

Cheltenham Township, believing that public input is appropriate on any item coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.

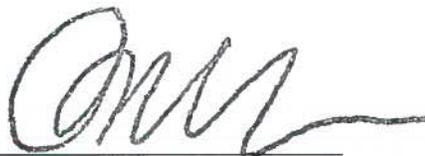
**BUILDING AND ZONING COMMITTEE**

Morton J. Simon, Jr. – Chair  
Harvey Portner – Vice Chair  
Baron B. Holland - Member  
Charles D. McKeown, Sr. - Member  
Daniel B. Norris - Member  
Ann L. Rappoport – Member  
J. Andrew Sharkey - Member

**Wednesday, December 2, 2015  
8:00 PM  
Curtis Hall**

**AGENDA**

1. Action on Zoning Hearing Board Agenda items for December 14, 2015 (See attached).
2. Receipt of the Planning Commission Meeting Minutes dated November 23, 2015 (See attached).
3. Review and comment under Section 106 Preservation Act for a proposed telecommunication facility installation at 7900 Old York Road, Elkins Park, PA 19027 (See attached).
4. Review of Revised Proposed Floodplain Conservation District Overlay Ordinance and Recommendation to start the Public Process (See attached).
5. Review of the Proposed Billboard Ordinance (See attached).
6. Update and Discussion on Proposed Local Landmark Ordinance.
7. Review of the Second Amendment and Stipulation Settlement Agreement for Wyngate Development Homeowners, Good Pro Cheltenham L.P., Zoning Hearing Board of Cheltenham Township and Cheltenham Township (See attached).
8. Review of Zoning Hearing Board Decisions (See attached).
9. Report of the Building Inspector for November, 2015 (See attached).
10. Old Business.
11. New Business.
12. Citizens' Forum.
13. Adjournment.



Bryan T. Havir  
Township Manager

**Review of the  
Zoning Hearing Board Agenda  
for December 14, 2015**

## NOTICE

**NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 1000 S Easton Road (Cedarbrook Plaza), Wyncote, PA 19095 will be reviewed by the following Committees which will offer recommendations to the Zoning Hearing Board:**

- a. Cheltenham Township Planning Commission on Monday, November 23, 2015, at 7:30 P.M. at Township Board Room, at 8230 Old York Road, Elkins Park, PA 19027.**
- b. Cheltenham Township Building and Zoning Committee on Wednesday, December 2, 2015, at 8:00 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

**This application will be heard by the Zoning Hearing Board on Monday, December 14, 2015, at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

**APPEAL NO. 15-3538:** Appeal of Cedarbrook Plaza, owner of the premises known as 1000 S Easton Road, Wyncote, PA 19095 from the Decision of the Zoning Officer for variances from Section 295-197.C.(2)(b)(1), shopping center signs, in order to allow for a tenant sign to be erected on a façade of the building that does not directly abut the tenant space, and for the sizes of the two (2) proposed signs to be 128 sq. ft. on the front façade in place of the allowed 75 sq. ft. and 116 sq. ft. on the side façade in place of the allowed 79 sq. ft. in the C-2 Commercial Zoning District.

**The above applications, including site plans, are on file in the Township Administration Building, Planning and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday thru Thursday, 8:00 AM to 4:30 PM and Friday 8:00 AM to 12:00 PM.**

**Anyone requiring a special accommodation to participate in the meeting should notify the Public Information Officer at 215-887-1000 five (5) days prior to the meeting.**

**ZHB #15-3538  
Zoning Officer**

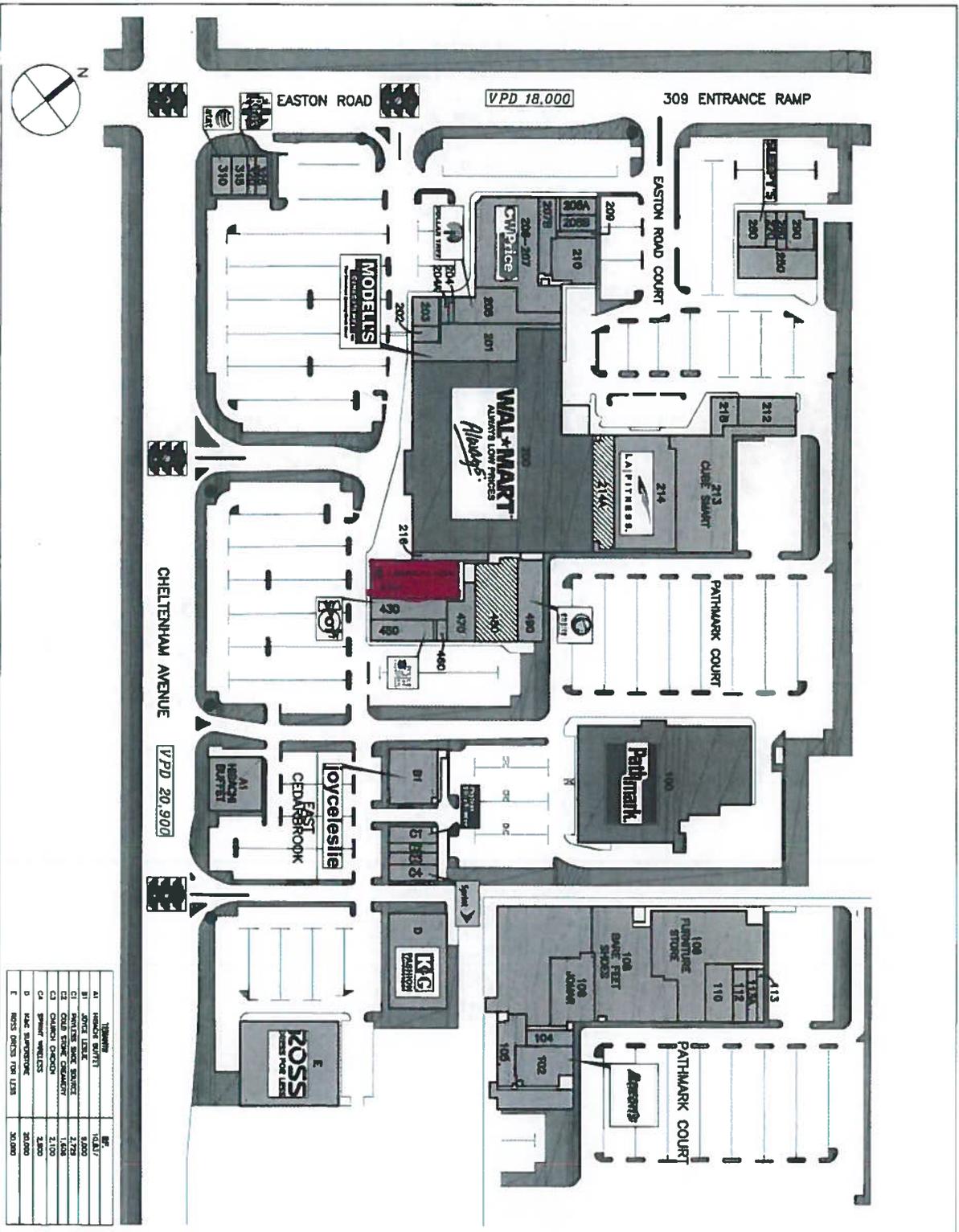
Township of Cheltenham – Zoning Hearing Board Application  
Cedarbrook Plaza  
November 6, 2015

During the redevelopment of the former Toys R Us Building at Cedarbrook Plaza the Building was subdivided into spaces as leased to various Tenants. America's Kid's Suite 410 signed a lease and they have occupied the space since November 2013. They have been struggle since opening and need to downsize their space.

We have a prospective Tenant that would like almost half of Suite 410. Due to the configuration of Suite 410 68'x167' we cannot divide the space from front to back, because we would have two "bowling alley" spaces that would not be leasable. Therefore, we could subdivide the space giving Suite 410 a double entry door and window (both existing) facing WalMart and giving the front portion of the space to Suite 415 leaving two very leasable Suite's.

The size of the existing Suite 410 is 11,346SF is an odd size and there are not many if any retailers looking for this size space, therefore, subdividing this Suite would provide two very leasable spaces. Suite 410 would have 28'SF of allowable signage, making a sign barely visible from the sidewalk right in front of the store.

We are looking for relief from the current Zoning Signage Ordinance for C2 allowing two signs on each side of frontage for Suite's 410 & 415; also, relief from only allowing the portion of the building façade that directly abuts the building the Tenant space. We are also requesting relief from the allowable front façade sign square footage of 75'SF to 128'SF; and relief from the allowable side façade sign square footage of 79'SF to 116'SF.



THREAT	RF
A1 HAZARD RADIATION	5,000
B1 OFFICE LEAK	2,729
C1 HAZARDOUS WASTE	1,000
C2 OIL SPILL	2,100
C3 CHEMICAL SPILL	2,800
D HAZARDOUS WASTE	20,000
E HAZARDOUS WASTE	20,000

THREAT	RF
100 PATHMARK	8,158
102 ABBOTT'S	8,054
104 CHILD CARE	2,713
105 DANCE FEET	4,319
106 JEWEL	18,489
108 DANCE FEET STORES	37,000
109 FURNITURE STORE	23,211
110 FURNITURE STORE	4,000
112 SPORTS HIRE STORE	2,000
113 BLUE GARDEN	1,500
113A MAINTENANCE OFFICE	1,500
200 WOODMEN	116,000
201 WOODMEN	12,879
202 COFFEE BAR	1,800
203 SPONZOR BAR	2,725
204A 118 CHILD EXPOSURE	700
204B WORLD OF HEALTH	700
205 DOLLAR TREE	18,629
207B HOMEWARE	4,000
208A CROCKET	2,884
208B WINT'S MARKET	2,284
208 DELTA HALLS	6,500
212 BALLY THE	5,843
214 L.A. FITNESS	23,200
214A MARKET	8,158
215 UNDEVELOPED/UNDERDEVELOPED	3,134
216 SIMPLY	3,150
218 C.G. INDUSTRIES	3,150
220 DORIS DAY/RE	8,251
240 SLETT'S	3,200
270 OAKS INDUSTRIES	1,279
280 DR. WATSON	1,279
290 UNIVERSITY PHYSICIAN VAN	3,500
310 ALBET	2,700
315 AMERICAN DENTAL	1,778
320 MINT'S ICE	1,682
323 FRENCH PIZZA	1,549
410 AMERICA'S PIZZA	11,298
420 18 SPOT	6,371
420 PIZZA	4,800
440 THE FISH PLACE	800
470 SPORTS OFFICE	3,828
480 HAZARDOUS WASTE	11,400
480 DANCE FEET STORE	8,100

**SYMBOL LEGEND**

- Pylon Sign
- Traffic Light

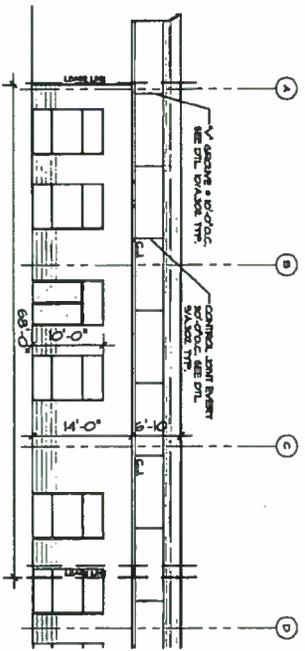
**RF**

**CONTACT INFO:** 1-800-521-5208

listing@nassimi.realty.com | 610.15.107.00

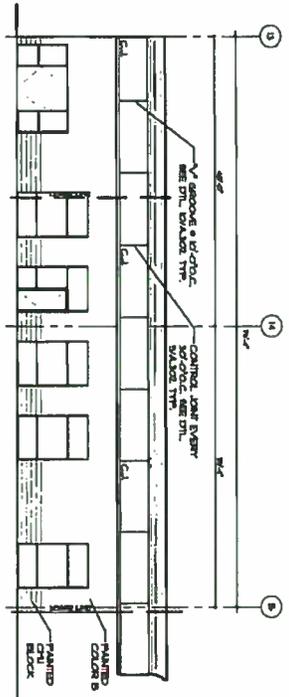
**Cedarbrook Plaza**  
Wynona, PA



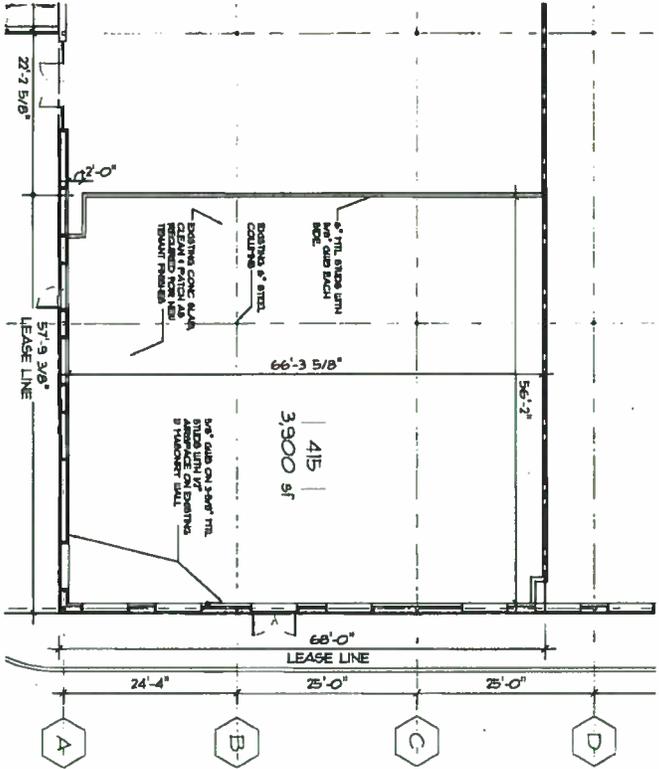


NOTE: THIS IS THE PROPOSED ELEVATION SUBJECT TO ADJUSTMENTS BY LANDLORD DURING CONSTRUCTION

J1 Partial Elevation



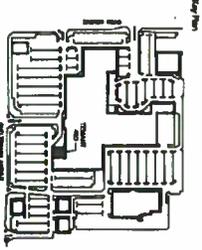
J8 Partial Elevation



A1 Partial Floor Plan



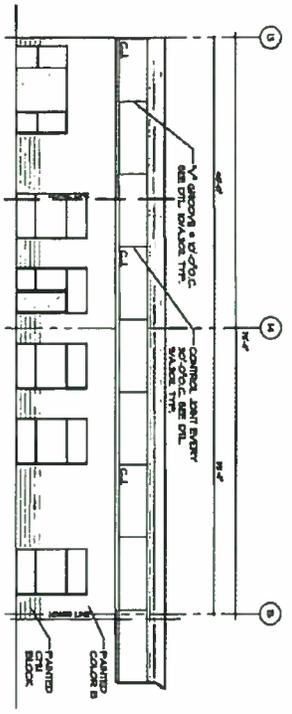
1124 Chestnut Street  
Philadelphia, PA 19102  
www.spsarch.com  
1.215.762.1124  
1.215.762.4150



Cedarbrook Plaza  
Wyness, PA  
Cedarbrook Plaza Inc.  
New York, NY

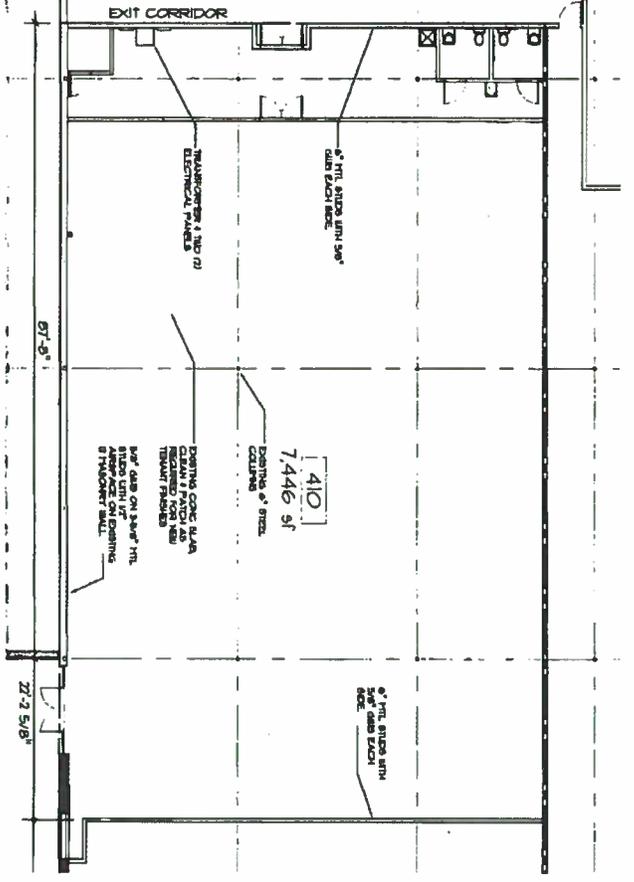
LODSS  
Outline  
Drawing

LOD  
415



NOTE: THIS IS THE PROPOSED ELEVATION SUBJECT TO ADJUSTMENTS BY LANDLORD DURING CONSTRUCTION

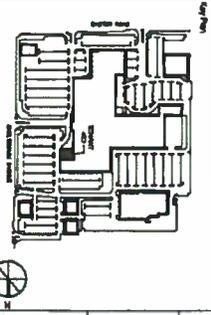
J1 Partial Elevation



A1 Partial Floor Plan



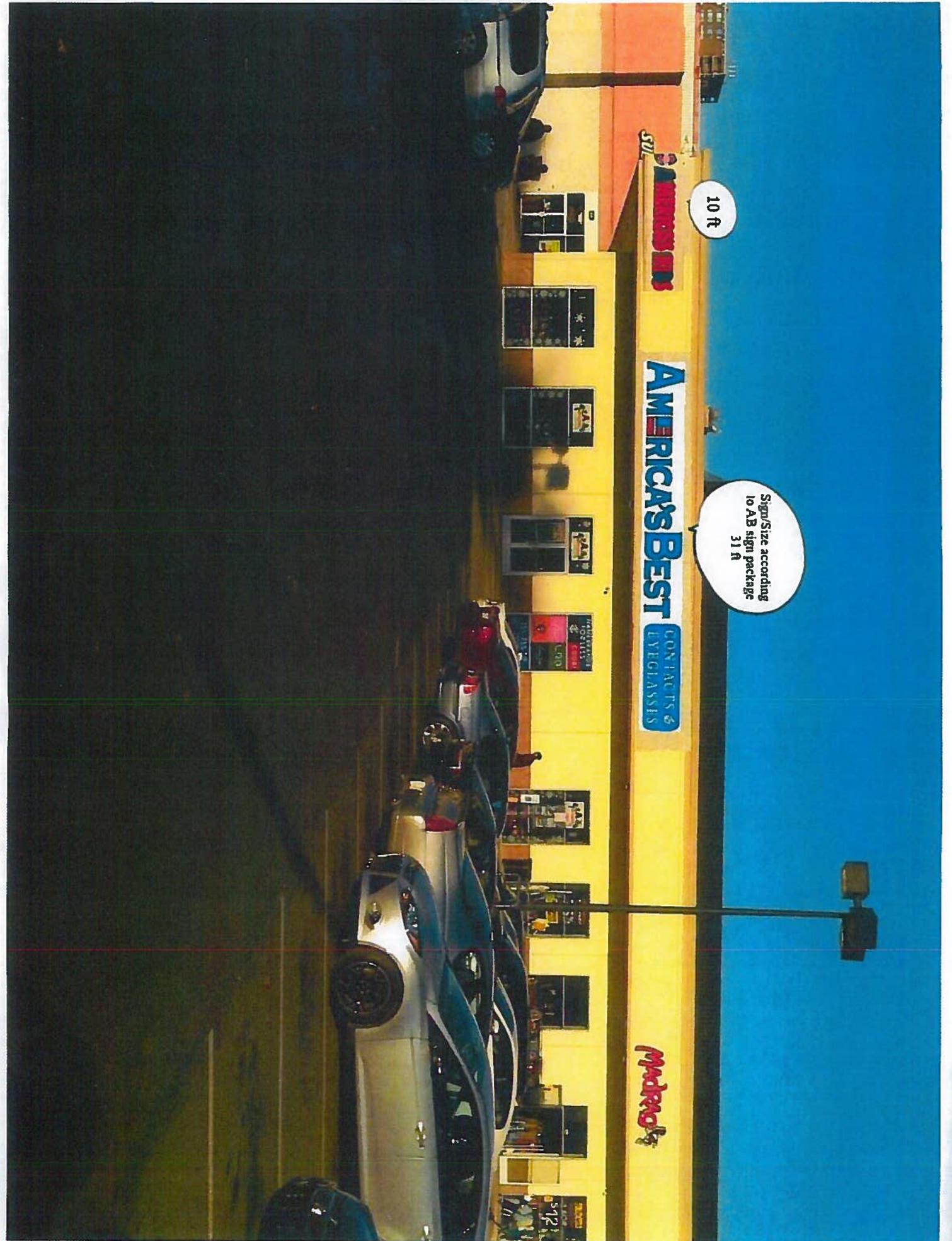
1524 Dairway Street  
 Philadelphia, PA 19102  
 www.archibuda.com  
 1.215.726.1524  
 1.877.726.4848



**Cedarbrook Plaza**  
 Wyndham, PA  
 Cedarbrook Plaza Inc.  
 New York, NY

Legend  
 Outline  
 Drawing

LOD  
 410



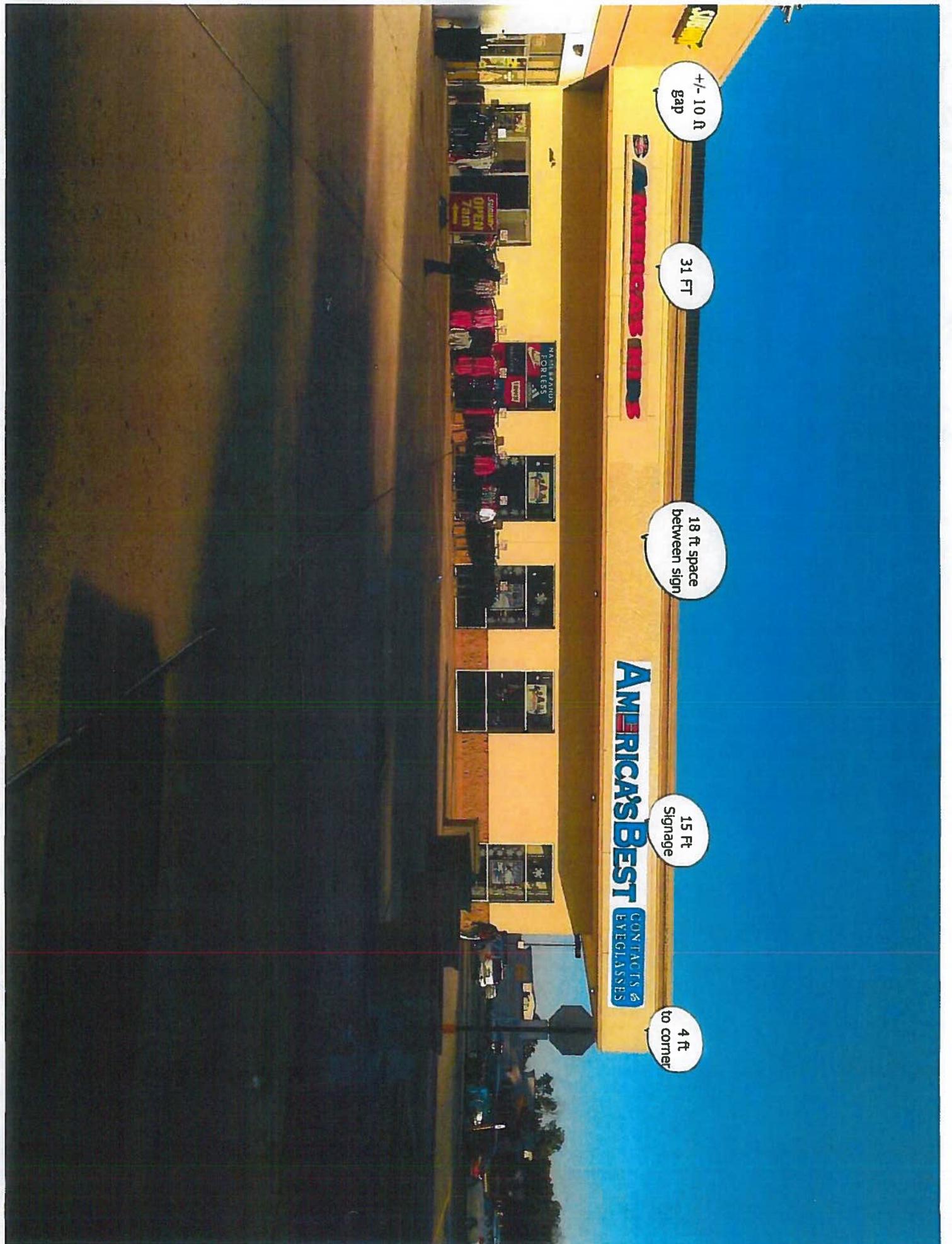
10 ft

Sign/Size according to AB sign package 31 R

AMERICA'S BEST

AMERICA'S BEST CONTACTS & EYEGLASSES

Madras



+/- 10 ft  
gap

31 FT

18 ft space  
between sign

15 Ft  
Signage

4 ft  
to corner

AMERICA'S BEST CONTACTS & EYEGLASSES

MADE BRANDS FOR LESS

OPEN 7am

# **Planning Commission Minutes**

**Dated November 23, 2015**

A regular meeting of the Planning Commission was held this evening at the Township Administration Building. The following Planning Commission members were present: Irwin Goldfarb, Scott Laughlin, Eric Leighton, Sheila Perkins and Bill Winneberger. Also present were Brian Olszak, County Planner, Frank Tavani, Traffic Engineer, Henry Sekawungu, Director of Planning & Zoning, Amy Montgomery, Township Engineer and Robert Habgood, Assistant to the Planning & Zoning Director.

Vice-Chairman Winneberger called the meeting to order at 7:30 p.m.

**1. Acceptance of minutes of the Planning Commission meeting dated October 26, 2015.** Mr. Leighton noted a correction in the Minutes for Appeal 15-3536 (...that there be the ability to pull a car off the road before reaching the front gate). Mr. Winneberger motioned to accept the minutes as amended. Mr. Laughlin seconded and the motion passed unanimously.

**2. Review of CTDA # 15-10** for the revised land development plans for Cedarbrook Middle School, 300 Longfellow Road, Wyncote, PA with additions/alterations to the existing school, new site pavements, parking and circulation with Stormwater Management (SWM) on the 34.11 acre lot.

Glen Harris of Renew Design Group represented the applicant. Mr. Harris gave an overview of the revisions to the Land Development Plan since the applicants' last meeting with the Planning Commission in September. He stated that they:

- Adjusted and accounted for 164 parking spaces.
- Eliminated the driveway and two entrances in the middle of the roadway from the parking lot.
- Reduced the size of the building.
- Added crosswalks to the sidewalk system.
- Widened the driveway in order to improve school bus circulation.
- Situated the student bus drop-off location to the side of the building while the cars would traverse the front of the building.

In response to the Planning Commission's recommendation, Mr. Harris agreed to add a crosswalk from the gymnasium to the athletic fields. Mr. Harris also advised that, per discussion with Township staff, a security fence is to be installed around the existing Township playground area to prevent its use during construction.

Mr. Harris then addressed comments in the review letters from:

1. The County Planner including landscaping in the parking lot area, conflicts with external lighting and the number of parking spaces required for bicycles.
2. The Traffic Engineer regarding traffic flow in the parking lot.
3. The Township Engineer including waivers for the proposed BMPs using the Rational method instead of the SCS method and roof drains not being connected to new SWM.

Discussion ensued. Ms. Montgomery stated that the applicant's request to use the Rational method was an acceptable use for this Land Development plan. Mr. Tavani reiterated items addressed in his review letter regarding parking, bus pick-up and drop-off area and the need for additional signage. Mr. Olszak asked if there would be guard rails in the rear at the drop-off location, which Mr. Harris confirmed.

Mr. Leighton asked if the electrical equipment (located by the basin) could be relocated to improve the view shed and if the athletic field would be utilized during construction. Mr. Harris stated that they planned to make the basin area as attractive as possible and would look into the possibility of relocating the electrical equipment. He also stated that the athletic fields would not be in use during construction.

Mr. Winneberger invited comments from the residents. In response to Kathy Bower's question regarding removal of the auditorium addition from the plan, Mr. Harris stated that the auditorium addition had been replaced with a classroom addition for budgetary reasons.

Mr. Winneberger made a motion to recommend approval of the revised Plan with the following conditions:

- Comply with the Township Engineer's review letter.
- Consider an alternative location for the electrical equipment.
- Include a crosswalk from the gymnasium to the athletic fields.
- Include a sidewalk from the parking lot to the building.

Mr. Laughlin seconded, and the motion passed unanimously.

**3. Review of CTDA # 15-11** for the proposed redevelopment of Cheltenham Mall, 2385 W. Cheltenham Avenue, Philadelphia, PA, with increase in the parking area and landscaping on the existing 38.7 acre lot.

Hercules Grigos, Esq., Charles Mannino, Cornelius Brown, Project Engineer and Jerry Roller, Project Architect represented the applicant. Mr. Roller gave an overview of the color renderings and the revisions to the Land Development Plan since their last appearance before the Planning Commission in October. He stated that they planned to eliminate the interior mall in order to create a shopping center with a combination of brick, stucco, and metal panels as architectural features with two corner elements and tall spaces for depth. Mr. Roller advised that although there is a four-level grade plane, neither steps nor ramps would be required.

Mr. Laughlin asked about the status of a pedestrian walkway from Cheltenham Avenue to the Target store. Mr. Roller stated that although there was not a logical connection due to the grade, pedestrians would be able to gain access through an enclosed, lighted walkway from the area of the existing parking deck. Discussion ensued regarding an open air versus an enclosed walkway and the safety of such a walkway.

Mr. Winneberger invited comments from the residents. In response to a question from a tenant of the mall regarding converting the enclosed pedestrian walkway to an open air walkway, Mr. Roller stated that because they are using the existing building structure, the walkway would remain enclosed.

Mr. Olszak reiterated the need for more diversity in the types of plantings reflected on the plan and recommended that the towers on the renderings be drawn to scale on the plans. Mr. Grigos indicated that they recently met with the Shade Tree Advisory Commission and received a recommendation for the landscape plan with conditions.

Mr. Brown stated that the revised plan submission to the Township Engineer would include building elevations, sidewalk dimensions and amenities. He indicated that additional landscaping was added but that tenant requirements could limit additional landscaping. Mr. Brown stated that they would review the feasibility of adding a walkway along Shoppers Lane and they would include fencing to prevent trash from entering Rock Creek.

Ms. Montgomery reviewed the possible waivers needed with the Applicant and suggested that speed tables should be installed in the new parking area.

Mr. Winneberger made a motion to recommend approval of the Land Development Plan with the following conditions:

- Comply with the Township Engineer's review letter.
- Review the type of walkway (enclosed versus open) from the parking deck to the Target store.
- Study the feasibility of adding a sidewalk along Shoppers Lane.

Mr. Laughlin seconded, and the motion passed unanimously.

#### **4. Review of the Zoning Hearing Board Agenda for December 14, 2015.**

**APPEAL NO. 15-3538**: Mr. Habgood summarized the applicant's request to allow for a tenant sign to be erected on a façade of the building that does not directly abut the tenant space, and for the sizes of the two (2) proposed signs to be 128 sq. ft. on the front façade in place of the allowed 75 sq. ft. and 116 sq. ft. on the side façade in place of the allowed 79 sq. ft. in the C-2 Commercial Zoning District at Cedarbrook Plaza, 1000 S. Easton Road, Wyncote, PA.

Lori Stopyra, Manager for Cedarbrook Plaza represented the applicant. Ms. Stopyra stated that the existing tenant space would be subdivided to allow for two tenants and that the following hardships are the reason for the proposed variances:

1. The rear facing tenant has no visibility from the front of the building facing Cheltenham Avenue so they are requesting signage in the front façade for the tenant, in addition to signs facing the Easton Road side.
2. Due to the length of the façade for each tenant, an increase in the allowable size of the signs so that same can be easily observed.

Mr. Winneberger made a motion to recommend no action. Ms. Perkins seconded, and the motion passed unanimously.

**5. Old Business – None.**

**6. New Business – None.**

**7. Adjournment**

As there was no further business to discuss, Mr. Laughlin made a motion to adjourn. Mr. Goldfarb seconded the motion and the meeting adjourned at 9:20 p.m.

  
\_\_\_\_\_  
Bryan Havir  
Township Manager

As per Carol Hughes  
Secretary, Planning and Zoning

**Review of Proposed Installation of  
Telecommunications Facility  
7900 Old York Road  
Elkins Park, PA 19027  
(Elkins House)**

# Township of Cheltenham

Montgomery County, Pennsylvania

## Board of Commissioners

Harvey Portner, *President*  
Morton J. Simon, Jr., *Vice President*  
Baron B. Holland  
Charles D. McKeown  
Daniel B. Norris  
Ann L. Rappoport  
J. Andrew Sharkey

## Township Manager

Bryan T. Havir



**Administration Building**  
8230 Old York Road  
Elkins Park, PA 19027-1589

Phone: 215 887-1000  
FAX: 215 887-1561  
[www.cheltenhamtownship.org](http://www.cheltenhamtownship.org)

## MEMORANDUM

TO: Building and Zoning Committee  
Bryan T. Havir, Township Manager

FROM: Henry Sekawungu /HS  
Director of Planning and Zoning

RE: Proposed Antennas by Verizon Wireless at 7900 Old York Road, Elkins Park, PA

DATE: November 23, 2015

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Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. It should also plan to involve the public, and identify other potential consulting parties. If it determines that it has no undertaking, or that its undertaking is a type of activity that has no potential to affect historic properties, the agency has no further Section 106 obligations.

Based on review of the proposed collocation of a rooftop antenna at 7900 Old York Road, staff offers the following comments:

- The property is located in the Township's M-3 Multiple Dwelling and Zoning District which does not list telecommunication/antennas as permitted uses.
- Prior ZHB approvals for telecommunication antennas have included Nextel, Sprint, Clearwire, and Omnipoint among others.
- Verizon Wireless would be collocating with other existing telecommunication providers.
- Per the Wireless Broadband Collocation Act of October 24, 2012, Section 4(a) processing of applications, collocation or modification of a wireless telecommunications facility or support structure shall not be subject to the

issuance of a new zoning or land use approval beyond the previously approved wireless support structure or wireless telecommunications facility.

- However, based on a future application and review of the same, there may be need for setbacks, fencing, and or buffering that may trigger zoning relief.
- Depending on the area of disturbance, Land Development or Stormwater Management may be needed for the installation of any new ground equipment and/or back-up generator platforms.
- Signed and sealed construction plans will also need to be submitted for review and approval, followed by issuance of building permits for these improvements.

These requirements will be communicated to the applicant under separate correspondence.

November 24, 2015

Mr. Henry Sekawungu  
Director of Planning and Zoning  
Township of Cheltenham  
8230 Old York Road  
Elkins Park, PA 19027-1589  
T. 215.887.1000  
[hsekawungu@cheltenham-township.org](mailto:hsekawungu@cheltenham-township.org)

**Subject: Invitation to Comment**  
EnSite 26587 / PHI Washington Lane  
7900 Old York Road, Elkins Park, Montgomery County, PA 19027  
EBI Project #6115005422

Dear Mr. Sekawungu:

Pursuant to Section 106 of the National Historic Preservation Act, the regulations promulgated thereunder and interagency agreements developed thereto, EBI Consulting, Inc., on behalf of Cellco Partnership and its controlled affiliates doing business as Verizon Wireless (Verizon Wireless), provides this notice of a proposed telecommunications facility installation at the address listed above.

EBI would like to inquire if you would be interested in commenting on this proposed project. Verizon Wireless proposes to collocate antennas at a tip height of 95.7 feet above ground level (AGL) on the 119-foot building at the above address. A rooftop equipment canopy will be installed at a top height of 99.2 feet AGL. Please refer to the attached maps and drawings for complete details regarding the project.

Please note that we are requesting your review of the attached information as part of the Section 106 process only and not as part of the local zoning process. We are only seeking comments related to the proposed project's potential effects on historic properties.

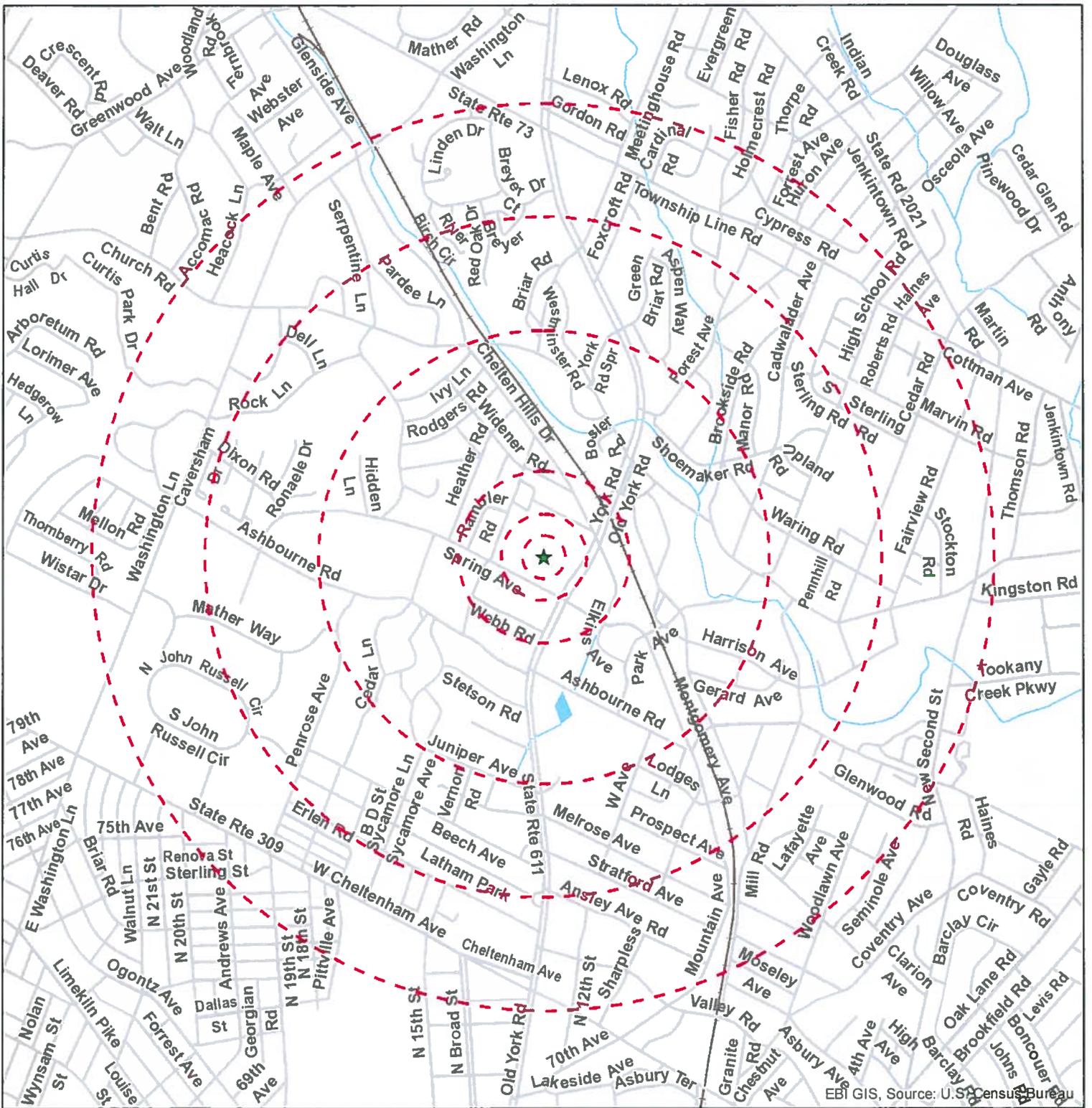
Please submit your comments regarding the proposed project's potential effects on historic properties to my attention c/o EBI Consulting, 6876 Susquehanna Trail South, York, PA 17403 or contact me via telephone at the number listed below. Please reference the EBI project number. I would appreciate your comments as soon as possible within the next 30 days. Please do not hesitate to contact me if you have any questions or concerns about the proposed project.

Respectfully Submitted,



Christine M. Ames, M.A., RPA  
Project Archaeologist  
EBI Consulting  
Phone (202) 253-3308  
Email: [comes@ebiconsulting.com](mailto:comes@ebiconsulting.com)

Attachments - Drawings and Maps



EBI GIS, Source: U.S. Census Bureau

Source: Selected data from ESRI, EBI & USGS

**Legend**

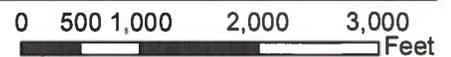
- ★ Project Site
- Site Radius at 250', 500', 1000', 1/2, 3/4 & 1 mile

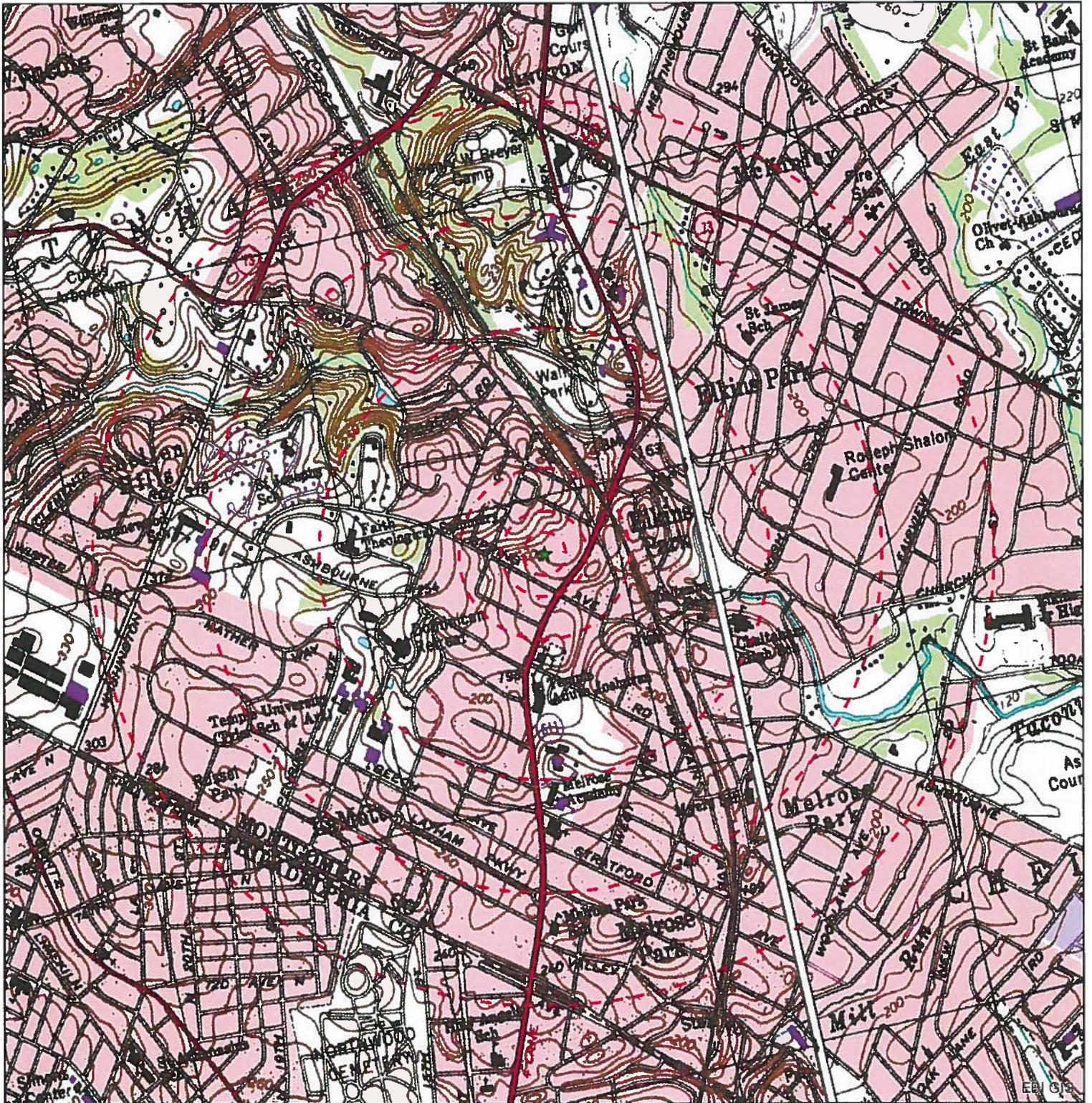


Date: 9/28/2015

**Figure 1: Site Location Map**

**ENSITE 26587 PHI WASHINGTON LANE  
7900 OLD YORK ROAD  
ELKINS PARK, PA 19027**





**Legend**

- ★ Project Site
- Site Radius at 250', 500', 1000', 1/2, 3/4 & 1 mile

Source: Selected data from ESRI, EBI & USGS



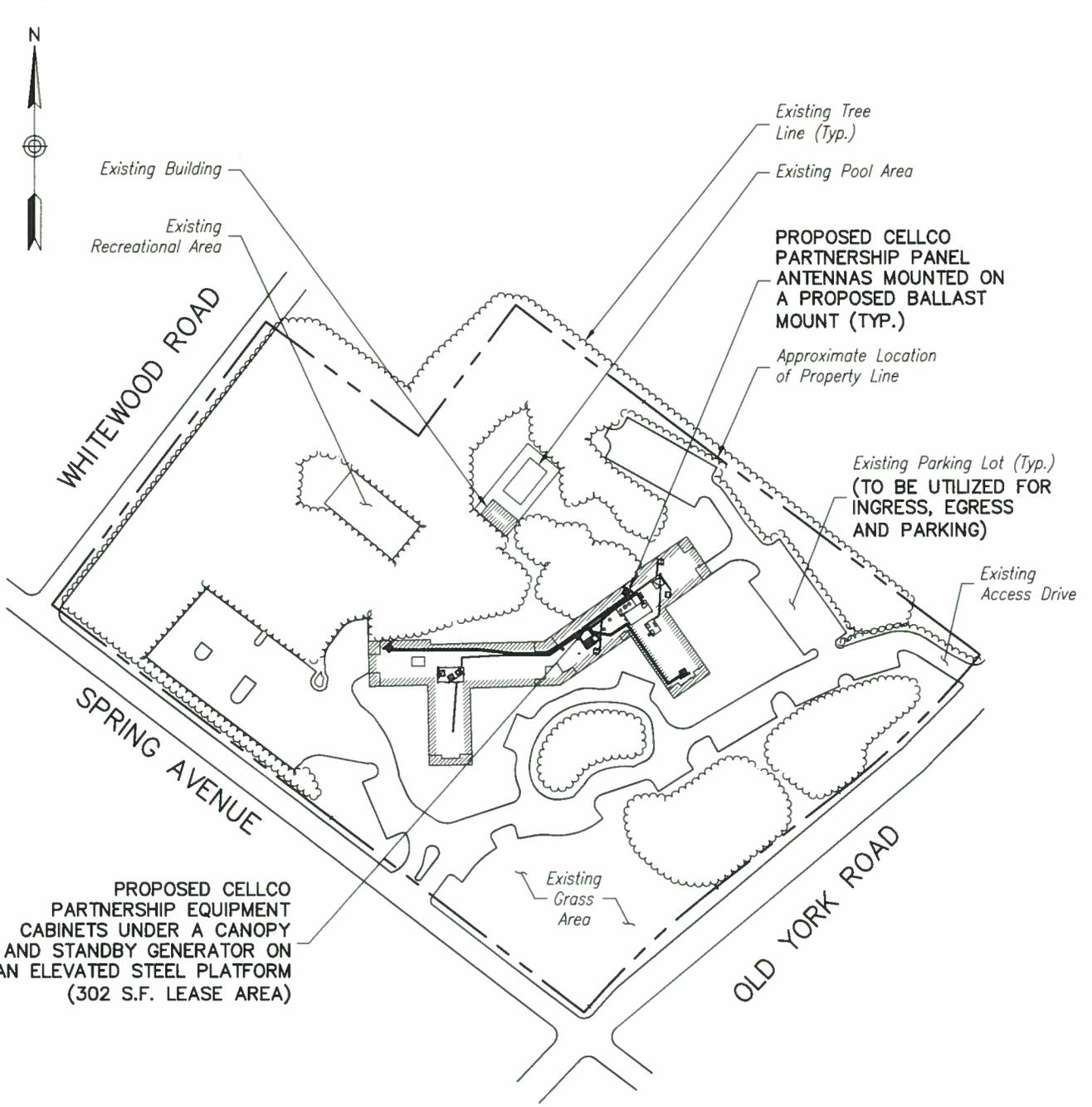
Date: 9/28/2015

USGS 24K Quad Germantown, PA 1984, Frankford, PA 1984



**Figure 2 - Topographic Map**

**ENSITE 26587 PHI WASHINGTON LANE  
7900 OLD YORK ROAD  
ELKINS PARK, PA 19027**



**NOTE:**  
 THE PURPOSE OF THIS DRAWING IS FOR CONCEPT ONLY.  
 ALL DIMENSIONS AND/OR LOCATIONS SHOWN ARE  
 APPROXIMATE AND SUBJECT TO REGULATORY  
 AGENCY REVIEW.

**SITE PLAN**  
 NOT TO SCALE

CELLCO PARTNERSHIP 4/6/15

5175 CAMPUS DRIVE  
 PLYMOUTH MEETING, PA 19462

**MASER**  
 CONSULTANTS, P.A.  
 Consulting, Municipal & Environmental Engineers  
 Planners • Surveyors • Landscape Architects  
 2000 Midantic Drive  
 Suite 100  
 Mt. Laurel, N.J. 08054

**PROJECT INFORMATION:**  
**SITE NAME: PHI WASHINGTON LANE**  
**7900 OLD YORK ROAD**  
**ELKINS PARK, PA 19027**

REVISION	DATE
A	03/06/15
B	08/24/15
C	09/22/15

**LEASE EXHIBIT**

DRAWN BY: MSG  
 CHECKED BY: MPC

SCALE: AS NOTED    SHEET NO. 1 OF 5  
 A/E PROJECT NO.: 15960003A



PROPOSED ELECTRIC, TELCO,  
GROUNDING, AND NATURAL GAS  
CONDUITS ROUTED ALONG ROOF ON  
SLEEPERS FROM ELEVATOR  
PENTHOUSE TO EQUIPMENT SHELTER

Existing Sprint  
Cabinets on a  
Elevated Steel Platform

Existing Cricket  
Cabinets on a  
Elevated Steel Platform

Existing Sprint  
Antenna Ballast  
Mount (Typ.)

PROPOSED CELLCO  
PARTNERSHIP EQUIPMENT  
CABINETS UNDER A CANOPY  
AND STANDBY GENERATOR ON  
AN ELEVATED STEEL PLATFORM  
(302 S.F. LEASE AREA)

PROPOSED 12"  
CELLCO PARTNERSHIP  
CABLE TRAY WITH  
GRIP STRUT (TYP.)

Existing T-Mobile  
Antennas on a  
Tri-Sector Mount

Existing Stairwell  
Penthouse

Existing Elevator  
Penthouse

Existing T-Mobile  
Cabinets on a  
Elevated Steel Platform

Existing  
Building

Existing Stairwell  
Penthouse

Existing Elevator  
Penthouse

Existing Antennas  
on a Ballast  
Frame (Typ.)

Existing Cable  
Tray (Typ.)

Existing Balcony on  
Top Floor (Typ.)

PROPOSED CELLCO  
PARTNERSHIP PANEL  
ANTENNAS MOUNTED ON  
A PROPOSED BALLAST  
MOUNT (TYP.)

## ROOF PLAN

NOT TO SCALE



**PROJECT INFORMATION:**  
**SITE NAME: PHI WASHINGTON LANE**  
**7900 OLD YORK ROAD**  
**ELKINS PARK, PA 19027**

REVISION	DATE
A	03/06/15
B	08/24/15
C	09/22/15

**LEASE  
EXHIBIT**

DRAWN BY: MSG

CHECKED BY: MPC

SCALE: AS NOTED SHEET NO. 2 OF 5

A/E PROJECT NO.: 15960003A





TOP OF  
PROPOSED CELLCO  
PARTNERSHIP  
ANTENNAS

⊙ 95.7'± AGL

CENTERLINE OF  
PROPOSED CELLCO  
PARTNERSHIP  
ANTENNAS

⊙ 91.7'± AGL

Top of Existing Parapet  
@ 86.7'± AGL

PROPOSED CELLCO  
PARTNERSHIP  
PANEL ANTENNAS  
MOUNTED ON A  
PROPOSED  
BALLAST MOUNT

Existing  
Building

Existing  
Garage Level

Existing Chimney

Top of Existing Chimney  
@ 117.0'± AGL

Existing Stairwell  
Penthouse

Existing AT&T  
Antennas (Typ.)

Existing Antennas on  
a Ballast Frame (Typ.)

Existing Elevator  
Penthouse

## PARTIAL ELEVATION VIEW - 2

NOT TO SCALE



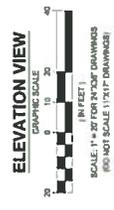
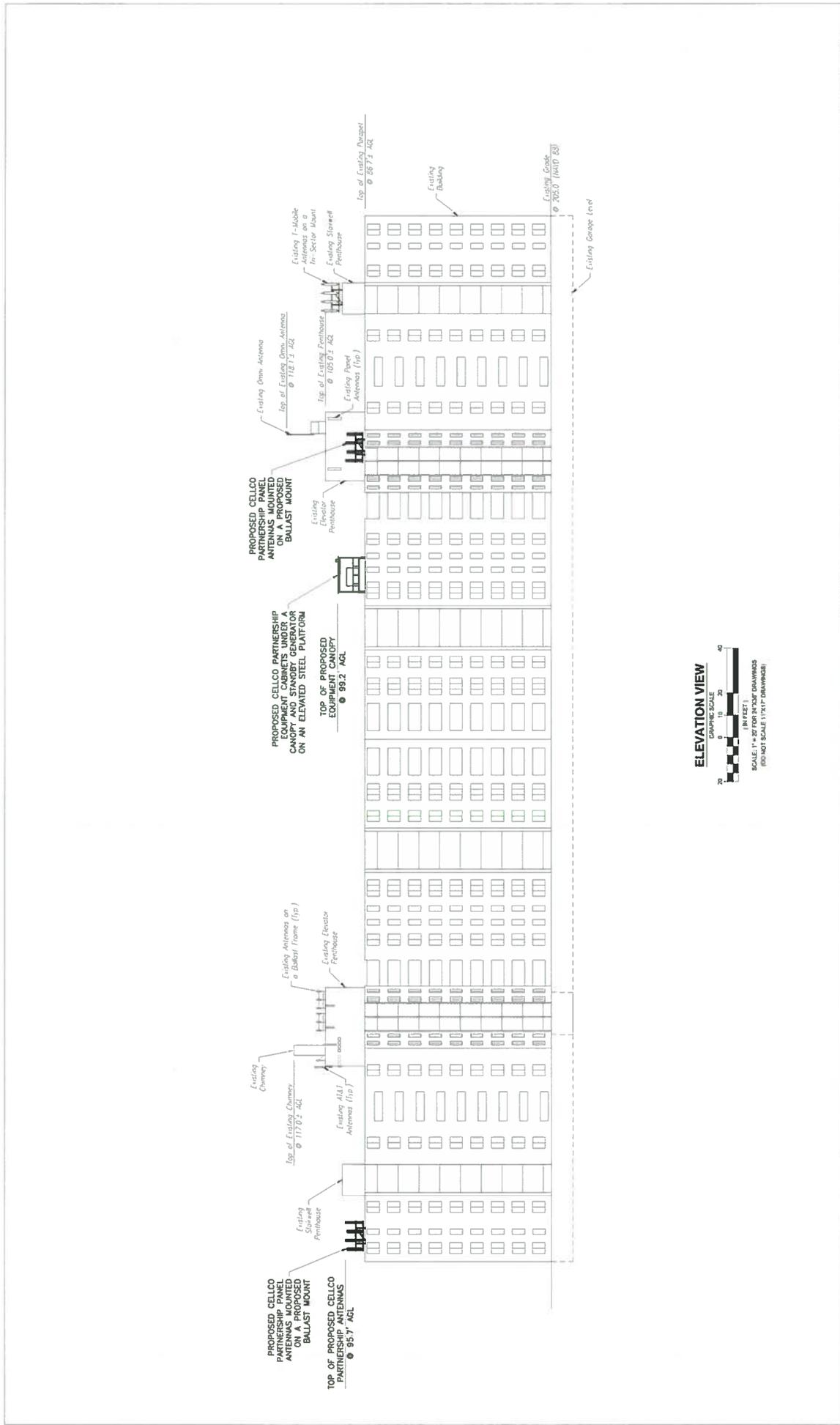
**PROJECT INFORMATION:**  
**SITE NAME: PHI WASHINGTON LANE**  
**7900 OLD YORK ROAD**  
**ELKINS PARK, PA 19027**

REVISION	DATE
A	03/06/15
B	08/24/15
C	09/22/15

**LEASE  
EXHIBIT**

DRAWN BY: MSG  
CHECKED BY: MPC

SCALE: AS NOTED SHEET NO. 5 OF 5  
A/E PROJECT NO.: 15960003A



 MASONRY & CONSTRUCTION 1000 N. 10th St., Suite 100 York, PA 17404 Tel: 717-765-1111 Fax: 717-765-1112		<b>SITE NAME:</b> <b>PHI WASHINGTON LANE</b> 7900 OLD YORK ROAD ELMTS PARK, PA 19027		<b>CELLCO PARTNERSHIP</b>  8175 CAMPUS DRIVE PITTSBURGH, METZTAL, PA 15226	
		<b>CELLCO PARTNERSHIP</b> <b>VERIZON WIRELESS</b> ELEVATION VIEW		SCALE: 45'-5"=1"=1/2" DESIGNED BY: MPC DRAWN BY: MPC	
JOB # 15960003A		1 09/22/15 ELEVATION VIEW MPC MPC FET		1 PHIL WASHINGTON LANE	
0 09/09/15 ELEVATION VIEW MPC MPC FET		0 DATE BY: CH, MPC		1 PHIL WASHINGTON LANE	

**Review of Revisions to the  
Floodplain Conservation  
District Overlay Ordinance**

# Township of Cheltenham

Montgomery County, Pennsylvania

## Board of Commissioners

Harvey Portner, *President*  
Morton J. Simon, Jr., *Vice President*  
Baron B. Holland  
Charles D. McKeown  
Daniel B. Norris  
Ann L. Rappoport  
J. Andrew Sharkey

## Township Manager

Bryan T. Havir



**Administration Building**  
8230 Old York Road  
Elkins Park, PA 19027-1589

Phone: 215 887-1000  
FAX: 215 887-1561  
[www.cheltenhamtownship.org](http://www.cheltenhamtownship.org)

## MEMORANDUM

TO: Building and Zoning Committee  
Bryan T. Havir, Township Manager

FROM: Henry Sekawungu  
Director of Planning and Zoning

RE: Proposed Public process for the Adoption of the revised Floodplain  
Conservation District Overlay Ordinance

DATE: November 23, 2015

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This is to inform you that on September 2, 2015, FEMA issued a letter of final determination, and also a complete Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Cheltenham Township. The FIS and the FIRM will become effective on March 2, 2016. As part of this process, the Township is required to adopt and submit a floodplain management ordinance that meets or exceeds the minimum National Flood Insurance Program (NFIP) requirements. The Township adopted this ordinance in 2014, but has made amendments and other minor changes, that include the effective FIRM date of March 2, 2016. These changes have to be adopted prior to the effective date, in order to continue being part of the NFIP. However, per the Ordinance review and adoption process, DCED has to review the proposed Ordinance prior to its being adopted by the Township. The Ordinance has been forwarded to DCED, and we are awaiting feedback. Since we do not know when DCED will be completing its review, staff hereby recommends the following public review process so as to ensure that the Ordinance is adopted prior to the effective date:

- Building and Zoning Committee on Wednesday Dec 2, 2015: Recommendation to the Board of Commissioners to authorize advertisement of the Ordinance.

- Board of Commissioners meeting on Wednesday December 16, 2015: Authorization to advertise for a public hearing at the BOC meeting on February 17, 2016.
- (County has already reviewed and generated a letter and checklist dated November 10, 2015).
- Cheltenham Planning Commission review and recommendation on January 25, 2016.
- Building and Zoning Recommendation to the Board of Commissioners on February 3, 2015.
- Public Hearing and adoption of the Revised Floodplain Conservation District Overlay on February 17, 2016.

Prior to adoption, staff will verify compliance with DCED and communicate this with the Board of Commissioners.

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. - \_\_\_\_\_**

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**AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM  
AMENDING THE CODE OF THE TOWNSHIP OF  
CHELTENHAM, CHAPTER 295 THEREOF, ENTITLED  
“ZONING,” ARTICLE XXI ENTITLED “FLOODPLAIN  
OVERLAY CONSERVATION DISTRICT” FOR THE  
PURPOSE OF COMPLYING WITH THE NATIONAL  
FLOOD INSURANCE ACT OF 1968, AS AMENDED, AND  
ASSOCIATED REGULATIONS BY, AMONG OTHER  
THINGS, ADOPTING THE UPDATED FLOODPLAIN  
INSURANCE RATE MAP OF THE TOWNSHIP.**

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**NOW THEREFORE**, the Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN** the following:

**SECTION I – Amendment to the Code**

Chapter 295 of the Codified Ordinances of the Township entitled “Zoning”, Article XXI entitled “Floodplain Overlay Conservation District,” is amended as follows, additions marked in bold, underline and deletions crossed out:

- A. §295-154.C. – “Promote the general health, welfare, and safety of the ~~Community~~ **Township** by preventing development in areas prone to flooding.”
  
- B. §295-155.C. – “The Floodplain Conservation District shall be delineated according to FEMA's ~~Flood Insurance Rate Map~~ **FIRM** for Cheltenham Township **effective as of March 2, 2016** which is hereby made a part of this article, and additional area based on soils as described in § 295-155A(2). The FIRM is available for inspection at the municipal office.”
  
- C. §295-159 – “EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by ~~the a community~~ **Township.**”

- D. §295-159 – “NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by ~~a community~~ **the Township**.”
- E. §295-159 – “POST-FIRM STRUCTURE: A structure for which construction or substantial improvement occurred ~~after December 31, 1974, or on or after the community’s~~ **Township’s** initial FIRM dated May 20, 1976, ~~whichever is later,~~ and, as such, would be required to be compliant with the regulations of the NFIP.”
- F. §295-159 – “PRE-FIRM STRUCTURE: A structure for which construction or substantial improvement occurred on or before ~~December 31, 1974, or before~~ **the Township’s** initial FIRM dated May 20, 1976, and, as such, would not be required to be compliant with the regulations of the NFIP.”
- G. §295-160.B. – “The Floodplain Conservation District shall also include areas with soils listed in § 295-155C, along with any Township-identified flood hazard areas.”
- H. §295-161.C. – revise paragraph to include the bolded and underlined word: “No new construction or development **in the floodway** shall be allowed unless a permit is obtained from the Department of Environmental Protection regional office.
- I. §295-162 – revise paragraph to include the bolded and underlined word: “The Floodplain Conservation District may be revised or modified by **the** Township Board of Commissioners where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, ~~a community~~ **the Township** shall notify FEMA of the changes by submitting technical or scientific data.
- J. §295-162.1 – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Cheltenham ~~Planning Commission~~ **Township Zoning Officer**, and any party aggrieved by this decision or determination may appeal to the Township **Zoning Hearing Board of Commissioners**. The burden of proof shall be on the appellant.
- K. §295-162.2 – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the ~~community~~ **Township** shall review flood hazard data affecting the lands to

boundary changes. The ~~community~~ **Township** shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

- L. §295-162.16 – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Permits Required. A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the permit referenced herein would be the Special Permit of §295-1632.13.
- M. §295-162.22 – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “~~Work on the proposed construction~~ **The start of construction under the Permit**, shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the ~~p~~**Permit** or the ~~p~~**Permit** shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term “start of construction” shall be understood as defined in §295-159 of this article.
- N. §295-162.23.A.(4) – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Be served upon the property owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served ~~with such notice~~ by any ~~other~~ method authorized or required by the laws of this state; and”
- O. §295-162.23.B. – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the **Township municipality** ~~shall pay a fine~~ **may have a civil judgment payable** to Cheltenham Township of not less than \$300 nor more than **\$500** ~~1,000~~ per violation, plus costs of prosecution **entered against them**. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the ~~proper~~ enforcement of this article. The imposition of a ~~fine or penalty~~ **judgment** for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated, or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in ~~noncompliance with~~ **violation of** this article may be declared by the **Township** ~~Board of Commissioners~~ to be a public nuisance and **may be** abatable as such.
- P. §295-162.24.C. – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Any person aggrieved by any decision of the Township Board of Commissioners may seek relief therefrom by appeal to court,

as provided by the laws of this State Commonwealth including the Pennsylvania Flood Plain Management Act.

**SECTION II– Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION III – 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 IV - Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**SECTION V - Effective Date**

This Ordinance shall take effect and be in force from and after its approval as permitted by law.

**ORDAINED AND ENACTED** into an Ordinance this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**CHELTENHAM TOWNSHIP**

By: \_\_\_\_\_  
Harvey Portner, President,  
Board of Commissioners

Attest: \_\_\_\_\_  
Bryan Havir, Township Manager/Secretary

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

JOSH D. SHAPIRO, CHAIR

VALERIE A. ARKOOSH, MD, MPH, COMMISSIONER

BRUCE L. CASTOR, JR., COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

November 10, 2015

NOV 16 2015

**CHELTENHAM TOWNSHIP**

Cheltenham Township  
Draft Floodplain Ordinance

Bryan T. Havir, Township Manager  
Cheltenham Township Administration Building  
8230 Old York Road  
Elkins Park, PA 19027

Dear Mr. Havir:

The Cheltenham Township Floodplain Ordinance has been reviewed by planning commission staff. This letter contains our comments and suggestions for the draft ordinance. This review also constitutes the county review in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code".

Our letter is divided into three sections. The first section contains our comments on the draft ordinance, the second has our comments on any specific FEMA Region III Ordinance Review Checklist items, and the third is the completed FEMA Region III Ordinance Review Checklist for the draft ordinance. We have also attached a guidance document on the timing of submissions for review and contact information for the various organizations that will be reviewing your ordinance.

## **COMMENTS**

Ordinance Level: FEMA assigns each municipality an ordinance level based on the content of the Flood insurance Rate maps (FIRMs). Cheltenham Township is designated as a Level D community.

§ 295-161. Description and Special Requirements of Floodplain Conservation District: Part C of this Section reads, "No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection regional office." DEP is involved in permitting when development or encroachment in the floodway is proposed. Part C of the ordinance could be read to require a DEP permit for any development. This should be clarified.

## **FEMA REGION III ORDINANCE REVIEW CHECKLIST COMMENTS**

We have attached the completed review checklist, which indicates that we consider the ordinance to be compliant with the requirements of the FEMA checklist.

Bryan T. Havir

-2-

November 10, 2015

## FEMA REGION III ORDINANCE REVIEW CHECKLIST

Please see attached.

The Township's ordinance appears to be compliant with the FEMA checklist. However, we feel the Township should consider the comment raised pertaining to § 295-161 above. Once the Township is satisfied with the ordinance, please submit a copy to MCPC to be forwarded to DCED for review, according to the memo attached.

Should there be any questions or comments on the contents of this letter, please contact me. My contact information is included below.

Sincerely,



Drew Shaw, AICP  
Environmental Planning Section Chief  
[dshaw@montcopa.org](mailto:dshaw@montcopa.org)  
(610) 278-3733

---

*Montgomery County Planning Commission*  
*P. O. Box 311*  
*Norristown, PA 19404-0311*  
[www.planning.montcopa.org](http://www.planning.montcopa.org)

- c. Dan Fitzpatrick, DCED  
Henry Sekawungu, Cheltenham Township

## **MUNICIPAL FLOODPLAIN ORDINANCE ADOPTION PROCESS**

### **ORDINANCE REVIEW PROCESS**

The process to update floodplain ordinance is being driven by FEMA's Map Modernization project. As such, the process differs from other ordinance revisions in the timing, ordinance routing, and number of entities involved in the review. The steps below are offered as a guideline for the review process.

#### Process for Municipal Ordinance Review

1. Municipality updates its Floodplain ordinance, and submits it to Montgomery County Planning Commission (MCPC).
2. MCPC reviews the ordinance and issues a letter and completed FEMA Checklist with changes for the municipality to make on the ordinance. This continues until the ordinance satisfies or very nearly satisfies the checklist requirements. The draft final ordinance is submitted to MCPC.
3. Ordinance is forwarded by MCPC to Leslie Rhoads, Independent Contractor for the Department of Community & Economic Development (DCED). Under the contract between MCPC and DCED, the state has requested that the ordinances be sent in by MCPC.
4. DCED reviews the ordinance. When compliant, the Contractor issues an email so indicating to the municipality (email will caution against changes after this point).
5. Municipality adopts the ordinance and sends it back to DCED
6. DCED forwards the ordinance to FEMA.
7. FEMA approves the ordinance.

The following contacts are provided for your use in submitting your ordinance for review, and to answer any questions you may have.

Drew Shaw, AICP  
Environmental Planning Section Chief  
Montgomery County Planning Commission  
P. O. Box 311  
Norristown, PA 19404-0311  
(610) 278-3733  
[dshaw@montcopa.org](mailto:dshaw@montcopa.org)  
[www.planning.montcopa.org](http://www.planning.montcopa.org)

Dan Fitzpatrick, State Coordinator-National Flood Insurance Program  
PA DCED - Center for local Government Services  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120-0225  
Phone: 717.720.7445

[www.newPA.com](http://www.newPA.com)  
[www.visitPA.com](http://www.visitPA.com)

Nicole P. G. Lick, CFM  
Mitigation Planner  
U.S. Department of Homeland Security, FEMA Region III  
One Independence Mall, Sixth Floor, 615 Chestnut Street  
Philadelphia, PA 19106-4404  
Nicole.Lick@dhs.gov  
215-931-5625 (office)



# FEMA Region III Ordinance Review Checklist (PA)

January 2012

Community: Cheltenham Township County: Montgomery State: PA CID: 420696  
 State Reviewer: D. Shaw Date: 11/2/2015  
 Pre-Adoption Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_ Recommendation: Compliant  
 FEMA Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_ FEMA Determination: \_\_\_\_\_

**Note:** The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Rules and Regulations for complete descriptions of the required standards.

**Flood Zones:**  A  AE  AE (wo FW)  AO  AH  
**Level of Regulations:**

Item Description <i>(Section reference to NFIP Regulations follows required provisions)</i>	Model Location	State Review	Pre-Adoption Review	FEMA Review
<b>Provisions for ordinances</b>				
1. Citation of Statutory Authorization. <b>[59.22(a)(2)]</b>	Article 1	§ 295-153		
2. Purpose section citing health, safety, and welfare reasons for adoption. <b>[59.22(1)]</b>	2.01(A)	§ 295-154.C		
3. Abrogation and Greater Restriction section. <b>[60.1(b)]</b>	2.03	§ 295-156		
4. Adequate enforcement provisions including a violations/penalty section specifying community actions to assure compliance. <b>[60.2(e)]</b>	3.10	§ 295-162.23		
5. Adopt or reference correct Flood Insurance Rate Map (and where applicable, Flood Boundary Floodway Map) and date. <b>[60.2(h)]</b>	4.01	§ 295-155.C		
6. Adopt or reference correct Flood Insurance Study and date. <b>[60.2(h)]</b>	4.01	§ 295-160.A		
7. Include a reference to all subsequent revisions and amendments to above-referenced flood maps and Flood Insurance Study.	4.01	§ 295-160		
8. Adopt definitions of:  <input checked="" type="checkbox"/> Base Flood <input checked="" type="checkbox"/> Base Flood Elevation <input checked="" type="checkbox"/> Basement <input checked="" type="checkbox"/> Development <input checked="" type="checkbox"/> Existing Manufactured Home Park or Subdivision <input checked="" type="checkbox"/> Expansion to an Existing Manufactured Home Park or Subdivision <input checked="" type="checkbox"/> Flood Insurance Rate Map <input checked="" type="checkbox"/> Flood Insurance Study <input checked="" type="checkbox"/> Floodway <input checked="" type="checkbox"/> Lowest Floor  & other definitions as appropriate such as: <input checked="" type="checkbox"/> Floodproofing	<input checked="" type="checkbox"/> Manufactured Home <input checked="" type="checkbox"/> Manufactured Home Park or Subdivision <input checked="" type="checkbox"/> New Construction Date: 11/16/1974 <input checked="" type="checkbox"/> New Manufactured Home Park or Subdivision <input checked="" type="checkbox"/> Recreational Vehicle <input checked="" type="checkbox"/> Special Flood Hazard Area <input checked="" type="checkbox"/> Start of Construction <input checked="" type="checkbox"/> Structure <input checked="" type="checkbox"/> Substantial Damage <input checked="" type="checkbox"/> Substantial Improvement <input checked="" type="checkbox"/> Violation  <input checked="" type="checkbox"/> Highest Adjacent Grade (AO)	9.02	§ 295-159	

Item Description (Section reference to NFIP Regulations follows required provisions)	Model Location	State Review	Pre-Adoption Review	FEMA Review
<b>Provisions for ordinances</b>				
9. Severability section. (If any section, provision or portion of the ordinance is deemed unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.)	2.04	§ 295-157		
10. Disclaimer of Liability (Degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.)	2.05	§ 295-158		
11. Framework for administering the ordinance (permit system, establish office for administering the ordinance, <i>recordkeeping</i> , etc.) <b>[59.22(b)(1)]</b>	Article III	§ 295-162.16, C.(7) records <sup>+</sup>		
12. Designate title of community Floodplain Administrator <b>[59.22 (b)]</b>	3.01	§ 295-162.16. A.		
13. Requirement to submit new technical data: within 6 months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data. <b>[65.3]</b>	4.03, 5.01 B	§ 295-162		
14. Variance section with evaluation criteria & insurance notice. <b>[60.6(a)]</b>	Art. VIII	§ 295-162.7, <sup>+</sup>		
15. Signature of Appropriate Official & Certification (adopted ordinance) Date ordinance adopted _____ Effective Date _____ Ordinance No. _____	Article X	Section V		
<b>60.3 (a) When no SFHAs have been identified, no water surface elevation data has been provided, and no floodways or coastal high hazard areas have been identified and the community applies for participation in the NFIP, the following are required:</b>				
16. Require permits for all proposed construction or other development including placement of manufactured homes. <b>[60.3(a)(1)]</b>	N/A for (b)-(e)	§ 295-162.16. B.		
17. Assure that all other State and Federal permits are obtained. <b>[60.3(a)(2)]</b>	3.03 B	§ 295-162.16. C.(2) <sup>+</sup>		
18. Review subdivision proposals to assure that: (a) Such proposals minimize flood damage. <b>[60.3(a)(4)(i)]</b>	3.04 B 1	§ 295-162.17. B.(1)		
(b) Public utilities and facilities are located & constructed so as to minimize flood damage. <b>[60.3(a)(4)(ii)]</b>	3.04 B 2	§ 295-162.17. B.(2)		
(c) Adequate drainage is provided. <b>[60.3(a)(4)(iii)]</b>	3.04 B 3	§ 295-162.17. B.(3) <sup>+</sup>		
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas: <b>[60.3(a)(3)]</b>	3.04 B 1	§ 295-162.17. B.(1)		
(a) Anchoring (including manufactured homes) to prevent floatation, collapse, or lateral movement. <b>[60.3(a)(3)(i)]</b>	3.04 B 4, 5.03 H	§ 295-162.17. B.(4), <sup>+</sup>		
(b) Use of flood-resistant materials. <b>[60.3(a)(3)(ii)]</b>	3.04 B 5	§ 295-162.16. B.(5) <sup>+</sup>		
(c) Construction methods/practices that minimize flood damage. <b>[60.3(a)(3)(iii)]</b>	3.04 B 6	§ 295-162.16. B.(6)		
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry or accumulation. <b>[60.3(a)(3)(iv)]</b>	3.04 B 7	§ 295-162.16. B.(7)		
20. Require new and replacement water supply and sanitary sewer systems to be designed to minimize or eliminate infiltration. <b>[60.3(a)(5) &amp; (6)]</b>	5.03 C 1&2	§ 295-162.11. C.(1)		
21. Require on-site waste disposal systems be located to avoid impairment or contamination. <b>[60.3(a)(6)(ii)]</b>	5.03 C 3	§ 295-162.11. C.(3)		

Item Description (Section reference to NFIP Regulations follows required provisions)	Model Location	State Review	Pre-Adoption Review	FEMA Review
60.3(b) When SFHA's are identified by the publication of a community's FHBM or FIRM, but water surface elevation data have not been provided or a floodway or coastal high hazard area has not been identified, then all of the above ordinance provisions for 60.3 (a) and the following are required:				
22. Require permits for all proposed construction and other development within SFHAs on the FIRM. [60.3(b)(1)]	2.02, 3.02	§ 295-162.16.B.		
23. Where BFE data are utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements. [60.3(b)(5)]	3.04 C 3 a & b, 4 b	§ 295-162.17.C.(3),(4)		
24. In A Zones, in the absence of FEMA BFE data and floodway data, consider other available data as basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level. [60.3(b)(4)]	4.02 C 2b	§ 295-161.F.		
25. <i>In riverine areas</i> , notify neighboring communities of watercourse alterations or relocations. [60.3(b)(6)]	5.01 A 1	§ 295-162.8.B.(1)		
26. Maintain flood carrying capacity of altered or relocated watercourse. [60.3(b)(7)]	5.01 A 2	§ 295-162.8.B.(2)		
27. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]	5.05	§ 295-162.7.C.		
28. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]	5.06 C 3	§ 295-162.7.D		
60.3(c) When final flood elevations, but no floodways or coastal high hazard areas have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a) & 60.3(b) and the following are required:				
29. Require all new and substantially improved residential structures within A, A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the BFE. [60.3(c)(2)]	5.02 A 1 & 2	§ 295-162.9.A.(1)		
30. In AO Zones, require that new and substantially improved residential structures have their lowest floor (including basement) at or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]	5.02 A 3	<input checked="" type="checkbox"/> Community has no AO Zones		
31. Require that new and substantially improved nonresidential structures within A, A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the base flood elevation. [60.3(c)(3)]	5.02 B 1 & 2	§ 295-162.9.B.(1)		
32. In AO Zones, require new and substantially improved nonresidential structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]	5.02 B 3	<input checked="" type="checkbox"/> Community has no AO Zones		
33. Require that, for floodproofed non-residential structures, a registered professional/architect certify that the design and methods of construction meet requirements at (c) (3) (ii). [60.3(c)(4)]	5.02 B 4	§ 295-162.9.B.(4)		
34. Within Zones A1-30 and AE without a designated floodway, new development shall not be permitted unless it is demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than 1 foot. [60.3(c)(10)]	4.02 B 2b	<input checked="" type="checkbox"/> All AE Zones have designated floodways		

Item Description <i>(Section reference to NFIP Regulations follows required provisions)</i>	Model Location	State Review	Pre-Adoption Review	FEMA Review
<b>60.3(c) (continued)</b>				
35. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of flood waters in accordance with specifications of <b>60.3(c)(5)</b> .	5.02 C	§ 295-162.9.C		
36. In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. <b>[60.3(c)(11)]</b>	4.02 D 2	<input checked="" type="checkbox"/> Community has neither AO nor AH zones		
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is at or above the BFE and be securely anchored: <ul style="list-style-type: none"> <li>i. outside a manufactured home park or subdivision;</li> <li>ii. in a new manufactured home park or subdivision;</li> <li>iii. in an expansion to an existing manufactured home park or subdivision;</li> <li>iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood. <b>[60.3(c)(6)]</b></li> </ul>	5.06 C	<input checked="" type="checkbox"/> Community requires elevation of all manufactured homes placed/substantially improved to the BFE (1986 regulations)		
38. In A1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that: <ul style="list-style-type: none"> <li>i. the lowest floor is at or above the BFE <i>or</i></li> <li>ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. <b>[60.3(c)12]</b></li> </ul>	5.06 C	<input checked="" type="checkbox"/> Community requires elevation of all manufactured homes placed/substantially improved to the BFE (1986 regulations)		
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored <i>or</i> be on the site for less than 180 consecutive days <i>or</i> be fully licensed and highway ready. <b>[60.3(c)(14)]</b>	5.07	§ 295-162.7.E		
<b>60.3(d) When final flood elevation and floodway delineations have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a), 60.3(b) &amp; 60.3(c) and the following are required:</b>				
40. In a regulatory floodway, prohibit any encroachment which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge. <b>[60.3(d)(3)]</b>	4.02 A2a	§ 295-161.B.		

**Additional Comments:** Use this section to provide additional comments on the above provisions, including the specific provision location, or to make general comments on the ordinance.

Item Description (Section reference to NFIP Regulations follows)	Model Location	State Review	Pre-Adoption Review	FEMA Review		
<b>PA Floodplain Management Act</b>						
<p>41. Any <u>new</u> or <u>substantially improved</u> structure which:</p> <ol style="list-style-type: none"> <li>1. will be used for the <u>production</u> or <u>storage</u> of any of the following dangerous materials or substances; or,</li> <li>2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,</li> <li>3. will involve the production, storage, or use of any amount of radioactive substances;</li> </ol> <p>shall be subject to the provisions of Section 5.04, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• Acetone</li> <li>• Ammonia</li> <li>• Benzene</li> <li>• Calcium carbide</li> <li>• Carbon disulfide</li> <li>• Celluloid</li> <li>• Chlorine</li> <li>• Hydrochloric acid</li> <li>• Hydrocyanic acid</li> <li>• Magnesium</li> <li>• Nitric acid and oxides of nitrogen</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• Petroleum products (gasoline, fuel oil, etc.)</li> <li>• Phosphorus</li> <li>• Potassium</li> <li>• Sodium</li> <li>• Sulphur and sulphur products</li> <li>• Pesticides (including insecticides, fungicides, and rodenticides)</li> <li>• Radioactive substances, insofar as such substances are not otherwise regulated.</li> </ul> </td> </tr> </table> <p style="text-align: right;"><b>[32 P.S. § 679.207]</b></p>	<ul style="list-style-type: none"> <li>• Acetone</li> <li>• Ammonia</li> <li>• Benzene</li> <li>• Calcium carbide</li> <li>• Carbon disulfide</li> <li>• Celluloid</li> <li>• Chlorine</li> <li>• Hydrochloric acid</li> <li>• Hydrocyanic acid</li> <li>• Magnesium</li> <li>• Nitric acid and oxides of nitrogen</li> </ul>	<ul style="list-style-type: none"> <li>• Petroleum products (gasoline, fuel oil, etc.)</li> <li>• Phosphorus</li> <li>• Potassium</li> <li>• Sodium</li> <li>• Sulphur and sulphur products</li> <li>• Pesticides (including insecticides, fungicides, and rodenticides)</li> <li>• Radioactive substances, insofar as such substances are not otherwise regulated.</li> </ul>	5.04 A, B, & C	§ 295-162.10.		
<ul style="list-style-type: none"> <li>• Acetone</li> <li>• Ammonia</li> <li>• Benzene</li> <li>• Calcium carbide</li> <li>• Carbon disulfide</li> <li>• Celluloid</li> <li>• Chlorine</li> <li>• Hydrochloric acid</li> <li>• Hydrocyanic acid</li> <li>• Magnesium</li> <li>• Nitric acid and oxides of nitrogen</li> </ul>	<ul style="list-style-type: none"> <li>• Petroleum products (gasoline, fuel oil, etc.)</li> <li>• Phosphorus</li> <li>• Potassium</li> <li>• Sodium</li> <li>• Sulphur and sulphur products</li> <li>• Pesticides (including insecticides, fungicides, and rodenticides)</li> <li>• Radioactive substances, insofar as such substances are not otherwise regulated.</li> </ul>					
<p>42. The following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued:</p> <ol style="list-style-type: none"> <li>1. Hospitals - public or private;</li> <li>2. Nursing homes - public or private;</li> <li>3. Jails; and</li> <li>4. New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and subdivisions. <b>[32 P.S. § 679.301]</b></li> </ol>	6.01	§ 295-162.12.				
<p>43. Applications for Special Permits must include:</p> <ol style="list-style-type: none"> <li>1. Site plan information.</li> <li>2. Building plan information.</li> <li>3. Necessary data and documentation.</li> </ol>	6.02 C, D, & E	§ 295-162.13.				

**Review of the Proposed  
Billboard Ordinance**

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_  
"Off-Premises Advertising Sign Overlay District"**

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AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING MAP TO CREATE THE "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS IN CHELTENHAM TOWNSHIP; AND AMENDING THE CODIFIED ORDINANCES OF CHELTENHAM TOWNSHIP, CHAPTER 295 (ZONING) TO AMEND ARTICLE I (OBJECTIVES AND TERMINOLOGY), SECTION 2 (DEFINITIONS AND WORD USAGE) TO DELETE THE TERM "BILLBOARD" IN ITS ENTIRETY AND REPLACE WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AMEND ARTICLE XXV (SIGNS), SECTION 193 (DEFINITIONS) TO DELETE THE EXISTING DEFINITION OF "ADVERTISING SIGN" IN ITS ENTIRETY AND REPLACE IT WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AND ADD A NEW ARTICLE XXXVI ENTITLED "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT FOR OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; LIGHTING REGULATIONS; MINIMUM LOT SIZE REQUIREMENTS; AND MAINTENANCE REQUIREMENTS.

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

**SECTION I: Zoning Map Amendment.**

The Cheltenham Township Zoning Map is hereby amended to identify the Off-Premises Advertising Sign Overlay District as an overlay district in addition to the underlying zoning district on those properties depicted on the plan attached hereto as Exhibit "A".

**SECTION II: Amendment to Code.**

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article I (Objectives and Terminology), Section 2 (Definitions and word Usage), Paragraph C is hereby

amended to delete the existing term and definition of "Billboard" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

**SECTION III: Amendment to Code.**

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article XXV (Signs), Section 193 (Definitions), Paragraph B(1) is hereby amended to:

1. Delete the existing term and definition of "Advertising Sign" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

2. Amend the existing definition of "Billboard" to read "—See "Off-Premises Advertising Sign or Billboard."

**SECTION IV: Amendment to Code.**

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), is hereby amended to add the following new Article XXXVI, entitled "Off-Premises Advertising Sign Overlay District":

**Article XXXVI. Off-Premises Advertising Sign Overlay District.**

- A. Purpose and intent. The purpose of this Section is to provide an area for the placement of off-premises advertising signs or billboards in the Township. The goals of this Section are to:
- (1) Provide clear guidelines and regulations for the placement of off-premises advertising signs or billboards.
  - (2) Provide standards for construction of off-premises advertising signs or billboards.
  - (3) Provide for the location of off-premises advertising signs or billboards so that such signs are not adverse to the health, safety and welfare of the public.

B. General regulations.

- (1) Signs Permitted. Off-premises advertising signs and billboards may be permitted by special exception in the Off-Premises Sign Overlay District subject to the requirements contained in this Section and §295.209 and §295.209.1. All off-premises advertising signs and billboards erected within the Off-Premises Sign Overlay District prior to the enactment of this Ordinance shall be deemed a permitted use. For all off premises advertising signs erected within the Off-Premises Sign Overlay District prior to the enactment of this Ordinance, no special exception shall be required unless there is a change or alteration of the sign of a dimension or other characteristic which is regulated by this Ordinance.
- (2) Size of Sign Face. An off-premises advertising sign face may not exceed 380 square feet per side in area.
- (3) Height. Off-premises advertising signs shall not exceed 40 feet, 6 inches feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the sign is oriented to the highest part of the sign.
- (4) Location of Sign. Off-premises advertising signs shall be located no closer than 20 feet from any property line, and shall not be located closer than 25 feet from any street or road measured from the ultimate right-of-way of such street or road. Off-premises advertising signs may not be closer than 500 feet from another off-premises advertising sign measured linearly regardless of whether one of the signs is located in another municipality. No off-premises advertising sign or portion thereof shall be permitted within the clear sight triangle at any intersection of a driveway with a street. No off-premises advertising sign shall be erected within a 100 foot radius of the nearest property line of any of the following: historic site, school, church or other religious institution, retirement or nursing home, cemetery, government building, community center or public park, playground or recreational area. No off-premises advertising sign shall be located within 600 feet of any existing residential dwelling.
- (5) Number of Signs Per Lot. There shall be no more than one (1) off-premises advertising sign per lot.
- (6) Content. No off-premises advertising sign shall advertise any adult or sexually-oriented businesses or materials, contain any obscene or profane language, emit any verbal announcement or noises of any kind, or, otherwise display any content prohibited by 18 Pa. C.S.A. §5903. Nor shall off-premises advertising signs advertise alcohol or tobacco

products. In addition, such signs shall not display any moving, digital, flashing, scrolling, fading, brightening or animated text or video.

- (7) Lighting. Illumination of off-premises advertising signs shall follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval of the Township. To the extent that there is a conflict between a standard and/or requirements of the IESNA and the provisions of this Section, the provisions of this Section shall control. Illumination of all off-premises outdoor advertising signs shall be by external illumination or Light Emitting Diode (LED) only. Animated, flashing, revolving, scrolling, rotating and oscillating style signs shall be prohibited. The copy or image on an LED sign shall not change more than eight (8) times per minute. All copy or image changes shall be instantaneous and shall not fade in or out of the digital active area. Any external illumination shall be shielded as necessary to direct light onto the sign without spill over on any side of the sign. Any resulting glare generated by an off-premises advertising sign shall not exceed 1/8 foot-candle, as measured on the ground at the curb line or shoulder, so as not to impair the vision of any motor vehicle driver or otherwise interfere with a driver's operation of his or her motor vehicle. An off-premises outdoor advertising sign or its structure may be illuminated 24 hours per day.
- (8) Luminance. At no point shall the luminance of any off-premises advertising sign exceed the following:
- (a) Off-premises advertising signs using external illumination shall not exceed 1.75 watts per square foot of board face.
  - (b) The luminance of an LED sign, and any other internally illuminated sign, shall not exceed 100 nits per sign between sunset and sunrise.
  - (c) The luminance of an LED sign, and any other internally illuminated sign, shall not exceed 5000 nits per sign between sunrise and sunset.
- (9) Lot size.
- (a) For all off-premises advertising signs erected within the Township prior to the enactment of this Ordinance, there shall be no minimum lot size.
  - (b) For all off-premises advertising signs erected after the enactment of this Ordinance, the minimum lot size for a property on which an off-premises advertising sign may be located is 10,000 sq. ft.

- (10) Construction and Maintenance of Sign. All off-premises signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises advertising signs shall be structurally sound and maintained in good condition. If the signs are not structurally sound or maintained in good condition, the signs shall be immediately removed at the sole cost and expense of the owner of the sign. If an off-premises advertising sign is not structurally sound or remains in poor condition, the Township shall notify the owner of the property on which the sign is located and provide the owner 60 days written notice certified mail, sent to the owner's last known address, to repair or remove the sign. If the sign is not repaired or removed within 60 days of the date of the notice, the Township may remove the sign, and the cost thereof shall be paid by the owner of the property on which the sign is erected. The Township may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property. If the sign is removed for lack of maintenance, it shall be considered discontinued and subject to the provisions of Section 14 below.
- (11) Sign Arrangement. When two sign faces are used in a back-to-back arrangement, they shall be parallel, directly aligned with each other, and not more than five (5) feet apart. When a V-type sign arrangement is used for two sign faces of any off-premises advertising sign, the sign faces shall not be located more than 15 feet apart at the furthest point nor shall the interior angle be greater than 45 degrees. The rear side of any single-face, off-premises advertising sign shall be of one neutral color which shall be specified in the order of the Zoning Hearing Board. There shall be no more than two (2) sign faces per off-premises sign.
- (12) Agreement of Property Owner. No part or foundation or support of any off-premises advertising sign shall be placed on, in or over any private property without the written agreement of the property owner. The agreement shall be presented as part of the application for said sign permit but the consideration or price figures bargained between the private parties may be redacted.
- (15) Owner Identification. All off-premises advertising sign shall be identified on the structure with the name and address of the owner of each sign. Signs within an area regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.
- (16) Discontinued Sign. An off-premises advertising sign shall be considered a discontinued sign where it has carried no message for a period of 180 consecutive days, or where such sign no longer identifies a bona fide business, commodity, service, entertainment or facility, or where the

majority of the message on such sign has deteriorated to the condition that it is not clearly discernable. An off-premises advertising sign which has been discontinued shall be presumed to be abandoned and shall constitute an illegal off-premises advertising sign. Any period of time for which the discontinued use of an off-premises advertising sign is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the sign or user of the sign, shall not be calculated toward the number of days of discontinued use. Any discontinued off-premises advertising sign shall be removed at the expense of the owner of the sign. In the event that the owner of the sign cannot be ascertained after the Township's reasonable inquiry, the discontinued sign and structure shall be removed at the expense of the owner of the property on which the sign is erected.

- (17) Additional Regulations. In addition to the requirements contained in this Section, all off-premises advertising signs shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal statutes and/or regulations, including, but not limited to, the Federal Highway Beautification Act, as amended, Cheltenham Township Administrative and Building Code, and all applicable Pennsylvania Department of Transportation regulations. In the event any other applicable regulation is in conflict with the provisions of this section, the more strict regulation shall apply.
- (18) Submission Requirements. In addition to the requirements set forth in the zoning ordinance, plans submitted for off-premises advertising signs shall show the following:
  - (a) The location of the proposed sign on the lot with the required sign setbacks from the property line and the ultimate right-of-way.
  - (b) The location of the proposed sign on the lot and radii of 600 linear feet, 500 linear feet, and 100 linear feet from the proposed sign location.
  - (c) The location and species of existing trees over four (4) inches in diameter and those that are proposed to be removed.
- (19) Public Service Messages on Electronic Billboards.
  - (a) Alerts. The billboard operator shall post Amber (also known as Child Abduction Emergency), police and emergency management alerts (Alerts) whether received from the Township Police Department, the Pennsylvania State Police, the National Missing and Exploited Children Association or other official, government

emergency services or security department authorized to issue emergency alerts, and, accordingly, the billboard shall be permitted to operate 24 hours per day. Alerts shall, promptly after receipt, run not less than one time per minute for the duration of an emergency.

- (b) Public Service Messages. The billboard operator shall provide the Township with the opportunity to post a minimum of 30 Public Service Messages on the billboard sign each hour, seven (7) days per week, exclusive of Alerts. The Township may post Public Service Messages announcing the following activities: Cheltenham Township events, community events which are conducted in Cheltenham Township, Chamber of Commerce events which are held in Cheltenham Township, church/synagogue/religious events which are held in Cheltenham Township, Cheltenham Township School District events, welcome announcements for new businesses opening in Cheltenham Township (for a duration of no more than two (2) weeks), and other similar public service announcements (Public Service Message). The Township shall be responsible for providing to the billboard operator the messages in an adaptable format at the Township's costs. The content of the Township's requested Public Service Messages shall be subject to the operator's reasonable approval and not exceed one advertising slot on rotation of every 60 seconds of advertising.

#### **SECTION VI: Severability.**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

#### **SECTION VII: 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 VIII: Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

#### **SECTION IX: Repealer.**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**SECTION X: Disclaimer.**

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township’s right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed. **ORDAINED AND ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 17<sup>th</sup> day of February, 2016.

**CHELtenham TOWNSHIP**

By: Harvey Portner, President,  
Board of Commissioners

Attest: Bryan T. Havir,  
Township Manager/ Secretary

# Off-Premises Advertising Sign Overlay District

District Boundary

Billboard Overlay District

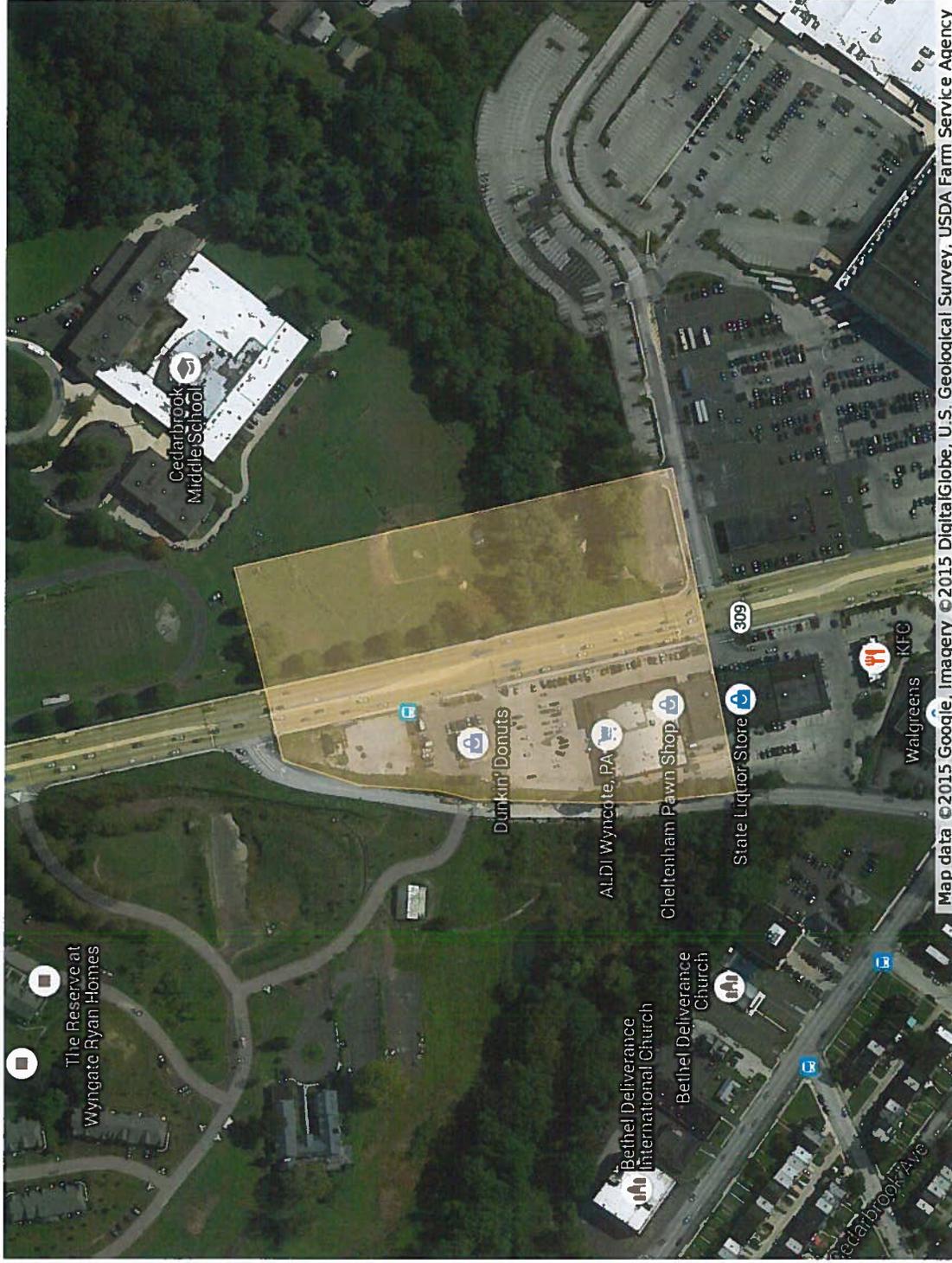


Exhibit A

**TOWNSHIP OF CHELTENHAM  
RESOLUTION NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING MAP TO CREATE THE "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS IN CHELTENHAM TOWNSHIP; AND AMENDING THE CODIFIED ORDINANCES OF CHELTENHAM TOWNSHIP, CHAPTER 295 (ZONING) TO AMEND ARTICLE I (OBJECTIVES AND TERMINOLOGY), SECTION 2 (DEFINITIONS AND WORD USAGE) TO DELETE THE TERM "BILLBOARD" IN ITS ENTIRETY AND REPLACE WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AMEND ARTICLE XXV (SIGNS), SECTION 193 (DEFINITIONS) TO DELETE THE EXISTING DEFINITION OF "ADVERTISING SIGN" IN ITS ENTIRETY AND REPLACE IT WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AND ADD A NEW ARTICLE XXXVI ENTITLED "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT FOR OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; LIGHTING REGULATIONS; MINIMUM LOT SIZE REQUIREMENTS; AND MAINTENANCE REQUIREMENTS.**

---

WHEREAS, the Township of Cheltenham, Montgomery County, Pennsylvania desires to amend the Cheltenham Township Zoning Map to create the "Off-Premises Advertising Sign Overlay District" to regulate the installation and operation of off-premises advertising signs or billboards in Cheltenham Township; amend the codified ordinances of Cheltenham Township, Chapter 295 (Zoning) to amend Article I (Objectives and Terminology), Section 2 (Definitions and Word Usage) to delete the term "Billboard" in its entirety and replace with a new definition for "Off-Premises Advertising Signs or Billboards"; and amend Article XXV (Signs), Section 193 (Definitions) to delete the existing definition of "Advertising Sign" in its entirety and replace it with a new definition for "Off-Premises Advertising Signs or Billboards"; and add a new Article XXXVI entitled "Off-Premises Advertising Sign Overlay District" setting forth the permitted height and location of off-premises advertising signs or billboards; the number of signs permitted per lot; the permitted content for off-premises advertising signs or billboards; lighting regulations; minimum lot size requirements; and maintenance requirements; and

WHEREAS, the Pennsylvania Municipalities Planning Code (MPC) requires municipalities to hold a public hearing in accordance with public notice prior to the consideration and adoption of an amendment to the Township's Zoning Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Commonwealth of Pennsylvania that the Township Administration is authorized to advertise a public hearing for Wednesday, February 17, 2016, at 7:30 p.m. (prevailing time) at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095 to consider and possibly vote to adopt an ordinance amending the Cheltenham Township Zoning Map to create the “Off-Premises Advertising Sign Overlay District” to regulate the installation and operation of off-premises advertising signs or billboards in Cheltenham Township; and amending the codified ordinances of Cheltenham Township, Chapter 295 (Zoning) to amend Article I (Objectives and Terminology), Section 2 (Definitions and Word Usage) to delete the term “Billboard” in its entirety and replace with a new definition for “Off-Premises Advertising Signs or Billboards”; amend Article XXV (Signs), Section 193 (Definitions) to delete the existing definition of “Advertising Sign” in its entirety and replace it with a new definition for “Off-Premises Advertising Signs or Billboards”; and add a new Article XXXVI entitled “Off-Premises Advertising Sign Overlay District” setting forth the permitted height and location of off-premises advertising signs or billboards; the number of signs permitted per lot; the permitted content for off-premises advertising signs or billboards; lighting regulations; minimum lot size requirements; and maintenance requirements.

**BE IT FURTHER RESOLVED**, that the advertisement shall appear in the *Times Chronicle* on Sunday, January 31, 2016, and Sunday, February 7, 2015.

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its public meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095, under my hand and the Seal of the Township of Cheltenham, this sixteenth day of December, A.D., 2015, in the year of the Township of Cheltenham the one hundred sixteenth.

Resolved and adopted this 16<sup>th</sup> day of **December, A.D., 2015**.

ATTEST:

TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Bryan T. Havir  
Township Manager and Secretary

By: \_\_\_\_\_  
Harvey Portner, President

## NOTICE

**NOTICE** is hereby given that the Board of Commissioners of Cheltenham Township, at its public meeting on February 17, 2016, at 7:30 p.m. at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Off-Premises Advertising Sign Overlay District" amending the Cheltenham Township Zoning Map to create the "Off-Premises Advertising Sign Overlay District" to regulate the installation and operation of off-premises advertising signs or billboards in Cheltenham Township; and amending the Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning) to amend Article I (Objectives and Terminology), Section 2 (Definitions and Word Usage) to delete the term "Billboard" in its entirety and replace with a new definition for "Off-Premises Advertising Signs or Billboards"; Amend Article XXV (Signs), Section 193 (Definitions) to delete the existing definition of "Advertising Sign" in its entirety and replace it with a new definition for "Off-Premises Advertising Signs or Billboards" and amend the definition of "Billboard"; and add a new Article XXXVI, entitled "Off-Premises Advertising Sign Overlay District" setting forth the permitted height and location of off-premises advertising signs or billboards; the number of signs permitted per lot; the permitted content for off-premises advertising signs or billboards; lighting regulations; minimum lot size requirements; and maintenance requirements.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *Times Chronicle*, 307 Derstine Avenue, Lansdale, PA 19446, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401 and the Cheltenham Township Administration Building, 8230 Old York Road, Elkins Park, Cheltenham, Montgomery County, Pennsylvania 19027 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

### CHELtenham TOWNSHIP

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Bryan T. Haver  
Township Manager

PUBLISH: TIMES CHRONICLE, 2X  
Sunday, January 31 and February 7, 2016  
PO #22344

###

**Review of the Second Amendment and  
Stipulation and Settlement Agreement for  
Wyngate Development Homeowners,  
Good Pro Cheltenham L. P., Zoning  
Hearing Board of Cheltenham Township  
and Cheltenham Township**

**CARL N. WEINER, ESQUIRE  
ATTORNEY I.D. #34486  
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN  
375 MORRIS ROAD  
P. O. BOX 1479  
LANSDALE, PA 19446-0773  
215-661-0400**

**ATTORNEY FOR:  
MATRIX CBH, L.P.**

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IN RE: APPEAL OF WYNGATE	:	IN THE COURT OF COMMON PLEAS
DEVELOPMENT HOMEOWNERS FROM	:	MONTGOMERY COUNTY,
THE DECISION OF THE ZONING	:	PENNSYLVANIA
HEARING BOARD CHELTENHAM	:	CIVIL ACTION - LAW
TOWNSHIP	:	
	:	No. 2014-17464
	:	
	:	LAND USE APPEAL
	:	

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**SECOND AMENDMENT TO STIPULATION AND  
SETTLEMENT AGREEMENT**

**THIS SECOND AMENDMENT TO STIPULATION AND SETTLEMENT AGREEMENT** ("Second Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and among the parties of record in this appeal, the Wyngate Development Homeowners, Good Pro Cheltenham L.P., the Zoning Hearing Board of Cheltenham Township, and Cheltenham Township as well as JAMES A. ROSENSTEIN, ESQUIRE, attorney for Wyngate Development Homeowners ("Wyngate" or "Appellant"), the Appellant, PETER S. FRIEDMAN, ESQUIRE AND MICHAEL YANOFF, ESQUIRE, attorneys for Good Pro Cheltenham, L.P. ("Good Pro" or "Appellee"), CAROL M. LAUCHMEN, ESQUIRE, solicitor to the Zoning Hearing Board of Cheltenham Township

(the "Board"), and JOSEPH M. BAGLEY, ESQUIRE, solicitor to Cheltenham Township (the "Township").

### **BACKGROUND**

a. Good Pro is the equitable owner of the premises consisting of 3.63± acres, having frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane in Cheltenham Township, Montgomery County, Pennsylvania, as described on Exhibit "A" to that certain "Stipulation and Settlement Agreement" referred to in paragraph i of this Background (the "Property"), and the premises consisting of approximately 3 +/- acres with frontage on Clubhouse Lane in Cheltenham Township, Montgomery County, Pennsylvania, labeled "Parcel 3B" and described on Exhibit "B" to the Stipulation and Settlement Agreement ("Parcel 3B"), which is part of "Parcel 3" as shown on a certain Subdivision Plan, being sheet 1 of certain plans entitled "The Fairways at Cedarbrook Hill & Cedarbrook Apartments", prepared by Bohler Engineering, Inc., dated December 12, 2003, revised through September 30, 2004 and recorded on September 28, 2005 as Plan 25 (pages 260-272) in the Office of the Recorder of Deeds in and for Montgomery County (the "Recorder's Office").

b. Wyngate is a group of 29 residents of the Wyngate residential community development which is located directly adjacent to the Property, which is described on the Exhibit "C", attached to the Stipulation and Settlement Agreement ("Parcel 1"). The Wyngate residential community is a planned community which is approved for a total of 198 townhomes and is sometimes hereinafter referred to as the "Wyngate Townhome Community".

c. Good Pro submitted an application to the Board for approval of variances in connection with the development of the Property. The application is identified as Appeal No. 3468.

d. On or about May 12, 2014, the Board issued its Findings of Fact, Opinion and Order (the "Decision") approving the variance relief in connection with Good Pro's proposed development of the Property, a copy of which is attached as Exhibit "1" to the Stipulation and Settlement Agreement.

e. On or about June 11, 2014, Wyngate filed a Notice of Land Use Appeal concerning the Decision in Appeal No. 3468 (the "Appeal").

f. On or about June 27, 2014, the Board filed an Entry of Appearance in the Appeal.

g. On or about July 1, 2014, the Township filed a Notice of Intervention in the Appeal.

h. On or about July 8, 2014, Good Pro filed a Notice of Intervention in the Appeal.

i. Good Pro, Wyngate, the Board and the Township reached agreement on the terms of a settlement to resolve all of the issues raised by Wyngate in the Appeal and entered into a Stipulation and Settlement Agreement dated March 6, 2015, containing the agreed terms, said agreement having been approved by Court Order dated April 28, 2015 (the "Stipulation and Settlement Agreement").

j. Matrix CBH, L.P., a Pennsylvania limited partnership, is the record owner of Parcels 3A and 3B as referenced in the Stipulation and Settlement Agreement (hereinafter "Matrix"); and the Fairways at Cedarbrook Hills, L.P., a Pennsylvania limited partnership

("The Fairways"), the Wyngate Community Association, a Pennsylvania not-for-profit corporation ("Community Association"), and the members of the Community Association are the record owners of the various parts of Parcel 1 as referenced in the Stipulation and Settlement Agreement.

k. In order to implement several of the terms of the Stipulation and Settlement Agreement it will be necessary to create and impose various easements, rights, obligations and restrictions (collectively, the "New Easements") upon the Property (referred to as "Parcel 2" in the below mentioned Declaration of Easements) and Parcels 1 and 3A. Since they and the balance of Parcel 3 are already subject to a certain Declaration of Easements and Cross Easement Agreement, dated June 2, 2008, by and among Matrix, The Fairways and the Township, recorded on June 5, 2008 in the Recorder's Office, as Instrument No. 2008058865, in Deed Book 5695, at pages 295-316 (the "Declaration of Easements"), the most expeditious way to accomplish such implementation is to incorporate the New Easements into the Declaration of Easements by an amendment thereto, a draft of which is attached as Exhibit "D" to the Settlement and Stipulation Agreement, as it may be revised before becoming effective for one or more of the reasons described in paragraph 14 of the Stipulation and Settlement Agreement and/or paragraph 4 of this Second Amendment (the "Amendment to Declaration of Easements").

l. The parties hereto agree that the Community Association, in which the individuals and entities constituting Wyngate are members and which owns and/or will own portions of Parcel 1, Matrix and The Fairways are third-party beneficiaries to this Agreement because each of them holds equitable or legal title to some portion or portions of the Property

and Parcels 1 and 3 that will be affected by the Amendment to Declaration of Easements and/or this Second Amendment to Stipulation and Settlement Agreement.

m. The parties entered into a First Amendment to Stipulation and Settlement Agreement dated July 31, 2015 permitting Good Pro to commence and perform earth moving from Parcel 2 to Parcel 3B (the "First Amendment").

n. Subsequent to the execution and approval of the Stipulation and Settlement Agreement, Matrix and Community Association entered into discussions regarding the development of Parcel 3B with additional residences and the construction of certain improvements that will benefit both the Wyngate Townhome Community and the owner of Parcel 3B, as more fully hereinafter described in Paragraph 4 of this Second Amendment (the "Additional Common Improvements"). These discussion have culminated in a proposal (with the consent of the other parties and third-party beneficiaries to the Stipulation and Settlement Agreement ) that, instead of Parcel 3B being conveyed to the Wyngate Community Association (the "Community Association") as is contemplated by Section 6(a) of the Stipulation and Settlement Agreement, if all required governmental approvals are obtained Matrix will develop Parcel 3B with twenty-eight (28) townhomes and ancillary facilities (the "Parcel 3B Project"), as shown on the Second Amendment Plan dated October 14, 2015, prepared by Bohler Engineering and J. S. Baran, professional engineer, which is attached hereto as "Exhibit "F-1" (the "Parcel 3B Development Plan").

o. The parties hereto desire to amend the Stipulation and Settlement Agreement, as modified by the First Amendment, to incorporate terms and conditions relating to the proposed development of the Parcel 3B Project and the Additional Common Improvements.

NOW, THEREFORE, the parties hereto, in consideration of the foregoing preambles and mutual covenants contained herein, intending to be legally bound hereby, agree as follows:

**1. Effectiveness of this Second Amendment.**

(a) Promptly after the execution of this Second Amendment, Matrix shall take all reasonable business steps to obtain all governmental approvals (collectively the “Required Governmental Approvals”) that are required to enable Parcel 3B to be developed, substantially in accordance with the Parcel 3B Development Plan, as it may be modified in accordance with Paragraph 1(b) hereof, (i) with the Parcel 3B Project; and (ii) together with a “Proposed Community Center” and certain other improvements shown thereon which (if constructed) are intended either for the exclusive use of the Community Association or to be shared with the owners of property in Parcel 3B and which will be located partially or entirely outside Parcel 3B, including (but not limited to) the “Proposed Bus Shelter”, paved walking paths serving such school bus shelter (comprising part of the “Proposed Trail”), the “Walking Trail”, approximately 663 lineal feet of “Estate Style Fencing”, and forty (40) proposed additional parking spaces.

(b) The parties acknowledge that (i) the process of obtaining the Required Governmental Approvals for some or all of the improvements listed in Paragraph 1(b)(ii) of this Second Amendment may entail an administrative amendment to the existing land development approval rather than a new land development approval process, in which event both shall be pursued contemporaneously; and (ii) in order to obtain the Required Governmental Approvals, changes may be required to the Parcel 3B Development Plan during the Township land development review process. However, any modifications to any of the

improvements listed in Paragraph 1(b)(ii) of this Second Amendment from the way they appear on the Parcel 3B Development Plan shall not be made without the review and approval of the Community Association, which approval shall not be unreasonably delayed or withheld.

(c) If and when final and unappealable Required Governmental Approvals (as they may be changed in accordance with Paragraph 1(b) of this Second Amendment) are issued for the Parcel 3B Project, Matrix shall so notify in writing all of the other parties and all third-party beneficiaries to the Stipulation and Settlement Agreement (collectively, the “Signatories”). Thereupon, Paragraphs 2 through 9 of this Second Amendment shall become effective, without the need for any further act or deed; and (i) if the “Additional Development Agreement” (defined in Section 4 of this Second Amendment) has then been entered into by Matrix and the Community Association, Matrix shall apply the “Parcel 3B Payment” (defined in Paragraph 4 of this Second Amendment) pursuant to the Additional Development Agreement, or (ii) otherwise, Matrix shall pay the Parcel 3B Payment directly to the Community Association for whatever purposes it decides to use such funds.

(d) However, if and when Matrix determines that it will not be receiving such final and unappealable Required Governmental Approvals for the Parcel 3B Project, it shall so notify in writing all of the Signatories, whereupon, without the need for any further act or deed and this Second Amendment shall be null, void and of no further force or effect, and the Stipulation and Settlement Agreement as amended by the First Amendment shall continue in full force and effect.

**2. Settlement Plan.** The Settlement Plan attached to the Stipulation and Settlement Agreement as Exhibit “F” is hereby supplemented by the Parcel 3B Development Plan. In the

event of any inconsistencies between the Settlement Plan and the Parcel 3B Development Plan, the latter shall prevail. All references to the Settlement Plan in the Stipulation and Settlement Agreement shall henceforth be deemed to refer to the Settlement Plan as supplemented by the Parcel 3B Development Plan.

**3. School Bus Shelter.** Paragraph 3 of the Stipulation and Settlement Agreement is hereby amended to read in full as follows:

“3. **School Bus Shelter.** Good Pro, at its own cost and expense, shall install a three-sided, transparent, walled and roofed school bus shelter with bench seating for 15 children, standing room for additional children and equipped with a light fixture. The school bus shelter shall be installed on a concrete pad, together with walkways hereinafter more fully described (collectively, the “School Bus Shelter Facilities”). The appearance and type of construction of the school bus shelter shall be approved by the Community Association, which approval shall not be unreasonably withheld or delayed. The School Bus Shelter Facilities shall be located on Parcel 1 where depicted on the Parcel 3B Development Plan as “Proposed Bus Shelter” and the ancillary walkways shall be located where “Proposed Trail” is shown along McDonald Avenue between the Proposed Bus Shelter and two ends of the “Existing Trail”; provided, however, the Community Association reserves the option to relocate the School Bus Shelter Facilities to another location on Parcel 1 that is determined by Community Association to be safer and/or more convenient for the children residing in the Wyngate Townhome Community; and further provided that such relocation occurs prior to the time that Good Pro commences construction of any of the School Bus Shelter Facilities. The relocation and construction of the School Bus Shelter Facilities shall be subject to obtaining all necessary approvals from the Township, which Matrix shall obtain at its cost and expense. If so approved, the School Bus Shelter Facilities shall be completed and turned over to the Association for its use prior to the time that Wawa opens for business at the Property. Good Pro agrees that, at that time, it will assign to Community Association any and all warranties it may receive with respect to the School Bus Shelter Facilities, and to contribute to the Community Association the amount (if any) by which the cost of constructing the School Bus Shelter Facilities on Parcel 1 is less than would have been the cost of constructing the School Bus Facilities on Parcel 3B as shown on the Settlement Plan and as provided for in the Stipulation and Settlement Agreement (the “Initial Cost”). In the further event that the School Bus Facilities are not approved by the Township, despite the good faith efforts of Good Pro to obtain such approval, this Agreement shall nevertheless remain in full force and effect and Good Pro shall contribute to the Community Association the full amount of the Initial Cost. The

Community Association and Matrix (on behalf of the future residents of Section 3B, if any) agree that, after the turnover of the School Bus Facilities to the Community Association, they shall both be responsible for the maintenance, repair and/or replacement of the School Bus Shelter Facilities, as well as the metered cost of electricity to light the school bus shelter, all as will be more fully described in the “Additional Development Agreement” referred to in Paragraph 6(d). Any advertising which may be installed on the school bus shelter shall be of a non-illuminated, non-electronic type and shall conform to all applicable Township Codes. Any compensation for advertising on the school bus shelter shall be paid to the Community Association.”

4. **Parcel 3B.** Paragraph 6 of the Stipulation and Settlement Agreement is hereby amended to read in full as follows:

“6. **Parcel 3B.**

“(a) Matrix shall retain ownership of Parcel 3B, the revised boundaries of which shall be established as shown on the Zoning Plan (Parcel 3B) prepared by Bohler Engineering dated June 4, 2015 (the “Revised Zoning Plan”), for the purpose of constructing thereon the Parcel 3B Improvements and such of the Community Improvements as will be located on Parcel 3B pursuant to Paragraph 6(c). Promptly after execution of the Second Amendment to Stipulation and Settlement Agreement, Matrix shall apply for all Required Governmental Approvals expeditiously and shall complete construction of the Parcel 3B Improvements after receipt of such approvals. Among other things, the “Additional Development Agreement” referred to in Paragraph 6(c) will set forth whether, when and on what terms and conditions some or all of the Community Improvements will be constructed and some or all of Parcel 3B will be incorporated into the Community Association.

“(b) Pursuant to a temporary easement contained in the First Amendment to Stipulation and Settlement Agreement, Good Pro has the right to move dirt from Parcel 2 onto Parcel 3A and Parcel 3B. Such moving of dirt shall be performed at the cost and expense of the Owner of Parcel 2, and shall be completed prior to the Wawa convenience store and gasoline service station opening for business. Upon the satisfactory completion of this work, such temporary easement shall terminate automatically, without the need for any further act or deed.

“(c) In consideration for its agreement to relinquish any interest in the ownership of Parcel 3B and the Association’s cooperation with respect to the approval of the Parcel 3B Project, Matrix agrees to pay the Community Association, within seven (7) days of the receipt of the final and unappealable Required Governmental Approvals for the Parcel 3B Project, the sum of Four Hundred Thousand Dollars (\$400,000.00) (the “Parcel 3B Payment”) to be applied pursuant to the Additional Development Agreement towards the

design and construction of such of the Community Improvements as the Community Association shall determine, and possible additional common improvements that the Community Association shall determine, including (but not limited to) additional street lights, a security surveillance system and a dog station (hereinafter collectively referred to as the “Additional Common Improvements”). In no event will Matrix be responsible for contributing more than the total of Four Hundred Thousand Dollars (\$400,000) towards the Additional Common Improvements in addition to Matrix’s pro-rata share of the Proposed Community Center, as will be defined in the Additional Development Agreement. Prior to the commencement of construction of any improvements on Parcel 3B, Matrix and the Community Association shall enter into an agreement (the “Additional Development Agreement”) which shall address (in addition to such matters as restrictions on leasing of Units; if, when and on what terms Parcel 3B will be included in the Community Association, completing the Amendment to Declaration of Easements, the specific Community Improvements and/or Additional Common Improvements that Matrix will provide, when they are to be provided, the amount of the design and construction costs of each that will be charged against the Parcel 3B Payment and the formula by which maintenance costs for the Additional Common Improvements shall be allocated between the Community Association, Matrix and/or a successor association created by Matrix with respect to Parcel 3B. In the event that Matrix and the Community Association do not enter into the Additional Development Agreement and Matrix receives final and unappealable Required Governmental Approvals for the Parcel 3B Project, the Parcel 3B Payment shall be paid to the Community Association and Matrix shall have no obligation to provide any Additional Common Improvements or make any other payments to the Community Association relating to the Additional Common Improvements.”

**5. Requested Relief from the Township Zoning Ordinance.**

A. Paragraph 12 of the Stipulation and Settlement Agreement is hereby amended to add subparagraph (c), which shall read as follows:

“(c) In order to proceed with the development of Parcel 3B as contemplated in paragraph 6(a), and the construction of the Additional Common Improvements, Township and Zoning Hearing Board agree that Matrix shall be entitled to the following relief from the provisions of the Township Zoning Ordinance with respect to such development and construction:

**“Parcel: 31-00-17347-13-6 – Parcel 3**

**“Owner: Matrix CBH, L.P.**

“Relief for Parcel 3B:

“1) From Section 295-2 to allow a townhouse to have up to 8 attached single-family buildings.

“2) From Section 295-98 to allow the townhouse and community center use in the C1 Commercial District.

“3) From Section 295-221.F to allow for more than 120% of the maximum required parking for the townhouse and community center uses.

“4) From Section 295-251.B(2) to allow the required yard area as part of a subdivision or land development to include lands located in Zone One of the Riparian Corridor Conservation District.

“5) From Section 295-251.B(4) to allow utility transmission lines to be less than 35 feet from Zone One of the Riparian Corridor Conservation District or less than 60 feet from the top of the stream bank.

“6) To the extent needed, from Section 295-221.B (5) a regarding surface parking to be located to the rear of the principal building or to the side.

“7) Relief for Parcel 3A and B: From Section 295-106 regarding the required 10 foot buffer strip around the perimeter of the lot.

“8) Relief for Parcel 1: From Section 295-221.F to allow for more than 120% of the maximum required parking for the townhouses.”

“9) Such other and further relief as the Township may deem necessary.”

B. Paragraph 12 of the Stipulation and Settlement Agreement is hereby amended to add subparagraph (d) which shall read as follows:

“ In order to accommodate the road tapering (widening) on Limekiln Pike to the new entrance to the Project, the width of the buffer has been further reduced from 11.1 feet to 4.6 feet. Accordingly, the reference to 11.1 feet in subparagraph (b) of Section V of the Decision is hereby modified to read “4.6 feet”, as is depicted on the Road Tapering Plan attached hereto as Exhibit “G”.”

6. Successors and Assigns. Paragraph 18 of the Stipulation and Settlement Agreement is hereby amended in full as follows:

“18. Successors. This Agreement shall be binding upon and inure to the benefit of the parties hereto, the third-party beneficiaries hereof, and their respective

heirs, successors and assigns. This Agreement may be enforced by any party hereto and/or third-party beneficiary hereof.”

7. **Court Approval.** Upon execution of this Second Amendment by the parties hereto, this Second Amendment shall be submitted to the Court for approval and entry of a supplemental Order.

8. **Ratification of Prior Agreements.** Except as modified herein, the Stipulation and Settlement Agreement and First Amendment are hereby ratified and confirmed.

9. **Counterparts.** This Second Amendment may be signed in counterparts with the same force and effect as if all of the parties had executed the same original of this Second Amendment.

**IN WITNESS WHEREOF**, the parties hereto, and their respective counsel, have executed this Second Amendment to Stipulation and Settlement Agreement the day and year first above written.

WYNGATE DEVELOPMENT  
HOMEOWNERS

Witness \_\_\_\_\_

By: \_\_\_\_\_  
Name: Donna Powell

Witness \_\_\_\_\_

By: \_\_\_\_\_  
Name: Robert Hilliard

FINEMAN KREKSTEIN & HARRIS, P.C.

By: \_\_\_\_\_  
James A. Rosenstein, Esquire  
Attorney for Wyngate Development  
Homeowners

[SIGNATURES CONTINUED ON NEXT PAGE.]

GOOD PRO CHELTENHAM, L.P.  
By: Pinegood Cheltenham GP, LLC, its  
General Partner

Witness \_\_\_\_\_

By: \_\_\_\_\_  
Bruce A. Goodman, Manager

FRIEDMAN, SCHUMAN, P.C.

By: \_\_\_\_\_  
Peter S. Friedman, Esquire  
Attorney for Good Pro Cheltenham, L.P.

By: \_\_\_\_\_  
Michael Yanoff, Esquire  
Attorney for Good Pro Cheltenham, L.P.

ZONING HEARING BOARD  
OF CHELTENHAM TOWNSHIP

Witness \_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_ [Name & Title]

CAROL M. LAUCHMEN, P.C.

By: \_\_\_\_\_  
Carol M. Lauchmen, Esquire  
Solicitor to Zoning Hearing Board  
of Cheltenham Township

CHELTENHAM TOWNSHIP

Witness \_\_\_\_\_

By: \_\_\_\_\_  
Harvey Portner  
Board of Commissioners President

WISLER PEARLSTINE, LLP

By: \_\_\_\_\_  
Joseph M. Bagley, Esquire  
Solicitor to Cheltenham Township

[SIGNATURES CONTINUED IN JOINDER ON NEXT PAGE.]

**JOINDER**

Intending to be legally bound, the undersigned Wyngate Community Association (on its behalf and on behalf of all its members) (the "Community Association"), Matrix, CBH, L.P. and The Fairways at Cedarbrook Hills, L.P., hereby agree and acknowledge that they are each third party beneficiaries to the foregoing Second Amendment to Stipulation and Settlement Agreement (the "Second Amendment to Agreement") to the extent described therein and in Exhibit "D" thereto; and also hereby agree to such provisions thereof as are respectively applicable to them. Effective as of the date that the contingencies set forth in Paragraph 11 of the Agreement are satisfied or waived, the Community Association shall assume and perform all of the responsibilities and obligations of Wyngate set forth therein, and Wyngate shall have no further rights or obligations under this Second Amendment to Agreement.

WYNGATE COMMUNITY ASSOCIATION

By: \_\_\_\_\_  
\_\_\_\_\_, President

Attest: \_\_\_\_\_  
\_\_\_\_\_, Secretary

MATRIX CBH, L.P.

By: Matrix/Ashbourne Management Corp.,  
Its general partner

By: \_\_\_\_\_  
Joseph S. Taylor, President

THE FAIRWAYS AT CEDARBROOK HILLS,  
L.P.

By: Cedarbrook Fairways Development, LLC,  
its general partner

By: Taylor/Epstein Investment Fund,  
LLC, its sole member

By: \_\_\_\_\_  
Joseph S. Taylor, Member

EXHIBITS

EXHIBIT "F-1"

Parcel 3B Development Plan





**Review of the  
Zoning Hearing Board Decisions**

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

**IN RE: Application of Christopher Colquitt**

**NO. 15-3532**

**ORDER**

AND NOW, this                      day of    , 2015, upon consideration of the application of Christopher Colquitt, for the property located at 408 Farm Road, Wyncote, PA, Applicant requested the following relief in order to allow for the construction of an approximately 4' x 8' addition on the right side and a 7' x 8' addition to the left side of an existing rear porch to encroach within the minimum rear yard setback and increase the existing rear yard nonconformity:

- a.) A variance from Section 295-46.C., yard regulations, to allow for a rear yard setback of 21' in place of the required 25'
- b.) A variance from Section 295-227.K, nonconforming uses, to allow for the increase in the existing rear yard nonconformity;
- c.) The Applicant amended his site plan to add a 10' x 16' patio, ground level, as shown on the revised site plan, Exhibit 15.

The Applicant's variance requests and the location of the patio were approved.

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.

All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicants, unless inconsistent with any specific conditions imposed by this Board, in which case the specific conditions shall take precedence.

The property involved is 408 Old Farm Road, Wyncote, PA and is located in the R-4 Residential Zoning District.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD

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AMEE FARRELL, CHAIRPERSON

---

ALAN S. GOLD, VICE CHAIRPERSON

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PETER R. LABIAK, BOARD MEMBER

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

**IN RE: Application of Lindy-Wyncote, LLC**

**NO. 15-3535**

**ORDER**

AND NOW, this                    day of                    , 2015, upon consideration of the application of Lindy-Wyncote, LLC, for the property located at 8480 Limekiln Pike (Towers at Wyncote), Wyncote, PA 19095, Applicant requested the following relief in order to allow for the erection of multiple freestanding and monument signs and a V-shaped temporary sign:

- (a) A variance from Section 295-197.C.(1)(a) , signs requiring permits:
1. So as to permit three (3) monument and two (2) freestanding signs in place of the one (1) freestanding or monument sign that is permitted.
  2. A determination that the non-conformities as to the sign area and height of the existing, multi-tenant sign located north of the Route 309 entrance may continue, and in the alternative a variance so as to permit the proposed multi-tenant sign to be 176 sq. ft. in area as opposed to the permitted 50 sq. ft. and 22 ft. in height as opposed to the permitted 15 ft.
  3. A determination that two (2) new entrance monument signs of 4'1" L x 8'W x 7'H Greenwood Ave and Limekiln Pike and one (1) new entrance monument sign of 4'1"L x 8'W x 8'H facing Easton Road may replace the existing non-conforming monument signs, and in the alternative a variance to exceed the permitted 20 sq. ft. size and the 6' height.

4. A determination that a one (1) new freestanding of 5'W x 10'H facing Route 309 slightly south of the Ogontz Ave. entrance may replace the existing, non-conforming freestanding sign, and in the alternative, a variance to exceed the permitted one sign.

(b) A variance from Section 295-195.A.(4) , prohibited signs and illumination, so as to permit the proposed multi-tenant sign of 176 sq. ft. to contain a color digital display area of approximately 28 sq. ft.

(c) A variance from Section 295-196.A.(12)(h), signs exempt from permits, so as to permit a 50 sq. ft. V-shape temporary sign to continue for an additional twelve (12) months in place of the permitted 20 sq. ft. sign that is permitted for 30 calendar days.

(d) A determination that all other nonconforming signs at the property may continue.

(e) At the Hearing, the Applicant amended its requests to add, under Section 295-197(A)(12)(h) three (3) permanent banner signs on the recreation center building on the side facing Ogontz Avenue, each measuring 15 x 20 ft.

The Board approves the Applicant's requests for variances (a) through (c) and (e) in strict conformity to Applicant's Exhibits A-3, 4, 5, and 6. The pre-existing signs were approved by the Zoning Hearing Board approximately five (5) years ago and are not nonconforming. Applicant's number (d) was too vague to act upon.

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.

All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicants, unless inconsistent with any specific conditions imposed by this Board, in which case the specific conditions shall take precedence.

The property involved is 8480 Limekiln Pike (Towers at Wyncote), Wyncote, PA and is located in the C-1 Commercial Zoning District.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD

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AMEE FARRELL, CHAIRPERSON

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ALAN S. GOLD, VICE CHAIRPERSON

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PETER R. LABIAK, BOARD MEMBER

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

IN RE: Application of Armindo Reis and Maria Helena Barboza

**APPEAL NO. 15-3536**

**ORDER**

AND NOW, this                      day of                      , 2015, upon consideration of the application of Armindo Reis and Maria Helena Barboza, owners of premises known as 135 Washington Lane, Wyncote, PA 19095, Applicants seek a variance from Section 295-223, fences and walls in order to erect an open fence of six (6) feet in the front yard in place of the allowed four (4) foot fence.

The Board approved Applicants' request.

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.

All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicants, unless inconsistent with any specific conditions imposed by this Board, in which case the specific conditions shall take precedence.

The property involved is 135 Washington Lane, Wyncote, PA 19095 and is located in the R-4 Residential Zoning District.

CHELtenham TOWNSHIP ZONING HEARING BOARD

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AMEE FARRELL, CHAIRPERSON

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ALAN S. GOLD, VICE CHAIRPERSON

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PETER R. LABIAK, BOARD MEMBER

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

**IN RE: Application of Penrose Medical Investments, LLC**

**NO. 15-3537**

**ORDER**

AND NOW, this                      day of    , 2015, upon consideration of the application of Penrose Medical Investments, LLC, Applicant, for the property located at 1831 W. Cheltenham Avenue, Melrose Park, PA, Applicant requested the following relief in order to expand to existing medical office use into the adjoining building at 1829 W. Cheltenham Avenue, formally a real estate office in the R-5 Residential Zoning District:

(a) The following variances from the requirements of the use, lot and building areas, front, side and rear yards setbacks, and off-street parking:

1. Section 295-43., use regulations for professional/physician's office.
2. Section 295-44., for the existing lot area, of 4,596 sq. ft. in place of the required 7,500 sq. ft.
3. Section 295-45., for the existing building area, of 38% in place of the required 30%.
4. Section 295-46.A.(1) for the front yard depth, of 13' in place of the required 40'.
5. Section 295-46.B.(1) for the side yard depth, of 5.5' in place of the required 8'.

6. Section 295-46.C. for the rear yard depth, of 13' in place of the required 25'.
7. Section 295-221.H. for the existing parking spaces, to provide 3 spaces in place of the required 6 spaces.
  - (b) A special exception from Section 295-48. For the area and width requirements for non-conforming lots in the R-5 Residential District.
  - (c) An interpretation/change in the existing non-conforming use, or in the alternative a variance from Section 295-227.A to allow for the non-conforming use of the property to continue as such.
  - (d) An interpretation/continuation of the existing non-conforming building, or in the alternative a variance from Section 295-227.B to allow for the non-conforming building on the property to continue as such.

The Board approved the above requests as variances with the following conditions:

1. There shall be no residential use.
2. The two (2) parcels shall be consolidated.

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.

All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicants, unless inconsistent with any specific conditions imposed by this Board, in which case the specific conditions shall take precedence.

The properties involved are 1831 W. Cheltenham Avenue and 1829 W. Cheltenham Avenue, Melrose Park, PA 19027 and are located in the R-5 Residential Zoning District.

CHELtenham TOWNSHIP ZONING HEARING BOARD

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AMEE FARRELL, CHAIRPERSON

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ALAN S. GOLD, VICE CHAIRPERSON

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PETER R. LABIAK, BOARD MEMBER

**Report of the Building Inspector**  
**for November, 2015**

November 20, 2015

COMMISSIONERS OF CHELTENHAM TOWNSHIP  
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP  
REPORT OF THE BUILDING INSPECTOR FOR NOVEMBER, 2015  
PAGE 1**

	<b># PERMITS</b>	<b>TOT. FEES</b>	<b>\$ VALUE</b>
<b>RESIDENTIAL</b>			
<b>RENOVATIONS / ALTERATIONS</b>	<b>50</b>	<b>8,405</b>	<b>420,250</b>
<b>MULTI-FAMILY</b>			
<b>RENOVATIONS / ALTERATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>COMMERCIAL</b>			
<b>RENOVATIONS / ALTERATIONS</b>	<b>3</b>	<b>3,180</b>	<b>159,000</b>
<b>INSTITUTIONAL</b>			
<b>RENOVATIONS / ALTERATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FENCE</b>	<b>4</b>	<b>161</b>	<b>161</b>
<b>NOVEMBER, 2015</b>	<b>57</b>	<b>11,746</b>	<b>579,411</b>
<b>NOVEMBER, 2014</b>	<b>84</b>	<b>48,834</b>	<b>2,435,575</b>
<b>YEAR-TO-DATE 2015</b>	<b>624</b>	<b>283,706</b>	<b>14,054,179</b>
<b>TOTAL 2014</b>	<b>889</b>	<b>242,178</b>	<b>13,037,971</b>
<b>HEATING &amp; AIR CONDITIONING</b>			
<b>NOVEMBER, 2015</b>	<b>10</b>	<b>3,337</b>	<b>166,850</b>
<b>NOVEMBER, 2014</b>	<b>18</b>	<b>4,952</b>	<b>247,600</b>
<b>YEAR-TO-DATE 2015</b>	<b>94</b>	<b>30,123</b>	<b>1,601,651</b>
<b>TOTAL 2014</b>	<b>115</b>	<b>32,826</b>	<b>1,637,850</b>
<b>ELECTRICAL</b>			
<b>NOVEMBER, 2015</b>	<b>9</b>	<b>3,204</b>	<b>160,200</b>
<b>NOVEMBER, 2014</b>	<b>15</b>	<b>4,547</b>	<b>227,350</b>
<b>YEAR-TO-DATE 2015</b>	<b>117</b>	<b>37,640</b>	<b>1,928,250</b>
<b>TOTAL 2014</b>	<b>147</b>	<b>42,731</b>	<b>2,136,550</b>
<b>PLUMBING</b>			
<b>NOVEMBER, 2015</b>	<b>11</b>	<b>1,405</b>	<b>70,250</b>
<b>NOVEMBER, 2014</b>	<b>20</b>	<b>3,600</b>	<b>180,000</b>
<b>YEAR-TO-DATE 2015</b>	<b>112</b>	<b>20,777</b>	<b>1,127,600</b>
<b>TOTAL 2014</b>	<b>161</b>	<b>36,262</b>	<b>1,778,793</b>
<b>FOG PERMITS</b>			
<b>NOVEMBER, 2015</b>	<b>4</b>	<b>1,250</b>	<b>1,250</b>
<b>NOVEMBER, 2014</b>	<b>6</b>	<b>3,000</b>	<b>3,000</b>
<b>YEAR-TO-DATE 2015</b>	<b>82</b>	<b>23,225</b>	<b>23,225</b>
<b>TOTAL 2014</b>	<b>57</b>	<b>28,500</b>	<b>28,500</b>

October 28, 2015

COMMISSIONERS OF CHELTENHAM TOWNSHIP  
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP  
REPORT OF THE BUILDING INSPECTOR FOR NOVEMBER, 2015  
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**GRADING PERMITS**

<b>NOVEMBER, 2015</b>	<b>2</b>	<b>800</b>	<b>800</b>
<b>NOVEMBER, 2014</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>YEAR-TO-DATE 2015</b>	<b>9</b>	<b>3,000</b>	<b>3,000</b>
<b>TOTAL 2014</b>	<b>2</b>	<b>800</b>	<b>800</b>

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Henry Sekawungu  
Director - Planning and Zoning