

August 5, 2009
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners McKeown, Portner, Sharkey and Swavola. Also present was Ex-Officio Member Greenwald. Staff present were Joseph Bagley, Esq., Wisler, Pearlstine, LLP; Bryan T. Havir, Assistant Township Manager; David M. Lynch, Director, Engineering, Zoning and Inspections; Ruth Littner Shaw, Main Street Manager and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Simon called the meeting to order.

1. The Committee reviewed the Zoning Hearing Board Agenda for August 10, 2009 as follows:

APPEAL NO. 3303: (Continued) – Appeal of York Road Realty Co., L.P. for the following Zoning Relief at the following locations:

- A. Premises owned by York Road Realty Co., L.P. known as 8116 Old York Road, Elkins Park, PA (a/k/a 8116 Church Road, or “The Old York Road Skating Rink” or Cheltenham Township Real Estate Registry Parcel (“CTRERP”) Block 174, Unit 054) (hereinafter referred to as “Rink Lot”);
- B. Premises owned by the Philadelphia Electric Company known as landlocked lot adjoining 8116 Old York Road (a/k/a CTRERP Block 174 Unit 056) (hereinafter referred to as “PECO Lot”); and
- C. Premises owned by the Township of Cheltenham known as “Wall Park” a/k/a CTRERP Block 174, Units 001 and 002 (hereinafter referred to as “Wall Park”) for the following improvements:
 - AA. On Rink Lot
 - 1. A modification of the Decision under ZHB Appeal No. 2968 so as to eliminate the following Conditions (both as to Rink Lot and PECO Lot):

Condition (3)

The access driveway proposed to be installed on the Proposed Parking Area as depicted on Exhibit A-10 shall be limited to the

minimum necessary width to allow the dropping-off of handicapped persons from motor vehicles and the associated vehicular turn-around space, all as approved by the Township Engineer in accordance with generally accepted engineering principals; and

Condition (4)

There shall be no parking of vehicles or trailers on the Property and/or the PECO Property including, without limitation, within the Proposed Parking Area. The Proposed Parking Area shall be used only for the purposes set forth in Condition No. 3 above.

2. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-117. for expansion of the non-conforming skating rink facility by construction of a parking field and associated improvements, installation of two (2) storage units and installation of one (1) storage trailer.
3. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-121.A. for the following front yard setbacks instead of the minimum required 15'.
 - a. For two (2), 8' W x 40' L storage containers with a zero front yard setback.
 - b. For the storage trailer with a 6'± front yard setback.
4. A Special Exception in accordance with the rules and regulations of the "Steep Slope Conservation District" as outlined in CCS 295-168.B. and C. for any storm sewers and/or underground utility lines associated with the construction of the parking field.
5. Variances from the rules and regulations of the "Steep Slope Conservation District" as outlined in CCS 295-169. as follows:
 - a. From CCS 295-169.A.(1) for construction of storage trailer, retaining walls, sidewalk and landscaping.
 - b. From CCS 295-169.A.(2) for construction of the parking field.
 - c. From CCS 295-169.A.(3) for filling or removal of topsoil required for the construction of aforesaid improvements.
 - d. From CCS 295-169.B. to permit areas with slopes of 25% or greater within any of the required yard areas.
6. A determination as to the required amount of on-site parking.

7. A Variance from the rules and regulations of “Fences and Walls” as outlined in CCS 295-223. for 3'± of 6' high, chain link fencing within the required front yard setback area along the SEPTA R/W line instead of the maximum permitted 4' high fencing.
- BB. On PECO Lot
1. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-117. for the use of a parking field for the non-conforming skating rink and installation of the storage trailer instead of any of the enumerated permitted uses.
 2. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-121.A. for a lesser front yard setback of 7'± instead of the minimum required 15' for the storage trailer.
 3. Variances from the rules and regulations of the “Steep Slope Conservation District” as outlined in CCS 295-169. as follows:
 - a. From CCS 295-169.A.(1) for construction of storage trailer, retaining walls, sidewalk and landscaping.
 - b. From CCS 295-169.A.(2) for construction of the parking area.
 - c. From CCS 295-169.A.(3) for filling or removal of topsoil required for the construction of aforesaid improvements.
 - d. From CCS 295-169.B. to permit areas with slopes of 25% or greater within any of the required yard areas.
 4. A Variance from the rules and regulations of “Fences and Walls” as outlined in CCS 295-223. for 15' of 6' high, chain link fencing within the required front yard setback area along the SEPTA R/W instead of the maximum permitted 4' high fencing.
- CC. On Wall Park (said premises being within the Class R1 Residence District)
1. A Variance from the rules and regulations of “Signs” as outlined in CCS 295-197.A. for 25.5± S.F., 10' high, double sided, free-standing billboard advertising the “Old York Road Ice Rink” instead of one of the enumerated permitted sign types.

Mr. Lynch reviewed the appeal, the Committee’s previous motions and stated that after several continuances, the applicant indicates that he will move forward at the September 14, 2009 Zoning Hearing Board meeting.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no new action on this appeal but if relief is granted, it be contingent upon certain conditions as previously stated.

APPEAL NO. 3336 -Appeal of Matrix Ashbourne Associates, L.P., owner of premises known as 1100 Ashbourne Road, Cheltenham, PA (a/k/a "Ashbourne Country Club"), from the Decision of the Zoning Officer for Zoning Relief in order to subdivide the premises into two (2) lots: an Age Restricted Development lot consisting of 88.657± acres and an Apartment Complex lot consisting of 15.836± acres and develop the two lots as follows:

- A. The Age Restricted Development will consist of 103 building lots. Depending upon market demand, Applicant will construct one (1) of three (3) housing units on each of these building lots, namely:
 - (1) An Estate Home (One (1) dwelling unit per building lot); or,
 - (2) Two (2) single family homes with a 19' wide side yard area between each home (Two (2) dwelling units per building lot); or
 - (3) Carriage Homes (Three (3) dwelling units per building lot).

The total number of dwelling units for the Age Restricted Development will vary from 103 dwelling units to 309 dwelling units depending upon market demand.

- B. The Apartment Complex lot will consist of eleven (11) buildings with 16 apartments per building: 176 units total. The Apartments will be either one or two bedroom units. The Apartment Complex lot will have a separate entrance off of Ashbourne Road. Amenities will include a clubhouse, pool and landscaped seating area. The total number of dwelling units being proposed will vary from 279 to 485 depending on market demand.

The following Zoning Relief is required:

- 1. Age Restricted Development lot
 - a. A Variance from the rules and regulations of the "Floodplain Conservation District" as outlined in CCS 295-156. so as to allow construction or development within the floodplain area.
 - b. Variances from the rules and regulations of the "Steep Slope Conservation District" as outlined in Article XXII of the Cheltenham Code, as follows:
 - i. From CCS 295-167. for the construction of free-standing structures, building and retaining walls, internal accessways, driveways, parking areas, swimming pools, sanitary sewers, stormwater management facilities and the underground utilities.

- ii. From CCS 295-168. for not submitting plans conforming to the stated Lines and Grades Plan(s) requirements.
- c. Variances from the rules and regulations of “Parking and Loading” as outlined in CCS 295-221, as follows:
 - i. From CCS 295-221.C.(2)(c) for a lesser aisle width of 22' instead of the minimum required 24'.
 - ii. From CCS 295-221.F. for a greater amount of parking of 1287 parking spaces instead of the maximum permitted 120% of the required parking spaces which equals 633 parking spaces.
- d. Zoning Relief from the rules and regulations of the “Age Restricted Overlay District” as outlined in Article XXXIII of Chapter 295 of the Cheltenham Code, as follows:
 - i. A Variance from CCS 295-242.A. so as to allow the lot to be configured under the Pennsylvania Uniform Communities Act.
 - ii. A Special Exception in accordance with CCS 295-242.B. for the Age Restricted Development (with clubhouse and associated recreation).
 - iii. A Variance from CCS 295-243.B.8.d. to permit development within areas having a slope of 15% or greater.
 - iv. A Variance from CCS 295-243.B.8.e. to permit stormwater management facilities within Riparian Buffer areas.
 - v. A Variance from CCS 295-244. for a front yard setback of 50' instead of the minimum required 100'.
 - vi. A Variance from CCS 295-244. for a minimum distance between buildings of 18.5' instead of the minimum required 30'.
- e. A Variance from the entirety of the rules and regulations of the “Preservation Overlay District” as outlined in Article XXIV of Chapter 295 of the Cheltenham Code.

2. Apartment Complex lot

- a. Variances from the rules and regulations of the Class R-1 Residence District as outlined in Article III of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-07. for the Apartment Complex use (including clubhouse and pool) instead of one of the enumerated permitted uses.
 - ii. From CCS 295-09. for a greater building area of 13.1% instead of the maximum permitted 10%.
 - iii. From CCS 295-10.A. for a lesser front yard setback along Ashbourne Road of 50' and along Jenkintown road of 51.7' instead of the minimum required 75'.

- iv. From CCS 295-10.C. for a lesser rear yard setback of 32.3' instead of the minimum required 50'.
- b. A Variance from the rules and regulations of the "Floodplain Conservation District" as outlined in CCS 295-156. so as to allow construction or development within the floodplain area.
- c. Variances from the rules and regulations of the "Steep Slope Conservation District" as outlined in Article XXII of the Cheltenham Code, as follows:
 - i. From CCS 295-167. for the construction of free-standing structures, building and retaining walls, internal accessways, driveways, parking areas, swimming pools, sanitary sewers, stormwater management facilities and other underground utilities.
 - ii. From CCS 295-168. for not submitting plans conforming to the stated Lines and Grades Plan(s) requirements.
- d. A Variance from the rules and regulations of "Parking and Loading" as outlined in CCS 295-221.F. for a greater amount of parking of 352 parking spaces instead of the maximum permitted 120% of the required parking spaces which equals 317 parking spaces.
- e. A Determination of whether or not the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII of Chapter 295 of the Cheltenham Code apply to the Apartment Complex Development.
- f. If a Determination is made that the rules and regulations of the "Age Restricted Overlay District" do apply to the Apartment Complex Development, then Variances from the following:
 - i. From CCS 295-243.B.8.d. to permit development within areas having a slope of 15% or greater.
 - ii. From CCS 295-243.B.8.e. to permit stormwater management facilities within Riparian Buffer Areas.
 - iii. From CCS 295-244. for a front yard setback of 50' instead of the minimum required 100'.
- g. A Variance from the entirety of the rules and regulations of the "Preservation Overlay District" as outlined in Article XXIV of Chapter 295 of the Cheltenham Code.

Donald Epstein, representing Matrix Ashbourne Associates, was present, and he presented a sketch plan of the proposed development, which is scheduled to be heard by the

Zoning Hearing Board at its September meeting. He announced that Matrix is holding a community meeting on August 13, 2009 at the Rowland Community Center.

Mr. Epstein reviewed the following:

- Redesign of the plan in accordance with community feedback
- If a revised plan is ready by the August 13 community meeting, it will be presented at that time.
- Concept of the plan
- A lack of multi-family apartments since there was community opposition of apartments and condos.
- Market rate single family homes to replace apartments
- Setbacks have been modified to have a 100' landscaped buffers around the property
- The existing hedges will be replaced with new landscaping and manicured grounds
- The redesign will attempt to take the component of the age-restricted overlay ordinance into consideration
- The units close to the ridge area will have a greater setback
- Pool and clubhouse locations
- Relocation of 3-storey condo units; component of the project
- A decrease in the area to be developed
- Buffers
- Ingress/egress
- The ability to add a mixed-use component such as a restaurant or farmers' market is being considered.

There were public comments as follows:

Mark Garvin, 7816 Haines Road, asked if there was a reduction in the number of units. Mr. Epstein was not sure of exact number of units as this time. He stated that it will be a reduced number as compared to the original plan.

Jackie Duffy, 101 Hilldale Road, asked about the variance for a steep slope and how the FEMA floodplain on the plan seems to differ from the actual FEMA maps. Mr. Lynch explained how inaccuracies are a common occurrence especially when maps are blown up and advised that the FEMA floodplain is not being translated accurately by Matrix's engineer and they will have to correct their map to show the actual floodplain before the Zoning Hearing Board grants a variance. Mr. Lynch added that where Tookany Creek meets Jenkintown Road is the correct delineating point.

Mitch Zigmund-Felt, 35 Carter Lane, stated that he has lived on Carter Lane for years, and there is a lot of flooding in the 100-year floodplain. He asked if Matrix would provide the framework for the variance it is requesting at the Zoning Hearing Board meeting and if the community would get the opportunity to review it. Mr. Epstein reported that he would and it will be part of the resubmitted plan.

Sherry Hanley, 34 Carter Lane, was concerned about sewer backups and flooding that have taken place over the years. She wanted to know the process of deciding the impact of Matrix's development on their properties and who decides the impact by said development on flooding.

Mr. Bagley responded that there is a two-part answer to Ms. Hanley's questions, i.e. 1) floodplain variance relief is granted by the Zoning Hearing Board and 2) all engineering plans for the development are determined by Township Staff and the Board of Commissioners.

At the request of Mr. Simon, Mr. Lynch reviewed state and federal laws that must be complied with regarding water run-off, floodplains, the design of stormwater management measures, seepage beds' requirements, above ground retention basins, and the requirement of a 'zero increase' in runoff.

Paul Appelzueler, 8210 Jenkintown Road, asked who determines the location of the floodplain. Mr. Lynch replied that he makes the determination of the floodplain based on engineering procedures. Mr. Appelzueler felt the plan was being rushed and the public had very little time to give input on something that will affect their lives forever.

Mr. Bagley reviewed the state statutes that the Township must adhere to when an application is filed. State statutes regulate when meetings are held and how long the Zoning Hearing Board has to render a decision. State statute does not require that a developer meet with the community before a Zoning Hearing Board meeting.

Mr. Appelzueler questioned the request for zoning relief for construction in a floodplain. Mr. Lynch advised that some utility lines and stormwater management run through the floodplain, and these will need zoning relief.

Arthur Haywood, 443 Rices Mill Road, noted that there was standing water at Matrix's Wyngate development and asked if this will be alleviated at the Ashbourne development. Mr. Epstein responded that Wyngate is still a construction site and has not been completed. When the roads are top-coated there will not be any standing water.

Judith Gratz, 510 E. Glenside Avenue, asked about minimum buffers and building in the floodplain. Mr. Epstein stated that Matrix is not building in the floodplain and is preserving all buffers in the floodplain.

Cherie Leather, 8031 New Second Street, asked about the affect of adding impervious surfaces. Mr. Epstein responded that there are state regulations that must be complied with that control and absorb water. There will not be run-off from this development, according to Mr. Epstein. Ms. Leather stated that she did not get a notice and felt that the mailing list was too narrow. Mr. Epstein stated that 1,600 notices were mailed.

Mr. Swavola addressed the meeting to inform all present that the Township is seriously evaluating this development and in particular certain aspects of it that include the following:

- The Commissioners are encouraging 55+ communities, which add to the tax revenue but give very little burden to the School District
- The number of homes that will be “market rate” “non-restricted” will be seriously considered
- The Township does not want retention basins in a floodplain
- The requested variances will be scrutinized
- The Township does not want single family homes that will add to the burden of the School District but the developer want to max out the property. Matrix is putting forth a plan of what it believes it is entitled to build, and this is a point that has to be negotiated. The Township does not own the land, and there are private property rights and privileges
- Matrix is addressing the number of homes
- The Township is seriously considering the value of this development to the community
- The Commissioners want this to evolve as a “community” and not a “development”.

Greg Strupczkowski, 309 Highland Road, was not sure about the percentage of open space. There was 46% open space in the original plan and that did not include the floodplain. The community wants to be sure that it is being served. This is one of the last large remaining parcels and the community does not want this development pushed through.

Eileen Rudnick, 27 Carter Lane, asked about the one (1') foot requirement in the floodplain. Mr. Lynch reviewed federal legislation that governs development in floodplains and the rise of water; FEMA's determination; the differences between the floodway and floodway fringe. Township Code matches the federal guidelines, and not part of this development is within the floodway fringe.

Catherine Petetti, 111 Tookany Parkway, asked about parking, ingress/egress and location of the sewer line. Mr. Epstein reviewed the Township Code regulating parking. As for the sewer line, he stated that its location is unknown at this time and will be determined during the land development process. Mr. Lynch reviewed the location of the Township's main interceptor, how sanitary sewers have to be located, and how the sanitary sewers will have to be tied in. Ms. Petetti asked if the units were going to be built as a mass or built as ordered. Mr. Epstein replied that they would be built when ordered. She asked about Matrix' solvency. Mr. Epstein reviewed the company's business interests.

Theresa Camerota, 1112 Church Road, was concerned that this development was being rushed. According to Ms. Camerota, 190 units are planned for Wyngate and only 45 have been built, and she did not understand the rush to build Ashbourne. She asked about the prices of the units. Mr. Epstein said that Wyngate is a different type of home in a different market. They are entry-level homes and Ashbourne residences will be dramatically different. The prices at Ashbourne will be about \$350K-\$375K for single family units and \$350K-\$380K for age-restricted units. The Ashbourne development will take about seven (7) years to complete.

Ms. Camerota felt more time was needed to consider this development since it is summer and many people are away.

The public questions concluded, and Mr. McKeown asked everyone to attend Matrix's meeting at the Rowland Community Center on August 13, 2009.

APPEAL NO. 3328: (Amended) Appeal of Fairfield Wyncote LLC, Owner of premises known as 8440, 8460, 8470, and 8480 Limekiln Pike, Wyncote, PA (a/k/a "The Towers at Wyncote" Apartment Complex), from the discussion of the Zoning Officer for the following zoning relief for existing non conforming signage as noted below (said premises being within the Class C-1 Commercial Zoning District):

A. 8440 Limekiln Pike (Clubhouse/Leasing Office and Fitness Center)

1. Variances from the rules and regulations of "Signs" as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
 - a. From CCS 295-197.C.(1) (a) for the following free-standing signage on the North side of Limekiln Pike which is in excess of the permitted one (1) free standing sign per single use of property, as follows:
 - i. Proposed Sign A North of Limekiln Pike Entrance at 7.08'W x 18'H (127.50 SF), 20' ± High.
 - ii. Proposed Sign B just North of Limekiln Pike Entrance (no dimensions given) (Replaces Sign 5).
 - iii. Proposed Sign C just South of Limekiln Pike Entrance (no dimensions given)
 - iv. Proposed Sign D 360 ±' Southerly Limekiln Pike Entrance at 5'W x 10'H: (50 SF), 12± ' High (Replaces existing Sign 7).
 - b. From CCS 295-196.A.(3) for Directional Sign 3K at entrance drive to Clubhouse/Leasing Office having a sign area of 15 SF (6'Wx2.5'H) instead of the maximum permitted 4 SF.

B. 8460 Limekiln Pike (Building No. 1)

1. Variances from The Rules and Regulations of "Signs" as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
 - a. From CCS 295-196.A.(3) for the following directional signs which sign areas exceed the maximum permitted 4 SF:
 - i. Sign 3F on south side main accessway at 2.5'W x 3'H: 7.5 SF
 - ii. Proposed Sign E on North side main accessway at 4'W x 6'H: (24 SF) (Replaces existing Sign 3G).
 - iii. Sign 3H at main entrance Building No. 1 at 2'W x 2.5'H: 5 SF
 - iv. Sign 3I at main entrance Building No. 1 at 2'W x 2.5'H: 5 SF
 - v. Sign 3L at Limekiln Pike Guard House at 2.75'W x 3.08'H: 8.48 SF
 - vi. Sign 3M at Limekiln Pike Guard House at 2.75'W x 2'H : 5.5 SF

- b. From CCS 295-197.C.(1) (a) for the following parallel wall signage in excess of the permitted one (1) parallel wall sign per signage use of property:
 - i. Sign 10 at Limekiln Pike Guard House at 6.17'W x 3' H : 18.5 SF
 - ii. Sign 11 at Building No. 1 main entrance at 16.38' W x 4.33 H: 70.92 SF
- c. From CCS 295-196.A. (12) (h) for Temporary Sign 14 (5'Wx4'H:20 SF) at Building No. 1 main entrance drive-thru attached to balcony above having been in place longer than the permitted 30 days.

C. 8470 Limekiln Pike (Building No. 2)

- 1. Variances from the rules and regulations of "Signs" as outlined CCS 295-196.A.(3) for the following directional signs which sign areas exceed the maximum permitted 4 SF:
 - a. Sign 3D on south side main accessway at 2.5'W x 3'H: 7.5 SF
 - b. Sign 3E on north side main accessway at 2.67'W x 4.04'H :10.78 SF
 - c. Proposed Sign F on north side main accessway: 2.67'W x 4'H:10.67 SF

D. 8480 Limekiln Pike (Building No. 3)

- 2. Variances from the Rules and Regulations of "Signs: as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
 - a. From CCS 295-196.A.(3) for the following directional sign which sign areas exceed the maximum permit of 4 SF:
 - i. Sign 3A on south side of main accessway at 2.5'Wx3'H: 7.5 SF
 - ii. Sign 3B on south side of main accessway at 2.5'Wx3'H: 7.5 SF
 - iii. Proposed Sign G on North side main accessway at 2.67'W x 4' H: 10.67 SF
 - c. From CCS 295-197.C.(1) (a) for Freestanding Sign 8 (11.58'W x 4.46'H: 51.65 SF) at Easton Road Entrance having a greater sign area of 51.65 SF instead of the maximum permitted 50 SF.

Michael Yanoff, Esq. and Ben Barnes represented the applicant. Mr. Lynch reviewed the appeal and the complaints that were received regarding signage at the Township that were installed without the required zoning. Mr. Yanoff stated that he and Mr. Lynch walked the site. He reviewed a plan that showed the locations of the proposed exterior signs and interior directional signs. In response to a question from Mr. Swavola about the status of the required landscaped buffer along Rt. 309, which has not yet been installed, Mr. Lynch stated that the

Rt. 309 project is complete, and the Towers can commence work on its landscaping. Mr. Barnes responded that the landscaping went out to bid, and the cost is more than the amount in escrow but the Towers should move forward with it before the end of the year.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

APPEAL NO. 3340 – Appeal of Clearwire, prospective tenant at 7900 Old York Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief to install and operate two (2) 2'-0" M.W. Dish Telecommunication Antennas on the west utility penthouse:

- a. Variances from the rules and regulations of the Class M-3 Multiple Dwelling and Office District as outlined in Article XIV of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-89. for the two (2) telecommunication antennas instead of one of the enumerated permitted uses.
 - ii. From CCS 295-95. for a height of 114.0' A.G.L. instead of the maximum permitted 85'.

Mr. Lynch reviewed the appeal and the recommendation of the Planning Commission that said antenna be painted in “City Lights”.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal, and if relief is granted, it be granted contingent upon the antenna being painted in “City Lights”.

APPEAL NO. 3344 – Appeal of Sprint, Prospective Tenant at premises known as 60 E. Township Line Road, Elkins Park, PA 19027 (a/k/a “Moss Rehab-Einstein Elkins Park”) for the following Zoning Relief from the Decision of the Zoning Officer for the installation and operation of One (1) 1'-0” Diameter M.W. Dish Antenna on existing Sprint antenna array and One (1) coax line (1/2”) to existing equipment (“T-Antenna”) on the roof of the main building:

- a. Variances from the rules and regulation of the Class R-4 Residence District as outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:

- i. From CCS 295-36. for the installation and operation of the T-Antenna instead of one of the permitted enumerated uses.
- ii. From CCS 295-40. for T-Antenna of 80.5' above grade level instead of the maximum permitted 40'.

Mr. Lynch reviewed the application which call for the installation of a microwave dish on an antenna sled.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

APPEAL NO. 3345 – Appeal of Stephen and Christine Niezgod, Owners of Premises known as 636 Woodland Avenue Cheltenham, PA 19012, from the Decision of the Zoning Officer for the following Zoning Relief for addition of a 7'X14' deck to the rear of the house:

- b. Variances from the rules and regulations of the Class R-5 Residence District as outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:
 - iii. From CCS 295-43. for expansion of a legal nonconforming structure (the house is a single family semi-detached dwelling (a/k/a “Twin”) and is not a permitted use in the R-5 Zoning District.).
 - iv. From CCS 295-46.B. (2) for a lesser side yard setback of 10.95' on the Northeast side of the deck instead of the minimum required 20'; the existing side yard setback to the house is 10.95'.
 - v. From CCS 295-46.B. (2) for a lesser side yard setback of zero feet on the Southwest side of the deck instead of the minimum required 20'.

Mr. Lynch reviewed the appeal. He noted a typo, i.e. the size of the deck is 17'x14', not 7'x14' as stated.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

APPEAL NO. 3346 – Appeal of Aldi, Tenant of Premises known as 8200 Ogontz Avenue, Wyncote PA, 19095 from the Decision of the Zoning Officer for a variance from the Rules and Regulations of “Signs” as outlined in CCS 295-197.C.(2)(b)[1] for a third parallel wall sign (on Ogontz Avenue side of building; 1.5'H x 14.23'W (21.35 SF) parallel wall sign; text “Food Market”) instead of the maximum permitted two (2) signs per tenant space. (Said Premises being with the Class C-2 Commercial and Business District.):

Mr. Lynch reviewed the appeal. He noted that the applicant is adding a third sign that requires zoning relief. Said sign will read “Food Market”.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

APPEAL NO. 3347 – Appeal of Chick-Fil-A, Inc, Prospective Tenant at premises known as 2385 W. Cheltenham Avenue, Philadelphia, PA 19150 (a.k.a “Cheltenham Square Mall”, “Cheltenham Mall”, or 2421 Cheltenham Avenue), from the decision of the Zoning Officer the following signage (said premises being within the Class C-2 Commercial and Business District):

- a. Variances from the Rules and Regulations of “Signs” as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-197.C.(2)(a) for a fifth freestanding/monument sign (Sign 1: 4’ H x 10’W (40 S.F.) 7’ High,) on the W. Cheltenham Avenue frontage of the premises instead of the Four (4) free-standing/monument signs permitted per the Decision for ZHB Appeal No 3236 .
 - ii. From CCS 295-197.C.(2)(b)[1], as follows:
 1. For a 3.33’H x 2.5 W (8.33 SF) 4.25’ High Pre-Menu Board (Sign 3) instead of one of the permitted enumerated sign types.
 2. For a 4’H x 5.46’ W (21.84 SF), 4.83’ High Drive Thru Menu Board (Sign 4) instead of one of the permitted enumerated sign types.
 3. For a 8.16’ H x 12.05’W (98.33 SF) parallel Wall Sign (Sign 5) on the Southwest façade of the building instead of the maximum permitted 39 SF Sign.
 4. For four (4) parallel Wall Signs (Signs 5, 6, 7 and 8) instead of the maximum permitted two (2) Parallel Wall Signs.

Representatives of Chick-Fil-A, Inc. were present and presented schematics and artist renderings. Mr. Lynch reviewed the sign requests for four (4) signs instead of the allowable two (2) signs; the request for a monument sign; and the request to make signs larger than allowed. He stated that this will be the fifth monument sign at the mall, and he compared the height and width of said monument sign to the existing monument signs. The applicant has agreed to remove the changing letters on the monument sign.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal. If relief is granted, the Committee recommends that changeable text portion of the monument sign be deleted and that the sign be in substantial conformity with the elevation rendering submitted at this meeting.

2. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Planning Commission Meeting Minutes dated July 27, 2009, were received.

3. The Committee reviewed recent decisions of the Zoning Hearing Board as follows:

APPEAL NO. 3315 – Appeal of Cedarbrook Plaza, Inc., owner of the premises known as 3001 W. Cheltenham Avenue, Suite 5000, Wyncote, Pennsylvania, from the determination of the Zoning Officer finding that installation of an illuminated parallel wall sign, measuring 12.25 feet in height by 30 feet in width, on the northwest (front) façade of Building E and installation of an illuminated parallel wall sign, measuring 11.25 feet in height and 34 feet in width, on the southeast (rear) façade of Building E would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXV, Section 295-197, regulating signs requiring a permit.

Applicant seeks variances from the rules and regulations of the C-2 Commercial and Business District as follows:

- (1) a variance from Section 295-197(C)(2)(b){1} to allow installation of an illuminated parallel wall sign, measuring 12.25 feet in height by 30 feet in width (367.5 square feet), on the northwest (front) façade of Building E instead of the maximum permitted 100 square foot sign; and
- (2) a variance from Section 295-197(C)(2)(b){1} to allow installation of an illuminated parallel wall sign, measuring 11.25 feet in height and 34 feet in width, on the southeast (rear) façade of Building E instead of no permitted signage on this façade.

The Zoning Hearing Board granted applicant's request for relief.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, no action was taken.

APPEAL NO. 3326 – Appeal of Phoebe Ministries, a/k/a Wyncote Church Home, owner of the premises known as 208 Fernbrook Avenue, Wyncote, Pennsylvania 19095, from the determination of the Zoning Officer finding that enlarging the existing parking field for a net gain of 16 spaces and installing an exterior emergency generator would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-227, regulating nonconforming uses.

Applicant seeks a special exception to the rules and regulations of the R-4 Residence District as follows

- (1) a special exception to Section 295-227 (B) and (C) permitting an expansion of the nonconforming use of the Property; and
- (2) a determination that the proposed expansion of the parking field is sufficient to meet the needs of the facility.

The Zoning Hearing Board granted applicant's request for relief subject to conditions.

Upon motion of Mr. Portner, and unanimously approved by the Committee, no action was taken.

APPEAL NO. 3331 – Appeal of Clearwire and Fairfield Wyncote LLC, owner of the premises known as The Towers at Wyncote Apartments, 8480 Limekiln Pike, Wyncote, Pennsylvania, from the determination of the Zoning Officer finding that the installation and operation of telecommunication antennas and associated telecommunication equipment would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XV, Section 295-98, regulating permitted uses, and Article XV, Section 295-104, regulating building height.

Applicant seeks variances from the rules and regulations of the C-1 Commercial District as follows:

- (1) a variance from Section 295-98 to allow the installation of proposed telecommunication facility instead of one of the enumerated permitted uses; and
- (2) a variance from Section 295-104 to allow the installation of proposed telecommunication facility with an antenna height not to exceed 142.33 feet instead of the maximum permitted 120 feet.

The Zoning Hearing Board granted applicant's request for relief subject to conditions.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, no action was taken.

APPEAL NO. 3332 – Appeal of Blue Haven Pools NE and Raheem Brock, owner of the premises known as 1017 Serpentine Lane, Wyncote, Pennsylvania, from the determination of the

Zoning Officer finding that installation of an in-ground swimming pool within a Steep Slope Conservation District would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXII, Section 295-167, regulating permitted conservations uses.

Applicant seeks a variance from Section 295-157 of the rules and regulations of the R-3 Residence District to allow for the installation of an in-ground swimming pool within a Steep Slope Conservation District.

The Zoning Hearing Board granted applicants' request for relief subject to conditions.

Upon motion of Mr. Portner, and unanimously approved by the Committee, no action was taken.

4. Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Report of the Building Inspector for July 2009 was received.

5. Under New Business: Township Solicitor Joseph M. Bagley asked for the Board's authorization to file a lawsuit in Common Pleas Court against the owner of the property at 517 Boyer Road, Cheltenham. He reported that the owner has paid over \$10,000 in fines for 20 violations of the Property Maintenance Code to District Court. Opposing counsel is assuming an aggressive legal defense; has threatened to sue either the Township or the Magisterial District Judge; would not allow the District Judge or Township on the property; and the District Judge had to view the house from a neighbor's property. The Montgomery County Department of Aging came to a previous hearing in District Court, which was objected to by opposing counsel. Mr. Bagley felt that the matter has reached a stalemate in District Court.

Mr. McKeown reported that neighbors have been dealing with this situation for years. It gets progressively worse. The house has no running water or electricity.

Upon motion of Mr. McKeown, the Committee unanimously authorized the Township Solicitor to file a lawsuit for injunctive relief against Dorothy Rabinger, for Property Maintenance Code violations at 517 Boyer Road, Cheltenham.

6. Under Citizens' Forum:

a. Mitch Zigmund-Felt, 35 Carter Lane, stated the following:

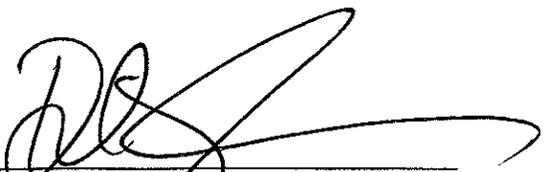
- As a representative of the residents' group known as Concerned Citizens for Ashbourne, he invited the Commissioners to attend a meeting at the Rowland Community Center on Thursday evening, August 13, 2009, as observers.
- He noted zoning violations at the Brookview Apartment Complex. According to Mr. Zigmund-Felt, the complex has denuded approximately 75% of the mature trees on said property. He had a copy of a past Montgomery County Court of Common Pleas decision that stipulated that the complex must comply with tree preservation. He asked that the Township take prompt action to visit the site and bring it into compliance. He also noted public safety issues because the property is now wide-open, and there is no buffer to prevent children from running out onto New Second Street.

Mr. Swavola also noted that the ivy ground cover needed to be replaced.

b. Loretta Leader, 542 W. Glenside Avenue, discussed the following:

- She noted that the issue at 517 Boyer Road is similar to a past case on Twickenham Road in Glenside and thought that the records on this property might be informative.
- In response to a question about the "City Lights" reference to the Clearwire antenna in Appeal No. 3340, she was told that "City Lights" is color of paint that makes the antenna less noticeable when looking up at it.
- She asked that the Township investigate someone who is operating a business out of her home as it relates to possible zoning and tax violations. There was a feature story about this individual in the Times Chronicle.

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



David G. Kraynik
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST
Public Affairs Committee, 7:30 p.m.
Public Safety Committee, 7:45 p.m.
Building and Zoning Committee, 8:00 p.m.
Wednesday, August 5, 2009
Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL/TELEPHONE
Tom McHugh	127 Hewett Rd Wyncote, PA 19095	tom.mchugh@monitordata.com
dinda Stein Phil Stein	125 Pleasant Hill Rd Cheltenham PA	
Jesse Civello	140 Mount Carmel Avenue Glenside, PA 19038	jcivello@verizon.net
Aline Roy	3 Beryl Rd Cheltenham	
BEN HOLLIDAY	5198 N. LAKE DR. LAKE CITY, GA	804-361-3900 x22
Kathy Bowers	415 PAXSON AVE Glenside Pa 19038	kathleenebowers@yahoo
GREG STRUPCZEWSKI	308 HIGHLAND RD. CHELT. 19012	
Anthony PETETTI	111 Tookany Creek Cheltenham PA.	215 982-1539



PUBLIC ATTENDANCE LIST
 Public Affairs Committee, 7:30 p.m.
 Public Safety Committee, 7:45 p.m.
 Building and Zoning Committee, 8:00 p.m.
 Wednesday, August 5, 2009
 Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL/TELEPHONE
Anita Petito	306 Boyer road Cheltenham Pa 19012	anita@msiemon.com
MITCH ZYGIMOU - FA	35 CARTER LN. 19077-2706	
Debra Marberger	131 Tookany Creek Aolt PA 19012	jadeja@comcast.net
Sherry Hanley	34 Carter Lane EP	tjuhanley@aol.com
FRAN DUFFY JACKIE DUFFY	101 HILLDALE RD CHELTENHAM PA 19012	FDUFFY2007@YAHOO.COM MRS JDUFFY@STATE.PA.US
Luana Henderson	805 Ashbourne Rd Cheltenham, PA 19012	
ROB BERNHARD	123 TOOKANY CREEK FRWY CHELTENHAM 19012	rbernhard@hotmail.com
Jacqui Quens	648 Croyden Rd Cheltenham 19012	jacqui030@comcast.net



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Building and Zoning Committee, 8:00 p.m.
Wednesday, August 5, 2009
Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL/TELEPHONE
Michael Owens	48 Coouden Rd Cheltenham	mowens30@comcast.net
Mary Beth Carroll	123 River Mill Rd	MBCarroll@aol.com
Theresa Camerota	112 Church Rd. Wyncost	
Jerry Czech	7955 Oak Hill Dr Cheltenham Pa 19012	Czech910@aol.com
Ben Barnes	8446 Lincoln Pike	—
B. Bartlett	616 Boyer Rd Chelt. 19012	



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Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL/TELEPHONE
CHARLES LONG	17 LANFAIR RD CHELTENHAM PA 19012	PRTRIC17@NANPOINT.COM
SABINA Graebner	8264 Thomson Rd Elkins Park	SIBBY12PAWS@COMCAST.NET SIBBY12PAWS@Comcast.net
Stephen Wiegand	636 Woodland Ave Cheltenham PA 19012	SN64@Drexel.EDU
Robert Shaw	913 Ashbourne Rd. Cheltenham, PA.	RASHAW ROBERTSHAW@COMCAST.NET
Kathy Shaw	"	"
Eileen Rudnick	27 Carter Lane Elkins Park	egrudnick@comcast.net
Cherie Leather	8031 New Ind St EP	fclleather@juno.com



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Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL/TELEPHONE
DOWNA ASHWORTH	8006 HAMMOND RD CHELTENHAM	215-635-2651 cotdoree@comcast.net
Mark Garvin	7816 Hazles Rd. Chelt.	215 635-9696
PAUL APPENZELLER TRUB BONDUSILY	8210 TRUKINTOWN RD EGLINS PIL	PAUL APPENZELLER @SNIP.NET
CHARLES STEINBERG	7704 LAURETE AVE WYCKROSE R	CSSTEINBERG@GMAIL.COM
Mark Simon	306 Boyer Rd Cheltenham, PA 19012	
GLORIA BARTOSIC	7633 LEVIS	
AL BARTOSIC	7633 LEVIS	
Denise Finer	4 Pike's Way Cheltenham PA 19012	denise.Finer@comcast.net 215-669-0261



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Building and Zoning Committee, 8:00 p.m.
Wednesday, August 5, 2009
Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL/TELEPHONE
Barbara Kotzin	609 Central Ave	215-663-0505
San Giampietro	612 Rowland Ave	215-663-1666
Megan Giampietro	612 Rowland Ave	215-663-1666
Judith Gratz	510 E. Glenside Wyncote Av	215-896-7804
LENNY RYAN	61 TOOKANK CRK PKWY	215 379-4152 RYAN.LT199@msa.com
Kathleen Fitzgerald Camp	422 Myers Ave Chel 19012	215.663.8853