

February 20, 2013  
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, Portner, Sharkey, and Simon.

Staff present were Charlyn Battle, Director of Human Resources; Michael Fleming, Public Works Coordinator; Nancy Gibson, Public Information and Complaint Officer; John O. Hoover, Jr., Director of Parks and Recreation; Mark McDonnell, Public Works Superintendent; Kevin O'Brien, Deputy Chief of Police; Joseph O'Neill, Fire Marshal; Bruce Rangnow, Acting Director of Fiscal Affairs; and Bryan T. Havir, Township Manager.

Also present was Joseph M. Bagley, Esq., Township Solicitor. A Public Attendance List is attached.

1. The meeting was called to order by Board President Haywood at 7:30 p.m. and commenced with the Pledge of Allegiance being led by Commissioner Norris.
  2. Mr. Haywood announced that the Commissioners held an Executive Session prior to the meeting to discuss real estate matters.
  3. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated January 23, 2013, upon motion of Mr. McKeown, the Minutes were unanimously approved by the Board of Commissioners as amended by Mr. Simon who noted an incorrect date on said Minutes.
  4. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of January, 2013, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
  5. Each member having received a copy of the Accounts Paid Report for the month of January, 2013, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.
  6. Mr. Simon presented **Resolution No. 43-13** to retired Pennsylvania 154<sup>th</sup> District State Representative Lawrence H. Curry in recognition of his service to the State and the Township (see attached).
  7. Mr. Simon presented **Posthumous Resolution No. 8-13** to Joan Stern recognizing the contributions of her late husband Peter (see attached).
- [Mr. Portner left the meeting at this time].
8. **PUBLIC HEARING:** To receive any and all comments from the public regarding the adoption of an Ordinance to amend the Township Code, Chapter 295, entitled "Zoning" to allow for the creation of a Riparian Corridor Conservation District (see attached).

Mr. Haywood asked for a motion to open the Hearing. Mr. McKeown made the motion.

Mr. Bagley reviewed the purpose of the Hearing, publication of the Legal Notice, the Exhibits that will be part of the record, the letter of support from the Montgomery County Conservation District and the opinion of the Cheltenham Township Planning Commission.

Mr. Haywood called for comments from the public. There were none.

Upon motion of Mr. McKeown, and unanimously approved by the Board, the Hearing was closed.

[A transcript of the Hearing is available via *Notes of Testimony*].

9. Mr. Simon noted that the copy of the Ordinance that was attached did not contain a map of the proposed Riparian Corridor Conservation District.

Upon motion of Mr. Haywood, the Board of Commissioners unanimously agreed to table action on said Ordinance to the Board of Commissioners meeting on March 20, 2013 and that the proposed Ordinance on the Riparian Corridor Conservation District include a map.

10. **PUBLIC HEARING:** To receive any and all comments from the public regarding a request from Creekside Co-op for support of its application to the Pennsylvania Liquor Control Board for an E-License and to consider the adoption of a Resolution (see attached).

Mr. Haywood asked for a motion to open the Hearing. Mr. McKeown made the motion.

Mr. Bagley reviewed the purpose of the hearing and publication of the Legal Notice.

Mr. Haywood called for comments from the public. There were public comments.

Upon motion of Mr. McKeown, and unanimously approved by the Board, the Hearing was closed.

[A transcript of the Hearing is available via *Notes of Testimony*].

11. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 9-13** supporting the application of the Creekside Co-op for to the Pennsylvania Liquor Control Board for an E-License (see attached).

12. Review of the Public Works Committee Minutes dated February 13, 2013:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L937 to William and Richelle Shelton, owners of 3 Latham Parkway, La Mott, relating to replacing the nine existing windows with white aluminum clad wood, six-over-one double hung sash windows as recommended by the La Mott Board of Historical and Architectural Review.

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously awarded a Professional Services Contract to Cardno BCM Engineering, Plymouth Meeting, PA 19462 for design and construction management engineering services for Interceptor A Sanitary Sewer Replacement Project, Phases 2A, 2B and 3 in the amount of \$286,000.

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted a \$2,000 donation from Arcadia University to fund Google Apps for implementation of the Sustainability Plan for one year.

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Works Committee Regular Meeting Minutes dated February 13, 2013.

13. Review of the Public Safety Committee Meeting Minutes dated February 6, 2013.

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2258-13** amending Chapter 285 of the Township Code entitled "Vehicles and Traffic" (see attached).

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 10-13** adopting the Montgomery County Hazard Mitigation Plan amendments (see attached).

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Safety Committee Regular Meeting Minutes dated February 6, 2013.

14. Review of the Public Affairs Committee Meeting Minutes dated February 6, 2013.

a. Upon motion of Ms. Hampton, the Board of Commissioners unanimously adopted **Resolution No. 11-13** accepting the resignation of David G. Kraynik and the appointment of Bryan T. Havir as a new Director of the Board of the Cheltenham Township Industrial Development Authority ("IDA") (see attached).

b. Upon motion of Ms. Hampton, the Board of Commissioners unanimously adopted **Resolution No. 12-13** appointing the Director of Fiscal Affairs as the Township Treasurer (see attached).

c. Upon motion of Ms. Hampton, the Board of Commissioners unanimously accepted the Public Affairs Committee Regular Meeting Minutes dated February 6, 2013.

15. Review of the Building and Zoning Committee Meeting Minutes dated February 6, 2013.

a. The Board of Commissioners considered scheduling a Public Hearing regarding an amendment to the Zoning Code as it relates to the proposed Lloyd Tract (Laverock Hill) development. He noted a typo in the proposed date of the Hearing and asked for an amendment to the Minutes.

b. Upon motion of Mr. Simon, the Board of Commissioners unanimously approved the scheduling of a **Public Hearing** on Thursday, May 16, 2013, at 7:30 p.m., at Curtis Hall, to hear any and all comments from the public regarding an amendment to the Township Zoning Code, Chapter 295, relating to the Lloyd Tract, a/k/a Laverock Hill (see attached).

16. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Building and Zoning Committee Regular Meeting Minutes dated February 6, 2013 as amended.

17. Review of the Parks and Recreation Committee Regular Meeting Minutes dated February 13, 2013.

a. Mr. Simon noted that the Rock Creek Greenway proposal has not yet been approved but has been accepted. The plan includes several concepts that need to be considered.

b. Upon motion of Mr. McKeown, the Board of Commissioners unanimously accepted the Parks and Recreation Committee Regular Meeting Minutes dated February 13, 2013.

18. Review of the Pension Board Regular Meeting Minutes dated February 1, 2013.

a. Upon motion of Mr. Norris, the Board of Commissioners unanimously agreed to rebalance the Township's four (4) pension plans by reducing commodities from 5% to 2.6% with 1.3% applied equally to both the C.S. McKee PIMCO Core Fund and the Oppenheimer Domestic and Emerging Markets Commodity Funds, as recommended by the Pension Advisor.

b. Upon motion of Mr. Norris, the Board of Commissioners unanimously approved that the retirement date of Police Chief John J. Norris be extended to January 1, 2014.

c. There was discussion as to whether or not to migrate the Township's Pension Plans to a real-time format. Mr. Simon felt that not migrating would be consistent with the Township's long-term approach to investing. It was Mr. Norris' opinion that the Commissioners had to recognize that there is a risk to any investing delay especially if there is an increase in interest rates but he also agreed not to migrate.

Upon motion of Mr. Norris, the Board of Commissioners unanimously agreed not to migrate the Township's Pension Plans to a real-time format known as "Discretionary Program".

d. Mr. Norris updated the Board on discussions at the Pension Board meeting regarding the yield of the fixed income portfolio. He stated that, based on the current economic situation, it is expected that interest rates will move upward. Currently, the fixed income portfolio is yielding very little. There is pressure to earn a certain percentage so that there is sufficient growth in all the plans to cover the pensions. The rate of return from the fixed portfolio needs to be increased. However, there is greater risk in chasing a higher yield so the choice has to be balanced. Much of the portfolio is invested in equities, which have a greater risk. Based upon the advice of PFM Advisors, Mr. Norris indicated that it was the consensus of the members of the Pension Board who were present at the meeting to move into higher yielding investments.

Mr. Simon asked what percentage of the entire portfolio is in fixed-income investments from which the five percent (5%) would come. Mr. Norris responded about thirty percent (30%). He questioned why a search was necessary to invest for this percentage. Mr. Norris responded that C.S. McKee does not invest in high yield funds. Mr. Simon suggested that if a new manager for high yield investing is hired that said manager be carefully monitored. Mr. Norris stated that investing in junk bonds would not be considered but that low risk, higher yield corporate bonds would most likely be considered. Mr. Simon asked if other municipal pension board have similar investments. Mr. Norris responded that they do.

Upon motion of Mr. Norris, the Board of Commissioners unanimously authorized PFM Advisors to conduct a search, for an amount not to exceed \$5,000, for a new Fixed Income Money Manager to administer the shifting of 5% of the Township's core diversified pension fixed income investments into low risk, high yield fixed income investments that do not include junk bonds.

Mr. Norris affirmed that PFM Advisors would only be searching for a high yield fixed income manager at this time, and that said approval was not for the manager to make discretionary investments. The Commissioners will have the opportunity to interview perspective managers.

e. Upon motion of Mr. Norris, the Board of Commissioners unanimously accepted the Pension Board Regular Meeting Minutes dated February 1, 2013.

19. Under New Business:

a. In accordance with the Code of the Township of Cheltenham and Article XIII, Section 1302, of the Home Rule Charter, the President of the Board presented new appointments to citizens' committees for the advice and consent of the Board.

Upon motion of Ms. Hampton, the Board of Commissioners unanimously approved the following appointments:

Judith Gratz (Ex-Officio Member), Environmental Advisory Committee  
Bonita E. (Bonnie) Hay (Ex-Officio Member), Environmental Advisory Committee

Upon motion of Mr. Norris, the Board of Commissioners unanimously approved the following appointment:

Debra L. Forman (Voting Member), Planning Commission

Upon motion of Mr. Simon, the Board of Commissioners unanimously approved the following appointment:

K. Daryl Carrington (Alternate Member), Zoning Hearing Board

b. Announcements from the Township Manager:

- Mr. Havir announced that the new blue recycling carts will soon be delivered to the Township. Distribution of the carts will commence on the west side of the Township and crews will move from an west side to east side route. The program goes into effect on April 1, 2013 and asked that residents do not use them until that time.

Mr. Norris asked if directions for placement of the carts would be available.

Mr. McDonnell stated that residents can use their best judgment as to where to place them. The truck drivers will place the containers in the most practical location at the end of driveways/curbs. Mr. Simon felt that if there is a preferable place for residents to place the containers, this should be communicated on all of the Township's media.

- The Township was very successful in receiving a grant from the Pennsylvania Department of Environmental Protection in the amount of \$250,000, which will cover the cost of one of the new recycling trucks. Cheltenham Township was one of only two (2) county municipalities to be awarded this grant and one of the few state-wide to receive the full allocation of grant funds.

c. Mr. Haywood reported that an all-day workshop was held with the United States Army Corps of Engineers on February 14, 2013, at Glenside Hall, to discuss flood issues and was attended by Township Staff, Commissioners, representatives from FEMA, PEMA, EPA, DEP, the County Planning Commission and County Soil Conservation District, and representatives of State Representative McCarter and Senator Washington. He advised that the Montgomery County Planning Commission is encouraging the use of rain barrels to help reduce flooding, and asked Township Staff to investigate the feasibility of having a rain barrel rebate program that could be discussed at a future meeting.

Mr. McKeown questioned the cost factor of such a program that was attempted in the past but was not successful.

Mr. Simon felt it could be worthwhile to investigate this further.

Ms. Hampton reported that the Cedarbrook Middle School has a program on each Earth Day. She felt that such a program could be positive on a Township-wide basis.

Mr. Bagley stated that he was familiar with a Township that has a rain barrel set up at its Township Building as a demonstration model.

Mr. Havir advised that in 2003, the Township partnered with the Philadelphia Water Department and the Tookany/Tacony Frankford Watershed Partnership and received funding for a demonstration project that enabled the purchase of 125 rain barrels, which were distributed to residents. There was a public education outreach program for residents to discuss stormwater management and use rain barrels. The program was monitored for 2-3 years. For the first two years, it was successful but not something the state wanted to fund anymore based on the results of the pilot program. The biggest negative factor was human behavior because people were not

emptying them. Mr. Havir felt that with the sustainability effort, people will be more educated. He advised that there is a rain barrel at the Township Building.

19. Under Citizens' Forum:

a. Robert DeMaria stated that he would be willing to give 10 metal barrels to the Township for use on its properties. People needed to be educated on how to use them. He reiterated his request at previous meetings to use the greenhouse on the Township Administration Building campus.

Mr. McKeown reported that he inspected the greenhouse, and it is not habitable and has been designated as condemned by the Building and Zoning Department. He felt the greenhouse should be demolished.

Ms. Hampton asked for an update on the status of the greenhouse. Mr. Havir responded that he met with Mr. DeMaria a few weeks ago, and Mr. DeMaria's request is still under consideration by Staff. The greenhouse has been condemned, and using it could cause liability issues for the Township. The areas Mr. DeMaria wants to use are next to unsafe and unstable foundation, and this needs to be discussed with the solicitor.

Mr. DeMaria was advised by Mr. Haywood that the Commissioners will wait for a recommendation from Mr. Havir and the solicitor before making a decision on his request to use the greenhouse.

b. David Cohen asked about the status of the Kerlin Farms development at 1050 Ashbourne Road. Mr. Bagley advised that the Zoning Hearing Board solicitor has issued a "Notice of Decision" on the appeal but the "Findings of Fact" have not yet been completed. If it is decided that an appeal will be taken, it has to be taken based on the Findings of Fact and not the Notice of Decision.

Mr. Cohen suggested that greater clarity was needed on the proposed Laverock Hill development, i.e. what portion of the property is in Cheltenham Township and what portion is in Springfield Township. He suggested that a map indicating the boundary lines be placed on the Township's website. Regarding the Public Hearing scheduled for May 16, 2013 to an amendment to the Township Zoning Code relating to the Lloyd Tract (Laverock Hill), he suggested that the Township address to what other properties said Ordinance would apply.

c. Robert Hyslop stated that he attended the Parks and Recreation Committee and the Public Works Committee meetings on February 13, 2013. He felt that his comments were erroneously recorded and asked that they be corrected.

At the Public Works Committee meeting: a) His inquiries into DVD archives of the Township's meetings were not a result of an encounter at the Elkins Park Library but rather through a conversation with the Public Information and Complaint Officer about library distribution and resident copying and then with Glenside Library Staff, not specifically Carrie Turner, President and CEO of the Libraries; b) Regarding short-term flood mitigation, he was not concerned that said mitigation list was to be finalized by this time but that the final list as approved in February 2012, had a maximum projected repair completion dates of either 7, 10 or 12-months, which have lapsed,

with evidence of further delays even in starting the approved point repairs. He is interested in the point repairs that affect the Harrison Avenue area but some of the approved PR1-PR8 point repairs also affect the Greenwood Avenue and Bickley Road areas.

At the Parks and Recreation Committee meeting: a) He did not say that he disliked the woodlands; 2) Regarding his concern about flooding, many pieces (not entire proposals) of the Rock Creek Greenway Plan can provide solutions to Township-wide flooding and should be pursued; 3) He supported the four (4) components of Rock Creek Greenway Proposal #2 and felt that they could provide significant flooding relief - constructed wetlands, vegetated infiltration basins, woodlands and rain gardens. As for Rock Creek Greenway Proposal #4, he supported surge dams, wetland forests, floodplain forests, and upland forests.

Mr. Hyslop noted that the Parks and Recreation Meeting Minutes on the website did not include the meeting's Public Attendance List and it was not listed in a PDF version. He asked if DVD's of all meeting could be available at all Township libraries.

Mr. Haywood stated that the Commissioners have not yet taken a position regarding the proposals of the Rock Creek Greenway Plan. Mr. Sharkey asked Staff to contact Library President and CEO Carrie Turner to inquire as to whether or not DVD's of the Township meetings could be made available at all of the libraries.

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



---

Bryan T. Havir  
Township Manager

as per Anna Marie Felix

*A Resolution No. 43-13  
of the Board of Commissioners of Cheltenham Township*

*Whereas,* THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with deep admiration and appreciation, honors **LAWRENCE H. CURRY** for his invaluable service on behalf of the citizens of Cheltenham Township as State Representative; and

*Whereas,* **LAWRENCE H. CURRY** was motivated to political activism by the Civil Rights movement and marched in Selma, Alabama in 1965. He went on to serve as Jenkintown Borough Councilman before winning two terms as a Montgomery County Commissioner. He was elected Representative of the Pennsylvania 154th Legislative District in 1992 and served for 20 years; and

*Whereas,* As a state legislator, **LAWRENCE H. CURRY** served as the Democratic Chairman of the House Aging and Older Adults Services Committee and staunchly supported education. He also introduced legislation to ensure new parents received information important to infants' health and set standards for hemophilia patient care. **LAWRENCE H. CURRY** has also held leadership roles in many notable civic and community organizations and has taught and lectured at several area colleges and universities.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twentieth Day of February, A.D., 2013, does hereby officially honor **LAWRENCE H. CURRY** for his many laudable and noteworthy achievements on behalf of the Township, county and state. It is further directed that this Resolution be spread in full upon the minutes of this meeting and that a copy thereof be presented to former Representative Curry.

IN WITNESS WHEREOF, I, ART HAYWOOD, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hands and caused the Seal of the Township of Cheltenham to be made a part thereof. DONE AT ELKINS PARK, PENNSYLVANIA, in the year of the Township of Cheltenham, the one hundred and fourteenth.

**BOARD OF COMMISSIONERS  
OF CHELTENHAM TOWNSHIP**



By: \_\_\_\_\_  
Art Haywood, President



Attest: \_\_\_\_\_  
Bryan T. Havar  
Township Manager and Secretary

*A Resolution No. 8-13  
of the Board of Commissioners of Cheltenham Township*

*Whereas,* THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with sincere sorrow and deep respect, posthumously honors **PETER STERN**, of Wyncote, as a community activist who contributed to Cheltenham Township; and

*Whereas,* After serving in the Army during World War II, **PETER STERN** created a technology to combat the theft of library books, which lead to the launch of a successful business that he headed until his retirement in 1985. A lifelong poet and song parodist, he recorded many of his parodies in two collections of light verse and authored an illustrated collection of stories that he originally told his grandchildren; and

*Whereas,* In addition to his family, **PETER STERN**'s other great passion was local grassroots politics. His efforts were critical to the success of many candidates he supported. His dedicated involvement influenced local, county and national politics in support of the positions and values he championed.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twentieth Day of February, A.D., 2013, does hereby officially honor **PETER STERN** for his committed activism in local politics. It is further directed that this Resolution be spread in full upon the minutes of this meeting and that a copy thereof be presented to his family.

IN WITNESS WHEREOF, I, ART HAYWOOD, President of the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, have hereunto set my hands and caused the Seal of the Township of Cheltenham to be made a part thereof. DONE AT ELKINS PARK, PENNSYLVANIA, in the year of the Township of Cheltenham, the one hundred and fourteenth.

**BOARD OF COMMISSIONERS  
OF CHELTENHAM TOWNSHIP**



By: \_\_\_\_\_  
Art Haywood, President



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

**CHELTENHAM TOWNSHIP**

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

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP  
OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED  
“ZONING,” CREATING AN ARTICLE XXXIV, ENTITLED “RIPARIAN CORRIDOR  
CONSERVATION DISTRICT”**

**SECTION 1. The Board of Commissioners hereby adopts the following as Chapter 295, Zoning, Article XXXIV, Riparian Corridor Conservation District:**

**§295-247. Legislative intent.**

In expansion of the community development objectives contained in Article I, Section 295-1, of this chapter and in support of the goals and recommendations of the Cheltenham Township Comprehensive Plan, the Cheltenham Township Open Space Plan, and all other adopted plans relating to environmental and water resource management in Cheltenham Township, it is the intent of this article to provide reasonable controls governing the conservation, management, disturbance, and restoration of riparian corridors under authority of Article I, Section 27 of the Pennsylvania Constitution, Act 247, the Municipalities Planning Code, as amended, and other Commonwealth and Federal statutes. In addition, the specific intent and purposes of this article are to:

- A. Improve surface water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, and water bodies by using scientifically- proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
- B. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
- C. Preserve and protect areas that intercept surface water runoff from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into water bodies, as well as provide wildlife habitat, moderate water temperature in water bodies, and provide opportunities for passive recreation.
- D. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance and accepted conservation practices, and to work within the carrying capacity of existing natural resources.

- E. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.
- F. Conserve the natural features important to land or water resources such as headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats and other features that provide recreational value or contain natural amenities that exist on developed and undeveloped land.
- G. Work with floodplain, steep slopes, and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.
- H. Support the goals and practices of Stormwater Management Plan for the Tookany/Tacony-Frankford Designated Watershed, as adopted by Cheltenham Township and as amended.
- I. Recognize that natural features contribute to the welfare and quality of life of the Cheltenham Township residents.
- J. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

**§295-248. Applicability.**

- A. The Riparian Corridor Conservation District is an overlay district that applies to lands adjacent to streams, including any adjacent wetlands, and/or water bodies draining into the identified stream, as specifically delineated in §295-249 herein.
- B. The Riparian Corridor Conservation District regulations shall apply when:
  1. A plan is submitted for Land Development and/or the Subdivision of Land.
  2. A Building Permit application is submitted for construction of a new structure and/or an expansion of an existing structure within 100' of a mapped stream.
- C. Lots containing legal structures in existence at the time of adoption of this Article shall not be subject to the requirements of this Article unless and until they are the subject of either B.1 or B.2 listed above. Existing non-conforming uses and structures shall be permitted to expand to the extent permitted by this Chapter.
- D. Any lands within one-hundred feet (100') of a stream that are wholly separated from that stream by a public or private street shall be considered outside the Riparian Corridor Conservation District and the regulations contained in this article shall not apply.

**§295-249. Boundary definition, zone determination and interpretation.**

A. Boundary application. The Riparian Corridor Conservation District is an overlay district that applies to lands adjacent to streams, wetlands, and water bodies, as specified in the following table:

Water Feature	Minimum Corridor Width
<p><b>1. Mapped Streams</b> As mapped on the adopted “Cheltenham Township Riparian Corridor Conservation District Map,” (<i>Attachment A, as amended</i>) including any adjacent wetlands and/or water bodies draining into the identified stream.</p>	<p><b>Zone One:</b> Minimum width of 25 feet from each defined edge of the stream at bank full flow, measured perpendicular to the edge of the stream.</p> <p><b>Zone Two:</b> Minimum width of 75 feet from the outer edge of Zone One, measured perpendicular to the edge of Zone One, or equal to the extent of the 100-year floodplain<sup>1</sup>, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater.</p>
<p><b>2. Unmapped Streams</b> Any perennial stream<sup>2</sup>, located on a site survey prepared by a design professional licensed in the Commonwealth of Pennsylvania, including any adjacent wetlands and/or water bodies draining into the identified stream.</p>	<p><b>Zone One:</b> Minimum width of 25 feet from each defined edge of the stream at bank full flow, measured perpendicular to the edge of the stream.</p> <p><b>Zone Two:</b> Minimum width of 75 feet from the outer edge of Zone One, measured perpendicular to the edge of Zone One, or equal to the extent of the 100-year floodplain<sup>1</sup>, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater.</p>

<sup>1</sup>100-year floodplain shall be defined according to the criteria of Zoning Code Article XXI, Floodplain Conservation District.

<sup>2</sup>A “perennial stream” shall mean any waterway that has continuous flow in parts of its bed all year round.

B. Zone Designation Adjustment for Steep Slopes. Where steep slopes in excess of 15 percent are located within Zone Two (as defined in Section §295-249.A. above), Zone One shall be extended to include the steeply sloped area. Steep slopes shall be determined according to the criteria of Zoning Code Article XXII, Steep Slope Conservation District. Final determination of steep slope area shall be at the discretion of the Township Zoning Officer.

C. Zone One and Zone Two boundary locations shall be measured from the defined edge of the stream channel at bank-full flow, or from the defined top of bank, whichever is greater. In cases where a stream is channeled using stone or concrete walls, or some other method, the inner edge of the top of the wall shall define the edge of the stream channel.

- D. When a submission, as identified in §295-248.B, is made to Cheltenham Township, it shall be the applicant's responsibility to identify and accurately locate all streams, wetlands, and water bodies on the applicant's site and within 100 feet of the applicant's property boundaries. All Zone One and Zone Two Riparian Corridor boundaries, as defined and adjusted in Sections §295-249.A and B and §295-250, shall also be identified by the applicant. Plans for Land Development and Subdivision of Land shall be prepared by a design professional licensed in the Commonwealth of Pennsylvania, and shall be reviewed by the Township Zoning Officer for correctness.
- E. **Boundary Dispute.** The Zoning Officer, Township Engineer and/or other such advisors selected by the Board of Commissioners, shall make all determinations related to the boundaries of the Riparian Corridor Conservation District. Any party that alleges there is an error in any such determination, or other decision or determination under this Article, may appeal to the Zoning Hearing Board as provided in Article XXVII.
- F. **Terminology.** Technical terminology used in this article shall be interpreted to have the meanings used and recognized by the Pennsylvania Department of Environmental Protection. Interpretation and final determination shall be made by the Township Zoning Officer.

#### **§295-250. Boundary Adjustments**

The boundaries of the Riparian Corridor Conservation District, as identified in §295-249, shall be adjusted in compliance with the following:

- A. All properties measuring less than one acre shall be permitted to reduce Zone One to ten feet (10'), and Zone Two to an additional twenty-five feet (25'), measured from the edge of Zone One, for a total buffer width of thirty-five feet (35').
- B. If any structure legally existing at the time of the passing of this article lies within one hundred feet (100') of the defined edge of a stream, in whole or in part, Zone Two requirements shall not apply. Zone One requirements shall apply as specified herein (10' for properties less than one acre; 25' for properties greater than one acre).
- C. If any parking lot or driveway legally existing at the time of the passing of this article lies within twenty-five feet of the defined edge of a stream (and/or within Zone One), and that parking area or driveway is proposed to be redeveloped or reconfigured as part of a Land Development application, the proposed paved area shall not encroach upon the stream buffer any more than the existing paved area already does. The proposed paved area shall be located a minimum of five feet (5') away from the defined edge of the stream, even if the existing paved area is closer to the stream, and the remaining five (or more) feet shall be vegetated. This requirement only applies when the paved area is the subject of a land development application; this does not apply to regular maintenance such as re-paving of an existing parking lot or driveway.

**§295-251. Uses permitted in the Riparian Corridor Conservation District.**

The following uses are permitted in the Riparian Corridor Conservation District in compliance with the requirements of this article, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other code or chapter:

**A. Uses permitted within both Zone One and Zone Two:**

1. Open space uses that are primarily passive in character, including wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and passive areas of public and private parklands.
2. Walking paths and recreational trails, constructed in compliance with Chapter 102, Title 25, of the Pennsylvania Administrative Code, entitled "Erosion and Sediment Control." Trails shall be located a minimum of five feet (5') away from of the defined edge of a stream, except that periodic look-out points shall be permitted to allow users access to the stream.
3. Maintenance of vegetation and plant materials, including gardening, landscaping, tree and shrub pruning, and lawn mowing and edging.
4. Streambank stabilization and channel restoration activities as approved and/or conducted by the Township of Cheltenham.
5. Corridor crossings, by special exception only, for driveways, roadways, paved trails, railroads, and utilities, provided the stream crossing design standards and mitigation requirements of §295-254 are satisfied.

**B. Uses permitted within Zone Two only (not permitted within Zone One):**

1. New /proposed accessory structures having an area equal to or less than 400 square feet and otherwise meeting the dimensional requirements of the underlying zoning district. New/proposed accessory structures shall not be located within Zone One, except as allowed in §295-250 herein, including but not limited to sheds, and garages.
2. Required yard areas proposed as part of a Subdivision or Land Development shall be permitted in Zone Two but shall not include any lands located in Zone One. Required yard areas shall be measured from the edge of Zone One where it is closest to the proposed structure and/or building envelope.
3. Active recreation areas such as ball fields, playgrounds, golf courses, swimming pools, and sports courts, provided these uses are designed in a manner that will not permit accelerated erosion as defined and regulated Chapter 290 of the Township Code – Watershed Stormwater Management.
4. Centralized sewer and/or water lines and public utility transmission lines. When proposed as part of a subdivision or land development, the mitigation requirements of §295-254 shall be satisfied. In all cases, utility lines shall be located at least thirty-five

feet (35') from Zone One, or a minimum of sixty feet (60') from the top of the stream bank, whichever is greater.

**§295-252. Uses specifically prohibited in the Riparian Corridor Conservation District.**

Any use or activity not authorized in §295-251 shall be prohibited within the Riparian Corridor Conservation District, and the following uses and activities are specifically prohibited:

- A. Roads and driveways, except where permitted as corridor crossings in compliance with §295-254.
- B. Parking lots, except as permitted in compliance with §295-250.
- C. Subsurface sewage disposal areas.
- D. Storm water detention basins.

**§295-253. Inspections of the Riparian Corridor Conservation District**

Cheltenham Township shall have the right to inspect lands within or adjacent to an identified Riparian Corridor Conservation District when:

- A. A plan is submitted for Land Development or Subdivision of Land.
- B. A Building Permit application is submitted for construction of a new structure and/or an expansion of an existing structure within one hundred feet (100') of a mapped stream.
- C. The Riparian Corridor Conservation District may also be inspected periodically by Cheltenham Township for compliance with an approved restoration plan, excessive or potentially excessive erosion, or at any time when the presence of an unauthorized activity or structure is brought to the attention of the Township.

**§295-254. Corridor Crossing Standards**

All corridor crossings permitted under §295-251, herein, shall incorporate, as required, the following design standards:

- A. The width of the proposed right-of way shall not be greater than the minimum right-of-way width required by the Subdivision and Land Development Ordinance.
- B. Crossings shall be designed to cross the riparian corridor at direct right angles (+/- 10 degrees) in order to minimize disturbance of the corridor.
- C. Crossings shall be separated by a minimum of 1,000 feet of buffer length.

- D. Bridges shall be used when crossings would require a 72-inch or greater diameter pipe. When culverts are installed they shall consist of slab, arch, or box culverts and not corrugated metal pipe. Culverts shall be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.
- E. Mitigation Measures. Corridor crossings permitted in §295-251 shall be mitigated by increasing the width of the corridor as replacement for the area lost due to the encroachment, so that the total corridor area (land area within Zone One and Zone Two) for each applicable side of the stream or water body is equal to that required by §295-248.

**SECTION 2.** 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 3.** 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 4.** 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 5.** This Ordinance shall take effect and be in force from and after it is approved as required by law.

**ENACTED** into an **ORDINANCE** this 20<sup>TH</sup> day of February, 2013.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_  
Art Haywood, President

ATTEST: \_\_\_\_\_  
Bryan T. Havir, Secretary

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 9-13**

**A RESOLUTION APPROVING THE APPLICANT'S REQUEST FOR AN  
ECONOMIC DEVELOPMENT LICENSE FOR THE CREEKSIDE CO-OP**

**WHEREAS**, the CreekSide Co-op has expressed interest in obtaining a "deli beer license" or "E-license" from the Pennsylvania Liquor Control Board; and

**WHEREAS**, the CreekSide Co-op has expressed interest in the idea of selling exclusively "high end artisan" six packs of craft beer; and

**WHEREAS**, the CreekSide Co-op has represented that there are currently no available "E-licenses" in Montgomery County; and

**WHEREAS**, the regulations of the Liquor Control Board provide for issuance of a restaurant or eating place retail dispenser license for the purpose of economic development; and

**WHEREAS**, the Cheltenham Township Board of Commissioners has held a hearing on February 20, 2013, following public notice, on the Applicant's request for an economic development license.

**NOW, THEREFORE**, the Board of Commissioners of Cheltenham Township, duly assembled, **RESOLVES** and **FINDS** as follows:

1. Applicant's name: Our Community Cooperative of Cheltenham Township, Inc. d/b/a CreekSide Co-op. Applicant's address: 7909 High School Road, Elkins Park, PA 19027.
2. Applicant's proposed licensed premises is situated in an area designated for economic development within the Elkins Park East Commercial District.
3. The Cheltenham Township Board of Commissioners finds that the issuance of the "deli beer license" or "E-license" would promote economic development.
4. The Cheltenham Township Board of Commissioners received favorable input and comment from its Economic Development Task Force to support issuance of said license.
5. The Cheltenham Township Board of Commissioners approves of the CreekSide Co-op's request for an economic development license.

**DULY ADOPTED**, this 20<sup>th</sup> day of **February, 2013**, by the Board of Commissioners of Cheltenham Township, Montgomery County, in lawful session duly assembled.

CHELtenham TOWNSHIP  
BOARD OF COMMISSIONERS



By: \_\_\_\_\_  
Art Haywood, President



Attest: \_\_\_\_\_  
Bryan T. Havir, Township Manager  
and Secretary



PUBLIC ATTENDANCE LIST



# Board of Commissioners Meeting

Wednesday, February 20, 2013 @ 7:30 P.M.

*Curtis Hall*

1250 W. Church Road, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
BRUCE RANGNOW	118 BONCORA RD	215-635-0559	
Fern Billet	36 Mulberry Lane	635-3684	
Shirley Larry Curry	250 Wyncote Rd Jenk	215-885-4154	
Juanita ANDERSON	305 Mulberry PK in Genside	215-572-1261	
ANNE MacKIFFIE	314 Hillside	215-531-4721	
Jeff Muldrew	457 Greenwood Wyncote	215-884-9074	
ARTHUR ALEXANDER	7848 Spring E P	215-635-5240	
DAVID L. COHEN	321 Genside	215-782-8723	
Kenneth Mirsky	231 Linden Dr		
Kim Breslin		267-918-0398	
Phyllis BORIN		215-635-5513	
D.B. HANES	313 MARVIN RD		



PUBLIC ATTENDANCE LIST



# Board of Commissioners Meeting

*Wednesday, February 20, 2013 @ 7:30 P.M.*

*Curtis Hall*

*1250 W. Church Road, Wyncote, PA 19095*

*(Please Print Clearly)*

Print Name	Mailing Address	Telephone Number	E-mail Address
Debt + Steve McCarter	211 W waverly	215 884 7306	
BEN & ANDREA THEIS	ELKINS PARK		bptheis@yahoo.com
Kevin Ranken	550 Betham Elks PK	215 900 7107	
RACHEL PENNY	300 CENTRAL AVE CHELTENHAM, PA		
Mary Kurian	76		
ROBERTA H YSCOP	211 MARLISON GLENIDE	215 886 0813	
S Strahg	CC		
HELENE ZAROFF	608 W PAUL PA		
Ann Rappoport			
NICK PATELES	8235 FOREST AVE		