

August 15, 2012
Curtis Hall

A regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Art Haywood presiding. Members present were Commissioners Hampton, McKeown, Norris, and Simon. Staff present were ShaVon Y. Savage, Esq., Wisler, Pearlstine, LLP; Charlyn Battle, Human Resources Coordinator; Patrick Duffy, Director of Engineering, Zoning & Inspections; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; and Bryan T. Havir, Acting Township Manager. A Public Attendance List is attached.

1. President Haywood opened the meeting with the Pledge of Allegiance being led by Township Engineer Patrick Duffy.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated July 18, 2012, upon of Mr. McKeown, the Minutes were unanimously approved by the Board of Commissioners.
3. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of July, 2012, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.
4. The Accounts Paid Report was reviewed, and Mr. Haywood questioned certain line items. Mr. Havir responded as follows: Sanitary Sewer Treatment Costs – they are being monitored by Staff, for sewer treatment costs, there could be a deficit of \$440,000 and \$450,000; Consortium Maintenance Street Lights – a \$22,000 deficit is possible; Township Buildings – there have been air conditioning replacements, and the actual amount spent might just break even with the budgeted amount; Departmental Earnings – there has been a slight increase in Parks and Recreation activities, refuse, burglar alarms, and sewer rent.

Each member having received a copy of the Accounts Paid Report for the month of July, 2012, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

5. Upon motion of Mr. Haywood, the Board of Commissioners unanimously concurred with a Montgomery County Consortium Contract made by the Lower Merion Board of Commissioners at its July 18, 2012, meeting for Furnishing Fuel Oil #2 to Isobunkers, LLC d/b/a Atlantic Coast Energy, Fleetwood, PA 19522 for the period August 1, 2012 through July 31, 2013.

6. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a contract for roofing at the Public Works Facility building to Garvey Roark, West Chester, PA in the amount of \$94,320.00, being the lowest responsible bidder meeting Township specifications and being within budgetary limitations.

7. Upon motion of Mr. Haywood, and unanimously approved by the Board of Commissioners, the Public Works Committee Regular Meeting Minutes dated August 8, 2012, were received.

8. Upon motion of Ms. Hampton, the Board of Commissioners unanimously awarded a contract for independent financial advisory services for the refunding of the 2012 Bond to Acacia Financial Group, Inc., 13000 Lincoln Drive, Suite 205, Marlton, NJ 08053 in an amount not to exceed \$10,000.

9. Upon motion of Ms. Hampton, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated August 15, 2012, were received.

10. Upon motion of Ms. Hampton, the Board of Commissioners unanimously adopted **Ordinance No. 2246-12** amending Chapter 285, thereof, entitled "Vehicles and Traffic".

ORDINANCE NO. 2246-12

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING CERTAIN STREET AND PARKING REGULATIONS.

The Board of Commissioners of the Township of Cheltenham hereby ordains:

SECTION 1. The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **DELETING** the following:

- | | | |
|-------------|-----|---|
| PARK AVENUE | 10. | NO PARKING BETWEEN SIGNS, east side, from 145 feet south of Stahr Road to 211 feet south of Stahr Road. |
| PARK AVENUE | 12. | NO PARKING, east side, from 157 feet south of Stahr Road to 182 feet south of Stahr Road. |

SECTION 2. The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **ADDING** the following:

- | | | |
|-------------|-----|---|
| PARK AVENUE | 10. | NO PARKING BETWEEN SIGNS, west side, from 145 feet south of Stahr Road to 211 feet south of Stahr Road. |
| PARK AVENUE | 12. | NO PARKING BETWEEN SIGNS, east side from 157 feet south of Stahr Road to 182 feet south of Stahr Road. |

SECTION 3. That in all other respects Chapter 285 of the Code of the Township of Cheltenham is hereby approved and accepted as amended, and shall continue in full force and effect.

SECTION 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED into an Ordinance this **15th day of August, A.D., 2012.**

BOARD OF COMMISSIONERS
TOWNSHIP OF CHELTENHAM



By _____
Art Haywood, President


ATTEST: _____
Bryan T. Havir, Acting Township Manager/Secretary

11. Upon motion of Ms. Hampton, the Board of Commissioners unanimously adopted **Posthumous Resolution No. 30-12** honoring John R. Donahoe, former Chief and President of the Ogontz Fire Company. Said Resolution will be presented to the family at a future meeting of the Commissioners.

12. Upon motion of Ms. Hampton, the Board of Commissioners unanimously adopted **Resolution No. 31-12** authorizing an Agreement for equipment trade.

CHELTENHAM TOWNSHIP

RESOLUTION NO. 31-12

**RESOLUTION AUTHORIZING THE CHELTHENHAM TOWNSHIP POLICE
DEPARTMENT TO ENTER INTO AN AGREEMENT WITH
WITMER PUBLIC SAFETY GROUP, INC.**

WHEREAS, an Amkus Rescue System was purchased in 2008 as part of a Community Economic Development Program grant from the state. Presently this equipment is not in use and the Cheltenham Township Police Department sees no advantage of retaining said equipment; and

WHEREAS, it is hereby deemed to be in the best interest of the Township of Cheltenham to enter into an agreement with Witmer Public Safety Group, Inc., Coatesville, PA 19320 to take the Amkus Rescue System in trade for future purchases of new equipment.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Township of Cheltenham supports this agreement between Cheltenham Township Police Department and Witmer Public Safety Group, Inc. to credit the Cheltenham Township Police Department's account Five Thousand Dollars (\$5,000.00) for the purchase of new equipment in exchange for the Amkus Rescue System.

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 meeting held at Curtis Hall, 1250 W. Church Road, Wyncote, Pennsylvania 19095 on the 15th day of August, 2012.

TOWNSHIP OF CHELTHENHAM



Art Haywood, President
Board of Commissioners

ATTEST:



Bryan T. Havir, Acting Township Manager/Secretary

13. Upon motion of Ms. Hampton, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated August 1, 2012, were received.

14. Upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated August 1, 2012, were received.

15. Under Old Business:

a) Mr. Havir reviewed the amendment to the draft Ordinance creating an Historic Resource Overlay District as recommended by the Public Affairs Committee (see attached). That amendment regulates the demolition by neglect as it pertains to all properties in the Township, and not just those properties in historic districts. He reported that a community meeting will be the next step in the Ordinance adoption process. In response to a question from Mr. McKeown, Mr. Havir advised that over 200 property owners would be affected.

b) Mr. Havir reviewed a draft policy concerning partial payment to residents who install Overflow Resistance Systems as a result of experiencing sanitary system overflows. The Township Solicitor reviewed the policy, it was shared with affected residents, properties have to meet FEMA criteria and be located less than 150-feet from a major interceptor. Said policy will be administered by the Township Engineer.

In response to a question by Mr. Norris, Mr. Havir advised that if more properties than expected are eligible, and the costs increase, there would have to be a review by the Board. Mr. Havir further advised that there are no funds in the 2012 Capital Budget earmarked for this policy.

Public Comments:

Steve Bosch, 544 Shoemaker Road, questioned the funding of individual choices of the property owners and what happens if a buyout is offered to the property owner after the system is installed. Mr. Havir told him that said amount would be reimbursable to the Township from the buyout amount.

Pam Marquette, 548 Shoemaker Road, felt that a PEMA buyout is not feasible; residents have a problem with sewage coming into their homes, and the Township is giving them the money but wants it returned; this will not stop flooding but it could stop sewage. She asked when the process would begin. Mr. Havir responded that said funds for said systems were not provided for in the 2012 Budget. If the Commissioners choose to fund them for 2012, then Staff would have to review possible 2012 Budget cuts in programs that are in the 2012 Capital Budget. Ms. Marquette felt that the preliminary work that had to be done for the program would take time. She thought that neighbors might consider negotiating with one contractor.

There was extensive discussion by members of the Board as to whether or not the program should be funded in 2012 or wait until 2013.

Ms. Hampton felt the program should start sooner than later.

Mr. Simon felt that it was important to put the program into effect before the hurricane system begins. He acknowledged that there may have to be cuts in the 2012 Capital Budget from dedicated 2012 projects, and currently, some capital expenditure are exceeding the budget amounts.

Mr. McKeown felt that the program should wait. The Township did not have adequate funds for it to start now.

Mr. Norris asked Staff to provide a list at the September Board meeting of proposed 2012 budgeted projects that can be deferred.

Upon motion of Mr. Haywood, the Board of Commissioners authorized Staff to commence implementation of the Overflow Resistance Systems as presented this evening (see attached) (AYES: Hampton, Haywood, Norris, Simon; NAY: McKeown).

c) Ms. Hampton asked for an update on the Hilltop Lane closure. Mr. Duffy reported that construction easement documents have been received, and three (3) residents are being notified. It is anticipated that bids will be advertised shortly.

d) Ms. Hampton advised that neighbors behind the ATD building are concerned about a deteriorating slope on that property. Staff was asked to investigate.

e) Mr. Simon asked all Commissioners to attend the next meeting of the Pension Board since there were issues that needed as quorum.

16. Under Citizens' Forum:

- a) David Cohen, 321 Gerard Avenue, reported that several neighbors opposed the Kerlin Farms development at the Zoning Hearing Board meeting. According to Mr. Cohen, neighbors want the Township Solicitor to attend the next hearing. Road frontage was a concern.
- b) Marlin Milner complimented and thanked Board President Haywood for his efforts as a member of the First Suburbs Project of Southeastern Pennsylvania and his participation in a recent forum hosted by the White House and Deputy Assistant to the President, David Agnew. Said project is a collaborative effort of leaders from older municipalities to share ideas about mutual issues.

There being no further business, upon motion of Mr. Simon, and unanimously approved by the Board of Commissioners, the meeting was adjourned.



Bryan T. Havir
Acting Township Manager

as per Anna Marie Felix

**Policy Statement Concerning Payment of Partial Costs for
Overflow Resistance Systems**

It is the sense of the Board of Commissioners that unique and localized circumstances affecting certain properties in Cheltenham Township call for assistance in the installation of certain sanitary sewage overflow resistance devices and in support thereof set forth the following:

1. The Township is aware of repeated and frequent overflows of the sanitary sewer system in isolated areas of the Township, resulting in sewage entering dwellings and no sewer service for residents for multiple days. Observations by the Pennsylvania Department of Environmental Protection have confirmed the overflow of the public sewage system in isolated areas of the Township.

2. The existence of flows from other municipalities into trunk lines is a contributing factor to overflows of the sanitary sewer system, despite many measures taken within Cheltenham Township to avoid same.

3. The Township Engineer is of the opinion that where grinder pumps are being installed, that such a system alone will not ensure that there will be no intrusion of sanitary sewage overflow in properties with a grinder pump installed.

4. The Township Engineer is also of the opinion that no additional, feasible stormwater or drainage improvements, which have not already been undertaken by the Township, would practically reduce the chances of a sewage overflow into isolated areas of the Township.

5. The Township Engineer is of the opinion that all of the above-described factors, when combined with the topography of particular properties some of which are affected by sewage overflows, makes it possible that such intrusions may occur in the future (even with

several precautions already being undertaken by the Township), particularly due to the elevation of some dwellings relative to the sanitary sewer system.

6. The Township is authorized to expend funds related to the Township's owned and maintained sanitary sewage system.

7. The Township shall provide financial assistance to eligible properties to install an Overflow Resistance System¹ to avoid sanitary sewage overflows. All of the above factors shall constitute part of the qualifications for eligibility for assistance from Cheltenham Township for an Overflow Resistance System, along with other qualifications set forth below.

8. Eligible properties must be designated by the Federal Emergency Management Agency as a Severe Repetitive Loss property, or located between and adjacent to two Severe Repetitive Loss properties, and additionally were subject to comparable damage and sewage intrusion from the public sewer system on or before July, 2012.

9. Eligible properties must be located less than 150 feet from a major sanitary sewer interceptor.

10. Eligible properties for which assistance is approved shall receive assistance of no more than 90% of the final project cost, including cost of materials, shipping and installation, for an Overflow Resistance System; provided however, that in those instances where the Township pays for the cost of the installation of a grinder pump on an eligible property, that the maximum cost of assistance from the Township for an Overflow Resistance System and a grinder pump

¹ An Overflow Resistance System is defined, for the purposes of this policy, as a protective door system that creates a watertight barrier at an existing door. The two types are a sealed gate and stackable sealed panels. Each type is attached to a frame that is mounted to the existing door jamb. 1. Sealed Gate: The gate is permanently attached to the frame and left in an open position. Prior to the water intrusion event, the gate is closed and compression sealed by turning the handles. 2. Stackable Panels: The stackable panels are not permanently attached to the frame. Prior to the water intrusion event, the panels are stacked on top of each other within the frame and compression sealed by turning the handles to clamp the brackets together.

installation shall be no more than \$20,000; provided further, that the maximum cost of assistance for an eligible property for an Overflow Resistance System only, shall be no more than \$20,000.

11. Agreements signed by each property owner, for which Overflow Resistance Systems shall be installed, would be a necessary pre-condition to eligibility. Agreements would be prepared by the Township Solicitor and would release the Township of all obligations for design, installation and future maintenance and liability.

12. In the future, if a property approved for an Overflow Resistance System Assistance is awarded a Federal, state or local grant under the Federal Emergency Management Agency's Hazard Mitigation Grant Program and the laws and regulations that govern the program and any future amendments to such laws and regulations, the amount of the Overflow Resistance System Assistance shall be deducted from the matching share of any subsequent grants prior to the Township committing any funds.

13. Following application, eligible properties shall be selected for assistance by the Township Engineer to insure that all qualifications set forth herein are met. An application, in order to be considered complete, must include a proposal or a contract with the owner of an eligible property for installation of an Overflow Resistance System by a responsible and experienced contractor at an eligible property. Upon installation of the Overflow Resistance System, the property owner shall notify the Township Engineer or his designee to inspect the System. If the System passes inspection, the Township may pay the assistance called for under this Policy to the contractor or the property owner. If the Township pays the assistance to the contractor, the Township will utilize a bid process in accordance with State law. The costs associated with the bid process shall be included in the assistance to the property owner for the purposes of paragraph 12 above. If the Township utilizes a bid process for contractor services for more than one eligible property, the costs associated with the bid process shall be shared

proportionally by the property owners of the eligible properties and shall be included in the assistance to each property owner for the purposes of paragraph 12 above. The Township disclaims all responsibility for performance of the proposal or the contract by the contractor. It shall be the sole responsibility of the property owner to prosecute the installation work once the application is approved by the Township Engineer or his designee.

14. The total amount allocated by the Board of Commissioners for Overflow Resistance System assistance is \$100,000.

Rev 8/9/12

CHELTENHAM TOWNSHIP

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP
OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED
“ZONING,” BY DELETING ARTICLE XX, ENTITLED “H-D HISTORICAL
DISTRICT,” AND ADDING ARTICLE XX, ENTITLED “HISTORIC
RESOURCE OVERLAY DISTRICT.”**

SECTION 1. Chapter 295, entitled “Zoning,” Article XX thereof, entitled “H-D Historical District,” is hereby deleted in its entirety.

SECTION 2. The Board of Commissioners hereby adopts the following as Chapter 295, entitled “Zoning,” Article XX, entitled “Historic Resource Overlay District.”

§ 295-142. Purpose.

- A. This ordinance is enacted in order to preserve Historical Districts and Local Landmarks in Cheltenham Township, pursuant to Article I, Section 27 of the Pennsylvania Constitution, which states that: “the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”
- B. Further, this ordinance is enacted pursuant to the Municipalities Planning Code of the State of Pennsylvania, Section 603 (g), which provides that: “zoning ordinances shall provide for protection of natural and historic features and resources.”
- C. It is also the purpose and intent of this ordinance to protect and enhance the special character and historic interest of the Historical Districts and Local Landmarks in Cheltenham Township in the interest of the health, prosperity, safety, and welfare of the people. The additional purpose of this section is to:
 - (1) Accomplish the protection and enhancement of designated Historical Districts and Local Landmarks which reflect the township’s cultural, social, economic, political, and architectural history;
 - (2) Safeguard the township’s historic and cultural heritage as embodied within the Historical Districts and Local Landmarks;
 - (3) Prevent inappropriate exterior alterations of buildings within Historical Districts;

- (4) Encourage preservation, restoration, and rehabilitation of structures and spaces within the Historical Districts;
- (5) Promote appreciation of historic properties for the education and enjoyment of local residents;
- (6) Encourage beautification and private investment in the Township's historic building stock to enhance the visual character of the community;
- (7) Stabilize and improve property values; and
- (8) Foster civic pride in the history and architectural integrity of the Historical Districts and Local Landmarks.

§ 295-143. Definitions

For the purposes of this article, the following terms shall have the meanings indicated:

ADDITION - The enlargement of any structure which changes the exterior appearance of any elevation or roofline of that structure.

ALTERATION – Any addition to or reduction of a building, alteration of the external architectural features of any façade of a building, or any change in manmade landscape structures (such as a wall, fence, trellis, or similar) within a designated Historical District.

ARCHITECTURAL FEATURE - Any element or resource of the architectural style, design or general arrangement of a structure that is visible from the outside including, but not limited to, the style and placement of all windows, doors, cornices, brackets, porch spindles, railings, shutters, the roof, type, color and texture of the building materials, signs and other decorative and architectural elements.

BUILDING - A structure designed for human or animal habitation, occupancy, and/or use, enclosing a space within its walls, and usually covered with a roof.

CERTIFICATE OF APPROPRIATENESS (COA) - Document issued by the Board of Commissioners, following a prescribed review procedure, certifying that the proposed actions by an applicant related to rehabilitation, renovation, alteration, or demolition work are found to be acceptable in terms of design criteria relating to the individual property (Local Landmark) or the Historical District, pursuant to the criteria enumerated in this Article.

DEMOLITION - The razing or destruction, whether entirely or in part, of a site or structure, impairing its structural, historic, and/or architectural integrity.

DEMOLITION BY NEGLIGENCE - The absence of routine maintenance and repair leading to a building's inability to be rehabilitated and reused or a structure's structural weakness, decay, and deterioration, and resulting in its demolition, whether by ordinary negligence or willful neglect, purpose or design, by the owner or any party in possession thereof.

Demolition by neglect shall also include leaving a building or structure open to decay by the elements or vulnerable to vandalism.

DENIAL - The written rejection of an application for work that is determined to be inappropriate due to the fact that it adversely impacts a resource identified as a Local Landmark or included within a Historical District.

HISTORICAL DISTRICT – An area established by the Township and having defined geographic boundaries, with a significant concentration, linkage, or continuity of sites, buildings, or structures united historically or aesthetically by plan, appearance, or physical development. The designation "Historical District" recognizes that the component historic buildings, structures, accessory buildings, fences, or other appurtenances of the district are of basic and vital importance for the preservation of the neighborhood and its culture.

HISTORIC RESOURCE - A publicly or privately owned building, structure, site, object or feature that is significant to the history, architecture, archeology, or culture of Cheltenham Township, the Commonwealth of Pennsylvania, and/or the United States.

LOCAL LANDMARK - Any building, structure, site, object or district which possesses integrity of location, design, setting, materials, workmanship, and association and which has been included in the Cheltenham Township Cultural Resources Survey (Exhibit B, available at the Township), as updated and amended from time to time. Also includes any building, structure, site, object or district listed or considered eligible for listing in the National Register of Historic Places. Local landmarks may be located within designated Historical Districts, or they may be on scattered sites located throughout the Township.

PRESERVATION - The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

RECONSTRUCTION - The act or process of reproducing, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and/or in its historic location.

REHABILITATION - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

REPAIR – The act of restoring a decayed or damaged resource to a sound condition.

REPLACEMENT - The act of replicating any exterior architectural feature in order to substitute for an existing deteriorated or extensively damaged architectural feature.

RESTORATION - The act or process of accurately reproducing the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected.

SECRETARY OF THE INTERIOR'S STANDARDS - The publication issued by the U.S. Department of the Interior, National Park Service, entitled: "The Secretary of the Interior's Standards for the Treatment of Historic Properties as the Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings," (1995) as updated and amended from time to time.

SITE - The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object of the location itself possesses historic, cultural, or archeological significance.

STRUCTURE – For the purposes of the Historic Resource Overlay Districts, “Structure” shall mean: A construction for the purposes of occupancy, use, or ornamentation, having a fixed location on, above, or below the surface of land. Structures include, but are not limited to, buildings, flagpoles, fences, gazebos, pergolas, canopies, freestanding signs, permanent signs, walls, paved parking areas, and driveways.

§ 295-144. Boundaries of Historic Resource Overlay District.

A. **Boundaries of Historical Districts.** The boundaries of the mapped Historical Districts shall be:

- (1) **La Mott Historical District.** All that certain area delineated as Historical La Mott on the La Mott Historical District Map (Exhibit A) [*Editor's Note: Exhibit A is attached.*] situated in the Township bounded on the east by Old York Road, on the west by Penrose Avenue, on the north by Beech Avenue and on the south by Cheltenham Avenue.
- (2) **Wyncote Historical District.** All that certain area delineated as Historical Wyncote on the Wyncote Historical District Map (Exhibit A) [*Editor's Note: Exhibit A is attached.*] beginning at the most northerly point of the district, approximately 1,140 feet north of the intersection of Greenwood Avenue and Glenside Avenue, thence (following the irregularly shaped northern boundary of the Ralph Morgan Park) southerly 182 feet, thence southwesterly 112 feet, thence northwesterly 41 feet, thence southeasterly 72 feet, thence westerly 182 feet, crossing Glenside Avenue, thence southwesterly approximately 75 feet along the northwest property line of 412 Glenside Avenue, thence

southeasterly approximately 145 feet along the southeast property line of said property, thence southwesterly approximately 450 feet along the rear of properties on the north side of Woodland Road (numbers 111, 119, 121 and 127), thence turning in a more southerly direction along the rear of properties on the northwest side of Woodland Road (numbers 127, 131, 133, 139, 141 and 143), thence easterly 150 feet along the southeast property line of 143 Woodland Road, thence southwesterly 200 feet along Woodland Road, thence turning northwesterly 150 feet along the northeast property lines of 203 and 205 Greenwood Avenue, thence turning southeasterly 293 feet along the rear of properties at 207, 209 and 211 Greenwood Avenue, thence turning southeasterly approximately 130 feet along the southeast property line of 211 Greenwood Avenue to meet Greenwood Avenue, thence the boundary line continues southeasterly approximately 1,575 feet along the south side of Greenwood Avenue, thence turning southeasterly approximately 825 feet along the rear of properties on the west side of Greenwood Place (numbers 13, 12, 11 and 10), thence turning southerly approximately 425 feet along the southwest property lines of the rear of properties on the west side of Bent Road (numbers 337 and 343) and 243 feet along the southwest property line of 1221 Church Road, thence turning easterly approximately 1,300 feet along the north side of Church Road, thence turning northeasterly approximately 200 feet along the rear of property on the southeast corner of Accomac Road and Church Road, thence turning northwesterly approximately 160 feet along the northeast border of said property, crossing Accomac Road, and continuing along the northeast property line of 8100 Accomac Road, thence turning southerly approximately 75 feet along the rear of this property, thence turning westerly approximately 200 feet on the northeast border of 350 Bent Road, thence turning northeasterly approximately 500 feet along the front property lines of 343, 337, 335 and 333 Bent Road, thence turning southeasterly approximately 140 feet along the rear southeastern property line of 322 Bent Road, crossing Accomac Road, thence turning northeasterly approximately 150 feet along the southeastern property line of 140 Accomac Road, thence turning northwesterly approximately 70 feet along the rear of property line of 410 Accomac Road, thence turning northwesterly approximately 225 feet along the rear northeast property lines of 406 Accomac Road and 308 Bent Road, thence turning northeasterly approximately 150 feet along the rear southeast borders of 304 and 300 Bent Road, crossing Kent Road, and continuing along the east property lines of the Calvary Presbyterian Church and 213, 209, 205 and 201 Fernbrook Avenue. At the intersection of Fernbrook Avenue and Maple Avenue, the boundary line continues southeasterly along the northeast side of Maple Avenue, bordering the southwest property lines of 211 Maple Avenue and 135 and 132 Webster Avenue, thence turning northeasterly approximately

1,300 feet along the rear south property lines of houses on the south side of Webster Avenue (numbers 132 to and including 100 Webster Avenue) to the intersection of Glenside Avenue and Webster Avenue, thence Avenue to the intersection of Greenwood Avenue and Glenside Avenue, crossing over Greenwood Avenue to the northwest corner of this intersection, thence turning easterly along the north border of the bridge overpass, approximately 425 feet to the point of boundary between Cheltenham Township and Jenkintown Borough, at the intersection of Summit Avenue and Township Line Road, thence northwesterly along the boundary line separating Cheltenham Township from Jenkintown Borough, a distance of approximately 655 feet, thence turning approximately 90 degrees and continuing along the boundary line separating Cheltenham Township from Jenkintown Borough in a northeasterly direction, a distance of approximately 130 feet through Ralph Morgan Park to the railroad property boundary line, thence proceeding in a northerly direction to meet the most northerly point of Ralph Morgan Park, the place of beginning.

B. Designation of Local Landmarks. For the purpose of this ordinance, any Historic Resource on a scattered site meeting at least one of the following criteria shall be considered a Local Landmark:

- (1) each resource identified in the Cheltenham Township Cultural Resources Survey (Exhibit B hereto, on file with the Township of Cheltenham), as updated and amended from time to time;
- (2) each resource listed in the National Register of Historic Places;
- (3) each resource determined to be eligible for listing in the National Register of Historic Places.

§ 295-145. Applicability; Certificate of Appropriateness review required.

Each applicant for a permit which would authorize any of the acts outlined in paragraphs A-D of this Section within the Historic Resource Overlay District shall first have the plans and specifications reviewed by the BHAR of the Historical District in which the project is located, or by the Planning Commission if the project is not located within a mapped Historical District. So that the unique character and value of the Historic Resources of Cheltenham Township shall not be impaired, the BHAR or Planning Commission shall recommend issuance of permits only if it finds that the application meets the standards set forth in The Secretary of the Interior's Standards for Rehabilitation, as enumerated herein.

A. Alteration, erection, reconstruction, restoration, relocation, or demolition of buildings or structures within designated Historical Districts. In order to promote the cultural, economic, educational and general welfare through the preservation and protection of historic places and areas of unique and historic

interest in the Township of Cheltenham, no building or structure within designated Historical Districts shall hereafter be altered, erected, reconstructed, restored, demolished in whole or in part, or relocated unless and until an application for a Certificate of Appropriateness (sometimes referred to herein as COA) is reviewed by the Board of Historical and Architectural Review (BHAR) created for such Historical District and approved by the Board of Commissioners. In its review, the BHAR shall consider the effect which the proposed change will have upon the general historic and architectural nature of the district, the general design, arrangement, texture, material and color of the building or structure, the relation of such factors to similar features of buildings and structures in the district and the appropriateness of exterior architectural features found on any elevation or roof of a building.

- B. **Erection of new structures and improvements of vacant ground within designated Historical Districts.** No new buildings or structures shall be erected and no improvements shall be made to existing vacant ground in a Historical District unless and until an application for a COA is reviewed by the BHAR created for such district, and approved by the Board of Commissioners.
- C. **Land developments and subdivisions of land within designated Historical Districts.** No lot shall be improved or subdivided within a designated Historical District unless and until an application for a COA is reviewed by the BHAR.
- D. **Demolition or relocation of Local Landmarks.** In order to promote the cultural, economic, educational and general welfare through the preservation and protection of historic places and areas of unique and historic interest in the Township of Cheltenham, no building or structure identified as a Local Landmark shall hereafter be relocated or demolished, in whole or in part, unless and until an application for a COA is reviewed by the Planning Commission of Cheltenham Township and approved by the Board of Commissioners. An application for a COA for demolition or relocation shall also be sent to the applicable BHAR for advisory review.

§ 295-146. Board of Historical and Architectural Review (BHAR).

For the purpose of making effective the provisions of this Article, there is hereby created for each Historical District in the Township a board to be known as the "Board of Historical and Architectural Review." The Board of Historical and Architectural Review is an advisory board which makes recommendations on applications, pursuant to this Article, to the Public Works Committee of the Board of Commissioners.

The Board of Commissioners shall appoint each BHAR consisting of nine members of whom one shall be designated to serve until the first day of January following the adoption of this Article, four until the first day of the second January thereafter, two until the first day of the third January thereafter and two until the first day of the fourth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve four years.

The members of the Board shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

- A. Membership of the Board of Historical and Architectural Review. Each Board of Historical and Architectural Review shall consist of the following representatives, all of whom shall be residents of Cheltenham Township, except as noted in (3) below:
- (1) One member who is a registered architect, preferably a resident of the Historical District.
 - (2) One member who is a real estate broker, preferably a resident of the Historical District.
 - (3) One member shall be the Township's Building Inspector or an approved representative who may or may not be a resident of the Township (from the Department of Engineering, Zoning and Inspections).
 - (4) Five members of the public, preferably residents of the Historical District of the respective BHAR.
 - (5) One member of the Historical Commission.

The terms of the nonpublic members shall be concurrent with their respective terms as members of the represented governmental agency or profession.

- B. Powers and Duties of the Board of Historical and Architectural Review. Each BHAR shall have the following powers and duties with respect to all ground, building and structures within its District:
- (1) To recommend to the Public Works Committee of the Board of Commissioners parcels of vacant ground necessary to preserve and protect within the Historical District.
 - (2) To recommend on the advisability of issuing Certificates of Appropriateness relative to the alteration, erection, reconstruction, restoration, relocation, or demolition, in whole or in part, of any building or structure in said Historical District.
 - (3) To recommend to the Public Works Committee of the Board of Commissioners such changes in the Historical District that will promote the cultural, economic, and general welfare of said District.
 - (4) To recommend to the Public Works Committee of the Board of Commissioners appropriate actions to take on proposed Subdivision/Land Developments wholly or partly located within a Historical District.
- C. Conflicts of Interest. It shall be the duty of each BHAR member to remain conscious of and sensitive to any possible conflict of interest, including but not limited to financial interests and personal or professional affiliations with an applicant, that may arise by virtue of his or her membership on the Board. A member, promptly upon determination of his conflict relative to a matter

brought before the board, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion, or deliberation of and the voting on such matter, including temporarily absenting himself from the room in which the discussion is being held.

§ 295-146.1. Planning Commission.

The "Planning Commission", as described fully in the Cheltenham Township Charter, Article XIII, Citizens' Groups, § C1305 PC, shall be responsible for reviewing and recommending to the Public Works Committee of the Board of Commissioners applications for demolitions or relocations of Local Landmarks as more fully described within this Article.

§ 295-146.2. Public Works Committee of the Board of Commissioners.

The Public Works Committee shall be responsible for reviewing and recommending to the Board of Commissioners actions to take regarding application for projects either within Historical Districts or concerning Local Landmarks as defined within this Article.

§ 295-147. Review criteria: The Secretary of the Interior's Standards for Rehabilitation.

When considering an application for a Certificate of Appropriateness for new construction, alteration, erection, reconstruction, restoration, relocation or demolition of any project located within the Historic Resource Overlay Districts, the BHAR, Planning Commission, and Public Works Committee shall use the Secretary of the Interior's Standards for Rehabilitation, as amended from time to time, as guidelines in making its decisions. These guidelines shall serve as the basis for determining the recommendations of approval or denial of an application.

The Secretary of the Interior's Standards for Rehabilitation are as follows:

- A. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- B. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
- D. Most properties change over time; changes to a property that have acquired historic significance in their own right shall be retained and preserved.

- E. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- G. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- H. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- I. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- J. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

§ 295-148. Review Procedures for Certificate of Appropriateness applications.

- A. **Certificate of Appropriateness review procedures for: alteration, erection, reconstruction, or restoration of buildings or structures within designated Historical Districts; erection of new structures and improvements of vacant ground within designated Historical Districts; land developments and subdivisions of land within designated Historical Districts:**
 - (1) Prior to submission of a permit application, land development application, or subdivision application for any proposed work listed above within a Historical District, the applicant shall provide the following information, plans, photographs, and other supporting materials to the Cheltenham Township Department of Engineering, Zoning, and Inspections:
 - a. Certificate of Appropriateness Application
 - b. Copy of deed showing ownership of property
 - c. 4" x 6" (or larger) labeled photographs showing:
 - All sides of existing buildings and structures
 - Site surrounding existing buildings of structures
 - Adjacent sites, buildings, and structures including adjacent properties and across streets and right of ways
 - d. Scaled drawings indicating all proposed changes, as applicable:

- Site plan, including adjacent sites and buildings
 - Floor plans
 - All elevations
 - Details of all proposed work and new exterior elements
- e. Samples or catalog cuts of any new materials to be used
 - f. Any additional information deemed necessary by the BHAR, in order to make a sound decision, after an initial consultation or review
 - g. A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.
- (2) The Cheltenham Township Department of Engineering, Zoning and Inspections shall notify the applicable Board of Historical and Architectural Review (BHAR) that a complete application for a Certificate of Appropriateness for work proposed in its designated Historical District has been filed with the Township. The Township shall notify the applicant of the time and place of the next BHAR meeting when the application will be discussed.
 - (3) The applicant, or designated representative, must appear to explain and present the application to the applicable BHAR. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly scheduled meeting of the BHAR. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department of Engineering, Zoning and Inspections, the BHAR can recommend denial of the application.
 - (4) The BHAR shall review the materials submitted by the applicant, using the criteria set forth herein, and either table the discussion or forward their recommendation for approval or disapproval to the Public Works Committee of the Board of Commissioners of Cheltenham Township for consideration at its next regularly scheduled meeting. The BHAR, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the BHAR, would protect the distinctive historical character of the District and justify the granting of a Certificate of Appropriateness. If the BHAR recommends approval or disapproval of the application, it shall do so in writing and a copy outlining the recommendation for approval or disapproval shall be provided to the applicant.
 - (5) Upon receipt of the recommendation of the BHAR, the Public Works Committee of the Board of Commissioners of Cheltenham Township shall review the application for a Certificate of Appropriateness at its next regularly scheduled meeting and shall make a recommendation for approval or disapproval to the Board of Commissioners.

- (6) Upon receipt of the recommendation of the Public Works Committee, the Board of Commissioners shall consider at a regular or special meeting the question of issuing to the applicant a Certificate of Appropriateness for the work covered by the application. If the Board of Commissioners approves the application, with or without conditions, the Township shall issue a COA to the applicant for the work covered by the application.
- (7) Upon receipt of an approved Certificate of Appropriateness, the applicant may then submit a building permit application, including the COA, to the Cheltenham Township Department of Engineering, Zoning and Inspections for processing.
- (8) If the Board of Commissioners disapproves the COA for the work covered by the application, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the District. Upon receipt of the written disapproval of the Board of Commissioners, the Director of Engineering, Zoning and Inspections shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.
- (9) The Township shall be responsible for notifying all property owners on the same street within five hundred feet (500') of the designated site of the BHAR application and all property owners not on the same street but within one hundred and fifty feet (150') of the designated site. The Township will be responsible for notifying local historical groups at least thirty (30) days prior to public review of the application by the Board of Commissioners, so that the aforementioned groups may have the opportunity to provide advisory comments regarding the application.

B. Certificate of Appropriateness review procedure for Demolition or Relocation of a Building and/or Structure within a Historical District:

- (1) Prior to submission of a permit application for the relocation or demolition, in whole or in part, of any building and/or structure within a Historical District, the applicant shall provide the following information, plans, photographs, and other supporting materials to the Cheltenham Township Department of Engineering, Zoning, and Inspections:
 - a. Certificate of Appropriateness Application
 - b. Copy of deed showing ownership of property
 - c. 4" x 6" (or larger) labeled photographs showing:
 - All sides of existing buildings and structures

- Site surrounding existing buildings of structures
 - Adjacent sites, buildings, and structures including adjacent properties and across streets and right of ways
- d. Scaled drawings indicating all proposed changes, as applicable:
- Site plan, including adjacent sites and buildings
 - Floor plans
 - All elevations
 - Details of all proposed work and new exterior elements
- e. Samples or catalog cuts of any new materials to be used
- f. Any additional information deemed necessary by the BHAR, in order to make a sound decision, after an initial consultation or review
- g. A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.
- (2) The Cheltenham Township Department of Engineering, Zoning and Inspections shall notify the applicable Board of Historical and Architectural Review (BHAR) that a complete application for a Certificate of Appropriateness for work proposed in its designated Historical District has been filed with the Township. The Township shall notify the applicant of the time and place of the next BHAR meeting when the application will be discussed.
- (3) The applicant, or designated representative, must appear to explain and present the application to the applicable BHAR. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly scheduled meeting of the BHAR. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department of Engineering, Zoning and Inspections, the BHAR can recommend denial of the application.
- (4) In determining whether the preservation of the building or buildings is feasible, the following shall be considered:
- Whether the building or buildings is representative of a specific period of significance that is integral to the Township's history.
 - Whether the building or buildings can be preserved by protecting its location from disturbance.
 - Whether measures, such as rehabilitation, reuse, or restoration, can result in preservation of the structure.
 - Whether the steps necessary to preserve the building or buildings are feasible and do not create an economic hardship.

- Whether the measures taken to preserve the building are long-term in nature.

In determining whether preservation of the building or buildings at another location is feasible, the following shall be considered:

- Whether the building or buildings can be moved and still retain its historic significance.
 - Whether the building or buildings are stable enough to permit relocation.
 - Whether it is feasible and practical to relocate the building or buildings without creating an economic hardship.
 - Whether relocation would result in the long-term preservation of the building or buildings.
- (5) The BHAR shall review the materials submitted by the applicant, using the criteria set forth above, and either table the discussion or forward their recommendation for approval or disapproval to the Public Works Committee of the Board of Commissioners of Cheltenham Township for consideration at its next regularly scheduled meeting. The BHAR, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the BHAR, would protect the distinctive historical character of the District and justify the granting of a Certificate of Appropriateness. If the BHAR recommends approval or disapproval of the application, it shall do so in writing and a copy outlining the recommendation for approval or disapproval shall be provided to the applicant.
 - (6) Upon receipt of the recommendation of the BHAR, the Public Works Committee of the Board of Commissioners of Cheltenham Township shall review the application for a Certificate of Appropriateness at its next regularly scheduled meeting and shall make a recommendation for approval or disapproval to the Board of Commissioners.
 - (7) Upon receipt of the recommendation of the Public Works Committee, the Board of Commissioners shall consider at a regular or special meeting the question of issuing to the applicant a Certificate of Appropriateness for the work covered by the application. If the Board of Commissioners approves the application, with or without conditions, the Township shall issue a COA to the applicant for the work covered by the application.
 - (8) Upon receipt of an approved Certificate of Appropriateness, the applicant may then submit a building permit application, including the COA, to the Cheltenham Township Department of Engineering, Zoning and Inspections for processing.
 - (9) If the Board of Commissioners disapproves the COA for the work covered by the application, it shall do so in writing, and copies shall be

given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the District. Upon receipt of the written disapproval of the Board of Commissioners, the Director of Engineering, Zoning and Inspections shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.

- (10) The above required procedures pursuant to the granting of a permit for demolition of a building within the Historical District will be suspended in cases where the property has been determined to be imminently dangerous, as determined by the Office of the Director of the Department of Engineering, Zoning and Inspections.
- (11) The Township shall be responsible for notifying all property owners on the same street within five hundred feet (500') of the designated site of the Demolition/Relocation application and all property owners not on the same street but within one hundred and fifty feet (150') of the designated site. The Township will be responsible for notifying the Township Historical Commission at least thirty (30) days prior to public review of the application by the Board of Commissioners, so that the aforementioned group may have the opportunity to provide advisory comments regarding the application.

C. Certificate of Appropriateness review procedure for Demolition or relocation of Local Landmarks located outside the Historic Districts:

- (1) Prior to submission of a permit application for the relocation or demolition, in whole or in part, of any building and/or structure designated as a Local Landmark, the applicant shall provide the following information, plans, photographs, and other supporting materials to the Cheltenham Township Department of Engineering, Zoning, and Inspections:
 - a. Certificate of Appropriateness Application
 - b. Copy of deed showing ownership of property
 - c. 4" x 6" (or larger) labeled photographs showing:
 - All sides of existing buildings and structures
 - Site surrounding existing buildings of structures
 - Adjacent sites, buildings, and structures including adjacent properties and across streets and right of ways
 - d. Scaled drawings indicating all proposed changes, as applicable:
 - Site plan, including adjacent sites and buildings
 - Floor plans

- All elevations
 - Details of all proposed work and new exterior elements
- e. Samples or catalog cuts of any new materials to be used
 - f. Any additional information deemed necessary by the BHAR, in order to make a sound decision, after an initial consultation or review
 - g. A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.
- (2) The Cheltenham Township Department of Engineering, Zoning and Inspections shall notify the Planning Commission that a complete application for a Certificate of Appropriateness for a Local Landmark has been filed with the Township. The Township shall notify the applicant of the time and place of the next Planning Commission meeting when the application will be discussed.
 - (3) The applicant, or designated representative, must appear to explain and present the application to the Planning Commission. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly scheduled meeting of the Planning Commission. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department of Engineering, Zoning and Inspections, the Planning Commission can recommend denial of the application.
 - (4) The Planning Commission shall review a written report regarding the application as prepared by the Township's current BHAR consultant (if applicable). The BHAR consultant may be asked to attend the Planning Commission meeting to provide input and advise Planning Commission members about the application.
 - (5) In determining whether the preservation of the building or buildings is feasible, the following shall be considered:
 - Whether the building or buildings is representative of a specific period of significance that is integral to the Township's history.
 - Whether the building or buildings can be preserved by protecting its location from disturbance.
 - Whether measures, such as rehabilitation, reuse, or restoration, can result in preservation of the structure.
 - Whether the steps necessary to preserve the building or buildings are feasible and do not create an economic hardship.
 - Whether the measures taken to preserve the building are long-term in nature.

In determining whether preservation of the building or buildings at another location is feasible, the following shall be considered:

- Whether the building or buildings can be moved and still retain its historic significance.
 - Whether the building or buildings are stable enough to permit relocation.
 - Whether it is feasible and practical to relocate the building or buildings without creating an economic hardship.
 - Whether relocation would result in the long-term preservation of the building or buildings.
- (6) The Planning Commission will review the application and evaluate the probable impact of the demolition or relocation of a building or buildings. The demolition or relocation will be considered based on the integrity of the building or buildings, the impact on the sites immediately adjacent to the proposed demolition or relocation site(s) and the impacts throughout the immediate neighborhood or area. The Planning Commission shall first consider whether preservation of the building or buildings in place is feasible, or failing that option, whether preservation is feasible at another location.
- (7) The Planning Commission, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the Planning Commission, would protect the distinctive historical character of the District and justify the granting of a Certificate of Appropriateness. The applicant shall be granted the opportunity to work with the Planning Commission to find an appropriate use for the property, to help find a buyer for the property, or to obtain grant or loan funding to complete rehabilitation work.
- (8) Upon recommendation for approval or disapproval of the application by the Planning Commission, the application will be forwarded to the Publics Work Committee of the Board of Commissioners of Cheltenham Township, Montgomery County for review at their next regularly scheduled meeting. The Public Works Committee shall then submit to the Board of Commissioners in writing its counsel concerning the issuance of a Certificate of Appropriateness of authorizing a permit for the demolition of all or a part of any building designated as a Local Landmark.
- (9) If the Board of Commissioners disapproves the COA for the work covered by the application, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the District. Upon receipt of the written disapproval of the Board of Commissioners, the Director of

Engineering, Zoning and Inspections shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.

- (10) The above required procedures pursuant to the granting of a permit for demolition of a building within the Historical District will be suspended in cases where the property has been determined to be imminently dangerous, as determined by the Office of the Director of the Department of Engineering, Zoning and Inspections.
- (11) The Township shall be responsible for notifying all property owners on the same street within five hundred feet (500') of the designated site of the Demolition/Relocation application and all property owners not on the same street but within one hundred and fifty feet (150') of the designated site. The Township will be responsible for notifying the Township Historical Commission at least thirty (30) days prior to public review of the application by the Board of Commissioners, so that the aforementioned group may have the opportunity to provide advisory comments regarding the application.

§ 295-148.1. Time limitations.

The Township shall have one hundred and twenty (120) calendar days to act on a complete application for a Certificate of Appropriateness, from the date the application is deemed complete by the Township. If no action has been taken after one hundred and twenty (120) days, such application shall be deemed to have been approved; and the issuance of any permit dependent upon the certification or appropriateness shall be so authorized by the Township. This time limit may be waived at any time by mutual consent of the applicant and the Board of Historical and Architectural Review or Cheltenham Township Board of Commissioners.

§ 295-148.2. Expiration.

Any Certificate of Appropriateness issued pursuant to the provisions of this Article shall expire twenty-four (24) months from the date of issuance, except that under the following circumstances the COA shall continue to be in effect:

- (1) the authorized work is commenced within said twenty-four (24) month time period
- (2) an active building permit for the authorized work is on file with the Township.

§ 295-148.3. Exceptions to Certificate of Appropriateness procedure.

A COA is not required for the routine repair, maintenance or replacement in kind of any exterior elements or features of any building or structure, in whole or in part, within a

Historical District or of any Local Landmark. Replacement in kind refers to equal in construction characteristics, including material, size, configuration, profile, appearance, texture, color and method of installation with conforming lines, levels and planes.

In order to obtain a ruling regarding whether a proposed project is considered to be a routine repair or maintenance or replacement in kind, applicants must complete a BHAR application, indicating the extent of repair or maintenance or replacement in kind and the specifications of the proposed undertaking. As part of the application for exemption to the Certificate of Appropriateness procedures, attachments and detailed photographs documenting the element or feature included in the proposed project must be submitted with the BHAR application for review by the Director of Engineering, Zoning and Inspections. The Director of Engineering, Zoning and Inspections will then make a determination whether the proposed repair or maintenance or replacement is in kind and whether the submission is sufficiently complete to forgo the COA procedure. The Director of Engineering, Zoning and Inspections shall keep records of all applications for exceptions to the COA procedure and provide a report, including the property address and scope of work, of such approved exceptions to the appropriate BHAR at the first official meeting following the exception.

If the Director of Engineering, Zoning and Inspections makes a determination that the proposed work is routine repair or maintenance or replacement in kind, the applicant may then make application for a building permit. If the Director of Engineering, Zoning and Inspections makes a determination that the proposed work is not routine repair or maintenance or replacement in kind, the BHAR application of the applicant will be placed on the agenda of the appropriate BHAR meeting.

Annually the Director of Engineering, Zoning and Inspections shall prepare a summary report, including the property address and scope of work, of all exceptions to the COA procedure for the prior two years, and distribute said report to all members of the BHARs one month prior to the annual adoption of this section.

§ 295-149. Documentation of Historic Resource Prior to Demolition or Relocation.

If the Township issues a permit for the demolition or relocation of a building or structure located within a Historical District or identified as a Local Landmark, the Board of Commissioners shall require the applicant to provide documentation of the historic resource proposed for demolition. Such documentation may include photographs, floor plans, copies of deeds, scaled site plans, archeological survey, summary descriptions, maps, and any other comparable form of documentation stipulated by the Board of Commissioners, in order to provide a record of the property for future generations. Copies of documentation shall be provided to the Township Office of Engineering, Zoning and Inspections, the Cheltenham Township Historical Commission, and to any other research institution or document repository deemed appropriate by the Board of Commissioners.

§ 295-150. Demolition by Neglect.

Demolition by neglect shall be a violation of the provisions of this Article and shall be subject to the violation provisions and penalties provided for in the Cheltenham Township Zoning Code. In addition, unoccupied buildings within Historical Districts and Local Landmarks located outside of the Historical Districts shall be tightly sealed, weatherproofed, fenced or otherwise protected, and their utilities shall be shut off for safety, violation of which shall be subject to the violation provisions and penalties of the Cheltenham Township Zoning Code.

§ 295-151. Violations.

Failure to secure a Certificate of Appropriateness, when required, previous to the erection, reconstruction, alteration, restoration, relocation, or demolition of a building or structure within the Historic Resource Overlay District shall be considered a violation of this Article and shall be subject to the violation provisions and penalties of the Cheltenham Township Zoning Code.

§ 295-152. Certification by Pennsylvania Historical and Museum Commission.

Immediately upon the adoption of this Article, the Township Manager shall forward a certified copy thereof to the Pennsylvania Historical and Museum Commission. This article shall not take effect until the Pennsylvania Historical and Museum Commission has certified, by resolution, to the historical significance of the La Mott and Wyncote Historical Districts, as defined in §295-144.A. herein, and the Local Landmarks designated according to the criteria listed in §295-144.B. herein. The provisions of this Article shall in no way affect or nullify the existing Zoning Ordinances relative to the Zoning Districts in which the Historical Resource Overlay Districts established in this Article are situated.

SECTION 3. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to effect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 4. In all other respects, the Code of the Township of Cheltenham, Chapter 295, entitled "Zoning," is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

SECTION 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this 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 Cheltenham Township Board of Commissioners that this Ordinance would have been adopted if such legal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

SECTION 6. This Ordinance shall take effect and be in force from and after it is approved as required by law.

ENACTED into an **ORDINANCE** this _____ day of _____, 2012.

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

BY: _____
Art Haywood, President

ATTEST: _____
Bryan T. Havir, Acting Township Manager

