

January 28, 2008
Township Building

The regular meeting of the Planning Commission was held tonight in the Township Administration Building. The following members were present: Ms. Farrell, Messrs. Cross, Gordon and Greenberg. Also present were: Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections, Ms. Jean Holland, Montco Planning and David Harrower, Observer.

Mr. Reitano called the meeting to order and asked for nominations for Planning Commission Chair for 2008. Mr. Gordon nominated Mr. Cross for Chair 2008. Upon motion of Mr. Gordon, seconded by Mr. Greenberg, Mr. Cross was elected by acclamation, Planning Commission Chair 2008.

Mr. Cross nominated Mr. Goldfarb for Vice Chair 2008. Upon motion of Mr. Cross, seconded by Mr. Greenberg, Mr. Goldfarb was elected by acclamation, Planning Commission Vice-Chair 2008.

Mr. Cross presided over the meeting.

1. Upon motion of Gordon, seconded by Mr. Greenberg the minutes of the December 17, 2008 meeting were accepted as presented.
2. At this time the following Appeals to be heard at the February 11, 2008 Zoning Hearing Board meeting were discussed:

APPEAL NO. 3253 (Continued) – Appeal of Ruth E. Heidmann, as Co-Trustee of the Estate of George B. Heidmann, Jr., owner of premises located at the southeast corner of the intersection of Rices Mill Road and E. Glenside Avenue and further identified as CTRERP Block 149, Unit 086, from the Decision of the Zoning Officer for the following Zoning Relief in order to continue to use the premises for the parking of school buses:

- a. A finding that the Zoning Officer, in his Notice of Violation letter of September 24, 2007 made an error in his determination that the parking of school buses on the premises is a commercial activity and not permitted within the R-4 Zoning District per CCS 295-36.
- b. A finding that the Zoning Officer in his Notice of Violation letter of September 24, 2007 made an error in not making a determination that the

parking of school buses on the premises is an educational use of the premises that could be permitted as a Special Exception under CCS 295-36.C.

- c. A finding that the Zoning Officer in his Notice of Violation letter of September 24, 2007, made an error in his determination that the parking of school buses is not permitted by the Grant of Zoning Relief under ZHB Appeal No. 725, dated December 27, 1955.
- d. In the alternative, a Special Exception in accordance with the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-36.C. for educational use of the premises for the parking of school buses.
- e. In the alternative, a variance to the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-36. for the parking of school buses on the premises instead of one of the enumerated permitted uses.
- f. In the alternative, a finding that the parking of school buses on the premises is permitted pursuant to the Grant of Zoning Relief under ZHB Appeal No. 725.
- g. In the alternative, a modification of the Grant of Zoning Relief under ZHB Appeal No. 725 so as to permit the parking of school buses on the premises.

No representatives on behalf of the Applicants were present to discuss this Application.

Mr. Reitano stated that this Application was presented at the November 28, 2007,

December 10, 2007 and January 14, 2008 Zoning Hearing Board meetings.

At the December 10, 2007 ZHB meeting the hearing was closed and the attorneys were directed to submit Finding of Facts and Conclusions of Law to the ZHB. These

documents will be presented at the February 11, 2008 ZHB meeting.

Upon motion of Mr. Cross, seconded by Mr. Gordon, the Commission reiterates its previous recommendation of denial.

APPEAL NO. 3261 – Appeal of 1347 Associates, L.P., owner of premises known as 1347 West Cheltenham Avenue, LaMott, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to use the first floor of the premises for retail purposes and the second floor for offices:

- a. A finding that the provision of zero percent Green Space instead of the 13% Green Space (4159 SF) as required by CCS 295-132. is a legal non-conforming use of the premises.
- b. In the alternative to a., above, a variance from the rules and regulations of the Class C- Commercial and Business District as outlined in CCS 295-132. for said non-conformity.
- c. A finding that the provision of a zero width Buffer Area along the C-4/R-7 Zoning Districts boundary line instead of the 23.5' wide Buffer Area as required by CCS 295-133. is a legal non-conforming use of the premises.

- d. In the alternative to c., above, a variance from the rules and regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-133. for said non-conformity.
- e. Zoning Relief from the rules and regulations of “Parking and Loading” as outlined in CCS 295-221. as follows:
 - i. A finding that the provision of a zero width aisle between the northwest property line and the westmost row of parking instead of the 24' width aisle required by CCS 295-221.C.2.c. is a legal non-conforming use of the premises.
 - ii. In the alternative to e.i. above, a variance from CCS 295-221.C.2.c. for said non-conformity.
 - iii. A finding that the provision of a 13' wide aisle between the central and eastmost rows of parking instead of the 24' wide aisle required by CCS 295-221.C.2.c. is a legal non-conforming use of he premises.
 - iv. In the alternative to e.iii., above, a variance from CCS 295-21.C.2.c. for said non-conformity.
 - v. A finding that the provision of a 17' wide aisle between the rear row of parking and the other parking rows instead of the 24' wide aisle required by CCS 295-221.C.2.c.
 - vi. In the alternative to e.v., above, a variance from CCS 295-221.C.2.c. for said non-conformity.
 - vii. From CCS 295-221.D. for the provision of 50 parking spaces instead of the required 71 parking spaces.

Mr. Hal Lichtman, Architect, was present to discuss this Application. An aerial view of the property was presented. Mr. Lichtman stated that this is an existing building and was utilized by a single user as offices for 15 to 20 years. The building is being renovated and it is the intention of the Applicant to use the first floor as retail and the second floor as offices. Site and floor plans were also presented. It was stated that a variance for a total of six parking spaces is being requested, as the parking does not conform to the present parking requirements of the Township. Major architectural improvements to the streetscape will also be performed. A discussion ensued regarding the 13' width of the aisle and Mr. Cross did not like the configuration of the parking lot and said the aisle should be 24' wide.

Mr. Lichtman stated there is ample parking as the adjacent properties share parking spaces which are not being added or deleted.

Mr. Reitano stated the businesses work together regarding shared parking and is not aware of any complaints.

Mr. Reitano stated that Mr. Lynch calculated the required number of parking spaces based upon the first floor being utilized as retail stores and the second floor as offices. During review of the required number of parking spaces it was ascertained that the calculations were based upon the gross square footage of the retail store, not the usable square footage of a retail store.

Mr. Lichtman stated the building was utilized entirely as offices and there was never any issue with the width of the aisle.

During discussion it was ascertained that the proposed use as a retail store will have more of an impact on the parking lot. The length of the current parking spaces is 18' long.

Mr. Reitano suggested that exterior lighting in the parking lot be installed for security purposes.

Mr. Lichtman stated the Applicant will comply with Township requirements regarding lighting.

Mr. Greenberg, at this time, made a recommendation of no action. This motion was not seconded.

Mr. Cross stated the proposed use of the property is viable, but has concerns regarding the parking lot.

Ms. Farrell stated it is her opinion there will not be sufficient parking for the proposed usage of the property.

Mr. Cross stated he does not have an issue regarding the parking, but does have concerns regarding the geometry of the parking lot. The lack of a formal agreement for the proposed shared parking was also a concern.

Mr. Cross suggested that no action be taken but the concerns regarding the geometry of the parking lot and the lack of any agreement between the adjacent property owners regarding parking be stated.

Ms. Farrell suggested that the Commission recommend approval with the condition that the applicant attempt to enter into a parking agreement.

Mr. Lichtman stated the parking agreement would be between the immediate property owners.

Mr. Gordon stated he has no issues regarding the shared parking but the parking lot should be reconfigured and the applicant should ask for zoning relief for additional parking spaces.

Mr. Cross stated he would prefer the parking lot be brought into conformity.

Upon motion of Mr. Gordon, seconded by Mr. Greenberg, the Commission takes no action but strongly recommends that the Zoning Hearing Board require the Applicant to reconfigure the parking lot in order to bring it into dimensional conformity and that it accepts a lesser amount of required parking spaces.

APPEAL NO. 3262 – Appeal of Anita T. Conner, owner of premises known as 8000 Old York Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to use the premises for legal offices in addition to the existing permitted accounting and financial planning offices, for an existing sign fronting on Cheltenham Hills Drive and for the replacement of an existing sign fronting on Old York Road:

- a. A modification of Decision for ZHB Appeal No. 2475 so as to permit the use of the basement of the premises for legal offices.
- b. In the alternative to b., above, a determination, in accordance with CCS 295-227.F., that the change of non-conforming use from an accounting and financial planning office to an accounting and financial planning on the first floor of the premises and a legal office in the basement of the premises is of the same class of use and is permissible.
- c. In the alternative to a. and b., above, a variance from the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-36. for the use of the basement of the premises for legal offices instead of one of the permitted enumerated uses.
- d. Variances from the rules and regulations of “Signs” as outlined in CCS 295-197. for the following:

- i. For existing Free-standing Sign A (36" W x 22" H; top of sign 5'9" above grade level) that fronts on Cheltenham Hills Drive instead of no permitted signage.
 - ii. For the replacement of existing Free-standing Sign B (5' W x 4.0' H; top of sign 8'-1" above grade level) that fronts on Old York Road instead of no permitted signage.
- e. A determination as to the amount of off-street parking required.

Mr. & Mrs. Conner were present to discuss this Application. It was stated that Ms. Conner has been utilizing the existing building as accounting and financial planning offices. It is the intention of Mr. Conner to utilize the basement level of this building as a law firm which necessitates Zoning Relief for usage. Also, Mr. Conner stated during the process of applying for a sign permit it was ascertained that there was no permit for the existing sign and therefore was illegal. He stated that he acquired the property in 1993 and there was signage on the property at that time. At this time the Applicant is only intending to change the face of the signage and is not proposing any additional signage. Upon motion of Mr. Gordon, seconded by Mr. Greenberg, the Commission takes no action.

3. Cheltenham Township Development Application No. 05-14C: Record Plan JC Melrose Country Club – Pedestrian Bridge – 7600 Tookany Creek Parkway was discussed at this time.

Mr. Hal Lichtman, Architect, was present to discuss this Application. He stated plans of the proposed project were presented and tabled at the December 17, 2007 Planning Commission meeting due to the lack of compliance pertaining to ADA and IBC requirements.

Mr. Lichtman stated no permit is necessary for this project and it does not require ADA guideline compliance as it is a bridge privately owned on private property. He stated no permits from PennDOT or the Township are required and State and DEP requirements will be met.

The plans were further reviewed and it was ascertained that there is a guardrail on the bridge.

Upon motion of Mr. Gordon, seconded by Mr. Greenberg, it is recommended that Cheltenham Township Development Application No. 05-14C: Record Plan JC Melrose Country Club – Pedestrian Bridge – 7600 Tookany Creek Parkway be approved as presented.

4. Mr. Reitano informed those present that there will be a meeting of an AdHoc Committee on the proposed Age-Restricted Housing Ordinance on Wednesday, January 30, 2008 at 7:30 PM in the Township Administration Building Boardroom and encouraged everyone to attend.

5. Upon motion of Mr. Goldfarb, seconded by Mr. Gordon, the meeting adjourned.

David G. Kraynik
Township Manager

Per: Emma Wetzel