

July 21, 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; Joseph L. Galdo, Jr., Director of Fiscal Affairs; 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; Mark McDonnell, Public Works Superintendent; Joseph O'Neill, Fire Marshal; Ruth Littner Shaw, Main Street Manager; Lt. John Weed; 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 Hampton.
2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated June 16, 2010, upon motion 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 June, 2010, upon motion of Mr. Swavola, 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 June, 2010, upon motion of Mr. Swavola, the Report was unanimously approved by the Board of Commissioners and ordered spread in full upon the Minute Book.

5. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 32-10** recognizing certain public safety agencies for their response to a house fire in February, 2010.

Mr. Portner presented said Resolution to the following agencies:

Cheltenham Emergency Medical Service  
Cheltenham Police Department  
Edge Hill Fire Company  
Glenside Fire Company  
Ogontz Fire Company  
Roslyn Fire Company  
Weldon Fire Company  
Wyndmoor Fire Company

## A Resolution No. 32-10

### of the Board of Commissioners of Cheltenham Township

*Whereas,* THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with deep appreciation and gratitude, salutes the public safety responders to the Paxson Avenue Apartment Fire on February 1, 2010; and

*Whereas,* First on the scene, Cheltenham Police Officers were able to evacuate three of four units in the building, but a person was trapped on the third floor. Responding fire companies arrived in under four minutes and were immediately deployed to rescue the victim and suppress the fire. The victim was treated by the Cheltenham Emergency Medical Service and sustained no acute injuries. In total, six fire companies took part in rescue and fire control, which successfully contained fire damage to one unit of the 200-year-old building.

*Whereas,* A textbook example of a fire response done right, the incident avoided tragedy thanks to the superlative teamwork of the following agencies: **Edge Hill Fire Company, Glenside Fire Company, Ogontz Fire Company, Roslyn Fire Company, Weldon Fire Company, Wyndmoor Fire Company, Cheltenham Police Department and Cheltenham Emergency Medical Service.**

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twenty-First Day of July, A.D., 2010, does hereby officially recognize all of the dedicated public safety personnel involved for their outstanding performance in the Paxson Avenue apartment fire. 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 each responding agency.

IN WITNESS WHEREOF, I, MORTON J. SIMON, JR., 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 eleventh.

**BOARD OF COMMISSIONERS  
OF CHELTENHAM TOWNSHIP**

By: Morton J. Swinn J.  
President

Attest: David C. Kraybill  
Township Manager and Secretary

6. Mr. Sharkey presented *Making a Difference in Cheltenham Awards* to the following individuals selected by the Substance Abuse and Mental Health Committee.

Natasha Hinton  
Catherine McGough

Present was Alan Cohen, Chairman of the Substance Abuse and Mental Health Committee.

7. PUBLIC HEARING: To receive any and all comments and suggestions from the public regarding a proposed amendment to the Zoning Code, repealing Chapter 295, thereof, entitled Zoning, Article XXXIII, the "Age Restricted Overlay District".

Mr. Simon opened the hearing. Mr. Bagley stated that a Legal Notice was twice duly advertised and offered the Proof of Publication as an Exhibit. He reviewed the purpose of the Ordinance, the reason for its repeal, the Municipalities Planning Code as it relates to said Ordinance, and asked for any comments from the public. There were comments from Joel Perlstein, 1778 East Willow Grove Avenue and Wendy Blutstein, 1805 Hillcrest Road (see "Notes of Testimony"). At the conclusion of comments from the public, upon motion of Mr. Sharkey, and unanimously approved by the Board, the hearing was closed.

In response to comments made at the Public Hearing, Mr. Swavola stated that the purpose of the Ordinance was to maximize a type of revenue that would have the least impact to the Township and the School District. This Ordinance has been applied to the current planned development of the former Ashbourne Country Club. Without said Ordinance, Mr. Swavola indicated that the propose development could have been much larger than it is, with more homes and more students added to the School District. The Ordinance allowed for guidance, function to the neighborhood as to how it will evolve, and a lesser traffic burden to neighborhoods. He questioned what would replace it. Mr. Swavola was not certain that repeal of this Ordinance

serves any purpose, and he felt that the requirements of this Ordinance are very effective.

It was Mr. Haywood's opinion that repeal of said Ordinance does not mean the Township is abandoning ways of development and that it is important for the Township to move beyond the framework of this Ordinance.

8. Upon motion of Mr. Sharkey, the Board of Commissioners adopted **Ordinance No. 2207-10**, repealing Chapter 295, thereof, entitled Zoning, Article XXXIII, the "Age Restricted Overlay District" (AYES: Hampton, Haywood, McKeown, Portner, Sharkey, Simon; NAY: Swavola).

**BOARD OF COMMISSIONERS  
CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2207-10**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF  
CHELTENHAM, CHAPTER 295, ZONING, TO REPEAL ARTICLE  
XXXIII, THE "AGE RESTRICTED OVERLAY DISTRICT" IN ITS  
ENTIRETY**

The Board of Commissioners of Cheltenham Township does hereby enact and ordain:

- Repeal of Chapter 295, Article XXXIII of the Codified Ordinances of Cheltenham Township

Chapter 295, entitled "Zoning", Article XXXIII entitled "Age Restricted Overlay District" of the Codified Ordinances of Cheltenham Township, also known as Ordinance No. 2154-08, is hereby repealed in its entirety and shall be considered null and void.

**- Severability**

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

**- Repealer**

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

**- Effective Date**

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

**ENACTED** into an Ordinance this 21<sup>st</sup> day of July, 2010.

**BOARD OF COMMISSIONERS  
OF CHELTENHAM TOWNSHIP**

By: Morton J. Swain, Jr.  
President

Attest: David G. Kravitz  
Township Manager and Secretary

9. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a contract for the Reconstruction of Mather Way and Massey Way to Joseph E. Sucher & Sons, Inc., Eddystone, PA 19022 in the amount of \$244,375.00 being the lowest responsible bidder, being within budgetary limitations, and meeting Township specifications.

10. Upon motion of Mr. Haywood, the Board of Commissioners unanimously accepted Lower Merion Township's Board of Commissioners award of a Consortium Contract for Fuel Oil #2 to Superior Plus Energy Services LLC for approximate price of \$2.5119 per gallon per fixed delivery. This contract is for a one year period from August 1, 2010 through July 31, 2011.

11. Mr. Simon noted that he has received concerns about the Board's acceptance of the plan for the Glenside Business Improvement District (BID). He explained that the Board's vote will be to "accept" the plan, which has gone through months of preparations and drafting and with input from many people from the community. He asked that the word "final" be deleted and clarified that it is final in that it is the last plan that the Delta Development Group drafted for the possible creation of a Glenside BID, and that no Ordinance is being adopted this evening. This plan is part of a long process, which is still to come, and will entail several future public meetings.

Mr. Sharkey reiterated that a BID Plan does not supersede Township Ordinances and the Zoning Code, and residents and property owners would still receive the appropriate notifications.

Mr. McKeown reviewed how businesses who join the BID would pay an additional tax, and recommendations for improvements to the business district would come from the businesses themselves, not the residents. This additional tax is based on each property's assessment. He reviewed his participation when he had a business and was a member of a BID in Philadelphia.

Mr. Simon reviewed the real estate tax assessment and the percentage of tax increase levied by the BID Board.

There was a question from the public. Betty Cataldi, 46 Limekiln Pike, asked if the BID was only for merchants. Mr. Simon responded that it would include the merchants and property owners but not residential occupants or residential property owners. He advised that a BID is a statutory entity created in accordance with Pennsylvania State Statute and explained the process. He clarified that all future meetings will be public meetings.

Mr. Swavola stated that residential property owners can attend the meetings but cannot vote.

Mr. Sharkey stated that the BID Plan contains ideas and recommendations for business owners to consider, and is not a finality. The BID Plan is being misconstrued by some individuals to be a done deal and something being done behind closed doors. Mr. Sharkey noted that one of the recommendations is for the hiring of an Executive Director for which the Township has no money. If any recommendations are seriously considered, the public would be given the opportunity to have input.

Upon motion of Mr. Haywood, the Board of Commissioners unanimously accepted the final plan for the Downtown Glenside Business Improvement District created by Delta Development Group, Inc.

12. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L874 to Jared Young, owner of premises known as 7327 Butcher Street, LaMott, relating to the replacement of the front porch roof, the rear flat roof section, installation of a new soffit on the back porch and the installation of

a new gutter system on the front porch as recommended by the LaMott Board of Historical and Architectural Review.

13. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. L875 to Earl Smith, contractor for Pearl Raz, owner of premises known as 1444 Willow Avenue, LaMott, relating to the replacement of the roof on a rear addition as recommended by the LaMott Board of Historical and Architectural Review.

14. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W816 to Thomas P. DiBenedetto, Architect for Andrea and Jack Platt, owners of premises known as 410 Accomac Road, Wyncote, relating to the construction of a new two story addition to the rear of the main house as recommended by the Wyncote Board of Historical and Architectural Review.

15. Upon motion of Ms. Haywood, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application No. W818 to Richard and Ellen Watson, owners of premises known as 2 Walt Lane, Wyncote, relating to the construction of a wooden deck on the rear of the property as recommended by the Wyncote Board of Historical and Architectural Review.

16. Upon motion of Mr. Haywood, the Board of Commissioners unanimously approved a request for a waiver from the requirement of Chapter 260 that a Land Development Plan be required for the proposed addition to Arcadia University's Murphy Hall.

17. Upon motion of Mr. Haywood, the Board of Commissioners unanimously adopted **Resolution No. 33-10** establishing an interim policy for the distribution of sewer capacity under the Township's DEP-approved Connection Management Plan (AYES: Hampton, McKeown, Sharkey, Simon, Swavola; NAY: Haywood).

**CHELTENHAM TOWNSHIP**

**RESOLUTION NO. 33-10**

**A RESOLUTION ESTABLISHING AN INTERIM POLICY FOR  
THE DISTRIBUTION OF SEWER CAPACITY UNDER THE  
TOWNSHIP'S DEP-APPROVED CONNECTION  
MANAGEMENT PLAN**

**WHEREAS**, Cheltenham Township is subject to a consent order and DEP-approved connection management plan in regards to sanitary sewage capacity and collection; and

**WHEREAS**, DEP has confirmed the existence of 50 unallocated equivalent dwelling units or "EDUs" available within Cheltenham Township for allocation, subject to DEP approval; and

**WHEREAS**, the Board of Commissioners desire to establish an interim policy governing the distribution of EDUs.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. Cheltenham Township shall not approve a sewage facilities planning module for any property unless the property owner, equitable owner or tenant with the consent of the landowner, has obtained final land development approval or final subdivision approval, if necessary.
2. The Township shall not approve a sewage facilities planning module for more than five (5) EDUs for any individual property or on multiple tracts part of a single plan of development, unless otherwise expressly approved by the Public Works Committee and the Board of Commissioners.
3. Once EDUs have been allocated to particular properties, if the use has not been undertaken within 18 months of the approval of the applicable sewage facilities planning module by DEP, such allocation shall be deemed revoked and withdrawn, the approval of the Township for the applicable sewage facilities planning module shall be deemed revoked and withdrawn, and any funds deposited with the Township by the applicant shall be returned. This Paragraph shall apply both retroactively and prospectively. Notice of this provision shall be set forth as an

attachment to or otherwise incorporated in each sewer planning module approved by the Board of Commissioners henceforth.

4. Final approval of the sewage facilities planning module is subject to approval of DEP.

**RESOLVED**, this 21<sup>st</sup> day of **July, 2010** by the Board of Commissioners of Cheltenham Township.

**BOARD OF COMMISSIONERS  
OF CHELTENHAM TOWNSHIP**

By: Martin J. Finia J  
President

Attest: David G. Kravitz  
Township Manager and Secretary

18. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a Professional Services Contract to SPG3, Philadelphia, PA 19102 in the amount not to exceed \$12,000 for consulting services to the LaMott and Wyncote BHARs.

19. Upon motion of Mr. Haywood, the Board of Commissioners unanimously rejected the Tri-State Telecommunications, Inc., Bristol, PA, bid for the Police Department In-house Surveillance System opened June 21, 2010, for not being responsive to the bid specifications in the project manual and not being in the best interest of the Township.

20. Upon motion of Mr. Haywood, the Board of Commissioners unanimously awarded a contract to provide a Police Department In-house Surveillance System to Vail Communications Inc., Oreland, PA, in the amount of \$23,881.08 being the lowest responsible bidder, being within budgetary limitations and meeting Township specifications.

21. Upon motion of Mr. Haywood, and unanimously approved by the Board of Commissioners, the Public Works Committee Regular Meeting Minutes dated July 11, 2010 were accepted.

22. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 34-10** recognizing Dr. William N. Kiefer upon the occasion of his retirement as Superintendent of the Cheltenham School District. Said Resolution will be presented at the August 18, 2010 meeting of the Board of Commissioners.

23. There was a comment from the public:

Diane Williams, 1812 Beech Avenue, LaMott, commented that in the July 7, 2010 Public Affairs Committee Minutes, Mr. Portner reported on a letter from Temple University informing the Township that its Agreement of Sale for the Tyler School of Art property was not signed, and the Commissioners directed the Township Manager to respond to said letter. She asked that the Minutes be amended and the two (2) letters be attached. She was informed of the contents of both letters and told that said letters would be attached to the Public Affairs Minutes. Ms. Williams stated that she made every effort to get people to attend the LaMott Community meeting, which was attended by a representative of Temple and David Dobson attended. When asked who the party was to

the Agreement of Sale, Mr. Dobson acknowledged that it was the Land Conservancy of Elkins Park, not himself.

24. Upon motion of Mr. Sharkey, and unanimously approved by the Board of Commissioners, the Public Affairs Committee Regular Meeting Minutes dated July 7, 2010 were accepted, as amended.

25. Upon motion of Mr. Simon, the Board of Commissioners unanimously adopted **Ordinance No. 2208-10** amending Chapter 285, thereof, entitled "Vehicles and Traffic" (see attached).

**ORDINANCE NO. 2208-10**

**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:

GLENVIEW AVENUE (5) HANDICAPPED PARKING at 102 Glenview 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:

BROOKFIELD ROAD D. 25 MPH, Oak Lane Road to Sunnybrook Avenue.

LIMEKILN PIKE (33) 15-minute parking, east side, 335 feet to 375 feet south of Mt. Carmel Avenue.

SYCAMORE AVENUE F. 25 MPH, Cheltenham Avenue to Juniper Avenue.

**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 21<sup>st</sup> of July, A.D., 2010.

BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM

By Morton J. Simon, Jr.  
Morton J. Simon, Jr., President

ATTEST:

David G. Kraynik  
David G. Kraynik, Secretary

26. Upon motion of Mr. Sharkey, and unanimously approved by the Board of Commissioners, the Public Safety Committee Regular Meeting Minutes dated July 7, 2010 were accepted.

27. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved the scheduling of a Public Hearing on September 15, 2010, to hear any comments from the public regarding the adoption of a proposed Ordinance amending the Zoning Code, Chapter 295, thereof, entitled Zoning, Article XXIX, relating to a prohibition against certain outdoor storage and/or display of appliances, equipment, household furnishings and stock in commercial zoning districts (see attached).

28. Upon motion of Mr. Swavola, the Board of Commissioners unanimously approved a Stipulated Settlement Agreement with Monifa Thelwell for Zoning Hearing Board Appeal Nos. 3372 and 3342 for an Adult Daycare Center at 8120 Old York Road, Elkins Park (Docket No. 2010-02557) (see attached).

29. Mr. Simon asked that the Building and Zoning Committee Minutes dated June 7, 2010, be amended. The mature trees being cut by utility companies was being done at the Elkins Park Train Station by SEPTA and not at the Wyncote/Jenkintown Train Station by PECO as stated in the Minutes.

30. Upon motion of Mr. Swavola, and unanimously approved by the Board of Commissioners, the Building and Zoning Committee Regular Meeting Minutes dated July 7, 2010 were accepted, as amended.

31. Upon motion of Mr. Swavola, and unanimously approved by the Board of Commissioners, the Finance Committee Regular Meeting Minutes dated July 14, 2010 were accepted.

32. Under Old Business: The Board of Commissioners considered a possible federal grant application regarding a Sustainable Communities Plan and related components.

Mr. Kraynik reviewed the areas of focus, including planning approach, objectives, land use and design as they pertain to this grant, types of transportation, energy usage, and waste, the filing process that includes a pre-proposal application and letter of financial commitment.

Mr. Kraynik reported that the Township has met with Temple University's Center for Sustainable Communities. Mr. Havar explained the filing deadlines and the scope of work for which the Township is applying, which has to strictly follow the scope outlined in the pre-proposal. Mr. Bagley advised that the only action that the Board needs to take this evening is to authorize the submission of a pre-proposal.

Estimates costs were discussed. Mr. Kraynik reported that \$140,000 is being requested, with \$40,000 being a Township match that has already been committed to the 2011 Budget.

There was a comment from the public:

Diane Williams, 1812 Beech Avenue, asked where the public could get information about this application. She wanted to know if the same information that is available to the Commissioners would be available to the public.

Ms. Hampton responded that the grant was researched by the Township Manager and assessed last week, and the Commissioners found it to be suitable. In response to a further question from Ms. Williams, Mr. Kraynik stated that information will ultimately be placed on the Township's website. Mr. Havar stated that the grant involves different criteria from three (3) federal agencies, and the Township has to meet all the goals and objectives of said agencies.

Ms. Williams felt that this grant would impact the entire community and felt that as it gets to a satisfactory state and goes outside the Township, it should be available to the residents. There should be transparency. It should be available to public, not just on the website but also if someone wants to come in and see it. She asked about Temple University's involvement and was told that Temple is a resource and has a center for sustainable communities and may help write a plan. The Township has met with

Dr. Jeffrey Featherstone, the Director of the center. (see attached pre-application submitted on July 26, 2010).

33. Under Citizens Forum:

Loretta Leader, 542 W. Glenside Avenue, complained about what she considered to be code violations as well as violation of the Americans with Disabilities Act (ADA) by certain Glenside businesses and presented photos. She noted certain signage such as New Pizza Palace, trash cans along Glenside Avenue affixed to utility poles, Second Hand Rose and Lovely Nails with furniture outside, Peas-in-a-Pod has a tent and flower pots outside, and someone in a wheel chair cannot use the sidewalk in front of that business, Anne's Kitchen has tables and chairs along the curb, a lawnmower repair has trailers on the sidewalk. According to Mrs. Leader, these are disruptions on the sidewalk that are ADA violations and a cancer that has become pervasive in Glenside. According to Mrs. Leader, Township employees drive by these violations and should be reporting them.

Carol Civillo, 148 Mt. Carmel Avenue, stated that she is disabled, and disabled and handicapped individuals cannot navigate along Glenside Avenue.

Diane Williams, 1812 Beech Avenue, proposed that the Commissioners initiate legislation with verbiage that all Cheltenham contracts should include a plain English version of the same contract.

Elizabeth Cataldi, 46 Limekiln Pike, had issues regarding adjacent properties, namely, a water ice business with a sign painted on the side of its building. She asked that this be investigated. To her, it appeared to be a code violation. Also, there is a thrift store with furniture piled up on its porch. It places its merchandise for sale outside, in front of the building, including display cases.

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

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David G. Kraynik  
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST



# Board of Commissioners Meeting

Wednesday, July 21, 2010 @ 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
CHRISTOPHER CERSE			
Betty Cataldi	46 Limekiln		
Joel Pincus	1778 Willow Grove Ave		
Rick Kess SR			
Alhany	108 Cliff T. Way		
Debra Marberg			
Wendy Blutstein	1805 Hillcrest Rd. Glenside 19038	215-233-9529	wblutstein@comcast.net
Barbara Coleman	Springfield Tnshp. Historical Society 19038		
MICHAEL HARKINS	1799 E. Willow Grove		
Barb Duff	8 Hewett Rd.		
JAN L. MARBERGER	131 TOWNSHIP CTR		

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

**AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM,  
MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE  
CODIFIED ORDINANCES OF THE TOWNSHIP OF CHELTENHAM BY ADDING  
PROVISIONS TO CHAPTER 295, ARTICLE XXIX RELATING TO A PROHIBITION  
AGAINST CERTAIN OUTDOOR STORAGE AND/OR DISPLAY OF APPLIANCES,  
EQUIPMENT, HOUSEHOLD FURNISHINGS AND STOCK IN COMMERCIAL  
ZONING DISTRICTS.**

**BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS  
OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY COUNTY,  
PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE  
AUTHORITY OF THE SAME, AS FOLLOWS:**

**SECTION I. AMENDMENT TO THE CODIFIED ORDINANCES**

Chapter 295, Article XXIX of the Codified Ordinances of the Township of Cheltenham is hereby amended to add the following Sections:

**Section 295-233.4. Outdoor Storage in Commercial Districts.**

A. Legislative Intent. The outdoor storage of appliances, equipment, household furnishings or office furnishings and any and all stock for sale or resale or business-related use, in any Commercial Zoning District of the Township, at a time the business, office or other seller is closed for business, is detrimental to the health and safety and welfare of the citizens of the Township by obscuring vision and line-of-sight, obstructing passage of sidewalks and/or roadways, and/or by creating an unsightly and disorderly appearance.

B. It shall be unlawful for any property owner or occupant in any Commercial Zoning District of the Township to place, store, leave or maintain any appliance,

equipment, household furnishings or office furnishings, or stock for sale or resale or business related use, outdoors between the curb or the edge of the cartway and the street face of the principal building on the lot or on an open porch where the primary use of such building is for non-residential use, at a time when the business or office, whichever is applicable, is closed for business, or in the case of a seller without hours of operation, between 6 p.m. and 7 a.m. If a lot in a Commercial Zoning District is unimproved, then no appliance, equipment, household furnishings or office furnishings or stock for sale or resale or business related use may be placed, stored, left or maintained outside on the lot unless removed by 6 p.m. each day.

C. For the purposes of this Ordinance, the term “appliance” shall mean a stove, refrigerator, television set, furnace, water heater, water softener, washer, dryer or any household article used to perform any of the necessary work in a household.

D. For the purposes of this Ordinance, the term “household furnishings” shall mean any and all items ordinarily found and used as furniture or as a furnishing inside a residential dwelling.

E. For the purposes of this Ordinance, the term “office furnishings” shall mean any and all items ordinarily found and used as furniture or as furnishings or for storage purposes inside a business organization or home office setting.

F. The prohibition in this Section shall not apply to store inventory moved outdoors daily in order to display inventory only during the hours of operation of the business or other seller, provided that the business or other seller is open, operating and attended by the owner or an employee while such inventory is displayed. The prohibition in this Section shall also not apply to motor vehicles of a registered motor vehicle retailer.

G. The prohibition in this Section shall not apply to a fuel service station as to oil or other lubricants or liquids which are displayed for retail sale between the curb or the edge of the cartway and the street face of the principal building on the lot at a time when the business or seller is closed for business.

## **SECTION II. SEVERABILITY**

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

## **SECTION III. PENALTIES**

Any person, partnership, corporation, unincorporated association or other entity who or which shall violate the provisions of this chapter shall upon conviction thereof in a civil enforcement proceeding commenced by the Township be subject to a fine not to exceed \$600 per violation, plus costs of prosecution. Each day such violation shall occur shall constitute a separate violation.

## **SECTION IV. EFFECTIVE DATE**

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

**SECTION V. REPEALER**

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

**ORDAINED and ENACTED** by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania held this \_\_\_\_ day of \_\_\_\_\_, 2010.

**TOWNSHIP OF CHELTENHAM**

By: \_\_\_\_\_  
**Morton J. Simon, Jr.**, President,  
Board of Commissioners

Attest: \_\_\_\_\_  
**David G. Kraynik**, Township Manager/Secretary

PETER S. FRIEDMAN, ESQUIRE  
Attorney I.D. #23740  
FRIEDMAN, SCHUMAN, APPLEBAUM  
NEMEROFF & McCAFFERY, P.C.  
101 Greenwood Avenue, Fifth Floor  
Jenkintown, PA 19046-2636  
(215) 635-7200

Attorney for Appellant

IN RE APPEAL OF MONIFA  
THELWELL  
FROM THE DECISION OF  
CHELTENHAM TOWNSHIP ZONING  
HEARING BOARD

IN THE COURT OF COMMON PLEAS  
OF MONTGOMERY COUNTY

LAND USE APPEAL

NO. 2010-02557

**STIPULATION OF SETTLEMENT**

This STIPULATION OF SETTLEMENT (hereinafter "Stipulation") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2010, by and between the MONIFA THELWELL (hereinafter "Appellant"), CHELTENHAM TOWNSHIP ZONING HEARING BOARD (hereinafter "Zoning Board") and CHELTENHAM TOWNSHIP (hereinafter "Township").

**BACKGROUND**

- A. Appellant is the prospective tenant of approximately 1600 square feet of space (hereinafter the "Leased Premises") in the commercial building known as 110 Yorktown Plaza, which is a part of the mixed complex located at 8120 Old York Road, Elkins Park, Cheltenham Township, Montgomery County, Pennsylvania (hereinafter the "Center").
- B. Zoning Board is the Cheltenham Township Zoning Hearing Board.
- C. Township acts through the Board of Commissioners, a governing body of a township of the First Class duly organized under the laws of the Commonwealth of Pennsylvania, with an administrative office located at 8230 Old York Road, Elkins Park, Pennsylvania 19027.

D. Appellant submitted an application (Appeal No. 3272) to the Zoning Board requesting the grant of special exception under Article XVII, Section 295-117 T of the Cheltenham Code, in order to operate an adult daycare center (hereinafter the "Adult Daycare Center" at the Leased Premises.

E. The Adult Daycare Center at the Leased Premises shall provide clients with recreation, social opportunities and exercise programs. Games, puzzles, crafts and music are some of the activities that will be offered. The Adult Daycare Center shall have an on-site registered nurse.

F. On January 6, 2010, the Zoning Board issued its Findings of Fact, Conclusions of Law and Decision in Appeal No. 3342, denying Applicant's request for the grant of special exception (hereinafter "the Decision"). A copy of the Decision is attached hereto as Exhibit "A".

G. On February 1, 2010, Appellant filed a Notice of Land Use Appeal with this Court requesting that the Decision be reversed.

H. On or about February 19, 2010, the Township filed a Notice of Intervention with the Court.

I. After discussions, Appellant, the Zoning Board and the Township have agreed to resolve the Land Use Appeal on the terms and subject to the conditions set forth hereinafter.

**NOW, THEREFORE**, Appellant, the Zoning Board and the Township, intending to be legally bound hereby, agree as follows:

1. Notwithstanding anything to the contrary contained in the Decision, Appellant shall be permitted to operate an Adult Daycare Center at the Leased Premises, subject to the following conditions:

a. All clients visiting the Adult Daycare Center shall enter and exit through the garage level (as opposed to the Plaza level);

b. Directional signage and striping shall be installed in the areas marked on the attached Exhibit "A", directing that clients of the Adult Daycare Center be dropped off and picked up from the garage level;

c. The existing entrance door to the Leased Premises at the Plaza level may be used by employees of the Adult Daycare Center and for emergencies. It may also be used by clients for pedestrian visits to shops, restaurants and businesses at or in the Center.

2. Attached as Exhibit "B" is a parking survey which sets forth the current number of parking spaces in the Center, the uses in the Center and the amount of square footage devoted to each such use.

3. This Stipulation shall not be deemed effective unless and until approved by the Court and, if so approved, shall serve to resolve all of the issues set forth in the Land Use Appeal.

4. Appellant's and its clientele's use of the subject property shall be in accordance with the testimony and evidence presented to the Zoning Hearing Board in the most recent hearing.

**[SIGNATURES ON FOLLOWING PAGE]**

IN WITNESS WHEREOF, the parties hereto, through their legal representatives, have approved the within stated terms and conditions of this Stipulation of Settlement and have executed this Stipulation of Settlement on the date above mentioned, intending to be legally bound hereby.

  
\_\_\_\_\_  
**PETER S. FRIEDMAN, ESQUIRE**  
Attorney for Appellant, MONIFA  
THELWELL

\_\_\_\_\_  
**NEIL SKLAROFF, ESQUIRE**  
Attorney for Appellee,  
Cheltenham Township Zoning  
Hearing Board

\_\_\_\_\_  
**JOSEPH M. BAGLEY, ESQUIRE**  
Attorney for Intervenor, Board of  
Commissioners of  
Cheltenham Township

EXHIBIT "A"

{Client Files\008123\00001\00223762.DOC;2}

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**EXHIBIT "B"**

{Client Files\008123\00001\00223762.DOC;3}

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Parking Analysis April 20, 2010									
<i>(Note - this analysis is not planning to include the new</i>									
<i>vacancies. Please not consider parking rates already planned)</i>									
Use	Use Under Circumstances	Gross Square Footage	Gross square Footage devoted to patronage	Less Ordinances Allowance	Square Footage for parking purposes	Parking Requirements	Spaces Required		
Pharmacy									
COSI	Retail	13580	8,878	450	8,428	1 per 300 sf	28.09		
T-Mobile	Restaurant retail	3000	1878	400	1475	1 per 100 sf	14.75		
		2875	2008	450	1558	1 per 300 sf	5.19		
Main Building:									
Plaza level (See Note 1)									
3 retail vacancies									
	Retail	8872	5871.2	1350	4321.2	1 per 300 sf	14.40		
		1600	1800	400	1200	1 per 300 sf	4.00		
1st Floor									
Max & Davids									
	Restaurant	1793	1165	400	765	1 per 100 sf	7.65		
	Restaurant	1792	1164	400	764	1 per 100 sf	7.64		
	Retail	15865	14388	4050	10538	1 per 300 sf	35.13		
2nd Floor									
	office	2090	na	400	1690	1 per 300 sf	5.63		
	Medical	11225	na	0	11225	1 per 300 sf	37.42		
3rd Floor									
	Medical (Yorktown Psychological)	865	na		865	1 per 300 sf	2.88		
	Non-medical (See Note 5)	11427	na	1600	9827	1 per 300 sf	32.76		
Total Required Spaces (See Note 6)									
Total Spaces provided									
196.89									
241									
Note 1: Plaza level used to be Hollywood Town, Cold Stone Creamery, Cartridge World and Color Me Mine. Currently vacant.									
Note 2: This treats Daycare as office. If treated as Medical the difference would be 1 more required parking space.									
and if treated as Institutional Daycare the maximum will be 20 people at 1 space for every 6 people or 4 required spaces (same requirement as office)									
Note 3: Users are Shiffey & Company, Paper Boutique, Edible Arrangements, Sunnee Optical, Allstate, Quick Copy, Salon Paradiso, Inna Siegal and Scorpion Fitness									
Note 4: Currently 4 medical users and one retail office									
Note 5: Accounting Firm, Highland Offices and Architect offices (currently vacant)									
Note 6: I have not performed the shared parking analysis at this time and reserve the same should it be needed.									



US Department of Transportation Tiger II Pre-Application

This Site: US Department of Transportation

US Department of Transportation Tiger II Pre-Application > U.S. DOT TIGER II Grant Pre-Application > New Item

U.S. DOT TIGER II Grant Pre-Application: New Item

Soelling...

\* indicates a required field

Project Name \*

Cheltenham Township Sustainability Plan
Enter a descriptive title for the project.

Was a TIGER I application submitted for this project? \*

No
Please use the drop down list provided to identify whether or not an application was previously submitted for this project under the TIGER I Discretionary Grant program, and, if so, whether the TIGER II Discretionary Grant application is expected to be substantially similar or materially different from the previous application.

DUNS \*

Please enter your 9-digit DUNS number

Applicant / Organization Name \*

Township of Cheltenham
Please enter the name of the Applicant/Organization

Applicant / Organization Contact Person \*

Bryan T. Havir, P.P., AICP, Assistant Township Manager
Please enter the business contact information for the Applicant/Organization. This will be the person that the DOT will communicate with in regard to the project identified in this pre-application.

Applicant / Organization Contact Business Phone Number \*

215-887-6200
Please enter a 10-digit phone number XXX-XXX-XXXX. This will be the phone number that the DOT will use in order to communicate with the Applicant/Organization with regard to the project identified in this pre-application.

Applicant / Organization Contact Business E-mail \*

bhavir@cheltenham-township.org
Please enter a business e-mail address. This will be the e-mail address that the DOT will use in order to communicate with the Applicant/Organization with regard to the project identified in this pre-application.

Applicant / Organization Contact Business Street Address \*

Township Administration Building
8230 Old York Road
Please enter business street address information. This will be the address that the DOT will use in order to communicate with the Applicant/Organization with regard to the project identified in this pre-application.

Applicant / Organization Contact City \*

Elkins Park
Please enter the City associated with the street address.

Applicant / Organization Contact State \*

PA-PENNSYLVANIA
Please select the state or territory.

Applicant / Organization Contact Zip \*

19027
Please enter the 5-digit zip code.

Primary Applicant Type \*

Local Govt.
Select the applicant type for the "Primary" or "Lead" applicant the drop down list.

Co-Applicant Type

Select the applicant type for the co-applicant, if applicable, from the drop down list.

Is the Project Multimodal? \*

Yes
If the project encompasses more than one mode of transportation, please answer "Yes." You will have the opportunity to identify these modes in additional fields.

Primary Project Type \*

Bicycle & Pedestrian
Please identify the "Primary" mode of the project. Applicants that are only applying for either TIGER II Planning or HUD Community Challenge Planning Grants should enter N/A as they will have the opportunity to identify planning grant type(s) in later fields.

Secondary Project Type

Transit
Please identify the "Secondary" mode of the project. Applicants that are only applying for either TIGER II Planning or HUD Community Challenge Planning Grants should enter N/A as they will have the opportunity to identify planning grant type(s) in later fields.

Additional Project Type Information

Road & Bridge
Please identify any additional mode that is not encompassed by the "Primary" and "Secondary" project types. Applicants that are only applying for either TIGER II Planning or HUD Community Challenge Planning Grants should enter N/A as they will have the opportunity to identify planning grant type(s) in later fields.

Is this application for a Planning Grant? \*

Yes
Please select yes if this pre-application is for a "Planning Grant".

If Planning Grant, please select the related funding opportunity

HUD Community Challenge Planning Grant
Please select whether this pre- application is for a "TIGER II Planning

Grant," a "HUD Community Challenge Planning Grant," or a combination of both.

Primary Planning Grant Type

Development and implementation of local, corridor, or district plans/strategies promoting livability (HUD)
Please identify the "Primary" mode/type of the planning activity. Applicants that are only applying for TIGER II discretionary grants for capital investments should enter N/A as they will have entered the mode in previous fields.

Secondary Planning Grant Type

Revisions to zoning codes, ordinances, building standards, or other laws (HUD)
Please identify the "Secondary" mode/type of the planning activity. Applicants that are only applying for TIGER II discretionary grants for capital investments should enter N/A as they will have entered the mode in previous fields.

Additional Planning Grant Type

Strategies for creating/preserving affordable housing (HUD)
Please identify any additional mode/type that is not encompassed by the "Primary" and "Secondary" planning grant types.

Additional Planning Grant information

Develop a sustainability plan to strengthen functionality and enhance a sense of place within our commercial districts and residential neighborhoods. Reducing the environmental and fiscal impacts of human behavior, and making changes to increase sustainability, the plan will improve quality of life, and contribute to reduction of global climate change.
If necessary, please briefly enter any additional information about the type of planning grant to be requested.

Project Description \*

Develop a Township sustainability to promote green infrastructure, watershed protection, water conservation, mixed use development, alternative transportation and housing opportunities. The process will include collection of baseline data and modeling; facilitating community outreach sessions; ordinance development and review; and research and policy
Describe the project in plain English terms that would be generally understood by the public, using NO MORE THAN 50 WORDS. For example, "The project will replace the existing bridge over the W river on Interstate-X between the cities of Y and Z" or "the TIGER II Planning Grant will fund planning activities for streetcar service from location X to location Y." Please DO NOT describe the project's benefits, background, or alignment with the selection criteria in this description field.

Total Amount Requested from TIGER II Funds \*

100,000
Enter the total amount of TIGER II discretionary funds being requested by the project represented in this pre-application in whole US dollars. For example, 3,000,000 would represent three million. Dollar signs are not necessary.

Total Project Cost \*

140,000
Enter the total cost of the project.

Cities Impacted by Proposed Project \*

Elkins Park, Wyncote, Melrose Park, Glenside, LaMott, Cheltenham
Enter the cities in which the project is located. Please separate by comma if more than one.

Counties Impacted by Proposed Project \*

Montgomery, Philadelphia
Enter the counties in which the project is located. Please separate by comma if more than one.

Primary Proposed Project State \*

PA-PENNSYLVANIA
Select the State/Territory that is the primary or lead location for the project.

Additional Project State (1)

Select any additional affected State/Territory.

Additional Project State (2)

Select any additional affected State/Territory.

Additional Project State (3)

Select any additional affected State/Territory.

Additional Project State (4)

Select any additional affected State/Territory.

Additional Project State (5)

Select any additional affected State/Territory.

Additional Project State (6)

Select any additional affected State/Territory.

Primary Congressional District \*

PENNSYLVANIA - 2nd District
Select the congressional district that is the primary or lead location for the project.

Additional Congressional District (1)

Select any additional affected congressional district.

Additional Congressional District (2)

Select any additional affected congressional district.

Additional Congressional District (3)

Select any additional affected congressional district.

Additional Congressional District (4)

Select any additional affected congressional district.

Additional Congressional District (5)

Select any additional affected congressional district.

Additional Congressional District (6)

Select any additional affected congressional district.

Additional Congressional District (7)

Select any additional affected congressional district.

[Dropdown menu]

Select any additional affected congressional district.

Additional Congressional District (8)

[Dropdown menu]

Select any additional affected congressional district.

Additional Congressional District (9)

[Dropdown menu]

Select any additional affected congressional district.

Additional Congressional District (10)

[Dropdown menu]

Select any additional affected congressional district.

Type of Jurisdiction \*

Rural [Dropdown menu]

Please select "urban" if the project is located in an Urbanized Area, as such term is defined by the Census Bureau, and "rural" if the project is not located in an Urbanized Area, as such term is defined by the Census Bureau. If a portion of the project is in an Urbanized Area and a portion of the project is not in an Urbanized Area, please select "urban/rural". For Census 2000, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau Web site. Urban Clusters (UCs) will be considered rural areas for purposes of the TIGER II Discretionary Grant program.

Economically Distressed Area \*

No [Dropdown menu]

Please select "yes" if all or a material portion of the project is located in an Economically Distressed Area as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161). While Economically Distressed Areas are typically identified under the Public Works and Economic Development Act at the county level, for the purposes of this program DOT will consider regions, municipalities, smaller areas within larger communities, or other geographic areas to be Economically Distressed Areas if an applicant can demonstrate that any such area otherwise meets the requirements of an Economically Distressed Area as defined in section 301 of the Public Works and Economic Development Act of 1965. Please select "no" if the project is not located in an Economically Distressed Area.

Federal Wage Rate Certificate \*

Yes [Dropdown menu]

Please select "yes" if the application will include the required certification, signed by the applicant, stating that it will comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code (Federal wage rate requirements), as required by the FY 2010 Appropriations Act, and "no" if the application will not provide this certification.

Requesting TIGER II TIFIA Payment \*

No [Dropdown menu]

Please select "yes" if the application will be for a TIGER II TIFIA Payment and "no" if the application will not be for a TIGER II TIFIA Payment.

NEPA Status \*

CE Expected [Dropdown menu]

Please select from the drop down menu the status of the National Environmental Policy Act (NEPA) Review for your project. If NEPA has not been completed, please indicate what NEPA document is expected and provide a brief summary in the NEPA comment box below detailing the progress of the NEPA review and anticipated completion date.

NEPA Comment

If the Township is successful in receiving federal grant funding to carry out the proposed project, it is expected that we will file for a categorical exclusion determination for our project early on in the process as our project involves a planning study and ordinance development. It is anticipated that a CE will be approved because no construction is proposed.

As stated in the instructions for the NEPA Status field, if NEPA has not been completed (any selection other than "NEPA Complete" was chosen), please indicate what NEPA document is expected and provide a brief summary in the NEPA comment box detailing the progress of the NEPA review and note the anticipated completion date.

Project has secured 20% Matching Funds \*

Yes [Dropdown menu]

Please provide an assurance that local matching funds to support 20 percent or more of the costs of the project are identified and committed by selecting yes or no from the drop down.

20% Matching Funds Comment

The Township Board of Commissioners at its July 21, 2010 monthly meeting agreed to the filing of this grant proposal with the commitment to provide up to \$40,000 in matching funds from its FY 2010-2011 capital budget. The matching funds have been secured.

Please describe, in 50 words or less, the sources of such matching funds. Applicants for projects located in rural areas do not need to provide matching funds, but should respond to this request to the extent matching funds would be provided.

