

February 17, 2010  
Curtis Hall

The regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Morton J. Simon, Jr. presiding. Members present were Commissioners Hampton, Haywood, McKeown, Portner, Sharkey, and Swavola. Staff present were Charlyn Battle, Human Resources Coordinator; Bryan T. Havir, Assistant Township Manager; John O. Hoover, Jr., Director of Parks and Recreation; Rudy Kasthuber, Public Works Coordinator; David Lynch, Director of Engineering, Zoning & Inspections; M. Elizabeth McBride, Director of Fiscal Affairs; John J. Norris, Chief of Police; Ruth Littner Shaw, Main Street Manager; Joseph M. Bagley, Esq., Wisler, Pearlstine, LLP; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

1. President Simon opened the meeting with the Pledge of Allegiance being led by Commissioner Swavola.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated January 20, 2010, upon motion of Mr. Portner, 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 January 2010, 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. Each member having received a copy of the Accounts Paid Report for the month of January, 2010, upon motion of Mr. Portner, 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 awarded a Professional Services Contract to Pennoni Associates, Inc., Philadelphia, PA, in the amount of \$69,429.00 to provide consultant services for Sanitary Sewer Manhole Inspections.

6. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L860 to Marjorie C. Hutchins, owner of premises known as 7404 Cedar Lane, LaMott, relating to the replacement of siding on the rear shed-roof addition and replacement of basement windows and a kitchen window as recommended by the LaMott Board of Historical and Architectural Review.

7. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L862 to Maurizio Albala, owner of premises known as 23 Latham Parkway, LaMott, relating to the replacement of four windows on the back and side of the building as recommended by the LaMott Board of Historical and Architectural Review.

8. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W809 to Arica Nevraumont, owner of premises known as 151 Greenwood Avenue, Wyncote, relating to the replacement of windows throughout the house as recommended by the LaMott Board of Historical and Architectural Review.

9. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved Cheltenham Township Development Application 09-07 Record Plan HVAC Units for One Washington Square subject to the following Conditions and Waivers:

A. CONDITIONS

1. That the text "Cheltenham Township Development Application No. 09-07" be added to the lower right hand corner of all plan sheets.
2. That the following data be added to the plan:
  - a. A legend clearly denoting existing and proposed features. (CCS 260-32.B.(5))
  - b. Names and address of the Owner. (CCS 260-32.C.(2))
  - c. Property Line Data
    - i. Symbol indicating Point of Curvature/Point of Tangency for Curves.
    - ii. Chord Bearing/Distance for Curves (CCS 260-32.D.(1))
  - d. North Point on Location Map (CCS 260-32.C.(5))
  - e. Graphic Scale (CCS 260-32.C.(5))
  - f. Names and widths of streets (CCS 260-32.D.(2))
  - g. Location of adjoining property lines and names of adjoining owners (CCS-260-32.D.(2))
  - h. State highway width, legislative and traffic route numbers (CCS 260-33.C.(1)(k))
3. That the Township is in receipt of the Montgomery County Planning Commission Review of this Subdivision/Land Development.
4. That General Note 1. be replaced with the following:

The purpose of this plan is to show the approximate location of exterior HVAC Units on the property.

B. WAIVERS TO BE GRANTED BY THE BOARD OF COMMISSIONERS

1. That the requirement of CCS 260-15. for sidewalks be waived.
2. That the requirement of CCS 260-30. for an Environmental Impact Study be waived except for Subsection D. relating to noise.
3. That the requirement of CCS 260-32.C.(3) which requires that the plan be prepared by an Engineer or Surveyor be waived.

4. That the requirement of CCS 260-32.C.(6) for a note stating the elevation datum is based upon the Cheltenham Township Sanitary Sewer Datum be waived.
5. That the requirement of CCS 260-32.D.(1) for a property survey be waived.
6. That the requirement of CCS 260-32.D.(2) for depiction of Planimetric data within 400' of the site be waived.
7. That the requirement of CCS 260-32.D.(4) for the location, size and ownership of all underground utilities and any rights-of-way within the property be waived.
8. That the requirement of CCS 260-32.D.(5) for depiction of topography of the site and within 400' of the site be waived.
9. That the requirement of CCS 260-32.D.(6) for the location, species and size of large trees standing alone be waived.
10. That the requirement of CCS 260-32.D.(7) for proposed contours and for the elevations for the building floors be waived.
11. That the requirement of CCS 260-32.C.(4) and CCS 260-32.E.(3) for a notation on present Zoning Classification, Zoning Requirements and existing proposed setbacks be waived.

10. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved that the Township enter into an Agreement with Arcadia University to commence site work and obtain building permits for the proposed improvements shown on CTDA No. 09-11 Record Plan Arcadia University Kuch Center Expansion prior to said plan being recorded subject to the Township Solicitor's review of same.

11. Upon motion of Mr. Haywood, the Board of Commissioners agreed to enter into an agreement with TransNet (Suburban Transit Network, Inc.), Blue Bell, PA, with the following terms and conditions: free transit service to Cheltenham residents age 65 or older; this service would operate on Mondays, Wednesdays and Fridays; the hours would be from 9:00 a.m. until 3:30 p.m.; the service would operate within Cheltenham Township as a "Cheltenham Only" route but would include transportation to and from Jenkintown Acme and the Fox Pavilion; service

commences April 1, 2010; the contract is not to exceed \$10,000; the contract will be valid for six (6) months or \$10,000 whichever comes first (Ayes: Haywood, Sharkey, Simon, Swavola; Nays: Hampton, McKeown, Portner).

12. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved the scheduling a **Public Hearing** for April 21, 2010, at Curtis Hall, at which time the Board would consider the possible adoption of a new Stormwater Management Ordinance.

13. The Board of Commissioners considered authorizing the Township Manager to write a letter to Temple University regarding the donation of a portion of land that is part of the Tyler School of Art property, which is currently known as the LaMott Community Garden.

Diane Williams, 1812 Beech Avenue, President of the LaMott Civic Association, asked if the Township's letter to Temple University is being amended to address Mr. Haywood's opposition to the Township supporting a 501(c)3 organization that has not yet been formed.

Mr. Simon responded that at the Public Works Committee meeting held previously this evening, he suggested that the Township write a letter to Temple University regarding the community garden area that would be of a very general nature; would include the Township's desire to own the property; the Township's desire to see the land preserved as community space for a community garden in some fashion; and would put in writing its prior conversations with Temple University regarding the Community Garden but the letter will not state any particular organization. Mr. Simon stated that he specifically eliminated any specific person or entity as the recipient of the donation. In the end, it is Temple University's decision what to do with the land. Ms. Williams mentioned that there has been talk of a possible museum on the site, which she opposed and claimed so do some other LaMott residents.

14. Upon motion of Mr. Haywood, and unanimously approved by the Board of Commissioners, the Township Manager was directed to write a letter to the President of Temple University requesting that the University donate the land known as the LaMott Community Garden to Cheltenham Township and/or in keeping with past discussions, that Temple University allow Cheltenham Township to be included in any negotiations with buyers of Temple University property encompassing this particular property.

15. Upon motion of Mr. Haywood, the Board of Commissioners unanimously agreed to submit a letter of support to State Representative. Curry for his proposed House Bill 221 regarding banning toxins from plastics in baby products.

16. Upon motion of Mr. Haywood and unanimously approved by the Committee, the Public Works Committee Regular Meeting Minutes dated February 17, 2010, were accepted.

17. Upon motion of Mr. Sharkey, the Board of Commissioners renewed the bus shelter contract with Clear Channel Outdoor with the following changed provisions (Ayes: Hampton, McKeown, Portner, Simon, Sharkey, Swavola; Nays: Haywood):

- Three (3) year contract retroactive from January 1, 2010 to January 1, 2013;
- \$100 per month in revenue per shelter (\$50 per face);
- Bus shelter inspections one time every other week;
- Repair of bus shelter damage within three (3) days;
- Clear Channel Outdoor has the right to remove, refuse to install, or eliminate lighting from any shelter without the Township's consent.

18. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved the scheduling of a **Public Hearing** on the update of the Township's Community Revitalization Plan on March 17, 2010.

19. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 9-10** authorizing a Preserve America Grant for a Phase III Cultural Resources Survey.

**TOWNSHIP OF CHELTENHAM  
RESOLUTION NO. 9-10**

**AUTHORIZING THE FILING OF A PROJECT PROPOSAL FOR A  
FY 2010 PRESERVE AMERICA HISTORIC PRESERVATION GRANT**

**WHEREAS**, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce to increase local participation of communities in preserving the country's cultural and natural heritage assets, support economic vitality, strengthen regional identity and create local pride; and

**WHEREAS**, in November 2006, Cheltenham Township was designated as a Preserve America community by Mrs. Laura Bush, First Lady of the United States thereby making Cheltenham Township eligible for various federal grant programs sponsored by the National Park Service and the Advisory Council on Historic Preservation, U. S. Department of Interior; and

**WHEREAS**, the Historical Commission at its meetings of January 14, 2010 and February 11, 2010 reviewed the program criteria and recommended that the Township apply for funding to hire a historic preservation consultant to continue its inventory of cultural and historic resources for inclusion of up to 100 additional properties in the Township's Cultural Resources Survey, having a total estimated project cost of \$40,000.

**BE IT FURTHER RESOLVED**, that Cheltenham Township Board of Commissioners, County of Montgomery, Commonwealth of Pennsylvania hereby agrees to apply for a matching grant for up to 50% of the total project cost totaling \$20,000 for its efforts in inventorying and recording cultural and historic resources for inclusion in the Township's Cultural Resources Survey.

**BE IT FURTHER RESOLVED**, that the Board of Commissioners of Cheltenham Township will assume the provision of the full 50% local matching share of project cost, which equates to \$20,000.

**BE IT FURTHER RESOLVED**, that the Township Manager/Secretary of the Township of Cheltenham or his designee be directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to the National Park Service and the Advisory Council on Historic Preservation, United States Department of the Interior.

**DONE IN ELKINS PARK, PENNSYLVANIA**, under my hand and the Seal of the Township of Cheltenham, this 17<sup>th</sup> day of February A.D., 2010, in the year of the Township of Cheltenham the one hundred eleventh.

Resolved and adopted this 17<sup>th</sup> day of February, A.D., 2010.

TOWNSHIP OF CHELTENHAM



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Morton J. Simon, Jr., President  
Board of Commissioners

ATTEST



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David G. Kraynik, Township Manager  
(SEAL)

20. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted Resolutions honoring the following organizations and individuals:

- a. **Resolution No. 10-10** to the Cheltenham Achievers Network for mentoring and encouraging youth in the Township.
- b. **Resolution No. 11-10** to the Cheltenham branch of the NAACP for public service and advocacy to increase inclusion in the Township.
- c. **Resolution No. 12-10** to the Cheltenham African American Alliance for advocacy and excellence for all students in the School District.
- d. **Resolution No. 13-10** to Thomas J. Wieckowski of Wyncote for authoring the book "Making a Marathon – A History of Early Wyncote".
- e. **Resolution No. 14-10** to Harold Lichtman for his contributions to the Economic Development Task Force and Ad Hoc Zoning Committee.

Said Resolutions will be presented at a future meeting of the Board of Commissioners that is convenient for the recipients.

21. Mr. Haywood noted that at the Public Affairs Committee meeting on February 3, 2010, he voted "Nay" to recommend renewal of the bus shelter contract and asked that the Minutes be amended to correctly reflect his vote.

22. Upon motion of Mr. Sharkey, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated February 3, 2010 were accepted, as amended.

23. Mr. Sharkey noted that at the Public Safety Committee meeting on February 3, 2010, he voted "Nay" to tabling the proposed Traffic Calming Study by the Police Department. Mr. Haywood stated that he also voted "Nay". Both Commissioners asked that said Minutes be amended to correctly reflect their votes.

24. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Ordinance No. 2199-10** amending Chapter 285 thereof, entitled "Vehicles and Traffic".

ORDINANCE NO. 2199-10

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING PARKING METER ZONES AND 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:

WOODLAND AVENUE (6) TWO-HOUR PARKING, 8:00 a.m. to 6:00 p.m.,  
Huber Street to 20 feet west of Ruralside Avenue.

**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:

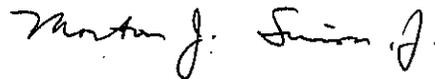
WOODLAND AVENUE (6) NO PARKING HERE TO CORNER, west side, Old  
Soldiers Road to 50 feet north.

**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 17<sup>th</sup> of February, A.D., 2010.

BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM



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Morton J. Simon, Jr., President  
Board of Commissioners

ATTEST



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David G. Kraynik, Township Manager  
(SEAL)

25. Upon motion of Mr. McKeown, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated February 3, 2010 were accepted, as amended.

26. Mr. Sharkey noted that at the Building and Zoning Committee meeting on February 3, 2010, he voted "Nay" to creating a tri-party agreement between Federation Housing and FirstTrust Bank that would make the Township the third party. He asked that said Minutes be amended to correctly reflect his vote.

27. Upon motion of Mr. Swavola, the Board of Commissioners approved that the Township Solicitor create a tri-party agreement between Federation Housing and FirstTrust Bank for the project at 1509 Ashbourne Road with the following terms and conditions: Approximately Seventy percent (70%) of the non-building improvements inclusive of 10% (said amount equal to \$1,300,000.00); releases shall not be made by the Township, upon review of the Township Engineer, until 30% of the non-building improvements have been completed and then only commensurate with the percentage of completed non-building improvements in excess of 30%. For example, once 31% of the non-building improvements have been completed, in the opinion of the Township Engineer, 1% of the security may be released by the Township. In addition, \$91,290 cash escrow for engineer and legal review shall be posted by the developer and the Township remains as a beneficiary on the Performance Bond (Ayes: Haywood, McKeown, Portner, Simon, Swavola; Nays: Hampton, Sharkey)

28. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved the scheduling of a **Public Hearing** on April 21, 2010 to rescind Ordinance No. 2071-04 (*see attachment*).

29. Upon motion of Mr. Swavola, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated February 3, 2010 were accepted, as amended.

30. Under New Business:

a. Mr. McKeown complimented the Public Works Department for its snow removal efforts.

b. Mr. Simon reported that Sen. Schwartz and Cong. Fattah's offices indicate that federal grant funds might be available for the transit bus service if the Township joins in a municipal consortium for such transit service. A study completed by the Delaware Valley Regional Planning Commission supports such a consortium. He has been contacted by a council member from Jenkintown, and the two of them may approach Abington Township to join a consortium of the three (3) municipalities, which would enable residents to travel among all three municipalities. Mr. Simon considered this to be another funding source in addition to the county and the state. In response to a question from Ms. Hampton, Mr. Simon stated that the funding would be for transit bus service only.

The Board discussed possible application for said grant funding. Mr. Havir reviewed the following: the upcoming federal funding deadlines, which were all within the next two (2) days; only one (1) project can be applied for at a time; and the information for East Elkins Park Streetscape Enhancement Project has been completed and is ready for filing. Mr. Kraynik stated that the Township is submitting a grant for a shovel-ready project that should be more competitive for federal government funding.

There was a comment from the public: Olga McHugh, 127 Hewett Road, discussed issues regarding the proposed SEPTA parking garage at the Jenkintown/Wyncote (J/W) Train Station. According to Ms. McHugh, the garage is noted on the Route 611 Corridor Study Phase II; a transit bus consortium would reinforce the need for a garage and transportation center at the J/W Train Station; applying for federal funding for said bus would reinforce the need for a

garage; if the Township decides to apply for federal funding, it should be certain about what the funding is for.

Mr. Swavola commented that he would like a study performed on the bus funding prior to Staff submitting any application for funds. Mr. Simon agreed that a priority for funding application at this time would be for the East Elkins Park Streetscape Enhancement Project.

c. Discussion ensued regarding Inter-Municipal Cooperative Projects.

Ms. Hampton requested information be provided to her regarding bike and walking paths as they relate to the Route 611 Corridor Study.

d. Mr. Simon explained that at the January 20, 2010 Board of Commissioners meeting when the Citizens' Committees were reorganized he appointed Ms. Hampton to be the Commissioners' representative on the Library Board replacing Mr. Sharkey when Mr. Sharkey completed a project he was working on with the Library Board. With said project being completed, Mr. Sharkey has resigned from the Library Board, and Ms. Hampton's term will now become effective.

Upon motion of Mr. Portner, the Board of Commissioners unanimously accepted the resignation of J. Andrew Sharkey as the Commissioners' representative on the Library Board and approved the appointment of Kathy A. Hampton as Mr. Sharkey's replacement.

31. Under Citizens' Forum:

a. Thomas McHugh, 127 Hewett Road, stated that he attended the EAC meeting of January 25, 2010, and felt the Minutes of that meeting did not adequately reflect certain issues discussed as follows:

- o The EAC's unanimous decision to support the proposed draft letter that it recommended be sent by the Township to Temple University was not included. Mr. Simon pointed out that said motion was included on page 2, paragraph 2, of said Minutes.

- Mr. McHugh felt that his diligent work on the J/W Parking Garage was skimmed over in the Minutes and did not reflect the council's unanimous vote for council member Daryl Carrington's motion in support of a petition to the U.S. Department of Transportation to encourage the Federal Transit Administration (FTA) to require a complete Environmental Impact Study (EIS) of the J/W Parking Garage and that the Township and the EAC be parties of interest to the J/W Train Station Improvement Project. He stated that the Cheltenham Chamber of Citizens (CCC) requested the FTA to submit an EIS for the train station in lieu of an Environmental Assessment (EA). He noted that the EAC recommended that the Township submit a letter supporting its recommendation.
- He noted various data included in a report from the FTA entitled "Public Transportation's Role in Responding to Climate Change" that was discussed by the EAC. Mr. McHugh felt that the EAC's position statement is being used by SEPTA not to speak to Cheltenham's residents.

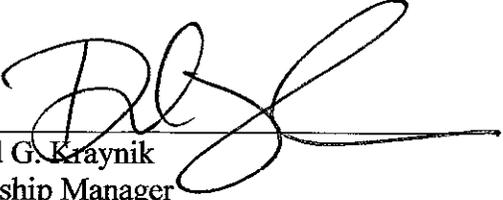
b. Mary Beth Carroll, Barbara Duffy and Olga McHugh addressed the Board regarding how to request an Environment Impact Study for the J/W Train Station as well as being included as interested parties. Mr. Haywood stated that citizens' committees are advisory committees only. Ms. Carroll stated that the EAC wants to be informed of communications between SEPTA and the Township as well as a party of interest as it pertains to the EIS. Mr. Bagley noted that SEPTA provides for public to sign up for information. Mr. Simon noted that being an interested party for documents from the FTA and for documents from SEPTA are separate processes. SEPTA has an Environmental Assessment, not an EIS. Ms. Duffy requested that the EAC wants any pertinent design documents from SEPTA, and wants to be privy to any FTA documents that SEPTA gets from the FTA. Ms. McHugh felt that citizens can request a federal agency to ensure that proposed projects get an EIS.

Ms. Hampton questioned the purpose of the EAC being a party of interest when it is a citizens' committee.

Discussion ensued by Ms. Carroll, Ms. Duffy and Ms. McHugh about what it meant to be a party of interest. They agreed with Mr. Havar's suggestion that this be discussed further at the next EAC meeting on February 22, 2010.

c. Jesse Civello, 148 Mt. Carmel Avenue, asked if the free fare for the TransNet bus applied to disabled people. Mr. Simon responded 'yes'.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Board, the meeting was adjourned, and the Commissioners commenced an Executive Session to discuss litigation and personnel matters.

  
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 David G. Kraynik  
 Township Manager



PUBLIC ATTENDANCE LIST



**Public Works Committee  
Board of Commissioners  
Meetings**

*Wednesday, February 17, 2010 @ 7:30 P.M.*

Curtis Hall

*Church Road & Greenwood Avenue, Wyncote, PA 19095*

*(Please Print Clearly)*

Print Name	Mailing Address	Telephone Number	E-mail Address
Sam Valenza	701 Lincoln Ave WG	215 659-0555	SAM-21@BURNAT-TRANS.COM
Tony Valenza	701 Lincoln Ave	EXT 121 215 659 0555	
Marcia Brady	7620 Front	215 635 5921	
Dennis J. Gismar	PO Box 13 19012	215 379 2754	
David Scott			DScott2450@AOC
Barb Duffy	8 Hewett Rd.	215 885-1506	beduffy@comcast.net
FILL METLER	131 WOODLAND	215 885 8936	
Joan Johnston-Stem Peter Stem	209 Fernbank Ave		joanpeter209@aol.com
Judith Gratz	Wyncote	215-896-7809	I am here to support acquiring the LaMott garden
Jose N. Civello	Glenview		jcivello@verizon.net
Steve Miller	Melrose Cove	215-635- 2444	smiller@ aot.or
Alma & Tom McHugh	127 Hewett Rd.		



**CHELTENHAM TOWNSHIP  
ORDINANCE NO. 2071-04**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM,  
CHAPTER 295 THEREOF, ENTITLED "ZONING", BY PERMITTING RELIGIOUS  
USE BY SPECIAL EXCEPTION WITHIN THE CLASS M-2 MULTIPLE DWELLING  
ZONING DISTRICTS SUBJECT TO CERTAIN OBJECTIVE PRE-QUALIFYING  
CONDITIONS**

**WHEREAS**, the Township of Cheltenham Board of Commissioners has determined that the health, safety and welfare of the Township and its residents would be served by permitting religious uses by Special Exception in certain areas currently zoned Class M-2 Multiple Dwelling Districts, subject to objective, pre-qualifying conditions, including minimum lot area, frontage on a state highway, and parking requirements.

**SECTION 1.** The Code of the Township of Cheltenham, Chapter 295 thereof, entitled "Zoning", Subsection 295-2.C. is hereby amended by adding the following definitions:

"Religious use- Property owned by and utilized by a religious organization for public worship by a congregation, including religious school, ancillary and accessory uses."

**SECTION 2.** The Code of the Township of Cheltenham, Chapter 295, "Zoning", Article XIII, regulating the "M2 Multiple Dwelling Districts" is hereby amended by adding a new Subsection 295-80.C as follows:

"Religious use is permitted when authorized as a special exception, subject to the following conditions:

- (1) There shall be no residential dwelling units;
- (2) A minimum lot area of five (5) acres;
- (3) At least 500 feet of frontage along a state highway;
- (4) Parking in accordance with the following formula:

(i) 1 parking space for every 3 seats in the sanctuary;

(ii) for related and accessory uses other than the sanctuary, 1 parking space for every 3 seats in fixed seating areas; plus 1 space for every 100 square feet of gross open floor area devoted to or capable of being used for assembly by patrons, guests, or members; plus 1 space for every 200 square feet of office area;

(iii)the total parking required by (i) and (ii) may be reduced by 10% due to the related operation and functioning of the principal and accessory uses;

(iv)the greater of (A) the minimum number of parking spaces required for the sanctuary or (B) 40% of the total required parking (without consideration of the 10% related parking reduction in (iii)) must be provided on-site. The balance of the required parking (less the 10% related parking reduction in (iii)) may be provided off-site, subject to documentation submitted to the zoning officer demonstrating that off-site parking areas are controlled by the property owner for a term of at least 25 years, within a radius of 3 miles from the boundaries of the property devoted to the religious use; and

(v) any off-site parking arrangements shall be reviewed annually by the zoning officer. If the total amount of parking is deemed insufficient by the zoning officer, the zoning officer can either require additional off-site parking or restrict any of the related or accessory uses until the required additional parking is provided.

**SECTION 3.** The Code of the Township of Cheltenham, Chapter 295, Zoning”, Article XXIX, “General Regulations” is hereby amended as follows:

a. In Subsection 295-221.A.(1) add the following paragraph:

Notwithstanding the above the parking space area for religious use in an M-2 District shall consist of not less than 162 square feet of useable area.

**SECTION 4.** Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect 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 5.** In all other respects, the Code of the Township of Cheltenham, Chapter 295, “Zoning”, is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

**SECTION 6.** 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 Township of Cheltenham Board of Commissioners that this

Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**SECTION 7.** This Ordinance shall take effect and be in force from and after it is approved as required by law. **ENACTED** into an **ORDINANCE** this 21<sup>st</sup> day of **December, 2004.**

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

*Harvey Portner*

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

*David G. Kraynik*

ATTEST: \_\_\_\_\_  
David G. Kraynik, Township Manager