in area on one side. A sign with wording on two sides shall be permitted.

SECTION 2 - Disclaimer

Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 3 - Severability

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION 4 - Repealer

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION 5 - Failure To Enforce Not A Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 6 - Effective Date

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

ORDAINED AND ENACTED into law this day of , A.D., 2012, by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania.

CHELTENHAM TOWNSHIP

By: _____
Art Haywood, President,
 Board of Commissioners

Attest: _____
David G. Kraynik, Township Secretary

**RECENT
ZONING HEARING BOARD
DECISIONS**

**ZONING HEARING BOARD
OF CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

APPEAL NO. 3433

Applicant: New Cingular Wireless PCS, LLC

Subject Premises: 36 Township Line Road, Elkins Park, PA 19027

Owner of Premises: 36 Township Line Storage, L.P.

Nature of Application: Applicant appeals from the determination of the Zoning Officer finding that modifications to the existing Telecom Facility to upgrade an the wireless communications facility to 4G standards would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XIV, Section 295. Applicant seeks the following zoning relief:

- a. A determination that the modifications to the Telecom Facility are permitted by right in the M-3 district pursuant to Section 295-89.D of the Township Code as a telephone central, public utility building, and otherwise complies with such provisions.
- b. In the alternative, a determination that the modifications to the Telecom Facility are permitted by right pursuant to the operative and pertinent provisions of the Telecom Ordinance set forth in Chapter 271 of the Township Code, and otherwise complies with such provisions.
- c. In the alternative a determination that the Telecom Facility is permitted by a validity variance as recognized by the laws of the Commonwealth of Pennsylvania.
- d. A determination that the Telecom Facility is a valid, non-conforming use of the Property, established prior to the adoption of the Telecom Ordinance. Pursuant to Section 295-227.C, a valid, non-conforming use may be extended throughout the premises (i.e., Area of the First

Easement and Second Easement as applies to this Application).

- e. A determination that upgrades to the Telecom Facility are authorized on the Property pursuant to federal law, including the Pole Attachment Act 47 U.S.C. Section 224; the Telecommunications Act of 1996, 47 U.S.C. Section 253 (dealing with removal of barriers to entry) and Section 332 (dealing with regulation of mobile services) and the Middle Class Tax Relief and Jobs Creation Act of 2012, Section 6409 (dealing with modifications to existing facilities).
- f. Applicant also applies for such other interpretations, waivers and/or variances as may ultimately be required.

Time and Place of Hearing: Monday, April 9, 2012 – 7:30 p.m.
Curtis Hall
Church Road and Greenwood Avenue
Wyncote, Pennsylvania

FINDINGS OF FACT

1. Applicant, New Cingular Wireless PCS, LLC (“New Cingular”) has use of 2 easement areas, 10’ by 10’ and 10’ by 20’ (collectively, “Easement Area”), of a portion of a property located at 36 Township Line Road, Elkins Park, Pennsylvania (“Property”). New Cingular’s entitlement to use the Easement Area is pursuant to a Communications Facilities Agreement Easement, a lease agreement with the Philadelphia Electric Company (“PECO”), and a license agreement with the owner of the Property.

2. The Property is currently improved with a commercial public storage facility building and a separate telecommunications facility attached to an existing PECO electric distribution pole located in the front of the Property. The telecommunications facility is located in the Easement Area.

3. The legal owner of the Property is 36 Township Line Storage, L.P.

4. The Property is located in the Class M-3 Multiple Dwelling and Office District and comprises 2.54 acres in area.

5. Prior to the holding of the hearing in this matter, an advertisement, noting the time and place of the hearing and the contents of the appeal, was placed in a newspaper of general circulation.

6. The following documents were made a part of the record:

ZHB-1. a listing of exhibits;

ZHB-2. a copy of the legal notice for the holding of the hearing;

ZHB-3. an Application to the Zoning Hearing Board, referenced as Appeal No. 3433;

ZHB-4. a location map marked as Real Estate Registry Block 59, showing the location of the Property;

ZHB-5. MEA Land Record Parcel Information on Property dated March 19, 2012;

ZHB-6. Building and Zoning Committee recommendation letter;

ZHB-7. site plan prepared by Dewberry-Goodkind, Inc. dated March 6, 2012;

ZHB-8.1. plan entitled "Equipment Layout Plan and Elevation View" prepared by Dewberry-Goodkind, Inc. dated March 6, 2012;

ZHB-8.2. plan entitled "Antenna Plan and Details" prepared by Dewberry-Goodkind, Inc. dated March 6, 2012;

ZHB-8.3. plan entitled "Details" prepared by Dewberry-Goodkind, Inc. dated March 6, 2012;

ZHB-8.4. plan entitled "Title Sheet" prepared by Dewberry-Goodkind, Inc. dated March 6, 2012;

A-1 Zoning Application with Addendum;

A-2 Deed;

A-3 Aerial Photograph;

A-4 Photograph of the Easement Area;

A-5 Decision of the Cheltenham Township Zoning Hearing Board ("ZHB"), Appeal No. 3126;

A-6 Decision of the ZHB, Appeal No. 3146;

(redacted);
A-7 Communications Facilities Agreement Easement dated July 8, 2002;
A-8 Lease Agreement with PECO 2002 (redacted);
A-9 License Agreement with property owner dated June 22, 2007
(redacted);
A-10 FCC License;
A-11 FCC Registration;
A-12 Site Plans dated March 6, 2012, prepared by Dewberry-Goodkind,
Inc.; and
A-13 Structural Report dated February 16, 2012, prepared by Advantage
Engineers.

7. New Cingular proposes to upgrade its existing wireless communications facility by removing 2 existing antennas, installing 6 new antennas at a height not to exceed 65' 7½", and installing 1 additional equipment cabinet within the fenced Easement Area ("Project").

8. The proposed use is not permitted in the Class M-3 Multiple Dwelling and Office District.

9. The ZHB previously granted variances with conditions to New Cingular to permit a wireless communications antenna system at a height not to exceed 80', and a front yard setback of 25', rather than the required minimum front yard setback of 35' for the installation of a ground level telecom equipment compound, in Appeal No. 3146, dated July 10, 2006. (Exhibit A-6)

10. At the ZHB hearing, New Cingular acknowledged that the relief requested in its zoning application was in effect a request for a variance to permit modification of the ZHB's decision in Appeal No. 3146.

11. Trevor McNeill, a site acquisition consultant for New Cingular, was sworn and testified as follows:

- New Cingular has an existing wireless communications facility at the Property consisting of a single PECO pole at the top of which are 2 antennas, and an equipment cabinet which is housed within a fenced-in compound;
- in 2006, the ZHB granted a use variance and a dimensional variance to New Cingular to permit the existing wireless communications facility and equipment compound at the Property;
- the owner of the Property, 36 Township Line Road, L.P., authorized New Cingular to file the zoning application and seek the necessary approvals for removing 2 existing antennas, installing 6 new antennas at a height not to exceed 65' 7½", and

installing 1 additional equipment cabinet within the fenced Easement Area;

- New Cingular is reducing the height of the antennas by removing the existing 80' high antennas, and replacing them with antennas not to exceed 65' 7½" in height;
- the Project is necessary to upgrade to a 4G system; and
- New Cingular remains in compliance with the previous conditions of approval imposed by the ZHB in its decision of Appeal No. 3146.

10. Joe Frega, a licensed professional engineer with Dewberry-Goodkind, Inc. was sworn and testified as follows:

- New Cingular is authorized and licensed by the FCC to provide wireless services in the Township;
- 6 antennas will be placed on the PECO pole located in the front of the Property;
- the proposed upgrade will allow New Cingular to provide 4G service to its customers;
- a structural analysis was performed to confirm that the PECO pole can accommodate the proposed equipment, and that the antennae would be installed in accordance with industry standards and guidelines;
- a structural analysis report was prepared by Advanced Engineers, and is entered into the record as Applicant's Exhibit A-13; and
- the mounting location for the radio heads and diplexer units will be adjusted so that no part of the structure will protrude above the top of the existing fence surrounding the Easement Area.

12. The Board finds the testimony of New Cingular's witnesses credible and not refuted by any competent evidence.

13. No residents spoke in favor of or in opposition to New Cingular's proposed Project.

14. A grant of relief to allow the Project will result in no adverse effect to individual property rights or to the public health, safety, or welfare.

15. A grant of relief to allow the Project will not adversely affect the character of the neighborhood and will not materially alter the character of the zoning district or of the community.

16. A grant of relief to allow the Project will not be contrary to the public interest.

DISCUSSION

Section 910.2(a) of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §10910.2(a), empowers the Board to grant variance where the Board makes all of the following findings where relevant:

- (1) That there are unique physical circumstances or conditions, including the irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstance or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

New Cingular has use of the Easement Area of the Property pursuant to a Communications Facilities Agreement Easement, a lease agreement with PECO, and a license agreement with the owner of the Property. New Cingular requires a variance to permit modification of the ZHB's decision of Appeal No. 3146 granting variances, with conditions, to permit a wireless communications antenna system at a height not to exceed 80', and a front yard setback of 25', rather than the required minimum front yard setback of 35' for the installation of a ground level telecom equipment compound.

The modification sought by New Cingular is to allow an upgrade of its existing wireless communications facility by removing 2 existing antennas, installing 6 new antennas at a height not to exceed 65' 7½", and installing 1 additional equipment cabinet within the fenced Easement Area.

New Cingular's witnesses testified that the replacement antennae are necessary to allow New Cingular to provide data and related services pursuant to the 4G license. The witnesses also testified that the proposed upgraded equipment is the minimum necessary in order to provide the 4G services. New Cingular is reducing the height of the antennas by removing the existing 80' high antennas, and replacing them with antennas not to exceed 65' 7½" in height. A structural analysis was performed to confirm that the PECO pole can accommodate the proposed equipment, and that the antennae would be installed in accordance with industry standards and guidelines.

Section §910.2(b) of the MPC, 53 P.S. §10910.2(b) authorizes a zoning hearing board to attach reasonable conditions to the grant of a variance. The Board imposed conditions on the grant of the variance, set forth below and stated in the Board's Notice of Decision letter dated April 10, 2012. New Cingular agreed to the imposition of the conditions during the zoning hearing held on April 9, 2012. The conditions imposed by the Board are reasonable.

CONCLUSIONS OF LAW

1. A wireless communications facility, including antennae and an equipment room is not permitted in the Class M-3 Multiple Dwelling and Office District of the Cheltenham Township Zoning Ordinance. However, in accordance with the Pennsylvania Municipalities Planning Code and the Cheltenham Township Zoning Ordinance, the Cheltenham Township Zoning Hearing Board is empowered to hear and decide requests for variances where it is alleged that strict conformance with the governing ordinances would result in unnecessary hardship.

2. Under the circumstances of this matter, New Cingular has met its burden in establishing that, due to the unique physical circumstances of the Property, a failure to grant relief to allow the proposed wireless communications facility upgrade, including the replacement of antennae and the placement of 1 additional equipment cabinet within the Easement Area of the Property, would result in an unnecessary hardship.

3. The variance as hereafter granted is the minimum variance that will afford New Cingular relief and represents the least departure from the governing regulations.

4. The variance will not be contrary to the public interest.

5. In order to meet its obligation to protect the general welfare, and to ensure that the use of the Property conforms with the ordinances of Cheltenham Township to the fullest extent possible, the ZHB has imposed strict conditions on the grant of the relief requested. Any deviation from the relief requested would require the grant of further variances or other relief from the ZHB.

DECISION

WHEREFORE, this 23rd day of May, 2012, the Cheltenham Township Zoning Hearing Board, by a 3-0 vote, grants to New Cingular a variance to permit the modification of the variances previously granted by the ZHB in Appeal No. 3146, dated July 10, 2006. The modification granted by the ZHB permits the removal of 2 existing antennas and the installation of 6 new antennas at a height not to exceed 65' 7½", and the installation of 1 additional equipment cabinet within the fenced easement area ("Telecom Facility").

This grant of relief is subject, however, to the following conditions:

(1) applicant must withdraw, in writing, the zoning relief requested in applicant's zoning application for "...such other interpretations, waivers and/or variances as may ultimately be required.";

(2) continued compliance with the conditions of approval in the ZHB's decision and order dated July 10, 2006 in Appeal No. 3146;

(3) all equipment and cabling shall be located below the existing fence line until connection to the pole;

(4) any obsolete or unused Telecom Facility equipment must be removed from the Property on an on-going basis as long as the Telecom Facility remains at the Property;

(5) any portion of the landscape screening buffer around the Telecom Facility that is diseased or dead shall be replaced in kind and promptly as long as the Telecom Facility remains at the Property;

(6) the proposed improvements shall be constructed in substantial conformity with the testimony and exhibits produced by New Cingular Wireless PCS, LLC during the course of the hearing before the ZHB at its April 9, 2012 meeting.

This grant of relief is not a waiver of any provision of the Cheltenham Zoning Ordinance not specifically addressed in this decision.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD

PETER R. LABIAK, Chairman

ALAN S. GOLD, Vice Chairman and Secretary

AMEE FARRELL, Member

THIS DECISION WAS OFFICIALLY ISSUED ON MAY 23, 2012.

Certificate of Appropriateness for Signage in Commercial Districts



This letter serves as a Certificate of Appropriateness for the construction of the project outlined below:

NAME OF BUSINESS: Quaker City Motor Works

ADDRESS OF PROPERTY: 141 E. Glenside Avenue, Glenside, PA 19038

NAME OF PROPERTY OWNER: Patrick Lane

TELEPHONE # OF PROPERTY OWNER: 215-635-1009

TYPE OF WORK BEING DONE: New Signage

DATE OF REVIEW BY DESIGN COMMITTEE: May 4, 2012

APPROVED BY: _____

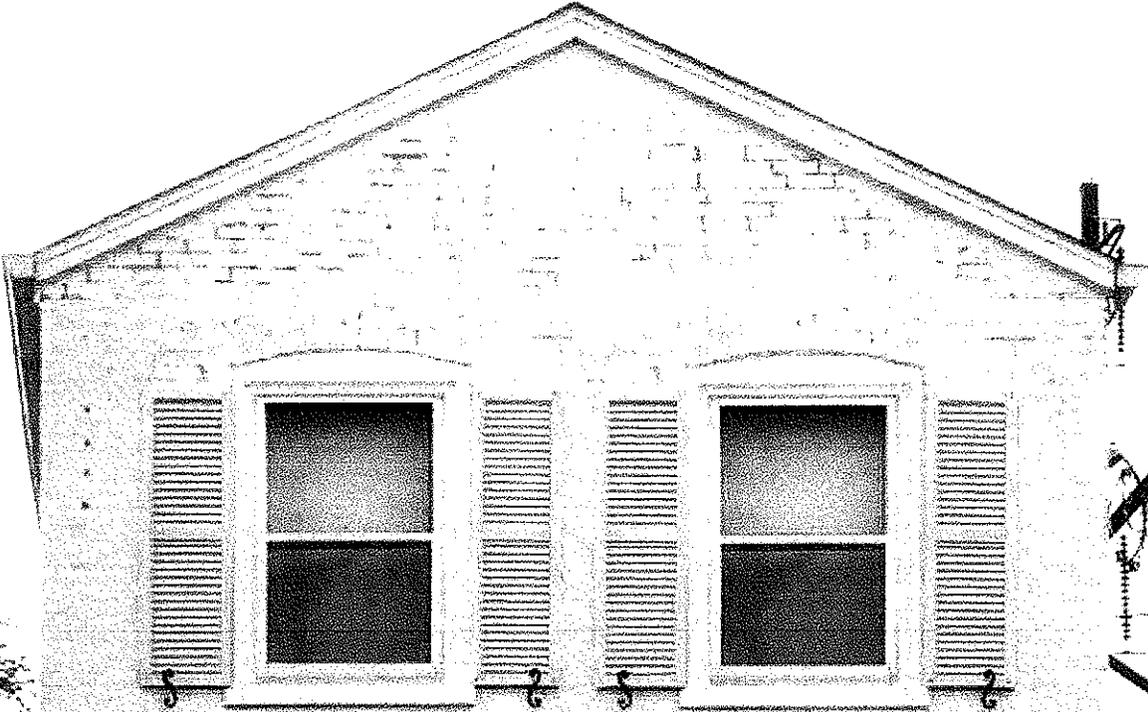
TODAY'S DATE: _____

BUSINESS LICENSE #: 15666

Now, therefore, on this _____ day of _____, 2012, I, David G. Kraynik, Township Manager, hereby issue this Certificate of Appropriateness for aforesaid work in the name of the Board of Commissioners of Cheltenham Township.

David G. Kraynik, Township Manager

PROJECT DESCRIPTION: The Applicant is installing a 56" x 36" printed sign (Alumilite) to be flush mounted to the building façade.



FRANK  **MCSHANE**
DESIGN • ILLUSTRATION


**FAMILY
MEDICAL
TRANSPORT**
INC.

Quaker City
MOTOR WORKS

**VINTAGE & NEW
MOTORCYCLES**
APPAREL, SERVICE, PARTS & RESTORATION
ENTRANCE & PARKING
ARIEL 7154


simply
massage
of glenside
by appointment only
215-514-0110

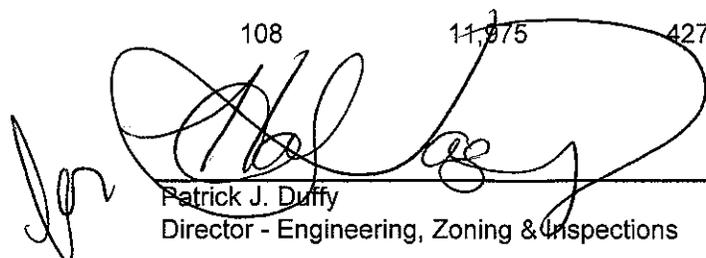


May 30, 2012

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR MAY, 2012**

	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	55	9,290	464,500
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	0	0	0
COMMERCIAL			
RENOVATIONS / ALTERATIONS	3	23,269	1,163,450
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	1	650	32,000
FENCE	6	199	199
MAY, 2012	65	33,408	1,660,149
MAY, 2011	28	4,992	216,265
YEAR-TO-DATE 2012	252	78,228	3,732,405
TOTAL 2011	428	114,275.9	4,267,138.9
HEATING & AIR CONDITIONING			
MAY, 2012	7	6,020	301,000
MAY, 2011	6	834	36,000
YEAR-TO-DATE 2012	16	8,753	436,700
TOTAL 2011	63	12,591	459,400
ELECTRICAL			
MAY, 2012	3	1,905	95,250
MAY, 2011	7	330	11,000
YEAR-TO-DATE 2012	30	7,299	349,957
TOTAL 2011	108	11,975	427,442


Patrick J. Duffy
Director - Engineering, Zoning & Inspections