

June 22, 2009
Township Building

The regular meeting of the Planning Commission was held tonight in the Township Administration Building. The following members were present: Messrs. Cross, Leighton, Goldfarb and Greenberg. Also present were David M. Lynch, Director of Engineering, Zoning & Inspections, Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections, Ms. Hannah Mazzaccaro, Montgomery County Planning and David Harrower, Observer.

1. Acceptance of the minutes for the May 18, 2009 meeting

Upon motion of Mr. Cross, seconded by Mr. Goldberg, the minutes of the May 18, 2009 Planning Commission meeting were accepted as presented.

2. Review of amended Cheltenham Township Land Development Application No. 09-04:

Record Plan Arcadia University Parking facility at Oak Summit Apartments 310 S. Easton Road. Proposed relocation of Southerly Entrance/ Exit on Easton Road.

Proposed relocation of Southerly Entrance/Exit on Easton Road.

Mr. Lynch stated that the Board of Commissioners approved the Land Development Plan of the Parking Facility at Oak Summit. He said that, as part of the negotiations between Arcadia University and Beaver Court Condos, Arcadia University is proposing to relocate its southerly entrance/exit on Easton Road approximately 40' northerly.

Mr. Lichtman mentioned that there were two entrances which proved confusing and the new plans would rectify the situation

Mr. Goldfarb moved for approval and Mr. Cross seconded the motion, which was approved.

3. Review of Zoning Hearing Board ("ZHB) Agenda for July 13, 2009.

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 stated that the Applicant was in France in July and that his attorney was requesting a continuance to the August ZHB Meeting.

Mr. Cross moved that the previous Planning Commission motion of no action be reaffirmed and Mr. Goldfarb seconded the motion which was approved.

Appeal No. 3329 - Appeal of T-Mobile Northeast, LLC, proposed site leaseholder on premises known as 2000 Ashbourne Road, Elkins Park, PA (a/k/a Cheltenham Township School District Administration Building), from the Decision of the Zoning Officer for the following Zoning Relief in order to replace an existing 41' high flagpole with a 100' high faux flagpole telecommunication tower with six (6) internal antennas and to install the associated telecommunication equipment compound (w/space for three (3) future cabinets):

- a. Variances from the rules and regulations of the Class R-3 Residence District as outlined in Article V of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-21. for the proposed telecommunication complex instead of one of the enumerated permitted uses; and
 - ii. From CCS 295-25. for the 100'± high faux flagpole telecommunication tower instead of the maximum permitted 40' high structure height.

There was no one present to represent T-Mobile.

Mr. Lynch said there was a discussion about relocating the flag pole to the Washington Lane side of the building.

Mr. Cross recommended denial, Mr. Goldfarb seconded the motion, which was approved.

Appeal No. 3338 – Appeal of Debra D. Oliver, owner of premises known as 1635 W. Cheltenham Avenue, LaMott, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 9.5'W x 15.5'L deck to the rear of the residence:

- a. Variances from the rules and regulations for the Class R-5 Residence District as outlined in Article VIII of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-43. for expansion of a non-conforming structure (A "Twin" is not a permitted dwelling type in the R-5 Zoning District).
 - ii. From CCS 295-46.B.(2) for a lesser side yard setback of 2± feet from the southeast property line instead of the minimum required 20'.
 - iii. From CCS 295-46.B.(2) for a lesser side yard setback of 10± feet from the northwest property line instead of the minimum required 20'.
 - iv. From CCS 295-46.C. for lesser rear yard setback from the rear driveway easement of 8.5' instead of the minimum required 25'.

Ms. Oliver, the homeowner, was present to discuss the addition of a deck to her home at 1635 W. Cheltenham Avenue.

Mr. Reitano mentioned that the Applicant had made an application to the Board of Historical and Architectural Review to replace part of the original deck. He had located pictures of a 2007 damaged deck at the address and showed the committee.

Ms. Oliver also brought photos and discussion ensued regarding photographs that Ms. Oliver presented of the home.

Mr. Cross made a motion for approval, Mr. Cohen seconded the motion, which was approved.

Appeal No. 3339 – Appeal of Rosemary Miller and Raymond E. Miller, Jr., owners of premises Known as 768 Church Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 22' x 19' (Irr.) deck to the rear of the residence:

- a. Zoning Relief from the rules and regulations of the Class R-4 Residence District as Outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:
 - i. Variance from CCS 295-36. for expansion of a non-conforming Structure.
 - ii. A Special Exception in accordance with CCS 295-39.A.(2) for a lesser front yard setback of 3±' instead of the minimum required 40'.
 - iii. A Special Exception in accordance with CCS 295-39.B. (1) for lesser side yard setback of 5±' instead of the minimum required 10'.

- b. In the alternative for a.i., above, a Special Exception in accordance with CCS 295-41. for the expansion of the non-conforming structure.

Rosemary and Raymond Miller owners of 768 Church Road were present.

Mr. Cross said there were zoning issues because of the small property which would put the deck very close to their neighbors. He suggested that they discuss the issue with their neighbors and take photos showing the corner. Mr. Goldfarb recommended no action. Mr. Leighton seconded the motion, which was approved.

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'-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. Cross made a motion to take no action with the standard requirement that the telecommunication equipment be painted to match the surface of the equipment that it is attached to or "City Light" if the equipment is freestanding. Mr. Leighton seconded the motion, which was approved.

Appeal No. 3341 – Appeal of Randal S. and Florence E. Wachsmuth, owners of premises known as 8228 Marion Road, Elkins Park, PA, from the decision of the Zoning Officer for the following Zoning Relief in order to construct a 16'W x 28.33'L addition to the front of the residence:

- a. Zoning Relief from the rules and regulations of the Class R-4 Residence District as outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:
 - i. A variance from CCS 295-39.A.(1) for a lesser front yard setback of 16.33' instead of the minimum required 40'.
 - ii. A variance from CCS 295-39.B.(1) for lesser side yard setback of 8.67' from the northwest property line instead of the minimum required 10' for the Addition (the existing residence has a minimum side yard setback of 7.17' from the northwest property line.).
 - iii. A variance from CCS 295-38. for a greater Building Area of 24.3% instead of the maximum permitted 20%.

- iv. In the alternative to Items a.i., a.ii. and a.iii., above, special exceptions in accordance with CCS 295-41. for the following:
 - 1. From CCS 295-39.A.(1) for the lesser front yard setback of 16.33'.
 - 2. From CCS 295-39.B.(1) for the lesser side yard setback of 8.67'.
 - 3. From CCS 295-38. for the greater Building Area of 24.3%.

Randal and Florence Wachsmuth, owners of premises known as 8228 Marion Road, Elkins Park, PA were present to discuss the property and the request for an addition to the front of the residence.

Mr. Cross discussed the front yard set back and discussed whether it merited a special exception.

Mr. Lynch noted that the use is legal but the house is a legal non-conforming structure.

Mr. Cross made a motion that they take no action, Mr. Leighton seconded the motion, which was approved.

APPEAL NO. 3342 – Appeal of Monifa Thelwell, prospective tenant at 110 Yorktown Plaza, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to operate an “Adult Daycare Center”:

- a. Zoning Relief from the rules and regulations of the Class C-3 Commercial and Business District as outlined in Article XVII of Chapter 295 of the Cheltenham Code, as follows:
 - i. A special exception in accordance with CCS 295-117.T. for the proposed “Adult Daycare Center.”
 - ii. In the alternative, a Variance from CCS 295-117. for the proposed “Adult Daycare Center” instead of one of the enumerated permitted uses.
- b. A determination as to the amount of parking required for the “Adult Daycare Center.”

Mr. Peter Friedman, attorney, representing the owner of the Adult Daycare Center was present to answer questions. He stated that the owner was a nurse and that there would be fifteen to twenty people age eighty and over who would be dropped off at the center.

Discussion ensued with questions from residents regarding handicapped accessibility, necessity for licensing and other concerns.

Mr. Cross discussed the accessibility rules including the fact that there would be no steps.

Mr. Reitano discussed the rules for opening a daycare including ADA review, electrical and meeting all conditions.

Mr. Cross mentioned that the community is well served by this type of an addition.

Mr. Cross made a motion for no action, Mr. Greenberg seconded the motion, which was approved.

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 Jenkintown 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 other 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.

Mr. Lynch discussed the project for an Age Restricted Development and an Apartment Complex. He discussed that there was a previous project on the same property that had not been built due the present economic situation. Mr. Lynch stated the Age Restricted Development will consist of 103 building lots. He also spoke of the steep slope issues with the majority not disturbed, traffic impact and sanitary sewers.

Mr. Lynch said the Township had enacted an Age Restricted Ordinance in 2008.

Donald Epstein, Bill Stappleton, Stuart Appel, Traffic and Civil Engineers were present to answer questions.

Mr. Epstein said that because of the present economic situation, the golf course could not survive and explained the details of the new project for age restricted, targeted housing and the fact that they wanted to get feedback from the Township Committees and the residents. He also discussed energy efficiency and recycling. Mr. Epstein also mentioned that he would hold future meetings to answer all questions of the residents.

Sandy Koza, McMahan Traffic Engineer, was present to discuss the traffic study. Many questions and concerns were raised by the residents and answered by Ms. Koza.

Mr. David Cohen, a resident expressed concern regarding ingress and egress for the fire department and other safety concerns. He also discussed the issue of a gated community and security.

Mr. Stuart Appel, Professional Land Planner, addressed the density of the project, open spaces and the process of molding the plan. Various questions were asked of Mr. Appel including the makeup of the targeted group.

Roy Hollinger, a real estate broker, discussed the age restricted nature, zoning, and the density of the development. He also spoke about former plans for the golf course and that they were suppose to be in perpetuity and now they were changing the plans and he would like to go back to the original compromise.

Mr. Mark Mahew, Taylor Wiseman and Taylor, talked about the project. Residents asked him about storm water, open areas in the cul-de-sac, detention basin, and placement of houses along the ridgeline.

Mr. Epstein spoke of wanting to get together with the community to discuss the project informally.

Ms. Mazzaccaro discussed the variances and changes in the setbacks that were required.

Mr. Greenberg discussed the density, amenities, values and the effect on the community.

Mr. Leighton expressed concerns regarding the need for additional drawings with more clarity including explanation of the rentals

Mr. Goldfarb discussed the fact that something would be done with the property and also spoke of the discussion process.

David Harrower, a non-voting member, discussed his views regarding setbacks, new ordinances and the fact that there was a previous compromise for this property.

Mr. Cross discussed the fact that the ground was overdeveloped and that it was too big a project with no time for the neighbors to react. He said that the residents' approval was key and designer input key. He felt there was a problem with the concept.

Mr. Goldfarb made a motion for denial due to insufficient information, and a recommendation that the Applicant request a continuance to the September Zoning Hearing Board Meeting; Mr. Cross seconded the motion which was approved.

4. Old Business

None.

5. New Business

None

6. Adjournment

The meeting adjourned at 10:30 P.M.



David G. Kraynik
Township Manager

Per: Marie Henger