

**BUILDING AND ZONING COMMITTEE**

Art Haywood - Chair  
Morton J. Simon, Jr. - Vice Chair  
Charles D. McKeown, Sr. - Member  
Daniel B. Norris - Member  
Ann L. Rappoport - Member  
J. Andrew Sharkey - Member  
Harvey Portner - Ex-Officio Member

**Wednesday, June 4, 2014  
8:00 PM  
Curtis Hall**

**AGENDA**

1. Action needed on Zoning Hearing Board Agenda for June 9, 2014 and June 17, 2014. See attached.
2. Review of the Planning Commission Minutes dated May 27, 2014. See attached.
3. Presentation of Revised Concept Plan for Falcon Hill dated May 12, 2014 by Hansen Properties. See attached.
4. Review of recent Decision(s) of the Zoning Hearing Board. See attached.
5. Report of the Building Inspector for May, 2014. See attached.
6. Old Business
7. New Business
8. Citizens' Forum
9. Adjournment



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Bryan T. Havir  
Township Manager

**ZONING HEARING BOARD**

**AGENDA**

**FOR**

**June 9, 2014**

## NOTICE

**NOTICE IS HEREBY GIVEN** that the Cheltenham Township Zoning Hearing Board will hold a public hearing on **Monday, June 9, 2014 at 7:30 PM** at **Curtis Hall, Church Road and Greenwood Avenue, Wyncote, PA 19095**, to consider the following applications for **Special Exceptions and/or Variances from the terms of the Cheltenham Township Code, Chapter 295 thereof, entitled Zoning.**

**APPEAL NO. 3484** – Appeal of Excel Auto Repair and Collision lessee of premises known as 546-552 Township Line Rd., Cheltenham, PA 19012 located in a Class C-3 Commercial and Business District from the Decision of the Zoning Officer for the following zoning relief:

- a. Variance from CCS 295-117 use regulations, in order to operate a used motor vehicle sales agency from their existing non-conforming auto repair and collision service business.
- b. A determination that the proposed on-site parking is a valid non conforming use or, in the alternative, a variance of the provisions of CCS 292-221F so as to permit parking in excess of 120% of the required minimum parking.

**APPEAL NO. 3487**: Appeal of Miguel Burgos, owner of premises known as 641 Ashbourne Rd., Cheltenham, PA 19012 from the Decision of the Zoning Officer for the following zoning relief in an R-4 Residential District:

- a. Variance from “Fences and Walls” as outlined in CCS 295-223, in order to install 145± feet of 6’ high, solid fencing within the Ashbourne Rd. street frontage required setback area instead of the permitted 4’ high 50% open fencing.
- b. Variance from “Use regulations” as outlined in CCS 295-36.F, in order to install (2) two 2’ by 2’ by 6’ high brick pillars adjacent to the driveway in the front yard setback that will support a 6’ high wrought iron entrance gate instead of one of the enumerated permitted uses.
- c. Variance from CCS 295-39(A)(1) for a structure 5+/- feet from the front yard setback, instead of the required 40’ front yard setback.
- d. Variance from CCS 295-39(B)(1) for a structure 4+/- feet from the side yard setback instead of the permitted 10’ side yard setback.

**APPEAL NO. 3489**: Appeal of Father Ihor Royik of Annunciation Catholic Church, 1206 Valley Rd., Elkins Park, PA 19027 from the Decision of the Zoning Officer for the following zoning relief in an R-4 Residential District:

- a. A variance from CCS 295-36F of the Cheltenham Zoning Code, in order to erect (2) two flag poles in the front yard setback; and
- b. A Variance from the Rules and Regulations of a CCS 295-197A(4) in order to erect and maintain a non-conforming Reader Board sign measuring 23 sq. ft. and 9’ high in the front yard setback in addition to their existing free standing identification sign.

**ZONING HEARING BOARD**

**AGENDA**

**FOR**

**June 17 , 2014**

**NOTICE IS ALSO HEREBY GIVEN that the Cheltenham Township Zoning Hearing Board will hold a public hearing on Tuesday, June 17, 2014 at 7:30 PM at Curtis Hall, Church Road and Greenwood Avenue, Wyncote, PA 19095, to consider the following applications for Special Exceptions and/or Variances from the terms of the Cheltenham Township Code, Chapter 295 thereof, entitled Zoning.**

**APPEAL NO. 3473:** Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief:

- a. Variances from the Rules and Regulations of the Class R-1 Residence District as outlined in CCS 295-07, for the expansion of the educational use on the premises (CTRERP Block 137, Units 26 and 27) by making the following improvements instead of the enumerated permitted uses:
  - i. Construction of a new 5700 +/- S.F., one-story (18' high) maintenance building.
- b. Variance from CCS 295-10(C), for a rear yard setback of 7' instead of the required 50'.
- c. Variances from the Rules and Regulations of the Steep Slope Conservation District as outlined in Article XXII of the Cheltenham Code, as follows:
  - i. From CCS 295-166(B) for the construction of site improvements associated with the improvements noted in a. and b., above, for property having a terrain gradient of 15 % or more in a Steep Slope Conservation District.
  - ii. From CCS 295-167 for the construction of site improvements associated with the improvements noted in a. and b., above, instead of the enumerated permitted uses.
- d. In the alternative to (a.) (b.) and (c.) above a Special Exception per CCS 295-227(C) for extension or expansion of a non-conforming use.
- e. A Special Exception from CCS 295-251(A)(5) for a driveway and paved pedestrian trail corridor crossing.
- f. Variance from CCS 295-254(C) for a corridor crossing less than 1000 feet of buffer length.
- g. A determination of man-made steep slope from the Township Engineer that an exemption applies under CCS 295-164(B)(2).
- h. Variance from CCS 295-252(B) for a Parking Lot in the Riparian Corridor Conservation District or, in the alternative, an interpretation that CCS 295-250(B) or (C) applies for an existing driveway and parking lot in the Riparian Corridor.

**APPEAL NO. 3490:** Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief:

- a. Variances from the Rules and Regulations of the Class R-3 Residence District as outlined in CCS 295-21, for a short stay residential facility accessory to Arcadia University in the existing residential/administrative office building on the property at the Southwest corner of Church Rd. and Waverly Rd.
- b. In the alternative to (a), a Special Exception from CCS 295-227(B) for the alteration of a non-conforming building and CCS 295-227(C)(3) for the extension of a non-conforming use.

**PLANNING COMMISSION MINUTES**

**DATED**

**May 27, 2014**

May 27, 2014  
Curtis Hall

A regular meeting of the PLANNING COMMISSION was held this evening. Chairman Thom Cross presiding. Members present were Eric Leighton, Scott Laughlin, David Harrower, Tom DiBenedetto, William Winneberger, and Irwin Goldfarb. Also present were Joseph Nixon, Montgomery County Planner; Henry Sekawungu, Director of Planning and Zoning, and Carmen Reitano Assistant to the Director of Planning & Zoning. There were no signatures to the Public Attendance Sheet that was provided.

Mr. Cross called the meeting to order at 7:35 p.m.

**1. Acceptance of the Minutes of the April 28, 2014 Meeting.**

Upon motion of Mr. Winneberger, seconded by Mr. Cross, the Minutes were accepted.

**2. Review of the Zoning Hearing Board Agenda for June 9, 2014**

**Appeal NO. 3484**; Appeal of Excel Auto Repair and Collision lessee of premises known as 546-552 Township Line Rd., Cheltenham, PA 19012 located in a Class C Commercial and Business District from the Decision of the Zoning Officer for the following zoning relief:

- a. Variance from CCS 295-117 use regulations in order to operate a used motor vehicle sales agency from their existing non-conforming auto repair and collision service business.
- b. A determination that the proposed on-site parking is a valid non-conforming use or, in the alternative, a variance of the provisions of CCS-292-221F so as to permit parking in excess of 120% of the required minimum parking.

Mr. Keith Gobi and Mr. Biju Korah, (co-owners of Excel Auto Repair) and Mr. Hal Lichtman applicant's representative were present. Mr. Lichtman stated this application is for Zoning and Use of the premises. The site plan presented is for proposed changes to the existing property. Mr. Lichtman also noted that the revised site plan presented at this meeting reflects a change from the original conceptual plan. The revised plan depicts an increased buffer area, provides for more landscaping features to be added and a reduction in the existing impervious areas.

Upon motion of Mr. Winneberger, seconded by Mr. Leighton, the Commission unanimously recommended approval of this application as submitted.

**APPEAL NO. 3487**: Appeal of Miguel Burgos, owner of premises known as 641 Ashbourne Rd., Cheltenham, PA 19012 from the Decision of the Zoning Officer for the following zoning relief in an R-4 Residential District:

- a. Variance from “Fences and Walls” as outlined in CCS 295-223, in order to install 145± feet of 6’ high, solid fencing within the Ashbourne Rd. street frontage required setback area instead of the permitted 4’ high 50% open fencing.
- b. Variance from “Use regulations” as outlined in CCS 295-36.F, in order to install (2) two 2’ by 2’ by 6’ high brick pillars adjacent to the driveway in the front yard setback that will support a 6’ high wrought iron entrance gate instead of one of the enumerated permitted uses.
- c. Variance from CCS 295-39(A) (1) for a structure 5+/- feet from the front yard right-of-way instead of the allowed 40’ and,
- d. Variance from CCS 295-39(B) (1) for a structure 4+/- feet from the side yard setback instead of the permitted 10’.

Mr. Miguel Burgos was present. He reviewed the reasons for the variance in height of the fence, location of the fence, and style of the fence.

Mr. Cross suggested that more information and clarity of the proposed fencing plan and details be provided to the Building and Zoning Committee and Zoning Hearing Board for consideration of this appeal as follows:

- Provide details on a plot plan depicting all existing structures and features on the property.
- Depict the proposed fencing on the two street frontages.
- Clearly depict the location of the existing driveway.
- Identify how the spaces created by the fences work.
- Provide the manufacture specifications and details for both the 4’ and 6’ fences.
- Provide photographs of the property showing how all of the elements would tie in.
- Provide details on the proposed drive way entrance gate, exact location, materials sizes and dimensions.
- Reconsider a different fence and material composition for this application.

Public/Neighbor Comment:

Mrs. Sherry Williams stated that there are no existing fences in the neighborhood; this fence would negatively affect property values; it does not fit in the neighborhood; it presents an impediment to the safety of children walking along the Rolling Green street frontage to get to their School Bus Stop.

Mrs. Margaret Cotton stated that she has lived there for 15 years; the applicant has not spoken to her about this proposed fence; she supported Ms. Williams.

Upon motion of Mr. Cross, the Commission unanimously recommended denial of said appeal.

**APPEAL NO. 3489:** Appeal of Father Ihor Royik of Annunciation Catholic Church, 1206 Valley Rd., Elkins Park, PA 19027 from the Decision of the Zoning Officer for the following zoning relief in an R-4 Residential District:

- a. A variance under Section 295-36 F. of The Cheltenham Zoning Code, in order to erect (2) two flag poles in the front yard setback; and
- b. A Variance from the Rules and Regulations of a CCS 295-197A(4), in order to erect and maintain a non-conforming Reader Board sign measuring 23 sq. ft. and 9' high in the front yard setback in addition to their existing free standing identification sign.

Present was Peter Labiak representing the applicant. Mr. Labiak stated that he is a member of the Zoning Hearing Board and will recuse himself when the Zoning Hearing Board hears this application. The commission reviewed the proposed signage location, height, and flagpole shown on the exhibits were discussed and the following comments were made by the applicant:

- The purpose of the sign is to identify the Church, (Annunciation Catholic Church) located at this intersection.
- The reader board portion of the sign will be stagnant.
- The messages displayed will provide event information; regular service times and is available for public, (Amber Alert) notifications if needed.
- The two flagpoles will be standard metal poles and located as shown on the exhibit.
- The proposed sign is approximately 23 SF and the Zoning Code indicates a 20 SF permitted sign area.
- The new sign would be approximately 9' to the top of the sign providing ground clearance above the lawn.

Upon motion of Mr. Laughlin, seconded by Mr. Leighton, the Commission unanimously recommended approval of said application.

### **3. Review of the Zoning Hearing Board Agenda for June 17, 2014**

**APPEAL NO. 3473:** Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief:

- a. Variances from the Rules and Regulations of the Class R-1 Residence District as outlined in CCS 295-07, for the expansion of the educational use on the premises (CTRERP Block 137, Units 26 and 27) by making the following improvements instead of the enumerated permitted uses:
  - i. Construction of a new 5700 +/- S.F., one-story (18' high) maintenance building.
- b. Variance from CCS 295-10(C), for a rear yard setback of 7' instead of the required 50'.

- c. Variances from the Rules and Regulations of the Steep Slope Conservation District as outlined in Article XXII of the Cheltenham Code, as follows:
  - i. From CCS 295-166(B) for the construction of site improvements associated with the improvements noted in a. and b., above, for property having a terrain gradient of 15 % or more in a Steep Slope Conservation District.
  - ii. From CCS 295-167 for the construction of site improvements associated with the improvements noted in a. and b., above, instead of the enumerated permitted uses.
- d. In the alternative to (a.) (b.) and (c.) above a Special Exception per CCS 295-227(C.) for extension or expansion of a non-conforming use.
- e. A Special Exception from CCS 295-251(A.)(5.) for a driveway and paved pedestrian trail corridor crossing.
- f. Variance from CCS 295-254(C.) for a corridor crossing less than 1000 feet of buffer length.
- g. A determination of man-made steep slope from the Township Engineer that an exemption applies under CCS 295-164(B) (2).
- h. Variance from CCS 295-252(B) for a Parking Lot in the Riparian Corridor Conservation District or, in the alternative, an interpretation that CCS 295-250(B) or (C) applies for an existing driveway and parking lot in the Riparian Corridor.

Robert Kerr Jr., Esq. and Hal Lichtman, AIA, were present to represent the applicant. They reviewed the following:

- The maintenance facility is 5,700 sq. ft. and is 18 feet in height, versus the 4,400 sq. ft. facility previously proposed.
- This parcel is 1.18 acres' bringing all of the land owned by the University close to 60 acres.
- The maintenance building itself is outside of the riparian buffer, just the culverts and parking area.
- The University will also be doing stream bank enhancement improvements.
- The Special Exception is for the driveway and paved pedestrian trail corridor crossing.
- A variance is required for a corridor crossing less than 1000 feet of the buffer length.

Upon motion of Mr. DiBenedetto, seconded by Mr. Winneberger, the Commission unanimously recommended approval of said application.

**APPEAL NO. 3490:** Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief:

- a. Variances from the Rules and Regulations of the Class R-3 Residence District as outlined in CCS 295-21. For a short stay residential facility accessory to Arcadia University in the existing residential/administrative office building on the property at the Southwest corner of Church Road. and Waverly Road.
- b. In the alternative to (a), a Special Exception from CCS 295-227(B) for the alteration of a non-conforming building and CCS295-227(C)(3) for the extension of a non-conforming use.

Mr. Lichtman reviewed the following: the change of use, previous zoning relief that was granted for the use as an Administrative/ Office Use. This variance request submitted is to change the building into a short stay residential facility for the University; it will permit the University to provide temporary living spaces for guests; the only improvements proposed are to convert some spaces into private areas and converting two rooms into new bathrooms; there are no plans to change the footprint and or exterior building features.

Mr. Lichtman advised that the University would like the zoning approval process completed prior to incorporating input and documentation for the Township Engineer regarding the potential need if any for EDU's for the addition of the new bathrooms within the residential component. The building has a building classification approximately of 4000 sq. ft. residential uses. Mr. Lichtman stated that the University would be submitting a Land Development plan at a later date.

Upon motion of Mr. Cross, seconded by Mr. Goldfarb, the Commission unanimously recommended approval of said application.

#### **4. Under Old Business**

**Review of the Revised Concept Plan for a proposed 93 Single Family Dwelling Development at 1725, 1727, 1729-35, 1777, 1797, and 1799 E. Willow Grove Avenue, Laverock, PA 19038 AKA Laverock Falcon Hill.**

Mr. Laughlin recused himself from discussion.

Representing the applicant were Ross Weiss and David Sherman. They reviewed the following: The proposed 93 unit plan and revisions as reviewed by Ken Amey that now has 27 units in Cheltenham in-lieu of 29 units with 66 units in Springfield in-lieu of 64 units.

Extensive discussion ensued.

#### Public Comment

Joe Pearlstein, a member of the steering committee for Save Laverock Hill, which is made up of 300 residents, expressed a desire for an Ad-Hoc committee between Springfield and Cheltenham Township be set up to convene in near future.

The applicants discussed the process that lead up to this revised concept plan being presented at this meeting.

The desire to save the mansion was revisited and the current plan does not include saving the mansion. The plan does however preserve the garden features from the mansion and its history.

The Commission asked the applicants to consider looking further into providing additional access into the development other than just the one proposed for Willow Grove Avenue and suggested that the applicant continue looking into ways to save the mansion. One of the solutions could be increasing the density in Cheltenham through building townhouses. The applicant agreed to look into that option.

## **5. New Business**

### **Review of the Land Development Plan for Calvary Assembly of God, 7904 and 7910 Washington Lane, Wyncote, PA 19095, CTDA #14-0511-01.**

Jon Tresslar, P.E., P.L.S., Pastor John A. Holt were present to represent the applicant. Also present was Cheltenham Township's Conflict Engineer Mr. Joseph M. Estock, P.E., P.L. S.

Mr. Tresslar stated that this plan has been reviewed by The Shade Tree Advisory Committee and reviewed by the Township and Montgomery County Planning Commission. The plan calls for the following:

- The original proposal was for an 18,000 sq. ft. building with a new sanctuary. The Building is now only 14,000 sq ft and there is no longer a sanctuary proposed.
- The project will still have the same number of parking spaces but the redesigned new parking lot will be reconfigured to reducing paving requirements.
- Front of building has driveway with drop off area for the existing day care.
- No road widening will be needed on Washington lane per PennDOT.
- All traffic movements will be kept internal to the property and will not need to use the paper street as originally proposed.
- Traffic will be accessing the site by entering a loop through the front of the property with drop-offs to the left and then exit out or back into the parking lot.
- Waivers from the requirement for an impact study and Traffic Impact Study will be requested.
- Waivers from showing existing features on the plan within 400 ft. is requested.
- Shade tree waiver removed.
- Preliminary plan submission waiver is removed as the applicant will be returning to the Planning Commission with revised plans.
- Will eliminate parking in the rear to the right of the property abutting the school to allow for an additional buffer area.

The applicant will be submitting a request for an extension of time from the requirements of the MPC, and will not be appearing before the Public Works Committee on June 11, 2014.

Upon motion of Mr. Cross, seconded by Mr. Goldberg, the meeting was adjourned at 10:05 p.m.



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Bryan T. Haver  
Township Manager

as per Carmen Reitano/Diana Jordan

SPRINGFIELD TOWNSHIP:	66	SINGLE-FAMILY HOMES
CHEL TENHAM TOWNSHIP:	27	SINGLE-FAMILY HOMES
TOTAL:	93	DWELLING UNITS

66 SINGLE-FAMILY HOMES  
8,560 S.F. MIN. LOTS  
(SPRINGFIELD TOWNSHIP)

27 SINGLE-FAMILY HOMES  
8,000 S.F. MIN. LOTS  
(CHELTENHAM TOWNSHIP)



EMERGENCY ACCESS  
VIA RANCH HOUSE LANE

SPRINGFIELD TOWNSHIP  
AA RESIDENCE DISTRICT  
CHELTENHAM TOWNSHIP  
R-3 RESIDENCE DISTRICT

FALCON HILL  
CONCEPT PLAN

SCALE: 1" = 100'  
MAY 12, 2014

**RECENT  
ZONING HEARING BOARD  
DECISIONS**

**IN AND BEFORE THE ZONING HEARING BOARD  
OF CHELTENHAM TOWNSHIP, PENNSYLVANIA**

**IN RE: Application of Dale and Kristen Stirzel**

**NO. 3482**

**ORDER**

AND NOW, this 29th day of April, 2014, upon consideration of the application of Dale and Kristen Stirzel, Applicants, for the property located at 8232 Caldwell Avenue, Elkins Park, PA, Applicants amended their request as follows:

1. Applicants' request for a variance from CCS 295-39.B.(1) for a lesser side yard setback of 8 feet +/- on the northeast side and 3 feet +/- on the southwest side instead of the minimum 10 feet and aggregate 30' required was amended to request a 5 foot +/- setback on the southwest side instead of the minimum 10 feet and aggregate 30' required. front yard setback of 6 feet.

2. Applicants also requested a variance from CCS 295-38 for a building area of 27.4% instead of the maximum 20% allowed.

The Board grants the above referenced variances with the condition that the Deed be presented prior to issuance of a building permit.

All material representations made by the applicant on the record at the hearing shall be treated as conditions of the grant and be binding on the applicant. Material representations include, but are not limited to, lighting, size of buildings, construction material and grading. During any

subsequent land development/subdivision process, the Board of Commissioners may require or allow changes to these representations.

The property involved is 8232 Cadwalader Avenue, Elkins Park, PA and is located in the Class R-4 Residence District.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD

  
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AMEE FARRELL, CHAIR

  
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ALAN S. GOLD, VICE CHAIR & SECRETARY

  
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PETER R. LABIAK, MEMBER

**IN AND BEFORE THE ZONING HEARING BOARD  
OF CHELTENHAM TOWNSHIP, PENNSYLVANIA**

IN RE: Application of Christopher Keiner and Susan VanHorn

**APPEAL NO. 3485**

**ORDER**

AND NOW, this 29<sup>th</sup> day of April, 2014, upon consideration of the application of Christopher Keiner and Susan VanHorn, Applicants, for the property located at 7741 Union Avenue, Elkins Park, PA, Applicants seek the following variance:

From CCS 295-46.B.(1) for a lesser side yard of 2.4 feet instead of the required 8 feet in order to construct a single story addition with basement and partially covered porch at the rear of the residence.

The Board approved Applicants' request with the condition that the Deed be provided prior to issuance of a building permit.

All material representations made by the applicants on the record at the hearing shall be treated as conditions of the grant and be binding on the Applicants. Material representations include, but are not limited to, lighting, size of buildings, construction material and grading. During

any subsequent land development/subdivision process, the Board of Commissioners may require or allow changes to these representations.

The property involved is 7741 Union Avenue, Elkins Park, PA and is located in the Class R-5 Residence District. The house is an existing non-conforming structure.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD

  
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AMEE FARRELL, CHAIR

  
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ALAN S. GOLD, VICE CHAIR AND SECRETARY

  
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PETER R. LABIAK, MEMBER

**IN AND BEFORE THE ZONING HEARING BOARD  
OF CHELTENHAM TOWNSHIP, PENNSYLVANIA**

**IN RE:    Application of Good Pro Cheltenham, L.P.  
          Ogontz Avenue and Limekiln Pike  
          NO. 3468**

**FINDINGS OF FACT, OPINION AND ORDER**

**I. PETITION**

This matter is before the Board on the application of Good Pro Cheltenham, L.P. for property located at Ogontz Avenue and Limekiln Pike, Philadelphia, PA. Petitioner requested the following:

- a.       A variance from Section 295-98, to permit the use of the property as a Wawa convenience store containing 5,585 square feet, with fueling stations;
- b.       A variance from Section 295-102 for a reduction in the width of the 15 foot wide buffer along a public highway, in recognition of the existing width of the area between the proposed driveway and the Limekiln Pike right-of-way, of 11.1 feet;
- c.       A variance from Section 295-101.A, to permit a canopy along Limekiln Pike to be located less than 60 feet from Limekiln Pike, at 35 feet;
- d.       An interpretation under Section 295-221.B.(5)(a), or in the alternative, a variance, from Section 295-221.B(5)(a), to permit parking to be located between the building and the street;

e. A variance from Section 295-221.F, to increase the allowable parking area from the required 31 parking spaces for the proposed convenience store and fueling stations, to allow 64 parking spaces, which is in excess of the maximum parking standard;

f. A variance from Section 295.221.K.(1), to permit service and loading on the side of the proposed building, along Clubhouse Lane, in lieu of the requirement that loading be behind the building;

g. A variance from Section 295-196.A.(3), to permit five (5) internally illuminated directional signs, each containing 8.1 square feet;

h. Variances from Section 295-197.C.(1)(a), to permit:

(i) two (2) free-standing, internally illuminated, double-sided signs with LED price changer, one (1) containing 133.74 square feet with a height of 30 feet, to be located on Ogontz Avenue, and one (1) containing 99.94 square feet with a height of 25 feet, to be located on Limekiln Pike; and (ii) parallel wall signs with logo, one (1) containing 66.69 square feet, facing Limekiln Pike, and pump signs, each containing an additional 3.92 square feet, as shown on the signage plan, all of which parallel wall signs total 70.61 square feet, the total of all of which signs exceeds the maximum square footage and/or number of signs permitted;

i. A variance from Section 295-211.B.(5)(b), to permit off-street parking on a corner lot;

j. A variance from Section 295-221.C.(2)(c), to permit the width of driveway entrances along Limekiln Pike and Clubhouse Lane to be 30 feet, exceeding the maximum permitted width of 24 feet;

k. A variance from Section 295-223 of the Ordinance so as to permit the trash enclosure to be located approximately 20 feet from the rear yard setback area, a reduction of the required rear setback of 50 feet;

l. To the extent that it is determined that the right-of-way line is located on the conservation easement boundary, Applicant requests additional relief from Sections 295-102 and 295-101.A, as the setbacks may change.

The property is located in the C-1 Zoning District.

## **II. HEARINGS**

Hearings on the subject application were held on the following dates:

July 8, 2013  
July 16, 2013  
August 20, 2013  
September 17, 2013  
October 29, 2013  
November 18, 2013  
December 9, 2013  
February 18, 2014  
March 18, 2014  
April 21, 2014  
May 12, 2014

The Hearings were held before Anee Farrell, Esq., Chairperson; Alan S. Gold, Vice Chairperson; Peter R. Labiak, Board Member of the Zoning Hearing Board; Solicitor at the July 8, 2013 Hearing was Neil Sklaroff, Esq.; at all other Hearings Carol M. Lauchmen, Esq. served as Solicitor for this Application.

The Hearings on July 8, 2013 and October 29, 2013 concerned procedural matters at which no evidence was presented. On April 21, 2014, the Zoning Hearing Board formally received the Proposed Findings of Fact and Conclusions of Law, through their respective

counsel, the applicant and from the Protestants, and the record was closed. On May 12, 2014, the Zoning Hearing Board made its decision on the application.

Throughout the proceedings the applicant was represented by Peter S. Friedman, Esquire and/or Michael Yanoff, Esquire. Gary Perkiss, Esq. appeared at the September 17, 2013 Hearing representing a Protestant, Ethelyn Taylor. At the October 29, 2013 Hearing, Mr. Perkiss entered his appearance for twenty-eight (28) additional objectors.

### **III. FINDINGS OF FACT**

The following findings were made following competent testimony before the Board.

1. Applicant, Good Pro Cheltenham, L.P. (hereafter “Applicant”), is a limited partnership organized under the laws of the Commonwealth of Pennsylvania, having an address in care of Goodman Properties, 636 Old York Road, 2<sup>nd</sup> Floor, Jenkintown, Pennsylvania 19046 (Exh. ZHG-3).

2. Good Pro Cheltenham, L.P. is the equitable owner of the Property, having entered into an Agreement of Sale with Matrix CBH, L.P. to purchase the Property dated May 7, 2013. (N.T. 7/16/13 at 13-14, 22, 27). The Agreement of Sale is contingent upon the buyer obtaining various permits and approvals, including the zoning variances requested in these proceedings. (N.T. 7/16/13 at 27-28; Exh. A-2).

3. The subject property is vacant real estate having frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane (the “Property”), comprising 3.65+ acres, which same property is known as Montgomery County Tax Map Parcel No. 31-00-17347-14-5, and is zoned C-1 Commercial under the Cheltenham

Township Zoning Ordinance (hereafter the “Zoning Ordinance”) (N.T. 7/16/13, p. 4; Exh. ZHB-3).

4. Applicant seeks to develop the Property into a Wawa Convenience Store containing 5,585 square feet and 16 gasoline fueling stations to be open twenty-four (24) hours per day, seven (7) days per week (N.T. 7/16/13, p. 14; Exh. A-10).

5. In January, 2004, the Cheltenham Township Zoning Hearing Board issued a decision in Appeal Number 2985 on a variance application filed by Matrix CBH, L.P. preliminarily approving a hotel planned for the Property. The site, however, was never developed (N.T. 7/16/13, p. 18 and 30).

6. The Use Regulations for properties in a C1 Commercial Zoning District are set forth in Cheltenham Township Zoning Ordinance Section 295-98, which provides as follows:

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Office Building, medical clinic building, public utility office.
- B. Multiple dwelling, apartment hotel and hotel.
- C. Research laboratory, including commercial and industrial laboratory in which no commercial production is permitted, except for a pilot plant for experimentation when authorized as a special exception.
- D. Accessory use on the same lot with and customarily incidental to any of the above permitted uses. In multiple dwellings, apartment hotels and hotels, the term “accessory use” for purposes of this article shall include drug store, commissary, beauty parlor, barbershop, professional office for a lawyer, doctor, dentist, chiropractor and any other practitioner of the healing arts for humans, as licensed by the Commonwealth of Pennsylvania, flower shop, restaurant, valet service or tailor shop, but shall not include an office for the conduct of business.
- E. Any use of the same general character as any of the uses hereinbefore specifically permitted when authorized as a special exception.
- F. No use of any building, lot or premises shall be permitted which is noxious or offensive by reason of odor, dust, smoke, gas, vibration or noise.

G. Mobile home park consisting of any combination of single width or multiple width units when authorized as a conditional use by the Board of Commissioners...

7. The area surrounding the subject Property includes the partially built out Wyngate townhouse development immediately behind the site, with the 1,000 residential units Towers of Wyncote located immediately to the North of the site, a shopping center immediately to the South of the site, a Cheltenham school across Ogontz Avenue from the site, and the Cheltenham Shopping Center diagonally across Ogontz Avenue from the site (N.T. 7/16/13, p. 28; N.T. 11/18/13, p. 14-15).

8. The +/- 3.6 acre site is irregularly shaped; somewhat triangular and is bounded on all sides by roadways. Two private roads, Clubhouse Drive and MacDonald Avenue are to the west and public roads, Limekiln Pike and Ogontz Avenue to the south and east. (Exh. ZHB 7 and 8).

9. The Zoning Hearing Board has no jurisdiction over private rights related to the Property including restrictive covenants in the Deed, nor use of private roads, nor in the Wyngate Public Offering Document (Exh. A-1, A-2, and P-10). Such issues concerning private rights in the realty were raised by the Protestants, however, a Zoning Hearing Board has no authority to enforce or adjudicate private; i.e., non-public, rights in realty.

10. The owner of the Property, Matrix CBH, L.P. made marketing efforts including for permitted uses. The current listing agency, Fameco Real Estate, was brought on by the owner in 2011. There was signage on the Property in 2007, then in 2012 (N.T. 9/17/13, p. 73, 77; N.T. 2/18/14, p. 133).

11. Applicant's experts, namely Bruce Goodman in real estate development (N.T. 7/16/13, p. 24-27); Adam Kohler in commercial real estate (N.T. 9/17/13, p. 73); and

Dennis E. Glackin in land planning (N.T. 11/18/13, p. 6-12), all opined that the Property is not suitable for any of the permitted C-1 uses given its size, irregular shape, market saturation; i.e., for office space, distance from industrial/office parks; i.e., providing no market for the uses (N.T. 7/16/13, p. 8-9; N.T. 9/17/13, p. 79-82; N.T. 11/18/13, p. 40-42; and Exh. A-16). The Zoning Hearing Board accepts these opinions.

12. Protestants' experts Leslie Smallwood Lewis, in real estate development (N.T. 12/9/13, p. 21) and Joseph McCann as hotel real estate, (N.T. 2/18/14, p. 21) opined that the Property was suitable for hotel or other permitted uses (N.T. 12/9/13, p. 24-27; N.T. 2/18/14, p. 30-31). The Board does not accept these opinions because neither expert studied the actual feasibility of a permitted use on the Property (N.T. 12/9/13, p. 37-39; N.T. 2/18/14, p. 61-63). Mr. McCann's efforts to obtain from Fameco information on the site was offered to show that Fameco didn't market the Property for hotel use. An Agreement of Sale with the Applicant had been entered into prior to said efforts of Mr. McCann (Exh. P-7, 8 and A-2).

13. The Board finds that the Property cannot be used in strict conformity with the use provisions of the Zoning Ordinance in the C-1 Zoning District.

14. The Board finds that this unnecessary hardship has not been created by the Applicant.

15. Protestants expressed their concerns about living in close proximity to gasoline underground tanks and filling pumps. There was no evidence of prior problems at Wawa facilities, nor any facilities that met government standards. Credible testimony by Susan Bratton, speaking for Wawa, detailed the safety measures to be installed and operational for the proposed fueling component were in excess of those required and that

there had been no leakage from underground storage tanks at any Wawa since 1996 when Wawa began pumping gas (N.T. 9/17/13, p. 110-117).

16. Protestants expressed concerns that the proposed use would negatively affect the quality of their Wyngate neighborhood. The Board finds three (3) facts countering this concern:

- (a) While this Property has been vacant and unused for years, there are 30 built but unsold homes in the Wyngate development (N.T. 7/16/13, p. 115);
- (b) A homebuilder that is now building out the townhouse development (62 lots) supports the proposed Wawa facility as an asset (Exh. A-4);
- (c) In this Zoning District, the minimum green area is 40%, but the Applicant proposes 49.9%, a lesser effect on neighborhood aesthetics. Also, the building is significantly smaller than permitted. (Exh. A-10).

17. Further mitigation of a negative impact on residential neighbors is the requested variances to permit service and loading on the south side of the building, further away from Wyngate than the required behind the building placement. (Cheltenham Twp. Z.O. Section 295-221.K.(1)).

18. The variance request (Cheltenham Twp. Z.O. Section 295-101.A) to permit the canopy over the gas pumps to be 35 feet rather than 60 feet from Limekiln Pike also results in less impact to neighbors because without this relief the whole module of pumps and building would be closer to residences (N.T. 8/20/13, p. 67).

19. For better traffic access and egress for commercial sites, a 30 foot rather than 24 foot width at the driveways at Limekiln Pike and Clubhouse Lane is found to be necessary (Cheltenham Twp. Z.O. Section 295-221.C(2)(c)) (N.T. 9/17/13, p. 19-20). It should be noted that the variance relief for the Clubhouse Lane driveway is not an

endorsement of the use of the Lane; rather, it is here granted only in the event the Applicant and owner of the private roads come to an agreement per condition #7, Part IV, below.

20. The Board finds the other dimensional and parking variances to be necessary given the lot shape and surrounding road frontage; namely,

- (a) Section 295-102 for a buffer of 11.1, not 15;
- (b) Section 295-221.B(5)(a) for parking between the building and the street;
- (c) Section 295-221F to increase parking spaces from 31 required to 66;
- (d) Section 295-223 permitting the trash enclosure to be 20 feet, not 50 feet in the rear yard setback;
- (e) Section 295-221.B(5)(b) to permit off-street parking on a corner lot.

(Exh.A-10).

21. The Applicant's signage requests were amended to eliminate a back wall sign and to make smaller/lower the two pole signs. The Zoning Hearing Board finds that for the peculiarities of this Property, the variances are both necessary and reasonable.

22. The Applicant specifically approved on the record each condition made part of the Zoning Hearing Board's Order either by offering it or by affirmatively accepting when asked by the Board.

23. The Zoning Hearing Board finds that traffic congestion would not be significantly exacerbated by the proposed use. Ogontz Avenue now carries between 16,000 and 17,000 vehicles, each direction, each day. Limekiln Pike carries over 8,000 vehicles per day. New trips, i.e., vehicles specifically making a drive to the site, rather than pass-bys who enter the site, will be approximately 50 in and 50 out on weekdays during each morning and evening peak time (Exh. A-13).

24. The Board finds that the approval of the requested variances is not contrary to the public interest based on credible expert testimony. Specifically, in reviewing the criteria of Cheltenham Twp. Z.O. Section 295-209(C):

C. In determining whether the allowance of a special exception or a variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:

(1) Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics.

(2) Be in accordance with the Cheltenham Township Comprehensive Plan.

(3) Provide the required parking.

(4) Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police and fire protection and public schools.

(5) Otherwise adversely affect the public health, safety, orals or welfare.

the Board finds as follows:

1. The proposed use will not negatively affect the public health, safety and welfare due to traffic, drainage, air quality, noise, natural features and neighborhood aesthetics.

If the Applicant proceeds through the Township Land Development process, issues such as storm water management will be addressed. The effect on traffic will be minimal. There will be no outside music playing from Wawa and the wall above the proposed building and the topography should help ameliorate any noise impact above that generated by traffic on Limekiln Pike and Ogontz Avenue. There was no evidence

presented regarding a diminution of residential property values nor of the intense commercial property in the immediate area.

2. The Comprehensive Plan, approved by the Township in 2005, does not specifically address the subject parcel but references it as part of a “golf community” and in conjunction with a proposed revision of the zoning ordinance and the zoning map, the subject site would be rezoned to C-2, Commercial Corridor zoning, and the proposed new zoning district would include uses such as retail stores, personal service shops, restaurants, bars, taverns, shopping centers, service stations, automotive repair shops and vehicular sales shops, none of which uses would be inconsistent with the proposed Wawa (Exh. A-16).

3. The Applicant’s proposal includes parking in excess of that required by the Zoning Ordinance.

4. Public utilities are available for the site and refuse collection is private, police patrols and fire protection are already provided in this portion of the Township, which is not a remote area requiring new patrols and service, the proposed use will not generate the need to accommodate additional school-age children, and the addition of this use will generate additional tax dollars for use by the Township in providing municipal services (Exh. A-16).

5. The conditions offered and/or accepted by the Applicant mitigate the impact of the proposed use on the neighbors.

25. Rulings deferred during the Hearings are as follows:

(a) The Motion to Strike Mr. Joseph McCann’s testimony is denied. He was accepted as an expert.

(b) Any and all objections to hearsay of record, not previously ruled upon are overruled.

(c) A witness; Miss Lehman Draving, sought party status. She lives in Abington Township. Her request for party status is denied.

(d) Mr. Earl Stamm, also sworn as a witness, lives at 209 Ribble Road in Wyncote, is also denied party status because he is not an immediate neighbor.

#### **IV. DISCUSSION**

##### **A. Evidentiary Rulings:**

The Zoning Hearing Board overruled all outstanding hearsay objections and overruled the request to strike the testimony of one of the Protestant's expert.

Pennsylvania Municipalities Planning Code Section 908, 53 P.S. Section 10908 provides that the Zoning Hearing Board "shall conduct hearings and make decisions in accordance with the following requirements...(6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded."

The Board has broad discretion to accept evidence and testimony and to weigh such.

##### **B. Variance requests:**

Section 910.2 of the Municipalities Planning Code, 53 P.S. Section 10910.2, provides in part as follows:

The Board may grant a variance provided the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including 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 circumstances 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 the 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; and

(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."

To show unnecessary hardship an Applicant must prove that either: (1) the physical features of the property are such that it cannot be used for a permitted purpose; or (2) the property can be confirmed for a permitted use only at a prohibitive expense; or (3) the property is valueless for any purpose permitted by the zoning ordinance. SPC Co., Inc. v. Zoning Bd. Of Adjustment of the City of Phila., 773 A.2d 209 (Pa. Cmwlth.2001).

Here, the Applicant presented the requisite hardship for the grant of the use variances. Not only is the subject property irregularly shaped, it is bounded on all sides by roads both public and private. The property has been vacant for an unknown amount of time. The owner received permission to construct a hotel, a permitted C-1 use, over ten (10) years ago, but nothing was built. The owner has marketed the property for years to no avail. The Board thus concludes that the property has no value for any permitted use.

The Protestants' experts opined that the property could be used for at least several of the permitted uses. The Board, however, gave more weight to the Applicant's experts who

delineated why the site would not be developed for each of the uses listed as permitted in C-

1. The reasons given were primarily site specific as to size and location.

The Board further finds that the hardship was not self-imposed. The Applicant did not alter the use of the subject parcel. The fact that the property has not been developed nor sold for a permitted use is not the Applicant's doing. Further, Applicant's knowledge of existing zoning restrictions does not constitute self-inflicted hardship. Bernotas v. Zoning Hearing Bd. Of City of Bethlehem, 68 A.3d 1042, Cmwlth. 2013.

As stated in our Findings of Fact, the Board finds that the variances 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.

The zoning district is commercial (C-1) and there is intense commercial use south and east of the site. There is a partially build out townhome development to the north of the site where most of the Protestants live. There are built but not sold homes in this development (Wyngate). The Protestants offered no evidence that the proposed use would have negative market value impact on their homes nor the yet unsold homes. However, there was evidence that the residential developer now building out Wyngate believed the proposed use as a Wawa with fueling pumps would be an asset to the community.

The Board finds further that the proposed use is not detrimental to the public welfare. The design of the site with the retaining wall, topped by another wall, the lighting and landscaping all minimize the appearance and impact on the residential neighbors. Traffic intersections in the area are already congested and won't be significantly worsened by the proposed use. Most vehicles using the site will be part of the heavy traffic on Ogontz

(Rt. 309). Applicant's traffic expert opined that approximately fifty (50) vehicles per a.m. and per p.m. peak hours would not be part of the already existing traffic, but rather would be making the Wawa the destination. Neither side presented any evidence how that number compared to destination trips that would be generated by a hotel or other permitted use. The Applicant, by its testimony and by this Order, is bound to safety standards that exceed current state and federal requirements regarding fuel storage and pumping.

With regard to the fifth criterion, the Board notes that the proposed plan exceeds the minimum forty (40%) percent green area by almost ten (10%) percent and the building is much smaller than permitted.

Finally, the Board imposed conditions, many of which were proposed by the Applicant and all were accepted by the Applicant. Each of these minimizes the impact of the proposed use on the residential neighbors.

Having found that the Applicant is entitled to the use variance, the Board also grants the dimensional and parking variances requested, with the exception of the Applicant's request "to the extent that it is determined that the right-of-way line is location on the conservation easement boundary, Applicant requests additional relief from Sections 295-102 and 295-101.A, as the setbacks may change", and that request is too broad to approve.

Variances to Section 295-102, Section 295-221.B.(5)(a) and (b) and Section 225-223 were necessitated either by the irregular lot shape and by the site being bound on all sides by roadways.

Variances to Section 295-221.F, Section 295-221.K.(1), Section 295-196.A.(3), Section 295-197.C.(1)(a), and Section 295-221.C.(2)(c) are necessary for traffic safety and circulation.

The variance to Section 295-101.A is necessary to minimize the impact on the residential neighborhood by moving the building forward.

**V. ORDER**

WHEREFORE, on May 12, 2014, the Cheltenham Township Zoning Hearing Board votes to grant relief to the Applicant subject to conditions. The following variances were granted:

a. A variance from Section 295-28, to permit the use of the property as a Wawa convenience store containing 5,585 square feet, with fueling stations;

b. A variance from Section 295-102 for a reduction in the width of the 15 foot wide buffer along a public highway, in recognition of the existing width of the area between the proposed driveway and the Limekiln Pike right-of-way, of 11.1 feet;

c. A variance from Section 295-101.A, to permit a canopy along Limekiln Pike to be located less than 60 feet from Limekiln Pike;

d. A variance from Section 295-221.B(5)(a), to permit parking to be located between the building and the street;

e. A variance from Section 295-221.F, to increase the allowable parking area from the required 31 parking spaces for the proposed convenience store and fueling stations, to allow 64 parking spaces, which is in excess of the maximum parking standard;

f. A variance from Section 295.221.K.(1), to permit service and loading on the side of the proposed building, along Clubhouse Lane, in lieu of the requirement that loading be behind the building;

g. A variance from Section 295-196.A.(3), to permit five (5) internally illuminated directional signs, each containing 8.1 square feet;

h. Variances from Section 295-197.C.(1)(a), to permit:

(i) two (2) free-standing, internally illuminated, double-sided signs with LED price changer, one (1) containing 133.74 square feet with a height of 30 feet, to be located on Ogontz Avenue, and one (1) containing 99.94 square feet with a height of 25 feet, to be located on Limekiln Pike; and (ii) parallel wall signs with logo, one (1) containing 66.69 square feet, facing Limekiln Pike, and pump signs, each containing an additional 3.92 square feet, as shown on the signage plan submitted as Exhibit ZHB-9, all of which parallel wall signs total 70.61 square feet, the total of all of which signs exceeds the maximum square footage and/or number of signs permitted by this Section of the Zoning Ordinance;

i. A variance from Section 295-211.B.(5)(b), to permit off-street parking on a corner lot;

j. A variance from Section 295-221.C.(2)(c), to permit the width of driveway entrances along Limekiln Pike and Clubhouse Lane to be 30 feet, exceeding the maximum permitted width of 24 feet; and

k. A variance from Section 295-223 of the Ordinance so as to permit the trash enclosure to be located approximately 20 feet from the rear property line at MacDonald Avenue, within the required 50 foot rear yard setback.

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

The above variances are granted subject to each and every of the following conditions:

(1) The evergreen screen as shown on the proposed view in Applicant's Exhibit A-3 will be planted at a minimum of 10 to 12 feet in height at the time of planting.

(2) In addition to the evergreen screen noted above, the Applicant will also plant a landscape buffer, specifically including trees in a form and layout as approved by the Township Zoning Officer on the neighbors' side of MacDonald Lane if, in fact, the neighbors and the HOA agree to such planting.

(3) All light standards on the property would be a maximum of 20 feet in height.

(4) The top of the fence at the rear retaining wall will also be no greater than 20 feet above finish grade.

(5) All Limekiln Pike improvements will be at the expense of the Applicant, that the Township will be involved in the PennDOT approval process so that Township concerns related to those improvements can also be addressed.

(6) With respect to the existing three acres of open space that is across Clubhouse Lane from the proposed Wawa, if the HOA can agree on a community use for the acreage, Applicant agreed to pay to install those improvements and to support the ongoing maintenance of those improvements until 198 units are completed at Wyngate and that that improvement and maintenance contribution is capped at \$150,000.

However, irrespective of whatever improvements may or may not ultimately be agreed upon by the Applicant and the HOA, Applicant did agree at a minimum that they would relocate the existing school bus stop and install sidewalk as was shown on its exhibits, if in fact Applicant gains access to the private roads.

(7) The approval of the plan is not conditioned upon Applicant having access as shown on Clubhouse Lane and MacDonald Avenue, that if the Applicant cannot establish its right to use the private roads or otherwise reach agreement with the party controlling the private roads, the project can be developed by access only along Ogontz and Limekiln,

provided the Applicant procures, obviously, all required Penn DOT and Township approvals.

(8) Irrespective of how that above condition is resolved, if, in fact, the Applicant can procure full access at Limekiln Pike through the PennDOT HOP process, the Applicant will eliminate the Clubhouse Lane access.

(9) If the Applicant does secure use of the private roads, the MacDonald Avenue driveway will be a right-out, egress-only driveway.

(10) If the Applicant does secure use of the private roads, the exit from the Wawa onto Clubhouse Lane will be left turn only and will be properly signed as such.

(11) If the Applicant does secure use of the private roads, Applicant at its expense will add “no stopping” and “no idling” signs of the type and at the locations as required by the zoning officer along those private roads.

(12) Applicant, at its sole expense, will improve pedestrian access at Limekiln and Ogontz, the scope of which will be determined during land development.

(13) There will be no deliveries and no trash pick-up between the hours of 10:00 p.m. and 6:00 a.m.

(14) All truck deliveries and trash pick-up will be via the Ogontz and/or Limekiln Pike driveways.

(15) The fuel delivery and storage systems will at a minimum be as described in the testimony, which was described as being in excess of current state and federal standards.

(16) If required by the Township Police Department, additional exterior cameras will be added to the building.

- (17) There will be no advertising on or in the windows between the counter and the canopy.
- (18) There will be no music outside of the building or under the canopy.
- (19) There will be no T.V. monitors at the pumps.
- (20) If the HOA designates a representative to receive notification of emergencies, Wawa will contact that designated residence, should any emergencies arise.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD

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AMEE FARRELL, CHAIR

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ALAN S. GOLD, VICE CHAIR AND SECRETARY

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PETER R. LABIAK, MEMBER

**REPORT OF THE  
BUILDING INSPECTOR  
FOR  
May, 2014**

May 29, 2014

COMMISSIONERS OF CHELTENHAM TOWNSHIP  
ELKINS PARK, PA 19027

COMMISSIONERS OF CHELTENHAM TOWNSHIP  
REPORT OF THE BUILDING INSPECTOR FOR MAY, 2014

	# PERMITS	TOT. FEES	\$ VALUE
<b>RESIDENTIAL</b>			
RENOVATIONS / ALTERATIONS	47	17,312	865,600
<b>MULTI-FAMILY</b>			
RENOVATIONS / ALTERATIONS	0	0	0
<b>COMMERCIAL</b>			
RENOVATIONS / ALTERATIONS	3	8,917	445,850
<b>INSTITUTIONAL</b>			
RENOVATIONS / ALTERATIONS	1	5,236	261,800
<b>FENCE</b>	4	426	426
<b>MAY, 2014</b>	55	31,891	1,573,676
<b>MAY, 2013</b>	6	600	30,000
<b>YEAR-TO-DATE 2014</b>	34	11,839	591,950
<b>TOTAL 2013</b>	794	336,313	16,810,520
<hr/>			
<b>HEATING &amp; AIR CONDITIONING</b>			
<b>MAY, 2014</b>	6	2,317	115,850
<b>MAY, 2013</b>	6	600	30,000
<b>YEAR-TO-DATE 2014</b>	34	11,839	591,950
<b>TOTAL 2013</b>	56	28,678	1,502,607
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<b>ELECTRICAL</b>			
<b>MAY, 2014</b>	10	4,470	223,500
<b>MAY, 2013</b>	10	861	43,050
<b>YEAR-TO-DATE 2014</b>	51	16,068	803,400
<b>TOTAL 2013</b>	98	37,164	1,843,207
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<b>PLUMBING</b>			
<b>MAY, 2014</b>	8	5,334	266,700
<b>MAY, 2013</b>	9	1,459	72,950
<b>YEAR-TO-DATE 2014</b>	56	16,854	808,393
<b>TOTAL 2013</b>	105	25,255	1,261,750
<hr/>			
<b>FOG PERMITS, MAY 2014</b>	0	0	0
<b>GRADING PERMITS, MAY 2014</b>	0	0	0



For Henry Sekawungu  
Director - Planning and Zoning