

August 1, 2012
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Hampton, McKeown, Norris, Portner, and Sharkey. Also present was Ex-Officio member Haywood. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Patrick Duffy, Director of Engineering, Zoning and Inspections; and Bryan T. Havar, Acting Township Manager. A Public Attendance List is attached.

Mr. Simon called the meeting to order.

1. The Zoning Hearing Board Agenda for August 13, 2012 was reviewed as follows:

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

The following Zoning Relief is required:

- a. A Special Exception to allow the Age Restricted Overlay use per CCS 295-242-B.1.
- b. A determination that the required frontage along a state highway is not limited to a "single" state highway per CSS 295-241.C. The proposed site has approximately 850 feet of frontage (450 feet required) along Ashbourne and Oak Lane Roads, both state highways.
- c. A Variance from the rules and regulations of CSS 295-241.C, if required from b. above, to allow a road frontage along each single state highway to be less than 450 feet. Ashbourne Road has approximately 430 feet and Oak Lane Road has approximately 420 feet of frontage.
- d. A Variance from the rules and regulations to allow three (3) foot stairwell projections in addition to the maximum building length of 160 feet per CSS 295-243.G.2.
- e. A determination that the Township condemned remnants of the Kerlin Farmhouse do not qualify as a Historic Resource per CSS 295-244.J.
- f. A Variance from the rules and regulations of CSS 295-166.B to allow the disturbance of 0.67 acres of 15% or more slopes.

Present representing the applicant were Jay Ochroch, Esq., John DiBenedetto, Architect, Joseph DeSantis, Traffic Engineer, and Joseph Cooke, Structural Engineer. They reviewed, and the Committee discussed, the following aspects of the appeal:

- the site plan; acreage of the site; location of the site;
- current zoning; the zoning of other properties in the area;
- a previous plan for townhomes; plans for an age-restricted to 55+, three (3) 4-storey market rate rental apartment buildings, the number of units in each building, square footage of each unit, description of the units and amenities of the community, and the height of the buildings; façade of the buildings, and units per acre;
- topography; reduction of impervious coverage; setbacks; ingress/egress (Ashbourne Road being the main entrance); an internal loop road;
- parking for tenants, guests, and employees;
- the demand for 55+ housing; potential tax revenue for the Township and School District; demolition of the current house on the site, the lack of documentation for said house to support it being listed as a local historic landmark; its condemnation by the Township, its state of deterioration and collapsing walls and the opinion of a renowned historic preservationist John Milner who has determined that it is too deteriorated to be saved, and a safety hazard to anyone working on the site;
- landscaping, i.e. retention of trees and the opinion of an arborist, hardscaping, plans for a maximization of greenery, pergola, landscaping of the peripheral of the site, internal park, open space, and placards to tell the history of the site; the applicant's submission of an environmental impact statement;
- aspects of a traffic impact study, i.e. traffic patterns, traffic of this plan vs. a plan for single homes, peak vs. non-peak hours, school traffic, Ashbourne/Matrix development impact, the time of year the traffic study was performed;
- stormwater runoff and internalization of stormwater management; infiltration basins; lack of increase in water volume and runoff; retention of existing stone wall;
- plans for a fiscal impact study;
- stages of construction;
- plans for an on-site management team;
- the total project cost of \$16,000,000.

In response to a question from Mr. Bagley, Mr. DiBenedetto stated that the current owner assumed ownership on November 10, 2010.

There was extensive discussion about the viability of saving the current house on the site. In response to a question from Mr. Simon, Mr. Cooke stated that the house is beyond saving and very little of the original fabric of the house remains and what is there cannot be saved.

It was Mr. McKeown's opinion that the current house has deteriorated beyond saving; the Township determined that it was unsafe and a hazard; he was concerned about children trying to get in and getting hurt.

Mr. Haywood asked to be provided with the written opinion of preservationist John Milner. Mr. DiBenedetto said he will provide that to the Township. Mr. Haywood said he preferred 3-storey buildings and felt that 4-storey buildings were too dense. He asked that if redesign of the plan would be needed if the existing building could be used as an historic resource. He was told that, in that case, one (1) building would have to be eliminated. Mr. DiBenedetto was concerned about the liability issue as it pertains to the safety of the building.

There was extensive discussion regarding concern for flooding onto Berwyn Road, stormwater going into the inlet and the Township's system, stormwater infiltration and retention. Aerial photographs were reviewed. It was Mr. Duffy's opinion that there could be a reduction in flooding.

Mr. Norris opposed the plan. It is not in keeping with the neighborhood; too dense; he opposed 4-storey buildings; and he felt that the desire for revenue should not supersede the wishes of the neighbors.

Mr. Portner felt the project was worthwhile. The Township has an ageing population who want to downsize from their home but remain in the Township. He felt that said project provided foresight for such future needs.

In response to a question from Mr. Simon, Mr. Ochroch stated that his client will not agree to a continuance.

There were public comments:

Larry Caroline, 8249 Fairview Road, was concerned about the current high taxes with little improvement in the schools; he felt that the impact of this development should be considered beyond one immediate neighborhood and not in emotional terms but in terms of its impact on the community as a whole.

Robert Harper, 1174 Easton Road, asked for the opinion of the Township's Historical Commission. Mr. McKeown stated that there was a member involved in the preservation of the old house but ultimately felt it was beyond saving.

Rebecca Mitchell, 7805 Berwyn Road, opposed the plan; it was not conducive to the neighborhood; she had traffic concerns; she wanted single family homes; she had concerns about the public using the development's amenities; and she opposed 4-storey buildings.

David Cohen, 320 Gerard Avenue, reviewed the Township's Comprehensive Plan as it relates to the consistency of the surrounding neighborhoods; he reviewed the stated road frontage of this development as it relates to the age-restricted Ordinance, he opposed the number of units; he felt the developer is trying to get more than is allowed under the Code; the buildings will have elevators and do not meet Miriam Webster's definition of a high rise building; he wanted the old house maintained; the developer has not met the criteria to satisfy approving any of the variances; the plan was too dense and does not address the hardship issue.

Robert Mitchell, 7805 Berwyn Road, had concerns about the adequacy of the newly planted trees to cover the buildings; he questioned the need for 3-bedroom units in a 55+ development; and water run-off into the sewer system. He wanted to stay in a community that does not change for money.

Mark Garvin, 7816 Haines Road, was concerned about traffic especially when school is in session; stormwater runoff; and urbanization-like development.

Mr. and Mrs. Pressley, 108 Pleasant Hill Road, were concerned about traffic; 55+ will generate a lot of traffic since people still work at that age; water runoff; they wanted single family homes; the developer did not present adequate information to the neighbors about his previous townhome plan; neighbors have not seen any plans.

Joe Allen, 7808 Berwyn Road, was concerned if the units could not be rented and asked about flexibility. He was concerned about water run-off and an increase in on-street parking. Mr. Simon responded that the application is only for age-restricted. If the developer wanted to change this, there would have to be a new zoning process begun. Mr. Bagley stated that the Fair Housing Act regulates 55+ housing and has to be complied with.

Anna Skale, 8220 Forest Hills Drive, supported the application. According to her, Cheltenham is the only community that does not have 55+ housing, and there is a need for it.

Mr. Simon addressed the request for special exception, state road requirements that are not met, his opposition to the granting of a variance for state road frontage, and he felt the applicant has not met the burden for the requested special exception and variances.

Mr. McKeown preferred single family homes.

Upon motion of Mr. Haywood, the Committee directed the Township Engineer to advise the Zoning Hearing Board that it recommends denial of said appeal based on the lack of compliance with frontage along state roads (Ayes: Hampton, Haywood, McKeown, Norris, Simon, Sharkey; Nays: Portner).

APPEAL 3445: Appeal of 133-35 Cheltenham Avenue, LP, c/o Stephen L. Carpey, 569 Pondview Drive, Jenkintown, PA 19046, equitable owner of property known as 133-135 West Cheltenham Avenue, Cheltenham, PA 19012, Block 087, Units D023, D033 & D034 zoned R-5 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to develop the 0.96 acre (exclusive of right-of-way) existing religious use property by conversion and expansion of the existing building to a dialysis center medical use.

The following Zoning Relief is required:

- f. A Special Exception per CSS 295-225 to allow a Specialized Medical Service use in an R-5 Residence District.
- g. A Variance from the rules and regulations of CSS 295-197 to allow commercial parallel wall signage within the R-5 residence district.

Present and representing the applicant was Jay Ochroch, Esq. who reviewed the previous use

as a synagogue; the meeting held with neighbors; signage along Cheltenham Avenue and Lanfair Road.

There was extensive discussion regarding signage. Mr. Bagley advised that parallel wall signs are not allowed in a residential district. Mr. Haywood suggested one (1) sign only, i.e. fronting Cheltenham Avenue. Mr. Norris did not feel that the two (2) signs were an issue.

Upon motion of Mr. Norris, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends approval of said appeal.

2. Upon motion of Mr. Haywood, and unanimously approved by the Committee the Planning Commission Meeting Minutes of July 23, 2012 were received.

3. Upon motion of Mr. Haywood, and unanimously approved by the Committee, the Report of the Building Inspector for the month of July, 2012, was received.

4. Under New Business: Mr. Bagley advised that he will soon be drafting a new Ordinance that will address a new court decision regarding a Building Code Board of Appeals so that the appeals Board is in compliance with the decision.

There being no further business, upon motion of Mr. Haywood, and unanimously approved by the Committee, the meeting was adjourned.



Bryan T. Havir
Acting Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST
Public Safety Committee, 7:30 p.m.
Public Affairs Committee, 7:45 p.m.
Building and Zoning Committee, 8:00 p.m.
Wednesday, August 1, 2012
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Barbara E Woods	119 Pleasant Hill Rd Cheltenham Pa 19012	woods_barbara@msn.com (215) 782-1477
S Strals	CC	
Rev + DR. Robert Mitchell	7805 Berwyn Rd Cheltenham PA 19012	ukesensei@comcast.net (215) 635-5914
ANNA SKALE	8220 FOREST HILLS DR.	ANNA.SKALE@PRJFOXROACH.COM